

15.A SUBDIVISION REVIEW

Notes:

1. This Article has been prepared as a complete replacement of the former Article 15.
2. Text in *italics* represent changes to existing terminology or language.
3. Master Plan and Planned Unit Development are prepared as separate Articles, 15B and 15C

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15.A.01 Purpose and Authority

A. Purpose. *These Regulations, enacted under 24 V.S.A. § 4418 and § 4463, apply to the subdivision of land, and are intended to implement the following objectives in conformance with the City's adopted Comprehensive Plan, Official Map, and Capital Improvement Program:*

- Ensure orderly, coordinated growth and development within the City of South Burlington;
- Promote the comfort, convenience, safety, health and welfare of city residents;
- *Ensure that the rate of development does not exceed the City's capacity to provide municipal infrastructure, facilities and services in an efficient and cost-effective manner;*
- *Ensure that a proposed subdivision conforms to the planned pattern, density and form of development for the zoning district or type of Planned Unit Development in which it is located;*
- *Avoid undue adverse impacts to natural, cultural, scenic and other open space resources identified for protection under Articles 10 and 12;*
- *Establish and maintain an integrated, multi-modal transportation network that connects existing and planned development, supports adjacent land uses, minimizes vehicle miles traveled, and*

1 maximizes safety and efficiency for all users including pedestrians, cyclists, motorists, and transit
2 riders;

- 3 • Foster and reinforce compact, walkable, mixed use neighborhoods.
- 4 • Facilitate integrated, community-based renewable energy production in locations that do not
5 interfere with the City's development, open space and resource conservation objectives.

6
7 **B. Authority.** The Development Review Board (DRB) has the authority under these Regulations and
8 24 V.S.A. § 4418 and § 4463 to:

9 (1) Review and approve, approve with modifications or conditions, or disapprove an application
10 for the subdivision of land under the standards of these Regulations.

11 (2) Hold one or more public meetings or hearings warned in accordance with 24 V.S.A. §§ 4463
12 and 4464, and Section 17.08 of these Regulations as required prior to the recording of a subdivision
13 plat.

14 (3) Modify or waive a required standard under this article, subject to conditions, if it finds that
15 due to physical site limitations, Hazards or Level 1 Natural Resources, or other legal or development
16 constraints specific to the land to be subdivided, including the lack of existing or planned connecting
17 facilities adjacent to or in proximity to the subdivision:

18 (a) The requirement is not necessary to ensure public health, safety and welfare;

19 (b) The requirement will cause unnecessary or extraordinary economic hardship;

20 (c) The modification or waiver is the minimum necessary to afford relief and represents the
21 least deviation from the standards and requirements of these Regulations; and

22 (d) The modification or waiver, if granted, will not have the effect of nullifying the intent and
23 purpose of these Regulations, the comprehensive plan, or other municipal bylaws and ordinances
24 in effect.

25 The DRB in granting a modification or waiver under this section may impose conditions that in its
26 judgment are necessary and appropriate to meet the objectives or to mitigate the adverse impacts
27 of any modified or waived requirement.

28
29 *Note! A Planned Unit Development (PUD) under Article 15C should be considered for more innovative
30 types of planned development that incorporate modifications in layout, density and design intended to
31 meet specific community objectives.*

30 15.A.02 Applicability

31 **A. Required Approval.** Final subdivision plan and plat approval from the DRB under 15.A.07 is
32 required prior to:

- 33 (1) The sale, lease, or conveyance of any portion of an existing lot, tract or parcel of land;

Commented [PC1]: NOTE TO PC This is a new section. Currently, waivers are managed through PUD. Here the DRB would be given authority for specific waivers under subdivision, as authorized under VT Statutes, and specifically subject to the standards below.

