



TOWN OF BENNINGTON

TO: Chair, Town Planning Commissions, Towns of: Glastenbury, Pownal, Shaftsbury, Woodford and Hoosick, NY, and Villages of: Old Bennington and North Bennington, Vermont Department of Housing and Community Development, Bennington County Regional Commission

FROM: Michael McDonough, Chairman, Town of Bennington Planning Commission, 205 South Street

Date: January 22, 2021

Re: Proposed Amendment to Bennington's Land Use and Development Regulations

Enclosed is one copy of: the proposed amendment to Bennington's Land Use & Development Regulations (LUDR), Planning Commission Hearing Notice, and Planning Commission Report.

The Planning Commission has scheduled a Public Hearing to consider the adoption of the proposed amendment to the LUDR on February 18, 2021 at 6:00 p.m. The Public Hearing will be held via Zoom. Please see the attached Hearing Notice for information regarding how to attend the hearing.

Please address any questions, comments, or concerns, to my attention at the address below. Thank you.

Enc: Proposed Amendment to LUDR, Planning Commission Report and Legal Notice for Planning Commission Public Hearing.

Town of Bennington Planning Commission

Proposed Amendments to Land Use & Development Regulations **January 2021**

Article 3 Tables in the LUDR

DELETE the following existing tables in Article 3 of the Land Use and Development Regulations (LUDR):

- Table 3.1 Central Business (CB) District
- Table 3.2 Office & Apartment (OA) District
- Table 3.3 Village Commercial (VC) District
- Table 3.4 Urban Mixed Use (UMU) District
- Table 3.5 Village Industrial (VI) District

ADD the following new attached tables to Article 3 of the LUDR:

- Table 3.1 Town Center Districts – Land Use Permissions
- Table 3.2 Town Center Districts – Additional Use Standards
- Table 3.3 Town Center Districts – Use Categories
- Table 3.4 Downtown Form-Based-Design (DD) Area
- Table 3.5 Mixed Use Form-Based-Design (MD) Area
- Table 3.6 Residential Form-Based-Design (RD) Area

RE-NAME existing Table 3.11 in Article 3 of the LUDR as follows:

- Table 3.11 Mixed Residential #2 (MR-2) District

RE-NUMBER tables in Article 3 of the LUDR as shown in the revised attached Table of Contents.

Zoning Maps in the LUDR

DELETE existing Maps 1-6

ADD the following attached Zoning Maps:

- Entire Town
- Town Center Zoning Districts
- Town Center Form-Based-Design Areas

RE-NUMBER Zoning Maps as follows:

- Map 1 Entire Town
- Map 2 Historic Bennington Design Review District
- Map 3 Planned Commercial Design Review District
- Map 4 Airport Approach Zone
- Map 5 Town Center Zoning Districts
- Map 6 Town Center Form-Based-Design Areas

Definitions in the LUDR

ADD or MODIFY/AMEND the following Definitions in Article 2 of the LUDR as shown on the attached "Updated Definitions":

- Accessory Apartment
- Accessory Dwelling Unit
- Civic Center
- Minimum Lot Frontage
- Neighborhood Market
- Substantial Completion

Other Sections of the LUDR

MODIFY/AMEND the following Sections of the LUDR as shown on the attached documents:

- Section 3.1 Establishment of Zoning Districts
- Section 3.2 Official Zoning Map
- Section 3.5 District Objectives, Uses and Standards
- Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

BENNINGTON LAND USE & DEVELOPMENT REGULATIONS

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Appendix

Planned Commercial District Design Standards

Zoning Maps

Map 1 Entire Town

Map 2 **Historic Bennington** Design Review District

Map 3 **Planned Commercial Design Review District**

Map 4 Airport Approach Zone

Map 5 **Town Center Zoning Districts**

Map 6 **Town Center Form-Based-Design Areas**

Updated Definitions in Article 2 of LUDR

Accessory Apartment (Also known as Accessory Dwelling Unit, ADU): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, which is retained in common ownership, is located within or **appurtenant** to the single family dwelling, and which otherwise meets applicable criteria of these regulations (see Section 5.2). This definition is limited to the definition of accessory apartments (dwelling units) as specified in the Act, except as specifically modified under Section 5.2. See also Dwelling, Two-Family.

Accessory Dwelling Unit (ADU): See Accessory Apartment.

Civic Center: a **publicly- or privately-owned and operated** facility with space and/or grounds for and with the primary purpose of hosting conferences, exhibitions, festivals, performances and sporting events. Civic Centers do not include theaters which are facilities designed primarily for performances only, or indoor recreational facilities which are smaller in scale and are primarily designed for single use commercial amusement.

Minimum Lot Frontage: The minimum percentage of the lot width along the sidewalk that must be occupied with buildings.

Neighborhood Market: A retail establishment for the sale of food (including prepared foods and deli items) and convenience items, with a total floor area of no more than 3,000 square feet. The sale of gasoline and liquor is specifically prohibited, and the sale of tobacco products and/or alcoholic beverages shall not, in combination, comprise greater than 15% of the available floor space or 15% of the stock in trade. See also Gas Station, Retail Establishment.

Substantial Expansion: Development that expands an existing structure such that more than 1,000 square feet of new floor space and/or 2,000 square feet of site disturbance are created.

ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS & DISTRICT STANDARDS

Section 3.1 Establishment of Zoning Districts

(A) For the purposes of these regulations, the Town Bennington, not including the Village of North Bennington or the Village of Old Bennington, is divided into the following zoning districts, as described in the accompanying tables (Tables 3.1 - 3.22) and depicted on the official zoning map, to be designated by the abbreviations set forth below:

Town Center Districts and Form-Based-Design Areas:

Downtown District <i>(formerly Central Business District)</i>	(D) <i>(formerly CB)</i>
Mixed Use District #1 <i>(formerly Office & Apartment District)</i>	(MU-1) <i>(formerly OA)</i>
Mixed Use District #2 <i>(formerly Urban Mixed Use, Village Industrial, Village Commercial Districts)</i>	(MU-2) <i>(formerly UMU, VI, VC)</i>
Village Residential District	(VR)
Mixed Residential District #1 <i>(formerly Mixed Residential)</i>	(MR-1) <i>(formerly MR)</i>
Downtown Form-Based-Design Area	(DD)
Mixed Use Form-Based-Design Area	(MD)
Residential Form-Based-Design Area	(RD)

Commercial, Industrial & Institutional Districts:

Institutional & Professional District	(IP)
Planned Commercial District	(PC)
Industrial District	(I)
Planned Airport District	(PA)

Residential Districts:

Mixed Residential District #2	(MR-2) <i>(formerly MR)</i>
Rural Residential District	(RR)

Open Land & Resource Conservation Districts:

Rural Conservation District	(RCON)
Agricultural District	(A)
Forest District	(F)
Public Open Space District	(POS)

Overlay Districts:

Flood Hazard Overlay District	(FHO)
Airport Approach Overlay District	(AAO)
Historic Bennington Design Review District	(HDR)
Scenic Overlay District (Deleted)	(SO)
Route 7A Corridor Overlay District	(CO)
Fluvial Erosion Hazard Area Overlay District	(FEH)

NOTE: The Village of North Bennington and the Village of Old Bennington each has established its own zoning which will continue under the administrative control of each village.

Section 3.2 Official Zoning Map

(A) The location and boundaries of said zoning districts, **form-based-design areas, and overlays** are established as shown on the official “Town of Bennington Official Zoning Map,” and the National Flood Insurance Program maps for the Town of Bennington, which are hereby adopted by reference as part of these regulations. The official zoning map and overlay shall be located in the Town Clerk’s office and shall be the final authority as to the current zoning status of land and waters in the town and village.

(B) The official zoning map, **including form-based-design areas** and overlays, shall be identified by the signature of the Chair of the Legislative Body, as attested to by the Town Clerk.

(C) No changes of any nature shall be made on the official map or overlays except in conformance with zoning amendment procedures and requirements set forth in the Act.

Section 3.3 Interpretation of Zoning District Boundaries

(A) Where uncertainty exists as to the location of a district boundary shown on the official zoning map and/or overlay, the following rules shall apply:

- (1) Boundaries indicated as approximately following property boundaries or platted lot lines shall be construed to follow such lot lines.
- (2) Boundaries indicated as approximately following the center lines of streams or rivers shall be construed to follow such center lines; where opposite sides of a lake, pond, swamp or water body lie in different districts, the boundary shall be deemed to be the center thereof.
- (3) Boundaries indicated as approximately following the center lines of road, transportation and utility rights-of-way shall be construed to follow such center lines.
- (4) Boundaries indicated as following elevation contours shall be construed to follow such contours.
- (5) Boundaries indicated as parallel to or extensions of features under subsections (1)-(4) shall be so construed. Boundaries indicated as lines perpendicular to lines or features described in subsections (1)-(4) shall be construed to proceed at right angles from such lines or features. Distances not specifically indicated shall be determined by the scale of the map.
- (6) Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of this bylaw. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.
- (7) The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of such boundary line, except as otherwise noted under Subsection (C).

(B) When the Administrative Officer cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map and associated overlays or by the above rules, the Planning Commission and/or the appropriate state official (e.g., flood hazard administrator) may be

Article 3. Establishment of Zoning Districts & District Standards

consulted prior to making the final determination. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Development Review Board under Section 10.5.

(C) In the case of lots lying in more than one district, the provisions of any district may be applied for a distance of not over thirty feet into any other adjacent district.

Section 3.4 Application of District Standards

(A) The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 3.1 - 3.19, and as defined in Article 2, unless otherwise permitted under Planned Residential Development (PRD) or Planned Unit Development (PUD) pursuant to Article 9. Non-conforming uses and non-complying structures shall be regulated in accordance with Section 4.9.

