

SECTION 2201- DESIGN REVIEW OVERLAY DISTRICT

SECTION 2201.XX PREAMBLE. Montpelier is a compact community that has retained a high proportion of historic buildings and resources. These buildings convey a distinctive and powerful sense of place and time to residents and visitors alike. The active downtown has well-kept 19th and early 20th century commercial and governmental buildings and is bounded on three sides by historic residential neighborhoods. The Vermont State House is a National Historic Landmark and serves as the anchor to the city's governmental history and the Capitol Complex. Unlike in any other state, the backdrop of the Vermont State House is a scenic wooded hillside. Taken together, Montpelier is a memorable place where history actively joins with the present. Montpelier's history needs to be honored to ensure continued vitality into the future.

In order to preserve this distinctive place for the present and for future generations, it is important that the character-defining features of individual buildings be protected. Major demolition is less likely to occur without notice than the incremental loss of countless, seemingly slight elements of historic buildings that anchor the building to its place in history and the community.

While to some it may seem negligible to lose trim, doors, windows, and porches, these incremental losses become cumulative. Small losses may seem unimportant but cumulatively they degrade the distinctive sense of a place until it is gone. If one building loses its character-defining features, the neighborhood loses character. Through standards and guidelines, the Design Review Committee works closely with property owners to protect the character of their properties and prevent others from devaluing neighborhoods or the downtown by removing distinctive and character-defining features while making needed changes for continued and new uses.

SECTION 2201.XX PURPOSE. The purpose of the Design Review Overlay District is to recognize that Montpelier's natural beauty and historic character are important assets for the City and contribute substantially to the City's local economy and sense of place. As Vermont's capital city, Montpelier is significant to residents of the city, state, and New England. Living and working in historic buildings is a way of life for residents. Protecting the historic environment has long been a community priority. In order to protect and enhance these attributes, the Design Review Overlay District is established to ensure the preservation of historic character and architectural integrity, encourage a consistently high standard of design in new construction, and to support traditional and sustainable building practices.

SECTION 2201.XX GOALS. The goals of the Design Review Overlay District are as follows:

- To preserve the City's irreplaceable historic resources, its built environment, and historic settlement pattern.
- To promote and support new development projects that are compatible with and complement the City's historic architecture.
- To retain a strong sense of place for residents and visitors and foster civic pride in the beauty of the City's historic and cultural heritage.
- To safeguard the City's cultural landscape and significant viewsheds including gateway views of the City and State Capitol.

SECTION 2201.XX ENABLING LEGISLATION. In accordance with 24 V. S. A. Chapter 117 §4414(1)(E), the Design Review Overlay District has been created to guide development in areas with particular historical, architectural, urban design, visual and cultural significance.

SECTION 2201.XX OVERLAY ZONING. These design review regulations are an overlay zoning district and are therefore in addition to any requirements of the underlying zoning district. All uses and dimensional requirements of the underlying zoning district remain the same.

SECTION 2201.XX BOUNDARY. The Design Review Overlay District shall consist of all lands depicted in Design Review Overlay District on the official City of Montpelier Zoning Map kept on file in the Department of the Planning and Community Development and incorporated into these Regulations.

SECTION 2201.XX APPLICABILITY. Except as hereafter provided, within the Design Review Overlay District, structures may be erected, reconstructed, altered, restored, moved, or demolished only after review and approval of the design plans by the Design Review Committee in accordance with the following procedures, requirements, and standards.

Nothing in these design review standards shall be construed to prevent the routine maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, finish, or the outward appearance of the feature.

SECTION 2201.XX REVIEW REQUIRED. All projects that do not meet the below exemptions or eligible administrative review shall be reviewed by the Design Review Committee. If the Administrative Officer is unable to make a determination, the application shall be referred to the Design Review Committee. Applicants are encouraged to consult with the Design Review Committee for an informal review prior to undertaking significant repairs, or for technical assistance with implementing the recommended repair and maintenance practices.

