

Department of Planning and Zoning

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MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Friday, July 19, 2013

RE: Proposed Zoning Amendment

For your consideration you will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration and adoption as recommended by the Burlington Planning Commission.

The proposed amendment is as follows:

- (a) **ZA-13-12 – Historic Building Materials** - This proposed amendment to the Comprehensive Development Ordinance is to provide more flexibility for the replacement of materials on historic properties. (Modify Sec. 5.4.8 Historic Buildings and Sites, subsection (b) Standards and Guidelines and Sec. 13.1.2 Definitions)

Upon receiving this proposed amendment, the Council may decide to:

- refer to a City Council Committee for further review; or,
- waive the Council's rules and direct the Clerk's Office to warn a Public Hearing for the next available meeting after a 15-day public notice.

Adoption of these amendment will require the Council to hold one or more public hearings in accordance with 24 VSA § 4442 and §4444 before it can be adopted and become effective.

For your information, once a zoning amendment is warned for a Public Hearing by the City Council, the Dept. of Planning and Zoning is required by statute to begin implementing the amendment as warned until it is adopted, amended, or withdrawn for a period not to exceed 150-days (24 VSA 4449(d)).

Planning staff is available to answer any questions you may have, as well as to make a public presentation regarding these proposed amendment at your public hearing(s).

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-13-12 – Historic Building Materials

As approved by the Planning Commission on June 11, 2013

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to provide more flexibility for the replacement of materials on historic properties.

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability (as written)

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The ~~Secretary of the Interior's Standards~~ are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These ~~Standards~~ are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property will be used as it was historically or be given a new use that requires minimal change to its ~~distinctive materials,~~ features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of ~~distinctive materials~~ or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. ~~Distinctive materials,~~ Features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Where Deteriorated historic features will be repaired rather than are replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and size, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

Where materials are to be replaced, the replacement material shall be visually compatible with the original material. Visual compatibility shall include, but is not limited to matching design, texture, and size, and having a similar reveal of the original material. The replacement material shall also be durable.

7. ~~Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.~~

8.7. ~~Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.~~

9.8. ~~New additions, exterior alterations, or related new construction will minimize impacts on not destroy historic materials, features, and while maintaining the size, scale and proportional spatial relationships that characterize the property. ~~The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.~~~~

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) and (d) As written.

Sec. 13.1.2 Definitions

Character defining element or feature: A prominent or distinctive aspect, quality, or characteristic of a cultural resource that contributes significantly to its physical character.

Economic feasibility: The viability of a project based upon expenses incurred to meet the standards of Sec. 5.4.8(b), weighing whether the costs are greater than the benefits. Economic feasibility is not the same as *economic optimization*, which assumes maximum net benefit among a range of choices, with minimal expenditure.

Technical feasibility: An assessment of the probability, possibility or potential that a product or design can be made.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-13-12 – Historic Building Materials

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

1. The proposed amendment to the City's zoning regulations is as intended to provide more flexibility for the replacement of materials on historic properties. (Modify Section 5.4.8 (b))

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This revision of the ordinance will allow for vertical and horizontal expansions of existing nonconforming buildings, providing for more context sensitive development or rehabilitations of residential properties.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment does not impact density in the City of Burlington.

Implementation of specific proposals for planned community facilities:

Revisions to the bylaws are not specifically intended to make accommodations for planned community facilities.