



TOWN OF BENNINGTON

TO: Chair, Town Planning Commissions, Towns of: Glazenbury, 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: Barry Horst, Chairman, Town of Bennington Planning Commission, 205 South Street

Date: January 5, 2016

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 1, 2016 at 5:00 p.m. at the Town of Bennington Conference Room, 205 South Street Bennington, Vermont.

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.

Notice of Public Hearing
Proposed Amendment
to
Bennington's Land Use and Development Regulations
February 1, 2016 - 5:00 p.m.
Town of Bennington Conference Room
205 South Street, Bennington, Vermont

The Bennington Planning Commission will conduct a Public Hearing on February 1, 2016 at 5:00 p.m. at the Town of Bennington Conference Room, 205 South Street Bennington, Vermont, to consider an amendment to Bennington's Land Use and Development Regulations.

1. Statement of Purpose:

The proposed bylaw amendment updates the Town's Urban Mixed Use (UMU) District regulations to allow additional uses in the UMU District consistent with the Town Plan.

2. Area Covered:

The proposed amendment affects the UMU District (Benmont Avenue corridor).

3. Sections of Land Use and Development Regulations Amended:

Table 3.4.

4. Copies of the proposed amendment and the Planning Commission report regarding the proposed amendment are available at the Bennington Town Office Building, Office of the Planning Director, 205 South Street, Bennington.

The Town of Bennington
Barry Horst, Chair
Bennington Planning Commission

**Table 3.4
URBAN MIXED USE (UMU) DISTRICT**

(A) **Purpose:** The purpose of the Urban Mixed Use District is to facilitate the re-development of an area characterized by historic industrial and residential structures, access to community facilities and services and close proximity to the Central Business District.

(B) **Allowed Uses -- with Zoning Permit:** The following uses are allowed with the approval of the Administrative Officer in accordance with Section 10.3

- | | |
|---|--|
| (1) Accessory Apartment (see Section 5.2) | (4) Home Occupation (see Section 5.13) |
| (2) Accessory Use/Structure (see Section 5.3) | (5) Single-Family Dwelling |
| (3) Home Child Care | (6) Two-Family Dwelling |

(C) **Allowed Uses -- with DRB Approval:** The following uses are allowed with the approval of the Development Review Board in accordance with Article 6:

- | | |
|---|--|
| (1) Accessory Use/Structure (see Section 5.3) | (13) Multi-Family Dwelling |
| (2) Adaptive Reuse of a Historic Structure (see subsection (E) and Section 5.4) | (14) <u>Motor Vehicle Sales and Service (see section 5.10)</u> |
| (3) Artist Studio/Gallery | (15) Professional/Business Office (see subsection E) |
| (4) Civic Center | (16) Personal Service Establishment |
| (5) College/University | (17) Place of Worship |
| (6) Community Care Facility | (18) Private Club |
| (7) Cultural Facility | (19) Public Facility (see subsection E) |
| (8) Day Care Facility | (20) Research & Development Facility |
| (9) Hospital | <u>Retail Establishment</u> |
| (10) Manufacturing | (21) Rooming House |
| (11) Medical Clinic | (22) School |
| (12) Mixed Use (see section 5.16) | (23) Shelter Home |
| | (24) <u>Warehouse</u> |

(D) **Dimensional Standards:**

- | | |
|-------------------------------|--------------------|
| (1) Lot Area (Minimum) | 10,000 square feet |
| (2) Lot Width (Minimum) | 100 feet |
| (3) Side Yard (Minimum) | 10 feet |
| (4) Rear Yard (Minimum) | 10 feet |
| (5) Building Height (Maximum) | 60 feet |

(E) **Supplemental District Standards**

(1) **Additional Use Standards:** In addition to other standards set forth in these regulations, within the UMU District the following standards and restrictions shall apply to the following uses:

- a. **Adult Oriented Businesses** are expressly prohibited in the UMU District.
- b. **Dwellings (all).** All dwellings shall have a building footprint, excluding porches, decks and entry stairs, of not less than 20 feet in width and not less than 20 feet in depth, and shall have a minimum roof pitch of 5 over 12.
- c. **Professional/Business Offices** shall be limited to one business or corporation per principal structure, provided such business or corporation occupies a minimum of 8,000 square feet of floor space.
- d. **Public Facilities** shall be limited to parks, playgrounds and recreational facilities.