SECTION 2201.XX EXEMPT DEVELOPMENT. The following development is exempt from design review approval requirements.

1. The subdivision of land.
2. Routine maintenance and repair of existing structure(s) and site improvements, including repairs and changes in paint color, siding and roofing, provided such maintenance or repair does not result in any change of design, materials, finish, or outward appearance. This includes the repair of architectural features when work is done in-kind to closely match existing material and form.
3. Interior alterations or changes of use that will not result in any exterior modifications. ***The alteration to doors or windows, located on exterior walls is not an exempt activity.***
4. Repair, replacement, and installation of mechanical, electrical, and plumbing systems on the rear building elevation provided that such work does not alter or permanently change the appearance or affect character-defining features of the building.
5. Repainting of exterior painted surfaces provided that destructive surface preparation treatments, including, but not limited to high-pressure water washing, grinding, water blasting, sandblasting, and chemical cleaning are not used.
6. Repair or partial replacement of deteriorated porches, cornices, exterior siding, doors, balustrades, stairs, or trim when the repair or replacement is done in-kind to match existing material and form. ***Alterations that involve changes to materials, composition, type or***

appearance of a feature, the removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property are not exempt activities.

7. Window and door repair and maintenance including the installation of storm windows and doors that do not require permanent alteration to the window or door openings and where all visually-related windows or doors on the same façade receive the same storm window or door treatment. ***Replacement of windows is not an exempt activity.***
8. Outdoor lighting associated with single- and two-family dwellings.
9. Roof repair with roofing material that closely matches the existing design, material, and form.
10. Repair or replacement of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels.
11. Exterior lead paint abatement that includes scraping and repainting of exterior wood and masonry surfaces, so long as treatments follow established protocols and best practices as established by EPA Renovation, Repair & Painting Program (RRP Rule) and Vermont Essential Maintenance Practices (EMP) - Lead Law Compliance.
12. Exterior placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes and components of HVAC systems. Includes electric, fuel or propane tanks less than 500 gallons, gas meters, cable boxes, satellite dishes less than 3 feet in diameter, HVAC equipment, service meters, sprinkler systems, valves, wiring, and any associated screening systems located on the rear building elevation.
13. Landscaping and planting of grass, flowers, shrubs, or bushes associated with single- and two-family dwellings. This includes change and/or maintenance of existing landscaping. ***Landscaping regulated under site plan review is not considered an exempt activity.***

SECTION 2201.xx APPLICATION PROCESS. In accordance with Section 4301, unless a project qualifies as exempt development under Section 2201.XX or eligible for administrative review under Section 2201.XX, the Administrator Officer shall refer the application to the Design Review Committee prior to any review by the Development Review Board or the Administrative Officer. Note that applicants whose projects or properties are located within the Design Review Overlay District are encouraged to have an informal meeting with the Administrative Officer or the Design Review Committee, as appropriate, to obtain information or guidance with regard to the proposed activity or project and the application contents. The process includes the following steps and procedures:

1. Upon submission of a complete application, the Administrative Officer shall schedule the application on the next regular meeting of the Design Review Committee. The Design Review Committee shall evaluate the application based on the Guiding Design Principles and Specific Design Standards outlined in Section 2201.XX and 2201.XX.
2. Where the applicant agrees with the recommendations of the Design Review Committee and the application otherwise does not need review by the Development Review Board for other approvals, the application shall return to the Administrative Officer for final decision on the approval or denial of the application.
3. Where an applicant does not agree with the recommendations of the Design Review Committee, the applicant may, within 15 days, appeal the recommendation to the Development Review Board in accordance with Section 4301.