(B) Overlay district standards shall be applied concurrently with the standards for underlying districts. Where overlay districts impose more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.

(C) Prescribed uses for each district are classified as **“allowed with the approval of the Administrative Officer,”** to be reviewed in accordance with Section 10.3, or **“allowed with the approval of the Development Review Board”** to be reviewed in accordance with Section Article 6. **Accessory structures and uses**, including parking areas serving another use, may be permitted by the Administrative Officer in accordance with Section 10.3 unless the use or structure is accessory to a use that requires Development Review Board approval in accordance with Article 6, in which case the accessory use or structure shall also be subject to Board approval under Article 6.

(D) Any use not permitted by these regulations, unless specifically exempted under Section 10.2, shall be deemed to be prohibited.

(E) Any list of prohibited uses and/or processes in any section of these regulations shall not be deemed to be an exhaustive list but is included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

Section 3.5 District Objectives, Uses and Standards

The following tables (3.1 - 3.22) set forth the stated purpose, allowable uses and specific standards for each zoning district.

**Table 3.1
TOWN CENTER DISTRICTS -- LAND USE PERMISSIONS**

NEW SECTION

(A) Purpose: This section summarizes the use permissions for five land use districts in the town center. Additional standards and limitations for these districts are detailed in Table 3.2 A-E. Town Center districts are subject to design standards for three Form-Based-Design (FBD) areas per sections 3.4 - 3.6.

(B) Summary Matrix:

Land Uses by District For specific uses considered under the use categories listed below, see Table 3.3	Downtown (D)	Mixed Use #1 (MU-1)	Mixed Use #2 (MU-2)	Mixed Residential #1 (MR-1)	Village Residential (VR)
Residential					
Multifamily	ZA ⁺	ZA	ZA	ZA	N
Single Family & Two Family	N	ZA	ZA	ZA	ZA
Commercial					
Food, Drink, & Entertainment	ZA	ZA ⁺	ZA ⁺	N	N
Gas Station/Motor Vehicle Services	N	N	ZA ⁺	N	N
Lodging	ZA	ZA ⁺	ZA ⁺	ZA ⁺	ZA ⁺
Personal & Professional Services	ZA ⁺	ZA ⁺	ZA ⁺	N	N
Residential Care Facilities	DRB ⁺	DRB	DRB	DRB	N
Retail	ZA ⁺	ZA ⁺	ZA ⁺	ZA ⁺	N
Social Service & Correctional Residences	N	N	ZA ⁺	N	N
Public & Institutional					
Educational Facilities	ZA	ZA	DRB	ZA ⁺	N
Government & Civic Services	ZA	DRB ⁺	ZA ⁺	N	N
Place of Worship	ZA	ZA	ZA	ZA	N
Public Parking & Transit Facilities	ZA	N	N	N	N
Manufacturing					
	ZA	DRB	DRB	N	N
Form-Based Design (FBD) Areas:	Downtown	Mixed Use		Residential	

(C) Supplemental Standards that apply throughout the Town Center Districts and FBD Areas:

- (1) **Mixed Uses:** Any permitted uses may be combined as mixed uses.
- (2) **Form-Based Standards:** Development must comply with corresponding FBD standards in Sections 3.4 through 3.6.
- (3) **Design Review:** Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with the standards and procedures set forth in Table 3.19.
- (4) **Performance Standards:** All uses and structures must comply with Section 4.11 Performance Standards.
- (5) **Accessory Structures and Uses:** All accessory structures and/or uses are considered under primary use.
- (6) **Drive-Throughs:** Drive-throughs are not permitted except where noted.
- (7) **Electric Vehicle (EV) Charging Stations:** EV charging stations accessory to a permitted use are allowed.
- (8) **Green and Recreation Spaces:** Parks, pathways, and outdoor recreation facilities are permitted by right.
- (9) **Uses Not Addressed Above:** Any use not listed above is prohibited. For specific uses grouped under the use categories listed above, see Table 3.3. The ZA will make a determination as to whether a proposed use may be deemed a permitted use. The ZA's determination is appealable to the DRB.
- (10) **General Standards and Specific Use Standards:** All uses and development shall comply with other applicable standards of these regulations, including General Regulations under Article 4 and Specific Use Standards under Article 5.

**Table 3.2
TOWN CENTER DISTRICTS – SPECIAL USE STANDARDS**

NEW SECTION

(A) **Purpose:** This section provides additional use standards and limitations for the town center districts. Use categories not listed below do not have detailed land use standards. To see a full list of the specific uses grouped under the use categories listed below, see Table 3.3.

(B) **Downtown:**

Use	Special Use Requirements for the Downtown District
Residential	
Multifamily	Ground-floor dwelling units are not permitted to front on the following streets: South, North, West Main, and East Main. Ground-floor dwelling units in rear must be set back at least 25' from the front façade.
Commercial	
Personal & Professional Services	Excludes kennels. Drive-through facilities are permitted at banks. Retail self-storage shall not front on the following streets: South, North, West Main, and East Main. Retail self-storage spaces in rear must be set back at least 25' from the front, ground-floor façade.
Residential Care Facilities	More than half of first floor shall be reserved for other permitted uses.
Retail	All retail uses permitted. Drive-through facilities are permitted at pharmacies for the purpose of collecting products prescribed by a medical professional. Warehouses shall not front on the following streets: South, North, West Main, and East Main. Warehouse spaces in rear must be set back at least 25' from the front, ground-floor façade.

(C) **Mixed Use #1:**

Use	Special Use Requirements for the Mixed Use #1 District
Commercial	
Food, Drink, & Entertainment	Permitted uses limited to restaurant and bars. Locations restricted to lots fronting on Main St.
Lodging	Hotels/motels are restricted to lots fronting on Main Street.
Personal & Professional Services	Permitted uses limited to medical clinic, office (professional, business), personal business establishment, and research & development facility.
Retail	Permitted uses limited to neighborhood market.
Public & Institutional	
Government & Civic Services	Excludes municipal and state offices. Public facilities are limited to facilities that are open and accessible to the general public. Locations limited to lots fronting on Main Street and/or South Street. Civic centers are allowed on lots fronting on Main Street only.

**Table 3.2 (continued)
TOWN CENTER DISTRICTS – SPECIAL USE STANDARDS**

NEW SECTION

(D) **Mixed Use #2:**

Use	Special Use Requirements for Mixed Use #2 District
Commercial	
Food, Drink, & Entertainment	Restaurants and bars are not permitted in buildings fronting on Gage Street, Pratt Street, or Division Street.
Gas Stations and Motor Vehicle Services	Permitted on lots fronting on North Street and Main Street only. Any new gas/service station must be at least 900 feet away from the nearest gas/service station, as measured from the property boundaries. Canopies are not permitted.
Lodging	Hotels are not permitted in buildings fronting on Gage Street, Pratt Street, or Division street.
Personal & Professional Services	Excludes hospitals and kennels. Drive-through facilities are permitted at banks in buildings fronting on North Street and Main Street.
Retail	Permitted on lots fronting on Main Street and North Street and in historic structures elsewhere in the Mixed Use District. All retail uses are limited to 10,000 square feet of floor area per store. Drive-through facilities are permitted at pharmacies for the purpose of collecting products prescribed by a medical professional.
Social Services & Correctional Residences	Excludes correctional home/furlough house and secure care facility. Shelter home/temporary shelters are permitted on lots fronting on Benmont Avenue, North Street, and East Main Street only.
Public & Institutional	
Government and Civic Services	Permitted uses limited to civic centers, with locations restricted to lots fronting on Benmont Avenue.

(E) **Mixed Residential #1**

Use	Special Use Requirements for Mixed Residential District #1
Commercial	
Lodging	Permitted uses limited to bed and breakfasts.
Retail	Permitted uses limited to neighborhood market.
Public & Institutional	
Educational Facilities	Permitted uses limited to day care facility and educational facility/school.

(F) **Village Residential**

Use	Special Use Requirements for Village Residential District
Commercial	
Lodging	Permitted uses limited to bed and breakfasts.

**Table 3.3
TOWN CENTER DISTRICTS – USE CATEGORIES**

NEW SECTION

(A) Purpose: This table identifies the specific uses that are consolidated under the four regulated Town Center Land Use Categories: Residential, Commercial, Public & Institutional, and Manufacturing. Article 2, Definitions, provides full descriptions of the uses in each category. Any use not listed is prohibited. The ZA will make a determination as to whether a proposed use may be deemed a permitted use. The ZA's determination is appealable to the DRB.

(B) Town Center Use Categories:

Land Use Category	Included Uses
Residential	
Multifamily	Shall be Dwelling, Multi-Family
Single Family & Two Family	Shall be Dwelling, Single (One) Family and Dwelling, Two Family
Commercial	
Food, Drink & Entertainment	Shall be Recreation Indoor, Restaurant/Bar, Night Club, Private Club, Theater
Gas Station/Motor Vehicle Services	Shall be Car Wash, Gas Station/Service Station, Motor Vehicle Sales, and Motor Vehicle Service, Taxi Garage, Trucking/Shipping Terminal
Lodging	Shall be Bed & Breakfast, Hotel/Motel
Personal & Professional Services	Shall be Bank, Dry Cleaner, Funeral Home, Hospital, Kennel, Medical Clinic, Office (Professional, Business), Personal Service Establishment, Research & Development Facility, Retail Self-Storage, Veterinary Clinic
Residential Care Facilities	Shall be Assisted Living Residence, Community Care Facility, Elderly Housing
Retail	Shall be Artist Studio/Gallery, Gift/Craft Shop, Neighborhood Market, Retail Establishment, Retail Large-Scale, Warehouse
Social Service and Correctional Residences	Shall be Correctional Home/Furlough House, Secure Care Facility, Shelter Home/Temporary Shelter
Public & Institutional	
Educational Facilities	Shall be College/University, Cultural Facility, Day Care Facility, Educational Facility/School
Government & Civic Services	Shall be Civic Center, Community Center, Post Office, Public Facility
Place of Worship	Shall be Place of Worship
Public Parking & Transit Facilities	Shall be Public Parking Facility, Transit Facility
Manufacturing	
Manufacturing	Shall be Light Manufacturing, Manufacturing

Table 3.4
DOWNTOWN FORM-BASED-DESIGN AREA (DD)

NEW SECTION

(A) Purpose: The purpose of the Downtown Form-Based-Design Area (DD) is to reinforce the dense, vibrant, and walkable development pattern of the mixed-use commercial center. This Downtown design area is characterized by multi-story buildings with façades that include engaging street entrances and transparent windows to capture the eyes of passers-by; building frontages set close to the street with minimal or no interruptions between buildings; a wide public street realm welcoming to pedestrians, cyclists, and motor vehicles; an integrated network of sidewalks, alleys, and parking area access points that allow the public to move swiftly and safely throughout the downtown; parking available on-street, behind buildings, and in well-landscaped, shared public lots and structures; and an abundance of amenities such as sidewalks, shade trees, pocket parks, benches, and waste receptacles.