Commented [PC2]: Note to PC: staff has forwarded to legal counsel for clarification/definition of "lease" in this context – as well as proposed condominium subdivisions and "footprint" lots

1 (2) Site preparation, grading, clearing, construction or the installation of site improvements
2 associated with the subdivision of land or the development of a parcel to be subdivided, excluding
3 forestry, agricultural and land surveying activities;

4 (3) Recording a subdivision plat or deed for a subdivided parcel in city land records; or

5 (4) Issuing a zoning permit for the development of a subdivided parcel.

6 **B. Exceptions.** The following may be recorded in city land records without first obtaining subdivision
7 approval from the DRB:

8 (1) A right-of-way or easement such as a trail, conservation, stormwater or utility easement that
9 does not define or result in the subdivision of land.

10 (2) A minor lot line (boundary) adjustment *or small lot merger* that has been issued a permit by
11 the Administrative Officer under 15.A.03.

12 (3) The transfer of a portion of a parcel to an adjoining public parcel or right-of-way, for a public
13 purpose that conforms to the City's Comprehensive Plan, Official Map or Capital Improvement
14 Program.

15 (4) *Technical corrections to a previously recorded survey plat or deed which document or correct*
16 *existing metes, bounds, elevations, or other known errors or deficiencies, and do not alter a subdivision*
17 *plat as previously approved by the City.*

18 (5) A land lease of less than 400 square feet for the siting of utility infrastructure (electrical,
19 telecommunications, internet, etc.) on a portion of a parcel, in conformance with these Regulations,
20 as long as a survey plat showing the lease area is recorded in the land records.

21 (6) The division, lease or use of a portion of a parcel larger than twenty-five (25) acres solely for
22 agricultural or forestry purposes, which does not require a new highway access or the installation of
23 a permanent road or municipal infrastructure, provided that an instrument which waives
24 development rights, until or unless subdivision review occurs, is approved by the City Attorney and
25 City Council and is recorded in city land records.

26 (7) The notice of a Certificate of Public Good (CPG) issued by the Vermont Public Utility
27 Commission for an in-state energy generation facility with a capacity greater than 15 kilowatts, as
28 required under 30 V.S.A. § 248, which identifies the land on which the facility is to be located by
29 reference to the deed of record for the property as conveyed to the current landowner.

30 **15.A.03 Minor Lot Line Adjustments and Mergers**

31 **A. Lot Line (Boundary) Adjustment.** The Administrative Officer has the authority, without prior DRB
32 approval, to issue a permit for the adjustment, relocation or realignment of a lot line between existing
33 lots provided that:

34 (1) The sale or exchange of land is between adjacent property owners, *and the application is*
35 *authorized and signed by the owner of each affected lot;*

36 (2) *The acreage of land to be transferred between each affected lot is less than the minimum lot*
37 *area for the zoning district(s) in which the lots are located;*

Commented [PC3]: Note to PC: adapted from Hinesburg. Staff has forwarded to legal counsel to determine if this is a subdivision under SB's definitions.

Commented [PC4]: Note to PC: Per more recent statutory requirements re renewable energy facilities which are exempted from city regulations

Commented [PC5]: For PC: Currently under 15.19. Adds mergers as an administrative option.

1 (3) *No new, irregularly shaped, or undevelopable building lots, including flag lots without required*
2 *frontage, are created through the adjustment;*

3 (4) The relocated lot line does not result in the creation of a nonconforming lot, structure, or use;
4 *increase the existing degree of nonconformance; or affect the ability to develop a lot in conformance*
5 *with these Regulations; and*

6 (5) The proposed adjustment does not violate the terms or conditions of any prior municipal
7 permit or approval.

8 **B. Small Lot Merger.** *The Administrative Officer also has the authority, without prior DRB approval,*
9 *to issue a permit for the elimination of a lot line between two contiguous, pre-existing nonconforming*
10 *small lots that come under common ownership, consistent with 24 V.S.A. § 4412(2), provided that:*

11 (1) *Either or both lots are undeveloped or are proposed for redevelopment as a single lot at the*
12 *time of the merger request;*

13 (2) *The merged lot will be served by single water supply and wastewater connections or systems;*
14 *and*

15 (3) *Existing highway accesses are consolidated so that the merged lot is served by a single*
16 *highway access.*

17 **C. Survey Plat.** The application for a minor lot line adjustment *or merger* must be accompanied by
18 a survey plat prepared by a licensed land surveyor that depicts and references each lot to be modified by
19 the adjustment or merger.