SECTION 2201.XX SUBMITTAL REQUIREMENTS. In addition to the materials required by Section XX of these regulations, applications for design review shall include the following required materials:

1. A written description of proposed work.
2. If replacing materials, a written description of the existing condition of materials and why repair is not feasible.
3. Current color photographs showing the site and affected structures, all sides, neighboring structures and relevant details.
4. A description of all materials to be used on the exterior of any building. Physical samples of building materials are also helpful for review.
5. Building elevations, drawn to scale, or annotated photographs of the existing structure, including architectural details such as trim and molding. These drawings do not need to be drawn by an architect, but must be drawn to scale, easy to read, and must include architectural details.
6. A plan showing proposed landscaping including information on the type and size of plant materials to be installed. (This is required for projects subject to Site Plan review.)
7. Lighting fixtures, bulb type, wattage, lumens, and direction of light.
8. A site plan clearly showing new structures and/or changes to existing structures.

Additional Materials. The Design Review Committee may require an applicant to submit additional information including models or other three-dimensional analyses, as necessary for a clear understanding of a proposal. If replacement windows are being proposed, the Applicant must provide a statement as to the condition of existing windows, why the existing windows cannot be retained, and/or cost considerations of retaining existing windows vs. installing replacements, and rationale for the design and selection of new windows. All proposed window replacements require review by the Design Review Committee. Applicants are encouraged to meet with the Administrative Officer and/or the Design Review Committee prior to submitting a formal application to determine the information needed to make a timely review.

SECTION 2201.XX ADMINISTRATIVE REVIEW. The following minor alterations may be reviewed by the Administrative Officer provided they comply with the design review principles and standards as outlined in Sections 2201.XX & 2201.XX. These alterations do not require review by the Design Review Committee:

1. New or modified retractable awnings on the side elevation of residential buildings and all elevations of commercial buildings.
2. One 100 square feet or less accessory structure per lot located in the side or rear yard.
3. Exterior placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes and components of HVAC systems including heat pumps located on the side building elevation. Includes electric, fuel or propane tanks less than 500 gallons, gas meters, cable boxes, satellite dishes less than 3 feet in diameter, HVAC equipment, service meters, sprinkler systems, valves, wiring, and any associated screening systems.
4. Above ground storage tanks not exceeding a total of 500 gallons per property which are located in the side yard and generally not visible from the public right-of-way.
5. Americans with Disability Act (ADA) features, such as ramps, located on the sides or rear building elevation.

6. Installation of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels. Roof drainage systems shall not hide or obscure character-defining architectural features and shall run adjacent to building corners when possible.
7. The removal of signs (evidence of the sign's installation must be removed to the greatest extent possible.)

SECTION 2201.XX MINOR AMENDMENTS TO PREVIOUSLY APPROVED PROJECTS. The Administrative Officer may review and administratively approve modifications to plans previously approved by the Design Review Committee that do not substantially or materially alter prior conditions of approval.

SECTION 2201. XX DESIGN REVIEW STANDARDS. In order to further the goals of the Design Review Overlay District, the Design Review Committee, the Administrative Officer, and the Development Review Board shall evaluate an applications conformance to the criteria set forth in the following design principles and standards when making a determination or recommendation on an application. The Design Review Committee may consider exceptional circumstances including but not limited to cost and technical feasibility.

To facilitate the review of applications, the Design Review Committee and the Historic Preservation Commission shall formulate and recommend guidelines for new construction and the exterior alteration of existing buildings, structures, and sites located within the Design Review Overlay District based on the following design principles and standards and the Secretary of the Interior's Standards and Guidelines for Rehabilitation.

SECTION 2201.XX GUIDING DESIGN PRINCIPLES. The Design Review Committee shall evaluate design review plans based on the following guiding design principles:

1. Historic buildings shall be used for the historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;
2. If the proposed project involves an historic building, the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
4. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, other visual qualities, and materials;
5. Any treatments that cause damage to historic materials, including but not limited to chemical or physical treatments such as sandblasting, shall not be approved;
6. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
7. New additions, exterior alterations, or new construction shall not destroy historic materials that characterize the historic property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
8. Exterior design and materials of new construction or alterations of existing buildings shall be consistent and compatible with the characteristics of the existing building or other properties in the zoning district;