Area Principles and Characteristics

Figure 3.4.1 Bird's Eye View



Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.

(B) Area Principles and Characteristics Include:

(1) High-density, pedestrian-oriented development

- a. Multi-story, multi-use buildings
- b. Publicly-accessible ground floor uses that enhance street vitality, such as retail
- c. Connectivity throughout the town center for pedestrians by way of sidewalks and other pathways **(A)**

(2) Varied building architecture and character

- a. Diverse building types and materials, mixing traditional and modern design elements harmoniously
- b. Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with standards and procedures in Table 3.19

(3) Dynamic and engaging sidewalks and storefronts

- a. Inviting building façades with pedestrian-scale adornments and architectural details. Sidewalk-facing entrances. Sidewalk activity enhanced by ground floor occupancies **(B)**
- b. Amenities for pedestrians and cyclists **(C)**
- c. Minimal number and width of curb cuts

(4) Public-private collaboration for parks and green spaces

- a. Vacant areas repurposed as public green spaces, such as pocket parks, and invigorated through art installations **(D)**
- b. Lush and diverse tree canopy lining all streets. Existing trees incorporated into new site development

(5) Active rooftops and multi-story dynamism

- a. Active uses of building rooftops **(E)**
- b. Environmental sustainability through accommodation of renewable energy and/or green roof elements **(F)**
- c. Balconies and awnings extend into the street ROW
- d. All utilities underground for new construction

(6) Green stormwater management

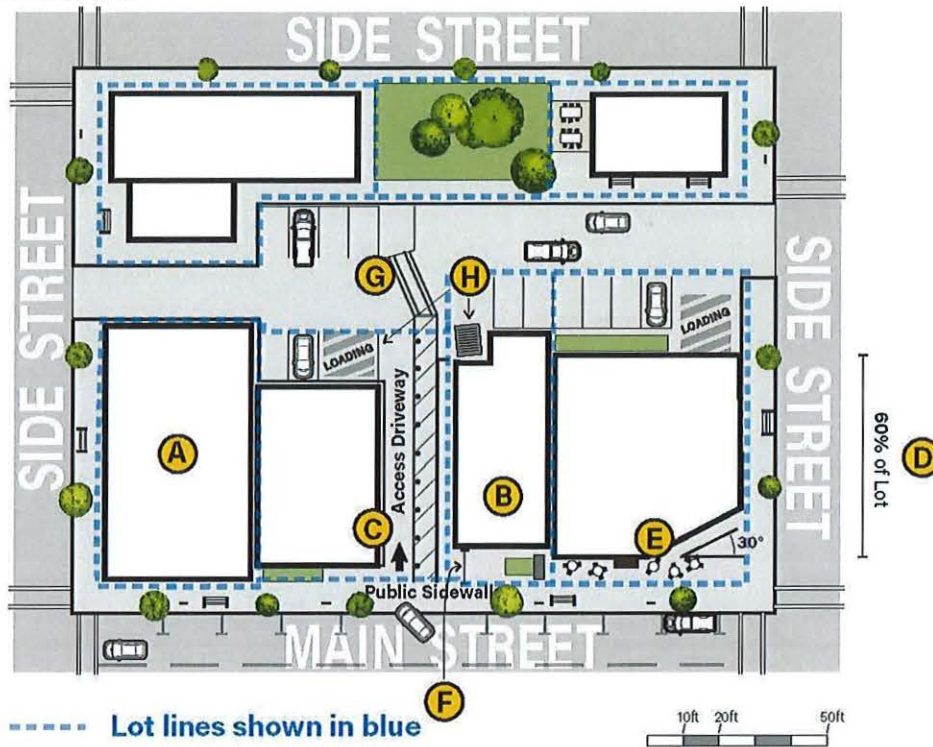
- a. Green infrastructure for managing stormwater and reducing impervious surface. Installations may include rain gardens, bioswales and permeable paving **(G)**
- b. Areas of impervious surface shall be compact and are encouraged to follow Vermont Low Impact Development (LID) principles. Reference "Model LID/GSI Stormwater Management Bylaw" resource for more information.

Table 3.4 (continued)
DOWNTOWN FORM-BASED-DESIGN AREA (DD)

NEW SECTION

Building and Parking Placement

Figure 3.4.2 Plan View



(C) Building and Parking Placement:

(1) Building Lots

- a. Min. lot size no min.
- b. Maximum bldg. coverage 100% (A)

(2) Building Frontage

- a. Min. lot frontage – Main St. 100% (B)
Allowance may be made for alley/driveway access, subject to approval. (C)
- b. Min. lot frontage – All other streets 60% (D)
- c. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.
- d. The front façade, or any portion thereof, shall be no more than 30° off the parallel to the street. (E)

(3) Setbacks

- a. Front setback 0' min. / 15' max. (F)
- b. Side setback 0' min.
- c. Rear setback 0' min.

(4) Front Yards

- a. Corner lots are considered to have two front yards and two side yards.
- b. Front yards shall consist of approved public spaces: landscaped areas, porches or plazas. (E)
- c. All landscaped areas must conform to Section 6.3.

(5) Parking

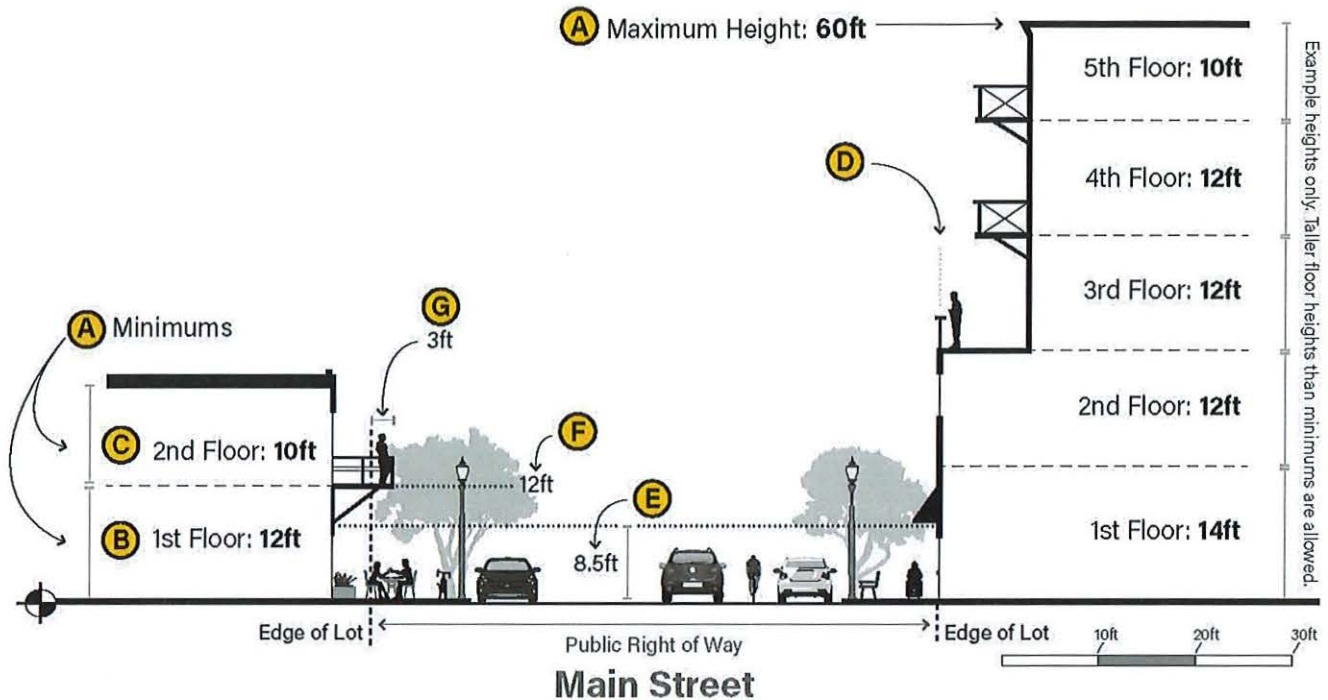
- a. Min. parking requirement no min.
- b. Main St. access driveway width 20' max. width
Access driveways allow one-way traffic only from Main St. All driveways must provide at least 5' for a pedestrian walkway.
- c. Main St. access drive separation 250' on center (o.c.) min.
- d. Main St. pedestrian accessway separation max. of 150' o.c.
Existing driveways without pedestrian safety amenities are not considered pedestrian accessways.
- e. Parking is restricted to the rear of buildings. Parking may be permitted to the side of buildings and along lot lines on side streets only. Parking areas may not front directly on Main St.
- f. Parking areas should be accessed by vehicle primarily from a side street or alley. When necessary, a vehicular access drive from the front lot line may be permitted.
- g. Vehicle and pedestrian cross-access between parking areas must be provided. (G)
- h. All parking and loading areas must conform to Section 4.10, except for parking minimum requirements.
- i. Loading docks, service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged. (H)
- j. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

Table 3.4 (continued)
DOWNTOWN FORM-BASED-DESIGN AREA (DD)

NEW SECTION

Building Form

Figure 3.4.3 Section View



(D) **Building Form:**

(1) Height

- a. Principal buildings min. of 2 functional stories / 60' max. (A)
- b. Ground floor height 12' min. (B)
- c. Upper floor height 10' min. (C)
- d. Neither the first nor the second story shall be further than 15' from the front lot line. (D)

(2) Encroachments

- a. Awning height* min. 8.5' off the ground (E)
- b. Balcony height* min. 12' off the ground (F)
- c. *Note: For both awnings and balconies, no structural member shall be lower than 8.5 ft off the ground over the public ROW. (E)
- d. Balconies and awnings may project a max. of 3' into the public right of way (ROW). (G)
- e. Signs must comply with the municipal sign ordinance.

