# TOWN OF STOWE

# ZONING REGULATIONS

Adopted June 12, 2017
Effective July 3, 2017

DRB or Zoning Administrator shall consider this recommendation in making a decision.

10.8 Demolition and Partial Demolition of Structures

(1) Within the overlay district and for Historic Buildings outside the district, the SHPC first shall review each application for the demolition or partial demolition of a building or structure and make a written recommendation to the DRB within fifteen (15) days of the completed presentation except when demolition is requested under items C. D and E. below, which go directly to the DRB. Demolition shall mean the act of deliberately destroying all or a portion of a building. The DRB then will conduct a public hearing to review the application and may approve the demolition if they find:

A. The SHPC has determined that the structure does not have historical or architectural significance or does not make a positive contribution to the district's streetscape; or

B. The condition of the structure has deteriorated to such a degree that rehabilitation and use of the building is not feasible due to structural or building code issues. The structural or building code issues shall be significant enough to make rehabilitation not possible. For example, a building foundation cannot be repaired because it is not possible to jack up the building or interior ceiling heights are too low to meet code requirements and cannot be modified. It is the responsibility of the property owner to demonstrate to the SHPC and DRB's satisfaction that rehabilitation is not feasible; or

C. The condition of the structure has deteriorated to such a degree that it poses a threat to the public safety as determined by town or state officials and cannot be restored or repaired without causing undue financial hardship to the owner. The burden of proving this hardship is on the owner; or

D. The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the community. This determination of substantial benefit will be made by the DRB.

E. The cost of rehabilitation is significant enough that it would be an undue financial hardship to the property owner. A determination of undue financial hardship may be granted only if the project complies with one of the following requirements:

(1) For income-producing properties- the building or site cannot be used or rented at a reasonable rate of return in its present

condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property.

(2) For non-income-producing properties- the building or site has no beneficial use as a residential dwelling or as a non-commercial use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This could include such items as:

i. A report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure

ii. A report prepared by an appraiser on the fair market value of the property with and without approval of the demolition

(2) If the demolition of a historic building is approved, the SHPC may recommend that the DRB require documentation of the building before it is demolished, including but not limited to photos, site plans and floor plans.

(3) Demolition Delay. If the DRB finds that the proposed demolition does not meet any of the above criteria, it may deny the application or impose up to a six (6) month delay period. The DRB shall direct the applicant to participate in an investigation of alternatives to demolition during the six (6) month delay period. The Demolition Delay decision shall be publicly posted.

(4) After the six (6) month delay period, one more public hearing will be held to review the proposed demolition. If the DRB is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to find or accept alternatives to preserve, rehabilitate, relocate or restore the building or structure, the DRB may approve the demolition of the structure. If the applicant has not demonstrated that a reasonable effort has been made, the DRB shall deny the demolition.

(5) If a demolition or partial demolition of a structure is approved within the SHOD, any future construction may be required to replicate the style and massing of the building or portion of the building that was demolished.

(6) If a demolition or partial demolition of a structure is approved outside the SHOD and is required to have continued SHOD review under section 10.5(12) or 10.5(13), any future construction may be required to replicate the style and massing of the building or portion of the building that was demolished.

10.9 Relocation of Buildings

(1) A historic building may be moved from one site to another:

A. If the integrity of the building in its original location is seriously threatened; or

B. If the building has lost architectural integrity due to deterioration and neglect; or

C. If the new location will be similar in setting and siting; and

1. The building will be compatible with the buildings adjacent to the new location in style, height, scale, materials and setback; and

2. The relocation will not result in a negative visual impact on the site from which the building is removed, including the impact on surrounding buildings; and

3. The relocation will not compromise the structural or historic integrity of the building.

(2) Moving a non-historic building within the overlay district is appropriate if its removal or the proposed replacement will result in a more positive visual effect on the district.

10.10 Dimensional Waivers for Historic Buildings and All Buildings Within the Overlay District

The DRB may grant a waiver from the dimensional requirements of the underlying zoning district or from the 50’ setback from watercourses if it finds that granting the waiver will result in the preservation and renovation of the historic building, or the preservation of the historic pattern of land use of the surrounding area. A watercourse setback waiver must also conform to the conditional use standards in Section 3.7(2)(B)(1), 3.7(2)(B)(2) and 3.7(2)(B)(8).Waivers may be granted for such uses including but not limited to small additions, accessory buildings, porches, dormers, windows and changes to the roofline. The DRB may grant a waiver from the maximum building height up to a maximum limit of thirty-three (33') feet for 2-story buildings and forty (40') feet for 3-story buildings.