9. Existing buildings shall 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 architectural elements from other buildings, shall not be undertaken. New construction, additions, and alterations shall be of their own time and shall not create a false sense of historicity;
10. Proposed landscaping shall be compatible with the zoning district and the site on which the project is located. Location and appearance of all utilities, mechanical equipment, trash storage, and fencing shall be sited to minimize adverse visual impact or adequately and appropriately screened from public view;
11. Where applicable, new development shall be designed to respect view corridors and significant vistas including gateway views of the City and State House;
12. New design in urban zone districts shall be pedestrian oriented and integrate universal design principles;
13. Alterations to buildings called for by public safety, accessibility, and fire codes shall be designed to maintain the character of the construction materials and features;
14. New design shall incorporate sustainable design and construction methods and materials compatible with historic materials and styles. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building shall be identified and preserved;
15. Where applicable, new development shall conform with design standards established in Section 2201(E) for development that is also within the Western Gateway district and in Section 2201(F) for development that is also within the Riverfront district.

SECTION 2201. XX SPECIFIC DESIGN STANDARDS: It is the intent of these standards to preserve and promote architecture and design within the District and to maintain and enhance the character of the District. To that end standards to ensure compatibility include the following:

SECTION 2201.XX(1) ALTERATIONS & ADDITIONS TO BUILDINGS:

- A. **Height.** The height of building additions shall be considered in relation to the varied heights of existing building and adjacent buildings. Rear additions shall not exceed the height of the primary façade.
- B. **Proportion.** The relationship between the width and height of the facades of buildings shall be similar to adjacent buildings. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of new additions.
- C. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the facade of buildings create a rhythm. These patterns of solids and openings shall be preserved to the extent feasible. Proportional architectural details, a sense of rhythm, and regular spacing of fenestration shall be considered. Scale and massing shall present a variety in their composition. It is not appropriate to add, cover over, or remove a window or door opening on facades visible from a public street unless the applicant can demonstrate it is essential to operations occurring within the building. In those cases where a window or door opening must be added, covered or removed, a suitable design solution that maintains the architectural integrity of the façade shall be

proposed, including retention of the window or door opening and trim, with any infill material set back within the opening.

- D. **Site Features.** Existing historic and contributing features such as street trees, fences, gates, walls, steps, gazebos, walkways, front and side yard patterns shall be retained or restored when impacted by the alteration of a building. Walls and fences shall harmonize with the site and the building in scale, traditional materials and design that reflects the period of the building and/or is compatible with the surrounding context.
- E. **Materials.** Historic building materials should be preserved when possible and replaced in-kind when they have deteriorated beyond repair. Replacement materials shall match existing materials to the maximum extent feasible. Covering historic materials with new materials shall be avoided. An alteration shall be considered to be compatible if the building materials used possess a kind or type which are appropriate to that building. Materials selected shall either fit the context of the existing building and/or reflect the nature and use of the structure. Materials shall be selected for the long-term performance and durability. When composite materials are appropriate, they should be treated in the same manner of the replaced material(s).
- F. **Roof Shape.** The similarity or compatibility of roof shapes in the immediate areas shall be considered in the alteration of a building. Roof forms and pitch shall not be altered on the main façade. Rooftop equipment and fixtures shall be concealed from eye level view, from public rights-of-way, and from the ground level of any adjacent properties.
- G. **Architectural Features.** Architectural features including but not limited to cornices, windows, shutters, fanlights, entablature and other forms of molding or unique detailing prevailing on the existing building shall be considered in the alteration of a building. Distinctive materials, features, and construction techniques or examples of craftsmanship that characterize a property shall be preserved. When a feature has deteriorated beyond repair, the replacement feature shall match the existing in design, texture, other visual qualities, and materials. Architectural features on an addition shall not duplicate but respect the original building features.
- H. **Windows and Doors.** Window patterns, sizes, proportions, and original features such as trim, sash and moldings, shall be preserved to the extent possible. Door placement, appearance, materials, and size shall be preserved on primary facades.
- I. **Porches and Stairs.** The location of porches, ramps, and stairs shall be placed in a manner that does not impact or undermine the original and significant ornamentation or detailing of the existing building. Stairs, ramps and porches shall employ suitable detailing to connect and be compatible with the historic and important design features of existing buildings and new construction. Stairs and ramps shall be designed in a manner with details and materials that provide the most sensitive and compatible structure and the fits, rather than fights the building design and layout.
- J. **Non-Historic Buildings.** Additions and alterations to non-historic and non-contributing buildings shall respect existing patterns and setbacks found in adjacent buildings. New