(3) Public Realm Compliance

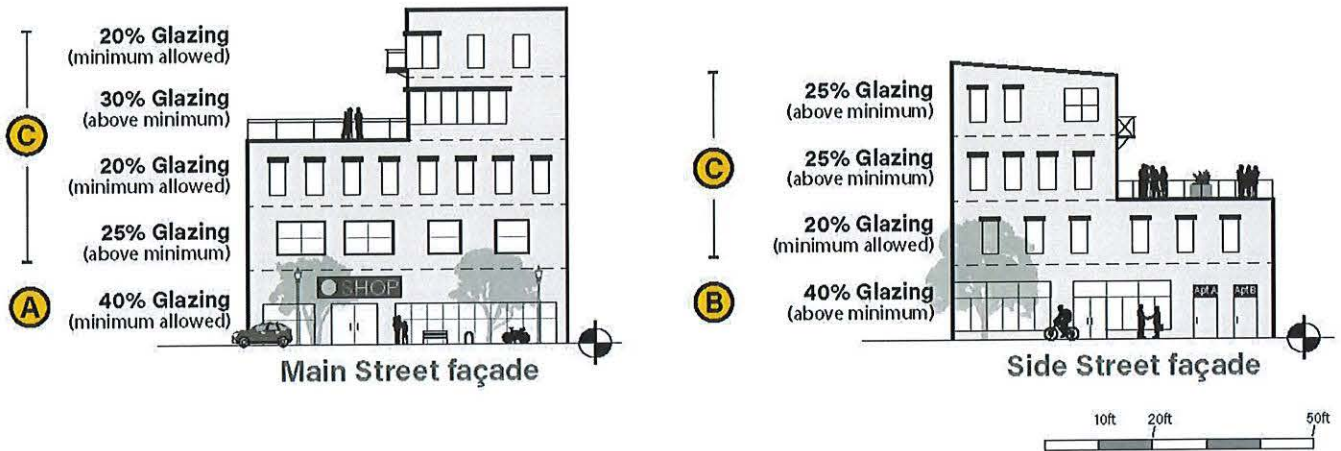
For new development or substantial expansion of existing site/structure, developers may be required to install improvements/amenities, approved by the municipality, in the ROW in accordance with the following municipal standards:

- a. Sidewalks shall be provided in the ROW along all streets and be concrete and/or masonry pavers.
- b. Street trees shall be planted at an average spacing of 25' to 30' o.c.
- c. Street furniture shall include (a) a bench for every 100' of frontage, (b) at least one bike rack (inverted U or post and ring style) per development, and (c) trash receptacles.

Table 3.4 (continued)
DOWNTOWN FORM-BASED-DESIGN AREA (DD)

Building Form (continued)

Figure 3.4.4 Façade View



(D) **Building Form (continued):**

(4) Building Entry

- a. Building entrance spacing max. of 100' apart
- b. Any occupancy with Main St. frontage must have its primary entrance on Main St. The primary entrance shall be clearly identifiable from the street.
- c. Ground floors may have individual entries along a side street in addition to a primary front street entrance.
- d. Upper floors shall be accessible by common entry from the street.

(5) Glazing

Required façade coverage with transparent windows

- a. Ground floor front 40% min. façade coverage (A)
- b. Ground floor side 20% min. façade coverage (B)
- c. Upper story front and side 20% min. façade coverage (C)

(6) Miscellaneous

- a. Upper stories must be designed and built to be functional, meaning they must be structurally capable of being occupied as commercial or residential space. Basements and attics shall not count as a story.

**Table 3.5
MIXED USE FORM-BASED-DESIGN AREA (MD)**

NEW SECTION

(A) Purpose: The purpose of the Mixed Use Form-Based-Design Area (MD) is to provide a transitional zone between the high-density, commercial heart of the town center and surrounding residential neighborhoods. The Mixed Use design area encompasses the principal travel corridors entering the town center so the area's buildings, streets, and open spaces shall be designed to accommodate the flow of pedestrians, cyclists, public transit, and motor vehicles safely and efficiently. Small setbacks and large building coverages reinforce the existing settlement pattern featuring historical industrial buildings nestled among a diversity of developments ranging from single-family dwellings to multi-story, mixed-use buildings.

Area Principles and Characteristics

Figure 3.5.1 Bird's Eye View



Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.

(B) Area Principles and Characteristics Include:

(1) Medium- to high-density development

a. Multi-story buildings that accommodate multiple uses predominate

b. Buildings are sited close to the street to frame the ROW and prioritize accessibility to pedestrian traffic **(A)**

(2) Complete Streets

a. Pedestrians, cyclists, public transit, and motor vehicles flow harmoniously and efficiently through the main travel corridors of the town center **(B)**

b. Safety is promoted by minimal curb cuts, narrow travel lane widths, low permitted traffic speeds, and dedicated infrastructure for cyclists and pedestrians

(3) Mixed uses and adaptive reuse

a. Existing buildings adapted to provide housing together with professional, manufacturing, and commercial uses

b. New development takes advantage of infill opportunities

c. Vacant lots developed or repurposed as public green spaces feature public art and other amenities **(C)**

b. Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with standards and procedures in Table 3.19

(4) Gateway to downtown

a. As gateways to the downtown, primary travel corridors shall incorporate shade trees, sidewalks, and lamp posts into their design. Existing trees shall be incorporated into new site development **(D)**

b. Site designs minimize impervious surfaces and incorporate green infrastructure to manage stormwater

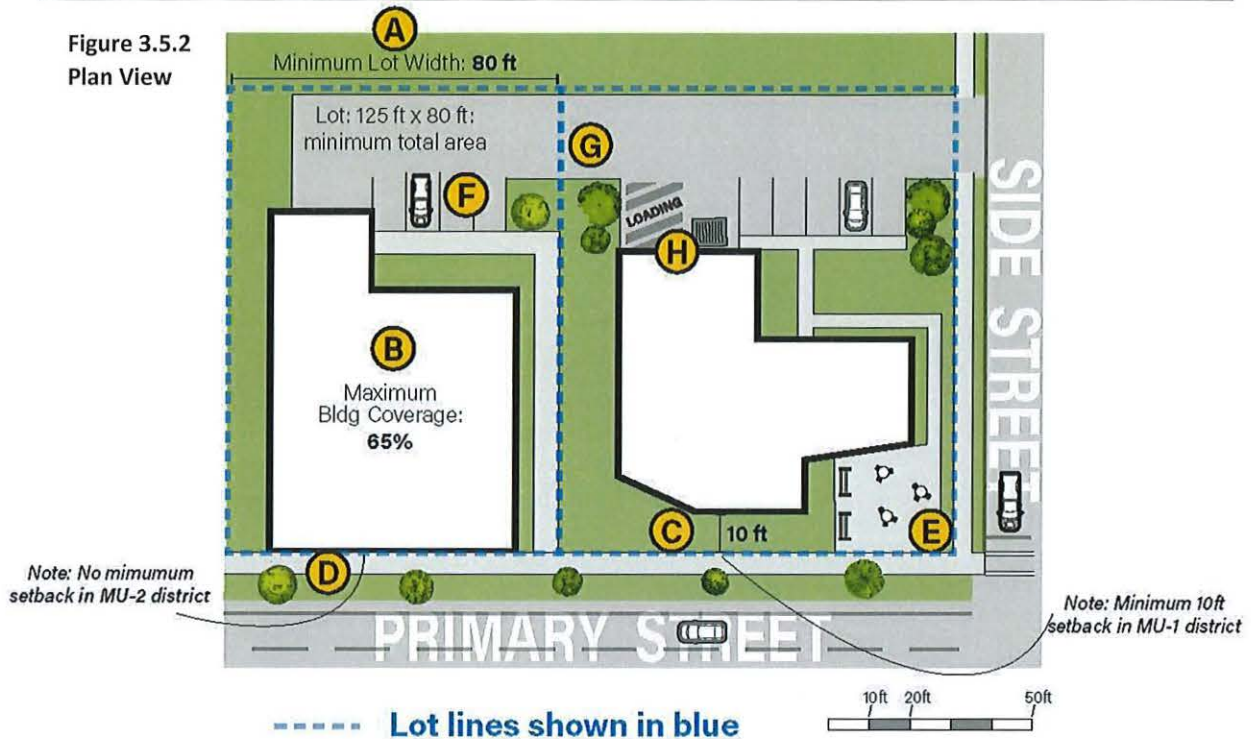
c. All utilities underground for new construction

Table 3.5 (continued)
MIXED USE FORM-BASED-DESIGN AREA (MD)