10.11 Site Guidelines

(1) Setbacks, building orientation and “build to” line


# Design Review in Shelburne

## guidelines for the town of shelburne village design review overlay district

# 7. Relocation & Demolition of Existing Buildings

## Design Objective

Only under very limited circumstances, should historic buildings be relocated or demolished. Relocation preserves the building, but severs its historic relationship with a site and frays the historic character of the neighborhood. Demolition should only be considered after all other alternatives, include resale, rehabilitation and relocation, have been exhausted.

## General

7-1. Mitigate the negative effects of relocating or demolishing a historic building by carefully documenting the appearance of the building and its site.

*This should include photographing and taking notes on the current appearance of the exterior, interior and site, recording the overall dimensions of the subject building, and sketching out property features (including the relationship of the building to the overall site, outbuildings, historic landscaping, and adjacent properties). This documentation should be provided to the town or other appropriate repository for archival purposes.*

7-2. Do not remove historic buildings from their original sites without first having redevelopment plans for the property.

*Use of a vacated site for parking will generally not be considered a valid redevelopment plan for the property.*

## Relocation

7-3. Select a setting for a relocated building that is compatible with its character and that of the original site.

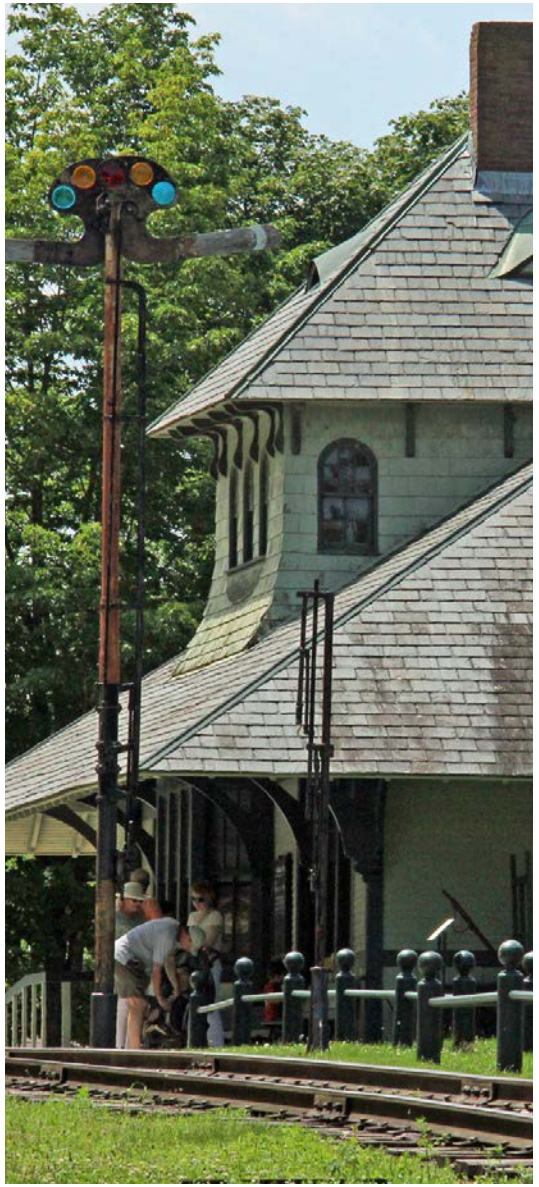
*Property owners should be aware that relocating a historic building may result in the building and/or site no longer qualifying for available state and federal tax credits, and may result in the building and/or site being removed from the state and/or federal historic registers.*

7-4. Re-establish the historic orientation and landscape features at the new site to the maximum extent feasible.

## Demolition

7-5. Salvage and re-purpose original building materials when demolishing a historic building or portion of a historic building.

*Keeping original building materials in use will reduce the amount of material sent to landfills and will maintain a supply of appropriate materials for the repair of other historic buildings in the region.*



THE LOCATION OF SHELBURNE'S TRAIN STATION IS A DEFINING FEATURE OF ITS HISTORIC CHARACTER