

The Vermont Statutes Online

Title 24: Municipal and County Government

Chapter 76A: HISTORIC DOWNTOWN DEVELOPMENT

24 V.S.A. § 2790. Legislative policy and purpose

§ 2790. Legislative policy and purpose

(a) The general assembly finds that economically strong downtowns are critical to the health and well-being of Vermont's communities; that downtowns are the natural location for both small businesses, which represent the largest growth sector in Vermont's economy, and other uses that together constitute the diverse fabric of communities that define Vermont's quality of life; that downtowns enable residents and visitors to access services and business with minimal transportation needs, and thus benefit the environment. The general assembly further finds that downtowns represent a long-term investment of public and private infrastructure, and that our scenic and historic downtowns are a natural attraction for tourists and contribute greatly to Vermont's overall quality of life. The general assembly further finds that a major factor inhibiting the vitality of downtown areas is lack of reasonable access to them by workers, residents and visitors, and that by this act it is the specific intent of the general assembly to improve access to downtown areas by providing assistance to municipalities for downtown transportation infrastructure, particularly parking facilities.

(b) It is therefore the intent of the general assembly, by this act, to preserve and encourage the development of downtown areas of municipalities of the state; to encourage public and private investment in infrastructure, housing, historic preservation, transportation including parking facilities, and human services in downtown areas; and to reflect Vermont's traditional settlement patterns, and to minimize or avoid strip development or other unplanned development throughout the countryside on quality farmland or important natural and cultural landscapes.

(c) While it is the intent of the general assembly by this act to rehabilitate and preserve the vitality of historic downtown areas of the state, the general assembly also recognizes the equal importance of providing incentives to communities with no historic downtown areas in order to assist those communities to plan and develop their emerging downtowns. Accordingly, the commissioner of housing and community affairs is directed to consult with municipal officials in such communities and recommend to the general assembly on or before January 1, 1999 appropriate means and incentives to encourage the development and planning of emerging downtown centers which serve the purpose of a central district of the community and the center for socio-economic interaction, with a cohesive core of commercial and mixed use buildings, with appropriate density to minimize or avoid strip development.

(d) The general assembly finds that Vermont's communities face challenges as they seek to accommodate growth and development while supporting the economic vitality of the state's downtowns, village centers, and new town centers and maintaining the rural character and working landscape of the surrounding countryside. While it is the intention of the general assembly to give the highest priority to facilitating development and growth in downtowns and village centers whenever feasible, when that is not feasible, the general assembly further finds that:

(1) A large percentage of future growth should occur within duly designated growth centers that have been planned by municipalities in accordance with smart growth principles and Vermont's planning and development goals pursuant to section 4302 of this title.

(2) Designated growth centers, if properly located and scaled, will serve to support the state's downtowns, village centers, and new town centers by encouraging new residential neighborhoods and compatible civic, commercial, and industrial uses to locate within proximity to historic community centers.

(3) Designated growth centers will provide a cost-effective means of allocating and targeting limited municipal and state resources to those areas specifically planned to accommodate and support concentrated development and a large percentage of future growth.

(4) Designated growth centers will provide a mechanism for concentrating private investment in those areas targeted for growth and development through public investments and incentives, and by establishing a process that will effectively reduce cost and delay in the permitting and approval of development.

(5) Designated growth centers will accomplish these goals if they are economically viable, they are appropriately planned to accommodate future growth needs and a mix of uses, they originate at the municipal or regional level, and they are recognized by the state under state planning, financing, and permitting programs. (Added 1997, No. 120 (Adj. Sess.), § 1; amended 2005, No. 183 (Adj. Sess.), § 1.)

Title 24: Municipal and County Government

Chapter 76A: HISTORIC DOWNTOWN DEVELOPMENT

24 V.S.A. § 2791. Definitions

§ 2791. Definitions

As used in this chapter:

(1) "Community reinvestment agreement" means an agreement among municipal government officials, business leaders, and community groups pursuant to subdivision 2793(b)(2) of this title.

(2) "Design review district" means a district created pursuant to subdivision 4414(1)(E) of this title.

(3) "Downtown" means the traditional central business district of a community, that has served as the center for socio-economic interaction in the community, characterized by a cohesive core of commercial and mixed use buildings, often interspersed with civic, religious, and residential buildings and public spaces, typically arranged along a main street and intersecting side streets and served by public infrastructure.

(4) "Downtown development district" or "downtown district" means a district delineated by the municipality and designated by the downtown development board under section 2793 of this title.

(5) "Local downtown organization" means either a nonprofit corporation, including a nonprofit corporation established by the Vermont Economic Development Authority, or a board, council, or commission created by the legislative body of the municipality, whose primary purpose is to administer and implement the community reinvestment agreement and other matters regarding the revitalization of the downtown district under subdivision 2793(b)(2) of this title.

(6) "Historic district" means a district created pursuant to subdivision 4414(1)(F) of this title.

(7) "Certified historic structure" means a certified historic structure as defined in the Internal Revenue Code, 26 U.S.C. § 47(c).

(8) "Special assessment" means a tax assessment pursuant to chapter 87 of this title or a municipal charter, among all commercial owners, or a significant portion thereof, within a downtown development district to impose an incremental tax assessment above the amount otherwise assessed, for the purposes of supporting downtown interests.