NEW SECTION

Building and Parking Placement

Figure 3.5.2
Plan View



(C) **Building and Parking Placement:**

(1) Building Lots		
a. Min. lot size	10,000 sq.ft.	A
b. Min. lot width	80'	A
c. Maximum bldg. coverage	65%	B
(2) Building Frontage		
a. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.		
(3) Setbacks		
a. Front setback – MU-1	10' min. / 25' max.	C
MU-2	0' min. / 25' max.	D
b. Side setback	10' min.	
c. Rear setback	10' min.	
(4) Front Yards		
a. Corner lots are considered to have two front yards and two side yards.		
b. Front yards shall consist of approved public or private spaces: landscaped areas, porches, or plazas. Outdoor storage, parking and loading areas shall not be located in front yards. E		
c. All landscaped areas must conform to Section 6.3.		
(5) Parking		
a. Min. parking requirement	no min.	
<i>Residences require one space per dwelling unit.</i>		
b. Parking is restricted to the rear yards and side yards of buildings. All parking, loading, and service areas shall be screened from public roads. F		
c. Vehicle and pedestrian cross-access between parking areas must be provided for adjacent commercial uses. G		

(5) Parking (continued)

- d. All parking and loading areas must conform to Section 4.10, except for parking minimum requirements.
- e. Loading docks, service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged. H
- f. Driveways and their intersections with streets shall be located and designed in accordance with Section 4.3.
- g. Garages shall not face the street unless they are set back at least 2 ft. from the front line of the primary building. Garages may be flush with the front line of the primary building when either (a) a front porch exists, or (b) the garage is a drive-under garage.
- h. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

(6) Miscellaneous

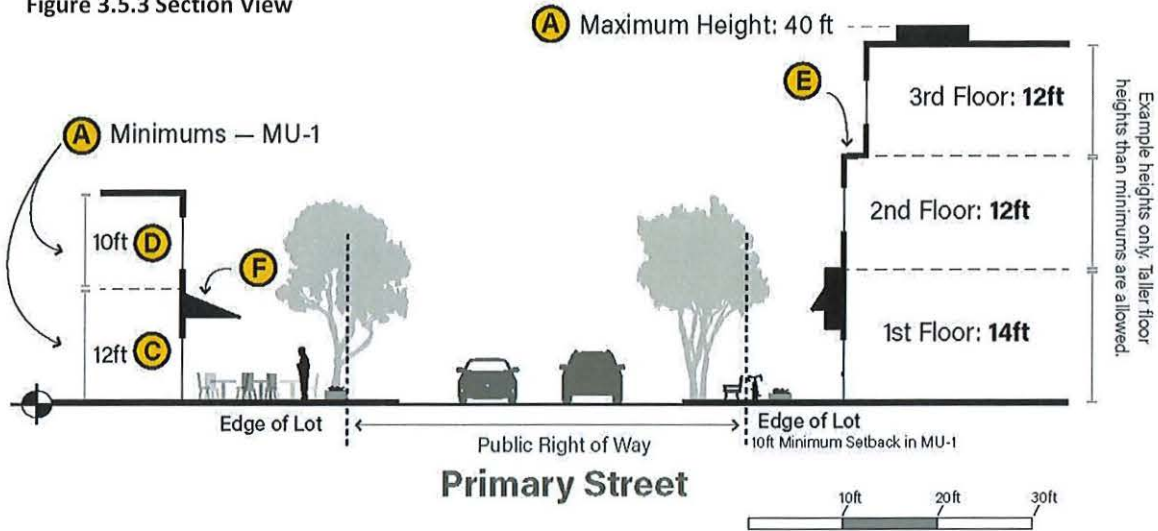
- a. Gas stations and motor vehicle service providers must conform to Section 5.10.
- b. No gas station shall be constructed within 900' of another gas station, as measured from the nearest property boundaries. Gas station canopies shall be consistent with the station architecture design. Pumps shall be placed near the rear of the lot, and the convenience store shall be placed in front near the front lot line.
- c. All uses other than dwellings shall provide a year-round screen adjacent to residential uses in accordance with screening requirements in Section 6.3(B)7(i through k).

Table 3.5 (continued)
MIXED USE FORM-BASED-DESIGN AREA (MD)

NEW SECTION

Building Form

Figure 3.5.3 Section View



(B) Minimum — MU-2



Mixed Use #2 District

Single-story buildings are permitted in the MU-2 District only. Single-story buildings must meet minimum roof pitch standard.

(D) Building Form:

(1) Height

- a. Principal buildings MU-1: 2 functional stories min./40' max.
MU-2: 1 story min. / 40' max. (A)
- b. In the MU-2, one story buildings shall be designed with a min. roof pitch of 8' over 12', excluding roofs covering open porches, entry ways and accessory structures less than 500 sq. ft. (B)

For uses other than single- and two-family dwellings:

- c. Ground floor height 12' min. (C)
- d. Upper floor height 10' min. (D)
- e. First two stories shall be on the same vertical plane. (E)

(2) Encroachments

- a. Balconies and awnings shall comply with Downtown form-based-design standards. See Section 3.4(D)2. (F)
- b. Signs must comply with the municipal sign ordinance.

(3) Public Realm Compliance

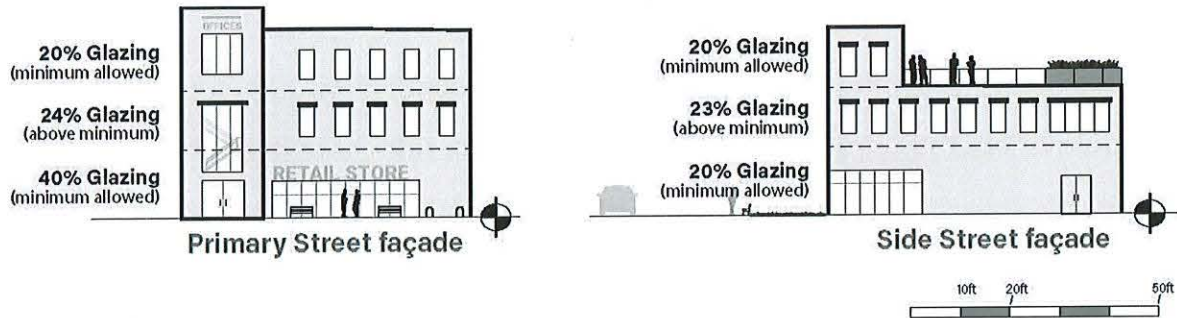
For new development or substantial expansion of existing site/structure, developers may be required to install improvements in the ROW in accordance with the following municipal standards:

- a. Sidewalks shall be provided in the ROW along all streets
- b. Street trees shall be planted at an average spacing of 25' to 30' on center.
- c. Street furniture shall include (a) a bench for every 100' of frontage, (b) at least one bike rack (inverted U or post and ring style) per development, and (c) trash receptacles.

Table 3.5 (continued)
MIXED USE FORM-BASED-DESIGN AREA (MD)

Building Form (continued)

Figure 3.5.4 Façade View



(D) Building Form (continued):

(4) Building Entry

- a. Building entrance spacing max. of 100' apart
- b. Buildings shall front toward and relate to streets, both functionally and visually, and not oriented toward parking lots.
- c. The primary building entry must be placed at the front of the building facing the front lot line and be clearly identifiable from the street. Buildings located on corner lots shall be oriented toward the primary street or include a corner entrance.
- d. A pedestrian walkway shall connect the primary building entry to the sidewalk.
- e. Ground floor units may have individual entries along a side street in addition to the primary front street entrance.
- f. Upper floor units should be accessible by common entry from the street.

(5) Glazing

Required façade coverage with transparent windows

- a. Ground floor front 20% min. façade coverage
- b. Ground floor side 20% min. façade coverage
- c. Upper story front and side 20% min. façade coverage

(6) Miscellaneous

- a. Upper stories must be designed and built to be functional, meaning they must be structurally capable of being occupied as commercial or residential space. Basements and attics shall not count as a story.

Table 3.6
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

NEW SECTION

(A) Purpose: The purpose of the Residential Form-Based-Design Area (RD) is to accommodate residential and limited commercial infill development consistent with the historic, dense residential character of the area. The Residential design area consists of compact, walkable neighborhoods providing a wide variety of housing options, including accessory apartments and two-family dwellings throughout and multi-family dwellings in some areas, as well as complementary, small-scale commercial and limited institutional uses.

Area Principles and Characteristics

Figure 3.6.1 Bird's Eye View



Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.

(B) Area Principles and Characteristics Include:

(1) Compact, walkable development

- a. Mix of building heights. Small-to-mid-scale lot sizes
- b. Larger setbacks and lower lot bldg. coverages distinguish neighborhoods from other town center areas
- c. Connectivity throughout for pedestrians by way of sidewalks and other pathways **(A)**

(2) Streets serve a variety of users

- a. Pedestrians, cyclists, and on-street parking safely accommodated **(B)**
- b. Public ROW used to provide sidewalks, tree plantings, and, where appropriate, pedestrian-scale street lamps

(3) Abundance of landscaped green spaces and trees

- a. Lush and diverse tree canopy lining all streets. Existing trees incorporated into new site development
- b. Mix of private and public green recreation areas

(4) Porches, stoops, and pedestrian paths

- a. Buildings feature pedestrian-oriented elements such as porches and pathways to link private and public realms **(A)**
- b. Motor vehicle amenities are de-emphasized through bldg. and site design. Garages are not a prominent feature of bldg. façades. Driveway dimensions and curb cuts are minimal

(5) Additional housing provided through infill development

- a. Two-family and multi-family dwellings are built to fit with existing dimensions and densities of the neighborhood **(C)**
- b. Accessory apartments are located in attached and detached dwelling units (See Section 5.2 Accessory Apts.)

