

Table 3.20
SCENIC OVERLAY DISTRICT (SO)

(A) **Purpose:** The purpose of the Scenic Overlay District is to recognize the existence of a significant concentration of agricultural and forest land and uses and to protect the extraordinary scenic resource such land and uses provide.

(B) **Allowed Uses:** As in the underlying RC District. All such uses, including single family dwellings, require Development Review Board approval in accordance with Article 6 and the following standards.

(C) **Review Standards:** In addition to standards set forth in Article 6, in granting approvals in the SO District the Development Review Board shall apply the standards set forth in Section 8.4B and the following standards:

- (1) Earth tone colors and non-reflective materials shall be used on the exterior of all structures, and large expanses of glass shall be minimized or avoided, so as to minimize an undue adverse impact on the viewshed.
- (2) The natural elevation, contours, soils and/or grade of the ground shall not be disturbed, excavated, or graded for any reason (including, road and driveway construction) without Development Review Board approval. Development Review Board Approval shall be granted if the Development Review Board finds that such change to the natural elevation, contours, soils and/or grade does not negatively impact the viewshed.

(D) **Effective Dates:** This Table 3.20 shall be effective and in force until September 1, 2005.

Table 3.21
Route 7A Corridor Overlay (CO) DISTRICT

(A) **Purpose:** The purpose of the Route 7A Corridor Overlay District is to permit, with strict performance standards, certain commercial uses determined to be compatible with the existing openness and scenic values, the agricultural potential, and the architectural, historic and cultural importance of the Route 7A North entrance to Bennington, while recognizing that these properties are in a major traffic corridor with soils that are generally poor for intense development.

(B) **Allowed Uses:** In addition to the uses allowed within the underlying zoning district, the following uses are allowed with the approval of the Development Review Board in accordance with Article 6, and the following standards:

- (1) **Antique sales (see subsection (D))**
- (2) **Gift/Craft Shop**
- (3) **Restaurants (see subsection (D))**
- (4) **Hotel/Motel (see subsection (D))**
- (5) **Agricultural equipment sales**

(C) **Dimensional Standards:** The dimensional standards of the underlying zone shall be applicable except as modified in Subsection D.

(D) Supplemental Overlay District Standards

- (1) **Additional Use Standards:** In addition to other standards related to specific uses set forth in these regulations, within the CO District the following restrictions also shall apply:
 - a) **Antique Sales** may include incidental refinishing or repairing provided no objectionable odor, noise or storage is produced.
 - b) **Hotels and/or Motels** shall be limited to twelve or fewer double occupancy rooms.
 - c) **Restaurants.** Drive-through windows are prohibited; all food and beverages must be served for consumption on the premises and not packaged or offered for consumption off-premises (e.g., fast-food or take-out).
- (2) **Special Front Yard Requirements:** In order to preserve the positive quality of these approaches to Bennington, any new commercial building or use shall be setback from the edge of the right-of-way a minimum of 100'.

The setback area shall be maintained as a buffer interrupted only by pedestrian walks and driveways approved by the Development Review Board. Unless specifically waived by the Board due to unusual site conditions, parking is prohibited in the area between the structure and the street line. All parking areas shall be screened from view of public roads. No storage or sale activity, other than approved signage, shall be allowed within the approved front yard.

- (3) **Special Dimensional Requirements:** Within the CO, the following dimensional requirements shall apply:

Side Yard Setback <u>Each</u>	Minimum Rear <u>Yard Setback</u>	Maximum Building <u>Height</u>	Maximum Building <u>Coverage</u>	Lot Frontage <u>(commercial use)</u>
50'	75'	30'	10%	150'

An existing structure which does not meet the front yard requirements, lot frontage requirements or special dimensional requirements specified above may be converted to a use allowed under subsection (B) of the TCO District provided that all landscaping, parking and other appropriate conditions set forth in this section and other appropriate sections are in compliance prior to occupancy.

- (4) **Roof Pitch:** New buildings shall be compatible with the scale and form of existing historic structures located within the CO District. All buildings shall be designed with a minimum roof pitch of 4 over 12, excluding roofs covering open porches, entryways and accessory structures less than 500 square feet.

Article 8. Subdivision Standards

1 (B) **Prominent Hillside & Ridgelines.** Subdivision boundaries, lots and development envelopes shall
2 be located and configured to avoid the placement of structures in locations with high visibility from
3 surrounding areas, especially public roads and important community vantage points (e.g., public parks
4 and recreation areas, historic sites). Methods for avoiding such adverse impacts include but may not be
5 limited to the following:

6
7 (1) Development Envelopes shall be located and configured so that the height of any structure placed on
8 the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the
9 visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent hills.

10
11 (2) On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to
12 interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual
13 impact of new development as viewed from public roads and properties. The Board shall consider
14 the location of proposed structures relative to existing vegetation, and may require additional
15 planting and/or limit the amount of clearing adjacent to proposed development to provide screening
16 and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may
17 be required to ensure that ridges and hill tops remain wooded, and trees remain standing immediately
18 adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site.
19 Such a plan shall address specific measures to be taken to ensure the survival and, if necessary,
20 replacement of designated trees during or after site development and the installation and maintenance
21 of all site improvements.

22
23 (3) On ridgelines and prominent hillside that have been cleared prior to subdivision, the Board shall
24 consider the location of development envelopes and associated development relative to potential
25 visibility and the availability of less visible locations on the site. The location of development shall
26 be restricted to minimize visibility as viewed from town roads and properties; and additional
27 landscaping may be required to screen development and reduce visibility.

28
29 (4) Access roads and utility corridors, shall use or share existing accesses and rights-of-way where
30 feasible; follow existing contours as closely as possible to achieve angled ascents, and avoid areas of
31 steep slope.

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33 (C) **Wildlife Habitat.** Subdivision boundaries, lots and Development Envelopes shall be located and
34 configured to minimize adverse impacts on critical wildlife habitat, including travel corridors, identified
35 in the Bennington Town Plan, by the Vermont Department of Fish & Wildlife, or through site
36 investigation. Methods for avoiding such adverse impacts include but may not be limited to the
37 following:

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39 (1) Development envelopes shall be located to exclude identified wildlife habitat, including deer
40 wintering areas and other critical habitats. A buffer area of adequate size shall be established to
41 ensure the protection of critical habitat. In determining the appropriate buffer area, the Development
42 Review Board may consult with the Vermont Fish and Wildlife Department.

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44 (2) To avoid the fragmentation of wildlife habitat, including core habitat and connecting travel corridors,
45 the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife
46 biologist or comparable professional, to identify the function and relative value of impacted habitat
47 and provide recommended management strategies to maintain or enhance those values and function.
48 The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a
49 decision.