20 (1) The survey plat must clearly indicate the area, metes, bounds and ties of each lot *and, as*
21 *applicable, the merged lot.*

22 The survey plat must also clearly depict all existing structures, site improvements, delineated
23 setbacks, parking spaces, lot coverage and other details specified by the Administrative Officer *as*
24 *necessary to determine conformance with this section.*

25 **D. DRB Referral.** Where there is uncertainty as to whether an application constitutes a minor lot
26 line adjustment *or merger*, the Administrative Officer may refer the application to the DRB for review as
27 a Minor Subdivision.

28 **15.A.04 Classification**

29 **A. Subdivision Classes.** For purposes of these Regulations, subdivisions of land shall be classified as
30 by the Administrative Officer as follows:

31 (1) A **Minor Subdivision**, to be reviewed under Section 15.A.07, which is limited to:

32 (a) The subdivision of an existing lot, tract or parcel of land into two lots, *including the parent*
33 *or retained lot, if the lot to be created is less than two times the minimum lot area for the district*
34 *in which it is located, and either has required street frontage, or shares highway access with the*
35 *retained lot; or*

36 (b) A lot line adjustment *or lot merger* which does not meet the requirements for
37 administrative approval under Section 15.A.03.

1
2 (2) A **Major Subdivision**, to be reviewed under Sections 15.A.06 and 15.A.07, which includes a
3 subdivision of land that involves any of the following:

4 (a) *The subdivision of an existing lot, tract or parcel of land into two lots, which does not*
5 *qualify as a minor subdivision under (A)(1);*

6 (b) The creation of three or more lots through the subdivision or re-subdivision of an existing
7 lot, tract or parcel;

8 (c) The installation or extension of one or more streets;

9 (d) The extension of any off-tract municipal or governmental infrastructure, facilities or other
10 improvements; or

11 (e) A Planned Unit Development (PUD) under Article 15.C, *to be reviewed by the DRB*
12 *concurrently with subdivision review.*

13 (3) A **Transect Zone Subdivision**, to be reviewed under Section 15.A.07 and Article 8, for any
14 subdivision of land within a designated Transect Zone.

15 **15.A.05 Pre-Application Sketch Plan Review**

16 **A. Purpose.** *The purpose of a pre-application sketch plan review, required for any proposed*
17 *subdivision of land, is to acquaint the DRB with the subdivision proposal at a conceptual stage in the design*
18 *process, prior to the submission of a formal application for master plan, preliminary or final subdivision*
19 *review. Sketch plan review offers the applicant and DRB the opportunity to consider and discuss a*
20 *conceptual subdivision plan under relevant regulations, prior to incurring the expense of preparing a*
21 *complete application and surveyed subdivision plat. Sketch plan review while required, is advisory in*
22 *nature, intended only to guide the application and review process.*

23 **B. Submission Requirements.**

24 (1) As stated in Appendix E. **Submission Requirements.**

25 (2) The applicant is encouraged to schedule one or more meetings with the Administrative Officer
26 to discuss the sketch plan, the proposed subdivision, and relevant application requirements, review
27 processes and standards under these Regulations, including whether the project may also require or
28 allow for Master Plan review, or review as a Planned Unit Development (PUD).

29 **C. Review Process.**

30 (1) **Classification.** Upon receipt of a complete sketch plan, the Administrative Officer shall classify
31 the proposed subdivision as a Minor Subdivision, Major Subdivision, or Transect Zone Subdivision, and
32 refer the sketch plan to the DRB for consideration at a regularly scheduled DRB meeting.