(6) Sustainable design elements

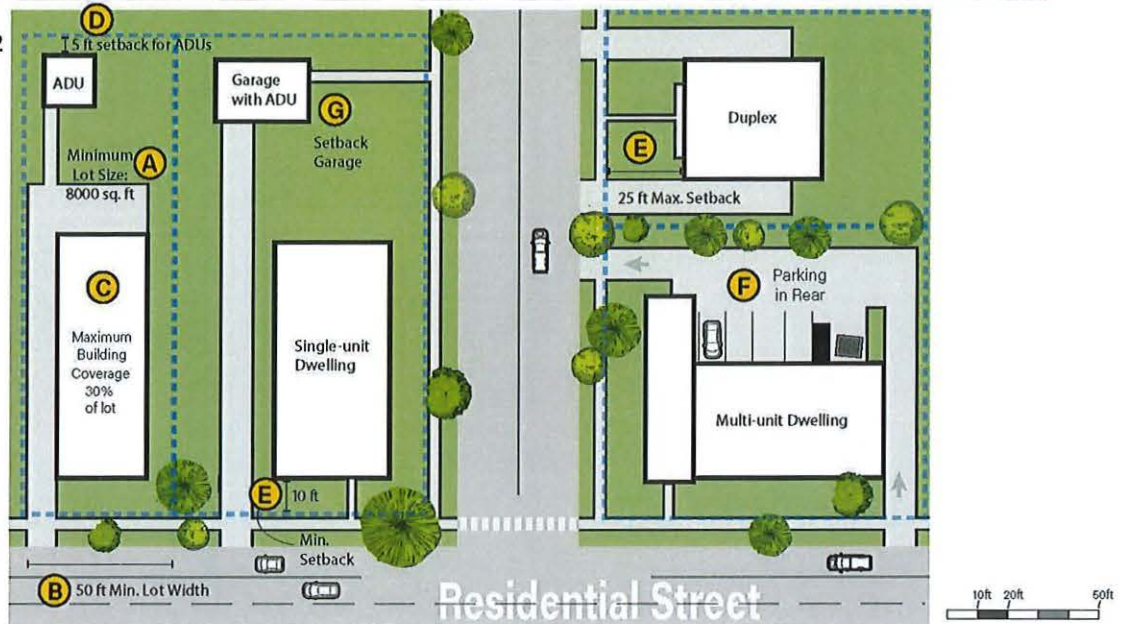
- a. Renewable energy systems are encouraged
- b. Green infrastructure, such as rain gardens, manage stormwater and reduce impervious surface
- c. All utilities underground for new construction

Table 3.6 (continued)
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

NEW SECTION

Building and Parking Placement

Figure 3.6.2
Plan View



(C) **Building and Parking Placement:**

(1) Building Lots

- a. Min. lot size 8,000 sq.ft. (A)
- b. Min. lot width 50' (B)
- c. Maximum bldg. coverage 30% (C)
- Accessory apartments (also known as accessory dwelling units, ADUs) are exempt.* (D)
- d. Min. lot area per dwelling unit 6,000 sq.ft. (first unit) + 2,000 sq.ft. (addtnl.)

Not applicable to accessory apartments (ADUs).

- e. All primary dwellings shall have a footprint, excluding porches, decks, entry stairs, of not less than 20 feet in width and 20 feet in depth.

Not applicable to accessory apartments (ADUs).

(2) Building Frontage

For uses other than single- and two-family dwellings.

- a. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.

(3) Setbacks

- a. Front setback 10' min. / 25' max. (E)
- b. Side setback 10' min.
- c. Rear setback 10' min.

For accessory structures totaling less than 100 sq.ft. footprint, the min. side and rear setback is 5'. (D)

(4) Front Yards

- a. Corner lots are considered to have two front yards and two side yards.
- b. Front yards shall be used for landscaping and pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs). Outdoor storage, parking and loading areas shall not be located in front yards.
- c. For uses other than single- and two-family dwellings, all landscaped areas must conform to Section 6.3. (F)

(5) Parking

- a. All parking and service areas must conform to Section 4.10.
- b. Parking is restricted to the rear yards and side yards of buildings. All parking, loading, and service areas shall be screened from public roads.
- c. Vehicle and pedestrian cross-access between parking areas must be provided for adjacent commercial uses.
- d. Service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged.
- e. Driveways and their intersections with streets shall be located and designed in accordance with Section 4.3.
- f. Garages shall not face the street unless they are set back at least 2 ft. from the front line of the primary building. Garages may be flush with the front line of the primary building when either (a) a front porch exists, or (b) the garage is a drive-under garage. (G)
- g. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required for multi-family structures. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

(6) Miscellaneous

- a. All uses other than dwellings shall provide a year-round screen adjacent to residential uses in accordance with screening requirements in Section 6.3(B)7(i through k).
- b. Multi-Family structures shall orient toward the street and may additionally orient toward internal parking lots and/or courtyards.
- c. All new structures that require access to water and wastewater systems must connect to public water and sewer system if within 500 ft. of closest property boundary.

Table 3.6 (continued)
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

NEW SECTION

Building Form

Figure 3.6.3 Section View



(D) Building Form:

(1) Height

- a. Principal buildings 35' max. **(A)**
 - b. All dwellings shall have a minimum roof pitch of 5' over 12'. **(B)**
 - c. For uses other than single- and two-family dwellings, one story buildings shall be designed with a min. roof pitch of 8' over 12', excluding roofs covering open porches, entry ways and accessory structures less than 500 sq. ft. **(C)**
- For uses other than single- and two-family dwellings:*
- d. Ground floor height 12' min. **(D)**
 - e. Upper floor height 10' min. **(E)**

(2) Public Realm Compliance

For new development or substantial expansion of existing site/structure, developers may be required to install improvements in the ROW in accordance with the following municipal standards:

- a. Sidewalks shall be provided in the ROW along all streets and on both sides of the street.
- b. Street trees shall be planted at an average spacing of 25' to 30' on center.

Table 3.6 (continued)
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

NEW SECTION

Building Form (continued)

Figure 3.6.4 Façade View



(D) **Building Form (continued):**

(3) Building Entry

- a. Buildings shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots.
- b. The primary building entry must be placed at the front of the building facing the front lot line and be clearly identifiable from the street. Buildings located on corner lots shall be oriented toward the primary street.
- c. One or more walkways or sidewalks, separate and distinct from driveways, shall be installed to provide direct pedestrian access from adjacent sidewalks to the building's primary entrance.

(4) Glazing

*For uses other than single- and two-family dwellings.
Required façade coverage with transparent windows:*

- | | |
|-------------------------------|--------------------------|
| a. Ground floor front | 20% min. façade coverage |
| b. Ground floor side | 20% min. façade coverage |
| c. Upper story front and side | 20% min. façade coverage |

ARTICLE 5. SPECIFIC USE STANDARDS

Section 5.1 Applicability

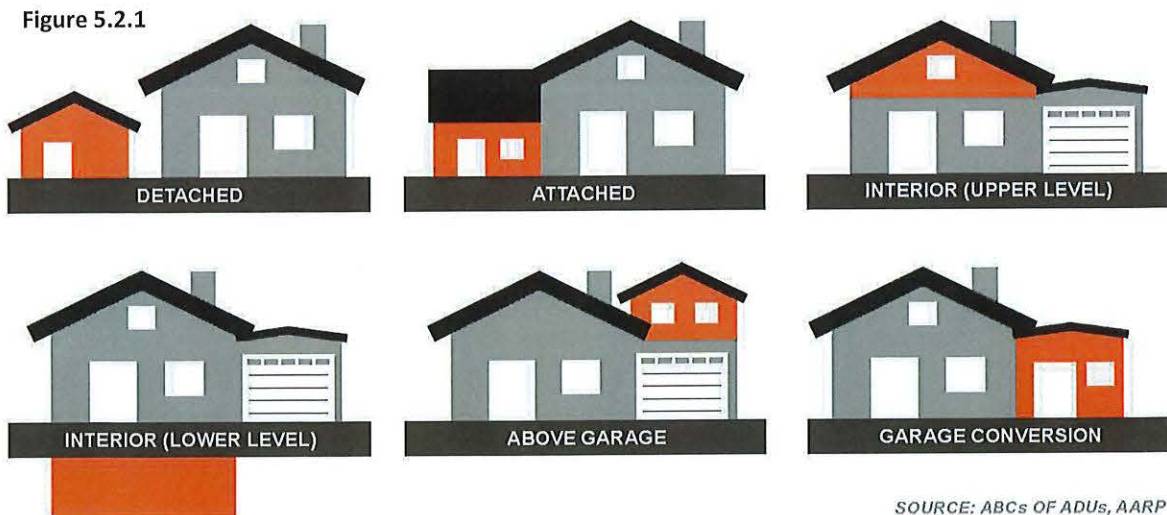
The following standards shall apply to specified uses in all zoning districts in which such uses are allowed. Specified uses may also be subject to review by the Development Review Board in accordance with Article 6. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

(A) In accordance with the Act, one accessory apartment (also known as an accessory dwelling unit, ADU) within or appurtenant to a single family dwelling may be allowed in any district subject to review by the Administrative Officer and the following requirements:

- (1) the owner shall reside on the property in either the primary or accessory dwelling unit;
- (2) occupancy of the accessory apartment is restricted to not more than two persons,
- (3) the floor area of the accessory apartment shall not exceed 30% of the floor area of the total existing living area of the single family dwelling, or 900 square feet, whichever is greater;
- (4) one on-site parking space is provided for the residents of the accessory apartment;
- (5) the accessory apartment shall have only one bedroom;
- (6) the accessory apartment is served by the same vehicle access and driveway as the single family dwelling;
- (7) applicable coverage and setback requirements are met; and
- (8) the property has sufficient wastewater capacity as demonstrated by required permits.