additions on non-historic and non-contributing structures that overshadow or diminish the historic character of contributing adjacent buildings are prohibited.

- K. **Additions to Existing Buildings.** Additions to existing buildings shall be compatible with the size, scale, materials, detailing and overall character of the primary building and its environs. Additions shall not obscure or undermine the essential form and character of the original building, and should reflect its period and style as appropriate. Additions to buildings shall not introduce style and features that are incompatible with the historic structure.

SECTION 2201. XX (2) NEW CONSTRUCTION STANDARDS:

- A. **Scale and Massing.** The scale and massing of new buildings shall be compatible with surrounding historic structures. Compatible scale and massing can be achieved by incorporating a variety of shapes or materials, such as columns, windows and their placement, doorways, roof segments, and wall patterns.
- B. **Orientation.** New buildings shall be oriented toward, and relate both functionally and visually to, public streets and/or common greens, parks, or plazas. To provide a uniform streetscape, new principal structures shall be located and oriented with their fronts parallel to the street and with the setback distance comparable to adjacent structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points and result in different site planning parameters within the district. Such buildings can be considered on their own merits and may require waivers from these standards, if and where appropriate. In those cases every effort shall be made to promote or retain compatibility with the surrounding structures and site design patterns.
- C. **Height.** The height of a new building shall be compatible with the varied heights of existing adjacent buildings. New construction shall not exceed allowable heights within the district.
- D. **Proportion.** The relationship between the width and height of the facades of buildings shall be similar to adjacent buildings. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of a new building.
- E. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the facade of buildings create a rhythm. These patterns of solids and openings shall be compatible to the adjacent buildings in the construction of a new building. Proportional architectural details, a sense of rhythm, and regular spacing of fenestration shall be considered.
- F. **Continuity.** Physical elements such as yards, fences, evergreen masses, or building facades may combine to form lines of continuity along a street. These contributing elements, and particularly those with historic value and purpose shall be retained or referenced in new construction.

- G. **Materials.** The materials of new construction shall be compatible with materials of surrounding buildings. New construction shall be considered to be compatible if the materials used possess a kind or type which are appropriate to the District. Materials selected shall either fit the neighborhood context of the proposed building and/or reflect the nature and use of the structure. Materials shall be selected for the long-term performance and durability.
- H. **Roof Shape.** The roof shape shall be compatible to roof shapes in the surrounding area. Rooftop equipment and fixtures shall be concealed from eye level view from public rights-of-way and from the ground level of any adjacent properties.
- I. **Architectural Features.** Architectural features including but not limited to cornices, windows, shutters, fanlights, entablature and other forms of molding or unique detailing prevailing in the surrounding area shall be considered in new construction. It is not intended that the details of historic buildings be duplicated, but shall be regarded as suggestive of the extent, nature, and scale of details that are appropriate on new buildings.
- J. **Context and Connectivity.** Building design shall be sensitive to the overall character and context of the Design Review Overlay District and to adjacent buildings. New construction shall incorporate historic architectural elements that reinforce or add to the character of the area. Other building elements and components such as lighting fixtures, sign size, design and sign placement, paving patterns, and landscape elements are to be selected and incorporated into new construction in a manner that provides compatibility with adjacent structures and sites.
- K. **Accessory Buildings and Structures.** New accessory buildings or structures shall be located within either the side yard or rear yard. New accessory buildings shall not visually disrupt the streetscape or affect the integrity of the existing building or proposed new building.