33 (2) **Sketch Plan Meeting(s).** *Notice and participation in Sketch Plan meetings must be conducted*
34 *in accordance with Section 17.08(F) of these Regulations.*

35 **D. DRB Review.** Based on the information provided the DRB may provide guidance regarding:

Commented [PC6]: Note TO PC: Currently, site plan information is stated here, under sketch plan, as being required for consideration at the preliminary plat stage of review. That is confusing, and therefore has been removed.

Commented [PC7]: Note to PC: sketch plan is currently, as is proposed to remain, non-binding. This has been confirmed by the Environmental Court.

1 (1) Whether the subdivision as presented in concept will also require Master Plan review under
2 Article 15.B, or review as a PUD under Article 15.C.

3 (2) Whether the sketch plan as presented generally *conforms to the Official Map, and* relevant
4 standards under these Regulations.

5 (3) Considerations for the applicant in preparing their application, including suggested
6 modifications or changes to subdivision design and layout; and any additional information, studies, or
7 supporting documentation to be included with the application. The DRB may also request that the
8 applicant for a minor subdivision provide additional information and materials normally required for
9 major subdivision review, as applicable to the proposed subdivision.

10 **E. Effect.** *Sketch plan review authorizes the subdivider to proceed with an application for subdivision*
11 *review; it in no way implies subdivision approval by the DRB.*

12 (1) *Within six months of the date of the final sketch plan review meeting by the DRB, the applicant*
13 *must apply to the DRB for preliminary subdivision review as required for a Major Subdivision under*
14 *Section 15.A.06, final subdivision review as required for a Minor Subdivision or Transect Zone*
15 *Subdivision under Section 15.A.07; or Master Plan Review under Article 15.B as applicable to a*
16 *particular subdivision proposal.*

17 (2) *If an application for master plan, preliminary or final subdivision approval is not submitted*
18 *within six (6) months of the final sketch plan review meeting by the DRB; or the application as*
19 *submitted differs substantially from the sketch plan as reviewed by the DRB, Administrative Officer*
20 *may require submission of a new sketch plan for review under this section.*

21 **15.A.06 Preliminary Subdivision Review (Major Subdivisions)**

22 **A. Purpose.** Preliminary subdivision review by the DRB, required for all Major Subdivisions,
23 including a Planned Unit Development (PUD) under Article 15.C, *is intended to evaluate a proposed*
24 *subdivision under the standards of these Regulations, to determine conformance with an approved master*
25 *plan, to preliminarily allocate available infrastructure capacity, to identify specific issues or concerns that*
26 *must be addressed or mitigated prior to final subdivision review and, upon preliminary approval, to allow*
27 *the applicant to seek other necessary permits or approvals that may result in project modifications, prior*
28 *to preparing a final survey plat, engineering plans, and required legal documents.*

29 **B. Combined Review.**

30 (1) Preliminary subdivision review by the DRB may be combined with master plan review under
31 Article 15.B for one or more phases of subdivision and development, if the application, hearing
32 requirements and standards for each type of review are considered and met.

33 (2) *At the request of an applicant, the DRB may agree to combine preliminary and final subdivision*
34 *review for one or more phases of subdivision and development where either a Master Plan under*
35 *Article 15.B has been previously approved and is in effect, or where no Master Plan Review under*
36 *Article 15.B is required.*

Commented [PC8]: Note to PC: Minor re-adjustment of process for clarity.

1 **C. Application Requirements.** The applicant must file an application for preliminary subdivision
2 review with the Administrative Officer within six (6) months of the date of the final sketch plan review
3 meeting; or, as applicable, within six (6) months of the date of master plan approval under Article 15.B,
4 unless the time for filing is extended or waived by the DRB in association with master plan approval.