(B) Accessory apartments may be sited as attached, detached, or interior units. Examples of locations for an accessory apartment are illustrated in Figure 5.2.1:



SOURCE: ABCs OF ADUs, AARP

Article 5. Specific Use Standards

(C) Accessory apartments are exempted from lot area per dwelling unit requirements.

(D) A zoning permit issued for an accessory apartment shall clearly state that the apartment is permitted only as an accessory to the principal residential use of the property and as such shall be retained in single ownership. Such an accessory dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to conversion to, or conveyance as a principal dwelling.

Section 5.3 Accessory Uses & Structures

(A) As specified in Article 3, a use or structure which is clearly secondary, incidental and subordinate to a principal use may be located on the same parcel in accordance with the following:

- (1) A use or structures that is accessory to a principal use allowed with review and approval of the Administrative Officer in accordance with Section 10.3 shall likewise be allowed in accordance with the same procedures.
- (2) A use or structures that is accessory to a use that is allowed with review and approval of the Development Review Board in accordance with Article 6 shall likewise require review and approval of the Development Review Board under that Article, unless the use or structure meets the requirements for an administrative amendment under Section 6.2.

Section 5.4 Adaptive Reuse of Historic Structures

(A) **Purpose.** To encourage and enable the restoration, rehabilitation, continued viability and use of historic structures which have outlived their original function, by allowing for a variety of uses within the current dimensions of such structures.

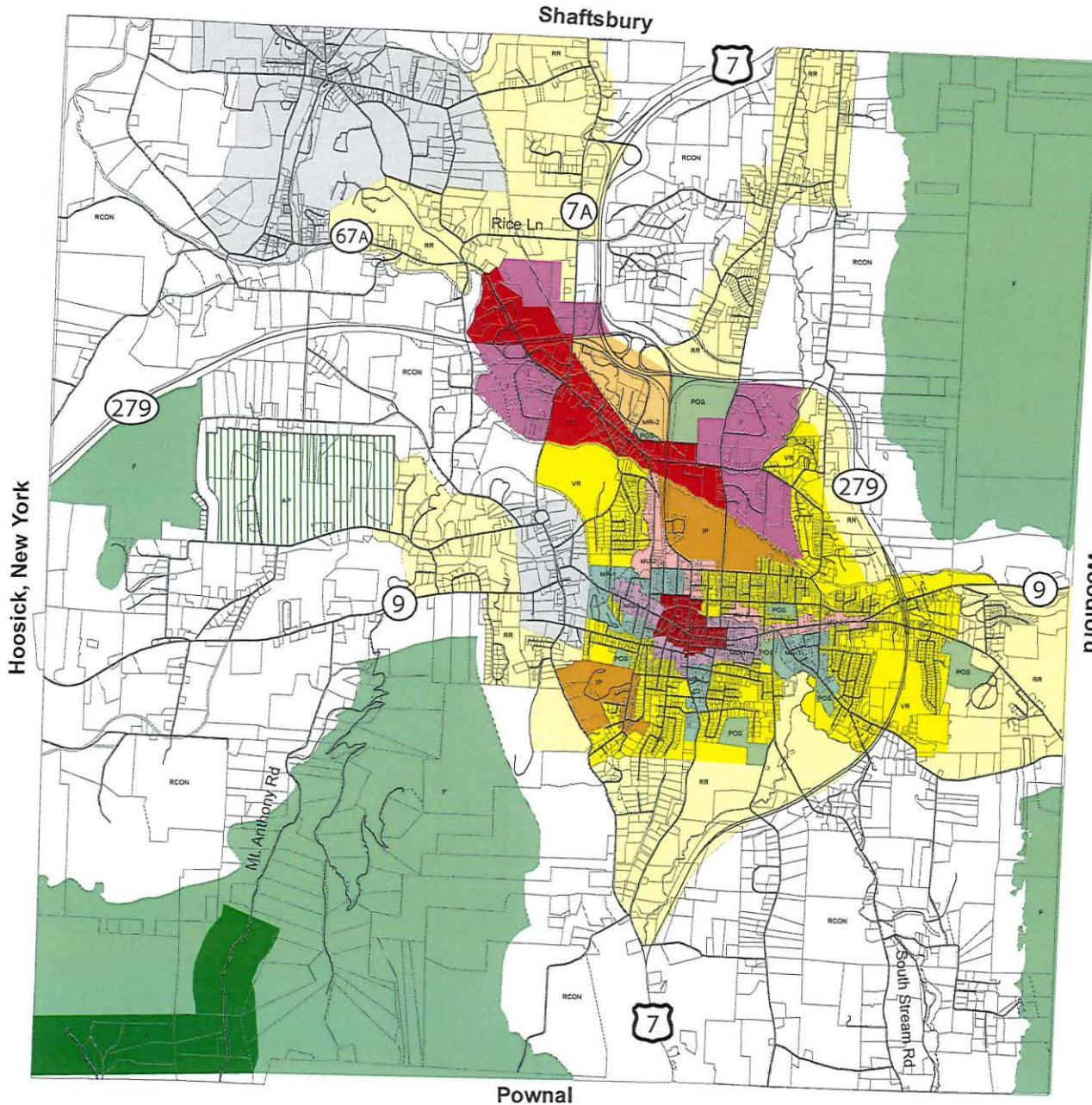
(B) **Applicability.** The adaptive reuse of an historic structure may be allowed in designated zoning districts, subject to review by the Development Review Board under Article 6, district requirements as specified for adaptive reuses, and the provisions of this section. Historic structures, for the purposes of these regulations, shall include all structures which are at least 50 years old and/or are listed or eligible for listing on the *State Survey of Historic Sites and Structures for the Town of Bennington*. The adaptive reuse of structures within the Historic Bennington Design Review District is also subject to design review as identified in Table 3.19.

(C) **Allowed Uses.** As specified for the district in which the structure is located.

(D) **Special Requirements.** The restoration, rehabilitation and reuse of historic structures shall also meet the following requirements:

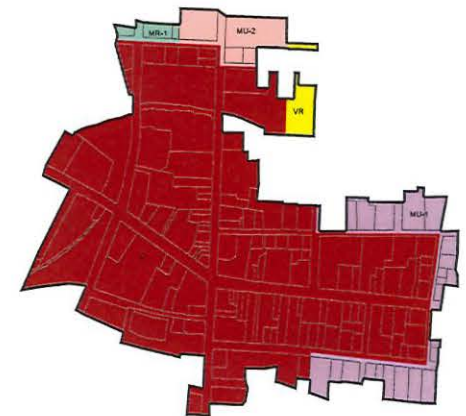
- (1) If the structure is a noncomplying structure, the use shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 4.9.
- (2) The proposed use shall not alter the footprint, historic facade, character or immediate context of the structure. Exterior renovations shall be compatible with the original architectural design of the structure, and conform to *The Secretary of the Interior's Standards for Rehabilitation* [36 CFR 76] and associated *Guidelines for Rehabilitating Historic Buildings*, as most recently amended [see Appendix A], and *Time and Place in Bennington*.

Map 1 Zoning Districts Bennington, Vermont



- Bennington Parcel Data 2017
- Land Use Districts**
- Downtown
- Planned Commercial
- Industrial
- Mixed Use #1
- Mixed Use #2
- Mixed Residential #1
- Mixed Residential #2
- Institutional & Professional
- Village Residential
- Rural Residential
- Rural Conservation
- Agriculture
- Forest
- Public Open Space
- Planned Airport
- North Bennington
- Old Bennington