SECTION 2201. XX (3) DEMOLITION. The demolition or replacement of any structure, or portion thereof, listed as a contributing structure on the Vermont Historic Sites and Structures Survey and the National Register for Historic Places or any application for development which involves the demolition of such structures, shall be reviewed by the Development Review Board under the provisions of Section 3004(D).

SECTION 2201. XX (4) SIGNAGE. All signage shall conform to the standards outlined in Section 3012. In addition, the size, location, design, color, texture, lighting, and material of all exterior signs within the Design Review Overlay District shall be complimentary to buildings and structures of the site and surrounding properties. Additional guidance includes the following standards:

- A. Where appropriate and possible, signing shall respect the original sign placement and sign “bands” on historic structures. It is recommended that sign placement be centered over building entries. If a building has multiple tenants, there shall be consistency in placement and size among all signs.
- B. New building mounted or hung signs perpendicular to the façade shall not cover, conflict with or undermine architectural details that are integral to the character of an historic structure.

- C. Sign installation shall limit damage to historic materials on the building. In masonry buildings, fasteners shall be in the mortar joints.
- D. Sign design, color and typography shall respect historic precedents where possible and appropriate and shall be the appropriate scale for existing and new buildings.
- E. Sign support structures shall be compatible with the building architecture and must not be overly complex or dominant in and of themselves.
- F. Sign lighting for signs on historic facades shall not undermine the building's architectural integrity, or cover or impact valued architectural detailing.
- G. Lighting fixtures for signs mounted on building facades shall be designed with appropriate housing, shielding and photometrics to ensure that there is appropriate lighting levels and illumination that focuses on the sign panels exclusively.
- H. Light fixtures are to be designed and or selected to reduce or eliminate any conflict with the building's architectural character.

SECTION 2201. XX(5) OUTDOOR LIGHTING. Outdoor lighting within the Design Review Overlay District shall conform to the standards outlined in Section 3204. In addition to the standards outlined in Section 3204, outdoor lighting within the Design Review District shall be compatible with and sensitive to the architectural style and period of the related building.

SECTION 2201. XX(6) LANDSCAPING, SCREENING AND SITE FURNISHINGS. Landscaping and screening shall include trees, shrubs, and other plantings and conform to the standards outlined in Section 3203. Projects within the Design Review Overlay District and subject to the landscaping requirements in Section 3203 shall also consider the following:

- A. Site furnishings including fencing, seating and other types of site furniture visible from the street or side yards shall be sensitively considered within the context of the existing building, its site and its context.
- B. Historic landscape designs and plantings shall be preserved to the greatest extent possible. Historic and native specimen trees shall be protected and preserved unless it is demonstrated that such preservation is not feasible or reasonable.
- C. Proposed landscape designs shall be compatible with the historic patterns and landscape materials commonly employed in the period of an existing building's construction.
- D. Landscape materials such as non-native and invasive climbing vines that undermine masonry construction or affect building siding are prohibited. Landscaping should not be placed or designed in a manner that would obscure or undermine key architectural patterns or elements on historic buildings.
- E. Existing streetscape patterns and placement of trees and site furniture shall be referenced or duplicated in landscape design and plantings for rehabilitated sites and infill construction.
- F. When possible, existing historic fencing shall be preserved or replicated when employed in either residential or commercial/institutional settings. For new construction compatible materials and design patterns shall be employed. Contemporary interpretations of traditional fences shall be compatible with the historic context.
- G. Mechanical equipment such as HVAC elements, utility structures, loading docks and trash receptacles shall be screened from public view either by A) siting on rooftops or in rear yard locations or B) via screening with fencing and landscaping. "Green" fencing such as hedges planted with native and hardy landscape species can be employed as effective

buffers and screens for utilities and other elements incompatible with an historic district and setting.

- H. Site furnishings compatible with existing and appropriate District elements shall be employed. Appropriate and compatible site furnishings shall be selected to match the period or existing or prevalent historic styles.