

## **ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS & DISTRICT STANDARDS**

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### **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 - 3.19) and depicted on the official zoning map, to be designated by the abbreviations set forth below:

#### **Commercial, Industrial & Mixed-Use Districts:**

Central Business District	(CB)
Office & Apartment District	(OA)
Village Commercial District	(VC)
Urban Mixed Use District	(UMU)
Village Industrial District	(VI)
Institutional & Professional District	(IP)
Planned Commercial District	(PC)
Industrial District	(I)
Planned Airport District	(PA)

#### **Residential Districts:**

Village Residential District	(VR)
Mixed Residential District	(MR)
Rural Residential District	(RR)
Rural Conservation District	(RCON)

#### **Open Land & Resource Conservation Districts:**

Agricultural District	(A)
Forest District	(F)
Public Open Space District	(POS)

#### **Overlay Districts:**

Shoreland Protection Overlay District	(SP)
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)

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 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 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 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 - 3.19) set forth the stated purpose, allowable uses and specific standards for each zoning district.