Designated Downtown



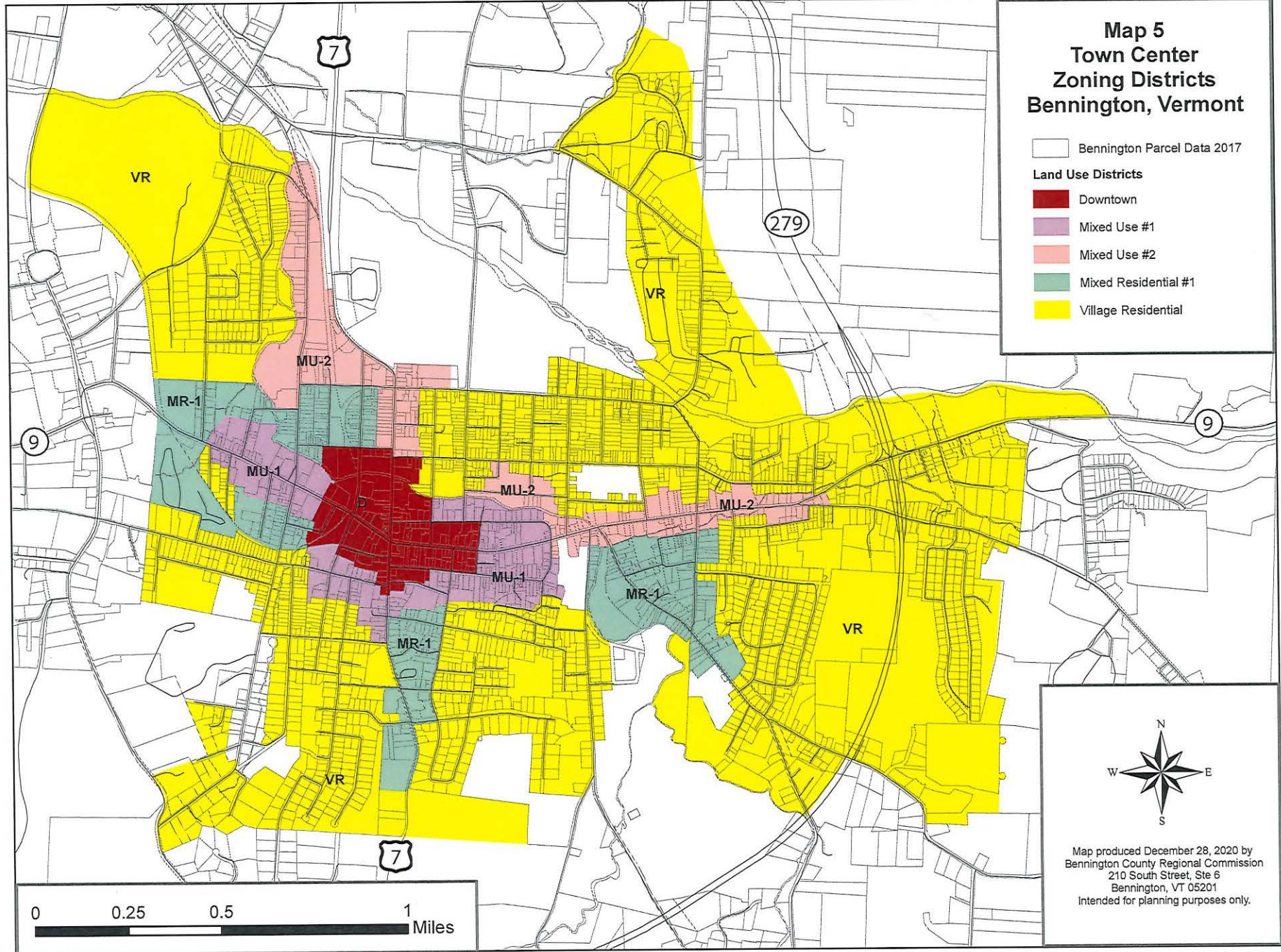
BCRC

Map produced December 28, 2020 by
Bennington County Regional Commission
210 South Street, Ste 6
Bennington, VT 05201
Intended for planning purposes only.



Map 5 Town Center Zoning Districts Bennington, Vermont

- Bennington Parcel Data 2017
- Land Use Districts**
 - Downtown
 - Mixed Use #1
 - Mixed Use #2
 - Mixed Residential #1
 - Village Residential

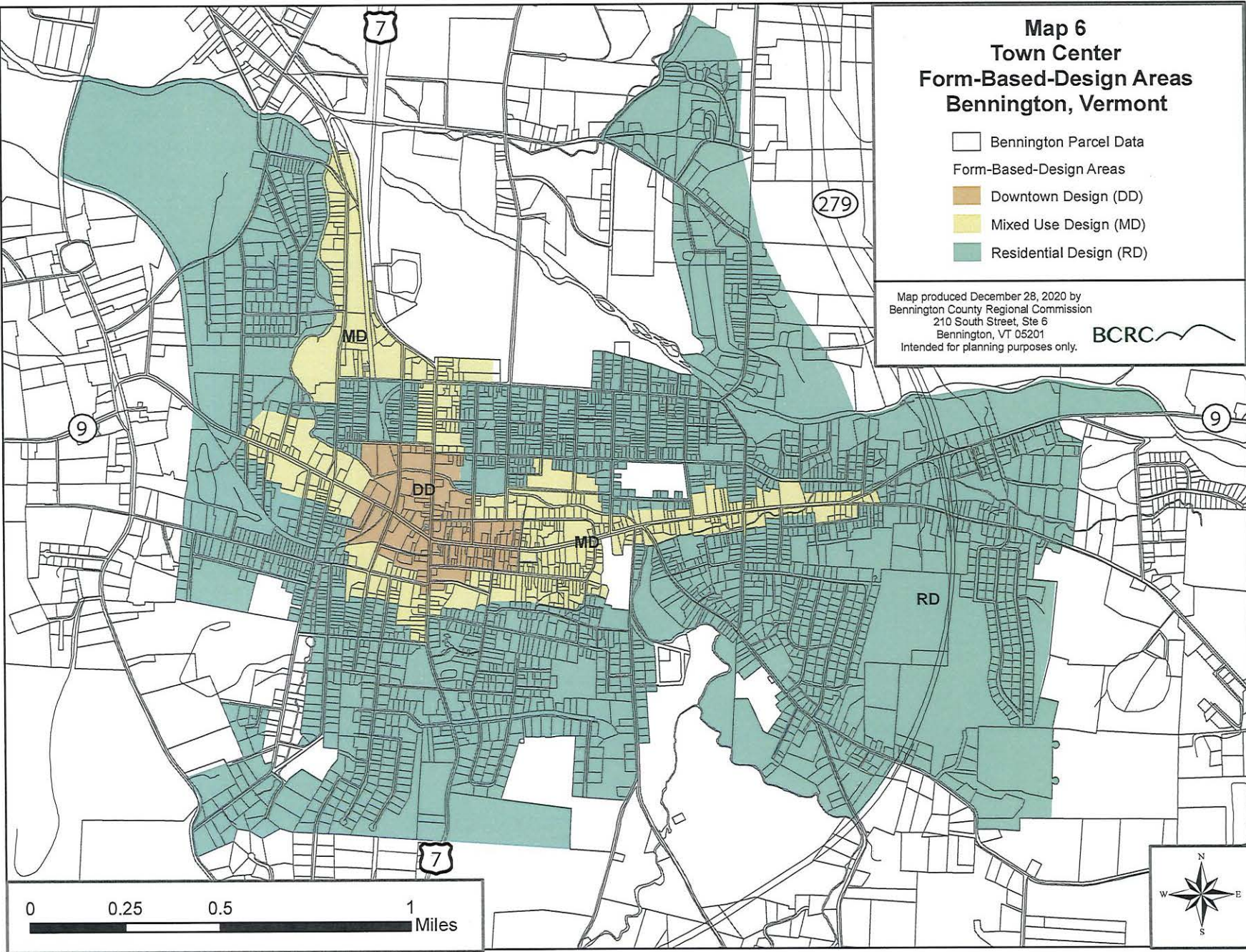


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Map 6 Town Center Form-Based-Design Areas Bennington, Vermont

- Bennington Parcel Data
- Form-Based-Design Areas
 - Downtown Design (DD)
 - Mixed Use Design (MD)
 - Residential Design (RD)

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**PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
AMENDMENT TO
BENNINGTON**

LAND USE & DEVELOPMENT REGULATIONS

The Bennington Planning Commission will conduct a Public Hearing on February 18, 2021 at 6:00 p.m. to consider an amendment to the Bennington Land Use & Development Regulations. For public health reasons, the videoconferencing platform, Zoom, will be used to host the Public Hearing. If one wishes to participate in the Planning Commission Zoom Videoconference Public Hearing, please use the following link: <https://us02web.zoom.us/j/89350929341> or call: 646 558 8656 and enter the following Meeting ID: 893 5092 9341.

A. STATEMENT OF PURPOSE:

The proposed amendment implements Form-Based Design Standards in zoning districts in and around Downtown Bennington. The purpose of the amendment is to foster a clear and straightforward articulation of what is envisioned for the future of areas in and around Downtown Bennington. The guiding principle of the amendment is to allow and encourage compatible uses in these areas with less regulatory restriction and a greater reliance on the form of development to insure and enhance the economic strength and social fabric of Bennington.

B. AREA COVERED

The proposed amendment to the Town Plan involves areas in and around downtown Bennington, including the following current zoning districts: Central Business, Office and Apartment, Village Commercial, Urban Mixed Use, Village Industrial.

C. SECTIONS AND MAPS OF PROPOSED AMENDEMENT

Table 3.1	Town Center Districts – Land Use Permissions
Table 3.2	Town Center Districts – Additional Use Standards
Table 3.3	Town Center Districts – Use Categories
Table 3.4	Downtown Form-Based-Design (DD) Area
Table 3.5	Mixed Use Form-Based-Design (MD) Area
Table 3.6	Residential Form-Based-Design (RD) Area
Table 3.11	Mixed Residential #2 (MR-2) District

Map 1 Entire Town

Map 2 Historic Bennington Design Review District

Map 3 Planned Commercial Design Review District

Map 4 Airport Approach Zone

Map 5 Town Center Zoning Districts

Map 6 Town Center Form-Based-Design Areas

Article 2 Definitions - Accessory Apartment, Accessory Dwelling Unit, Civic Center, Minimum Lot Frontage, Neighborhood Market, Substantial Completion

Section 3.1 Establishment of Zoning Districts

Section 3.2 Official Zoning Map

Section 3.5 District Objectives, Uses and Standards

Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

D. WHERE THE FULL AMENDMENT MAY BE EXAMINED:

Copies of the proposed amendment to the Bennington Town Plan and Land Use & Development Regulations, and accompanying report, are posted online at: <https://benningtonplanningandpermits.com/amendments/> and are available by appointment for examination at the Bennington Town Office at 205 South Street, in Bennington, Vermont. Please call 802-442-1037 to make an appointment.

Michael McDonough, Chairperson, Town of Bennington Planning Commission

Town Center Form-Based Design Standards -
Amendment to Town of Bennington Land Use and Development
Regulations

Planning Commission Report for
Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The proposed bylaw amendment implements Form-Based Design Standards in zoning districts in and around Downtown Bennington. The purpose of the amendment is to foster a clear and straightforward articulation of what is envisioned for the future of areas in and around Downtown Bennington. The guiding principle of the amendment is to allow and encourage compatible uses in these areas with less regulatory restriction and a greater reliance on the form of development to insure and enhance the economic strength and social fabric of Bennington.

And shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Town Plan specifically states that Form-Based Design Standards should be investigated and possibly implemented. The proposed amendment will have a positive effect on the availability of safe and affordable housing as it expands the variety of housing units that may be constructed within the zoning districts in and around Downtown Bennington.

- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*

As Stated above, the Town Plan specifically states that Form-Based Design Standards should be investigated and possibly implemented. The land uses and densities included in the amendment are consistent with those contemplated in the Town Plan.

- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposal does not involve the construction of any planned community facilities, nor does it restrict the development of any planned community facilities.