5 (1) The application must be submitted on forms provided by the City, to include information and
6 materials listed in Appendix E, Submission Requirements, additional information requested by the
7 DRB under Sketch Plan Review, *and any requested modifications or waivers under 15.A.01(C),*
8 *including the stated justification for this request and any supporting documentation.*

9 (2) *The preliminary subdivision application must reasonably conform to the sketch plan as*
10 *reviewed by the DRB, or the Administrative Officer or DRB may require the submission of a new sketch*
11 *plan for review by the DRB under Section 15.A.04.*

12 (3) *The preliminary subdivision application must also conform, as applicable, to a master plan*
13 *previously approved by the DRB under Article 15.B. Any requested amendments to an approved*
14 *master plan must be submitted in advance of or concurrently with the application for preliminary*
15 *subdivision review under this Article.*
16

17 **D. Application Referrals.** The Administrative Officer must refer a complete application to the DRB
18 and applicable entities in accordance with Section 17.09(C) of these Regulations.

19 **E. Public Hearing.** The DRB must schedule and hold a warned public hearing on the application, as
20 required under 24 V.S.A. §§ 4463 and 4464 and Section 17.08(F) of these Regulations.

21 **F. Decision.** Within forty-five (45) days after the close of the public hearing, the DRB must issue
22 written findings of fact and its decision to approve, approve with modifications, or disapprove the
23 preliminary subdivision plat, supporting plans, and documents. Failure to act within this 45-day period
24 shall constitute approval under 24 V.S.A. § 4464(b), *as deemed by the court and certified by the City Clerk.*
25 The decision, including findings of fact *and provisions for appeal*, must be sent by certified mail to the
26 applicant. *Copies of the decision must also be mailed to all parties who participated in the public hearing*
27 *process. When granting approval, the DRB shall state the conditions of approval, if any, with respect to:*

28 (1) Specific changes required to the preliminary plat, plans or supporting documents for
29 consideration under final subdivision review.

30 (2) The type and extent of any required improvements which, in the DRB's opinion, may be
31 waived under Section 15.A.01(C);

32 (3) *Initial allocations of available water, wastewater, stormwater, and transportation*
33 *infrastructure capacity, and required system connections or improvements needed to serve the*
34 *proposed subdivision;*

35 (4) *Requested or required measures intended to avoid or mitigate the adverse impacts of land*
36 *subdivision and development on environmental resources identified for protection under Articles 10*
37 *and 12; and on existing and planned public facilities, infrastructure and services;*

1 (5) *The timing and sequence of subsequent applications for phased or combined subdivision and*
2 *development review;*

3 (6) *Additional information the DRB finds necessary to determine compliance with the Regulations*
4 *as part of final subdivision review; and,*

5 (7) *Other municipal, state or federal permits and approvals, performance bonds or other sureties,*
6 *and development agreements to be obtained in advance of applying for final subdivision review and*
7 *approval.*

8 **G. Effect.** Preliminary subdivision approval does not constitute final approval of a subdivision plan
9 or plat. It is intended only to guide the preparation of the final survey plat, supporting plans and
10 documents. A preliminary subdivision approval shall remain in effect for twelve (12) months from the
11 date of approval *unless, upon written request of the applicant, the expiration date is extended by the DRB*
12 *for cause, for example due to an appeal of related permits, or other permitting or seasonal site analysis*
13 *delays.* If an application for final subdivision approval or an extension request is not submitted by the
14 expiration date, the DRB may require resubmission of the preliminary plat, supporting plans and
15 documents for preliminary subdivision review under the regulations in effect at the time of resubmission.

16 **15.A.07 Final Subdivision Review (All Subdivisions)**

17 **A. Purpose.** *Final subdivision review by the DRB is required for all minor subdivisions, major*
18 *subdivisions including a Planned Unit Development (PUD) under Article 15C, and Transect Zone*
19 *Subdivisions. It is intended to determine whether the final survey plat, supporting plans and documents,*
20 *and proposed improvements comply with these Regulations and, as applicable, with an approved master*
21 *plan and the conditions of preliminary subdivision approval, prior to recording a survey plat, deeds,*
22 *easements and other legal documents in the land records of the City.*

23 **B. Combined Review.** At the request of the applicant, the DRB may combine final subdivision review
24 with Site Plan or Conditional Use Review under Article 14, *if the submission and hearing notice*
25 *requirements for each type of review are met.*

26 **C. Application Requirements.** Unless otherwise extended by the DRB, within six (6) months of
27 sketch plan approval for a Minor or Transect Zone Subdivision, or twelve (12) months of preliminary
28 subdivision approval for a Major Subdivision, including a PUD, the applicant must file an application for
29 final subdivision review with the Administrative Officer.