(9) "Tax stabilization agreement" means a contract executed pursuant to either section 2741 of this title or section 5404a of Title 32 to provide a stable and predictable tax rate or assessment on properties in a downtown development district.

(10) "Village center" means a traditional center of the community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged along a main street and intersecting streets. Industrial uses may be found within or immediately adjacent to these centers.

(11) "New town center" means the area planned for or developing as a community's central business district, composed of compact, pedestrian-friendly, multistory, and mixed use development that is characteristic of a traditional downtown, supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on-street parking, stormwater treatment, sanitary sewers and public water supply.

(12) (A) "Growth center" means an area of land that contains substantially the characteristics specified in subdivision (B) of this subdivision (12) and that is located in one or a combination of the following:

(i) A designated downtown, village center, or new town center;

(ii) An area of land that is in or adjacent to a designated downtown, village center, or new town center, with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority of growth anticipated by the municipality or municipalities over a 20-year period. Adjacent areas shall include those lands which are contiguous to the designated downtown, village center, or new town center. In situations where contiguity is precluded by natural or physical constraints to growth center development, adjacent areas may include lands lying close to and not widely separated from the majority of the lands within the designated growth center. Noncontiguous land included as part of a growth center must exhibit strong land use, economic, infrastructure, and transportation relationships to the designated downtown, village center, or new town center; be planned to function as a single, integrated growth center; and be essential to accommodate a majority of growth anticipated by the municipality or municipalities over a 20-year period.

(B) A growth center contains substantially the following characteristics:

(i) It incorporates a mix of uses that typically include or have the potential to include the following: retail, office, services, and other commercial, civic, recreational, industrial, and residential uses, including affordable housing and new residential neighborhoods, within a densely developed, compact area;

(ii) It incorporates existing or planned public spaces that promote social interaction, such as public parks, civic buildings (e.g., post office, municipal offices), community gardens, and other formal and informal places to gather.

(iii) It is organized around one or more central places or focal points, such as prominent buildings of civic, cultural, or spiritual significance or a village green, common, or square.

(iv) It promotes densities of land development that are significantly greater than existing and allowable densities in parts of the municipality that are outside a designated downtown, village center, growth center, or new town center, or, in the case of municipalities characterized predominately by areas of existing dense urban settlement, it encourages in-fill development and redevelopment of historically developed land.

(v) It is supported by existing or planned investments in infrastructure and encompasses a circulation system that is conducive to pedestrian and other nonvehicular traffic and that incorporates, accommodates, and supports the use of public transit systems.

(vi) It results in compact concentrated areas of land development that are served by existing or planned infrastructure and are separated by rural countryside or working landscape.

(vii) It is planned in accordance with the planning and development goals under section 4302 of this title, and to conform to smart growth principles.

(viii) It is planned to reinforce the purposes of 10 V.S.A. chapter 151.

(13) "Smart growth principles" means growth that:

(A) Maintains the historic development pattern of compact village and urban centers separated by rural countryside.

(B) Develops compact mixed-use centers at a scale appropriate for the community and the region.

(C) Enables choice in modes of transportation.

(D) Protects the state's important environmental, natural and historic features, including natural areas, water quality, scenic resources, and historic sites and districts.

(E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries.

(F) Balances growth with the availability of economic and efficient public utilities and services.

(G) Supports a diversity of viable businesses in downtowns and villages.

(H) Provides for housing that meets the needs of a diversity of social and income groups in each community.

(I) Reflects a settlement pattern that, at full build-out, is not characterized by:

(i) scattered development located outside of compact urban and village centers that is excessively land consumptive;

(ii) development that limits transportation options, especially for pedestrians;

(iii) the fragmentation of farm and forest land;

(iv) development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers;

(v) linear development along well-traveled roads and highways that lacks depth, as measured from the highway.

(14) "Important natural resources" means headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forest lands, and primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151.

(15) "Vermont neighborhood" means an area of land that is in a municipality with an approved plan, a confirmed planning process, zoning bylaws, and subdivision regulations, and is in compliance with all the following:

(A) Is located in one of the following:

(i) a designated downtown, village center, new town center, or growth center; or

(ii) an area of land that is within the municipality and outside but contiguous to a designated downtown, village center, or new town center and is not more than 100 percent of the total acreage of the designated downtown, 50 percent of the village center, or 75 percent of the new town center.

(B) Contains substantially all the following characteristics:

(i) Its contiguous land, if any, complements the existing downtown district, village center, or new town center by integrating new housing units with existing residential neighborhoods, commercial and civic services and facilities, and transportation networks, and is consistent with smart growth principles.

(ii) It is served by either a municipal sewer infrastructure or a community or alternative wastewater system approved by the agency of natural resources.

(iii) It incorporates minimum residential densities of no fewer than four units of single-family, detached dwelling units per acre, and higher densities for duplexes and multi-family housing.

(iv) It incorporates neighborhood design standards that promote compact, pedestrian-oriented development patterns and networks of sidewalks or paths for both pedestrians and bicycles that connect with adjacent development areas. (Added 1997, No. 120 (Adj. Sess.), § 1; amended 2001, No. 114 (Adj. Sess.), § 1, eff. May 28, 2002; 2003, No. 115 (Adj. Sess.), § 78, eff. Jan. 31, 2005; 2005, No. 183 (Adj. Sess.), § 2; 2007, No. 176 (Adj. Sess.), § 2, eff. May 28, 2008.)