Table 3.4 (continued)
URBAN MIXED USE (UMU) DISTRICT

(2) **Adaptive Reuse of Historic Structures:** Within any building identified as a historic structure on the *Vermont Historic Sites & Structures Survey*, the following uses may be permitted pursuant with Section 5.4 and in accordance with the standards set forth below:

- a. **Nightclub.**
- b. **Professional/Business Office**, which is exempted from the conditions of subsection (1), above.
- c. **Restaurant**, although drive-through windows are explicitly prohibited.
- d. Contractor's Yard, which may be located on property occupied by historic structure(s).
- e. Retail Establishment.

(3) **Supplemental Review Standards:** In addition to the standards set forth in Article 6, in granting approvals in the UMU District the Development Review Board shall apply the following standards:

- a. **Road Frontage:** Within the UMU District, use of the area between structures, and between structures and the street line, shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within the area between structures, and between structures and the street line, unless the Board finds that the property is a pre-existing building and that no other practical alternative exists. The Board shall require the installation of curbing or other suitable edge treatment along the street line and to define driveway entrances.
 - b. **Landscaping:** Landscaping shall be installed in accordance with Section 6.3(7). In addition, landscaping shall emphasize the screening of parking areas and the establishment and/or reinforcement of a roadside tree canopy along Benmont Avenue through the planting of street trees in accordance with Section 6.3(7). Landscaping shall also emphasize screening of parking areas from Route 7/North Street.
 - c. **Pedestrian Access.** One or more walkway, separate and distinct from driveways, shall be installed to provide direct pedestrian access from adjacent sidewalks to the building's primary entrance.
 - d. **Building Height.** The minimum height for buildings within the UMU District located south of the intersection of Leonard Street and Benmont Avenue (including all properties to the east and south of the Leonard Street and Benmont Avenue intersection) is 2 stories. The Development Review Board may, pursuant to review under Article 6, allow the expansion of an existing building, or construction of a new building, of less than 2 stories providing the Board determines:
 - i. the proposed construction is a minor addition to an existing building, such as an attached shed or entry-way; or
 - ii. the proposed construction is a an unenclosed addition to the existing building, such as a porch or fixed awning; or
 - iii. the proposed construction is a small (less than 500 square feet) accessory structure; or
 - iv. the proposed construction is necessary to preserve the building's historic character.
 - e. **Building Orientation:** Buildings shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade should include a main entry-way and pedestrian access to the street. Buildings located on corner lots shall either be oriented toward the major street or include a corner entrance. The Board may impose a maximum and/or minimum setback, relative to other buildings in the District, to achieve a consistent streetscape. Building facades visible from Route 7/North Street shall be attractive in appearance.
 - f. **Compatibility with Historic Structures:** New buildings and additions to existing buildings shall be designed to be compatible with historic structures located within the district with regard to building scale, massing, materials, orientation and rhythm of openings (fenestration).
- (4) **Access Management.** Driveways and their intersections with streets shall be located and designed in accordance with Section 4.3.
- (5) **General Standards and Specific Use Standards:** All uses and development within the UMU District shall comply with other applicable standards of these regulations, including General Regulations under Article 4 and Specific Use Standards under Article 5.

Table 3.4 (continued)
URBAN MIXED USE (UMU) DISTRICT

(6) **Design Standards:** Development involving the demolition, renovation, or alteration of an historic structure shall be reviewed in accordance with the standards and procedures set forth in Table 3.19 (Historic Central Bennington Design Review District) of these Regulations. Development that does not involve the demolition, renovation, or alteration of an historic structure shall comply with the Planned Commercial District Design Standards.

Urban Mixed Use (UMU) District Amendment

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 updates the Town’s UMU District regulations to allow additional uses in the UMU District consistent with the Town Plan.

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 as a policy for the UMU District that “a mix of industrial, professional, retail, and residential uses shall be encouraged in this district.” The amendment furthers this policy by allowing more of such uses in the district. The proposed amendment will have no effect on the availability of safe and affordable housing as it neither increases nor restricts the location or type of housing in the UMU District.

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

As Stated above, the Town Plan specifically states as a policy for the UMU District that “a mix of industrial, professional, retail, and residential uses shall be encouraged in this district.” Allowing more of such uses is consistent with the Town Plan’s proposed land uses and densities.

- 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.