30 (1) The application for final subdivision review may be submitted in one or more phases, as
31 specified by the DRB under preliminary subdivision or master plan approval, to include only that phase
32 of a subdivision for which final subdivision approval is requested.

33 (2) The application must be submitted on forms provided by the City, to include the information
34 and materials listed in Appendix E, Submission Requirements, any other information requested by the
35 DRB under sketch plan or preliminary subdivision review.

1 (3) *The application must also include requested modifications or waivers of required*
2 *improvements under 15.A.01(C), of the preliminary subdivision plat as approved by the DRB, or the*
3 *conditions of preliminary subdivision approval, and the stated justification for this request.*

4 (4) The application must also be accompanied by a Certificate of Title showing the ownership of
5 all properties and easements to be dedicated or acquired by the City, and supporting legal documents
6 of conveyance, to be reviewed and approved by the City Attorney.

7 **D. Application Referrals.** The Administrative Officer must refer a complete application to the DRB
8 and applicable entities in accordance with Section 17.09(C) of these Regulations.

9 **E. Public Hearing.** The DRB must schedule and hold a warned public hearing on the application, as
10 required under 24 V.S.A. §§ 4463 and 4464 and Section 17.08(F) of these Regulations.

11 **F. Decision.** Within forty-five (45) days after the close of the public hearing, the DRB must issue its
12 written findings of fact and decision to approve, approve with modifications, or disapprove the final
13 subdivision plat, supporting plans and documents. Failure to act within this 45-day period shall constitute
14 approval under 24 V.S.A. § 4464(b), *as deemed by the court and certified by the City Clerk.* The final
15 decision, including findings, must be sent by certified mail to the applicant. Copies of the decision must
16 also be mailed to all parties who participated in the public hearing process.

17 (1) *Any conditions of final subdivision approval for performance bonding or other sureties,*
18 *phasing, construction or inspection schedules, or the timing of required improvements under Section*
19 *15.15, must be specified in the written DRB decision, or in a separate Development Agreement*
20 *approved by the City Council, as referenced in or attached to the DRB decision.*

21 (2) The DRB decision may also, as a condition of final subdivision approval, stipulate changes to
22 the content of the plat, supporting plans or documents that must be completed to the satisfaction of
23 the Administrative Officer *before the plat is approved and endorsed by the DRB for recording under*
24 *15.A.08.*

25 **G. Effect.** Final subdivision approval by the DRB remains in effect for 180 days from the date of
26 approval, *unless extended by the Administrative Officer under 15.A.08.* Final subdivision approval shall
27 expire unless, within this period, the subdivision plat as approved and endorsed by the DRB is filed and
28 recorded in the land records of the City under Section 15.A.08.

29 (1) Final subdivision approval by the DRB shall not constitute or be evidence of acceptance by the
30 City of any streets, easements, water and sewer facilities, open space or other public facilities and
31 improvements shown on the subdivision plat or associated plans.

32 **15.A.08 Plat Recording Requirements**

33 **A. Recording Requirements.** The final subdivision plat, as approved and endorsed by the DRB *or as*
34 *otherwise deemed approved and certified by the City Clerk under 24 V.S.A. § 4463,* must be recorded in
35 the land records of the City within 180 days of the date of DRB approval. *The Administrative Officer may*
36 *extend the date for filing by an additional 90 days if other final municipal or state approvals are pending,*
37 *and the extension request is filed within this 180-day period.* If the plat is not recorded within this period,
38 final subdivision approval shall be deemed null and void, and the plat, supporting plans and documents

1 must be resubmitted for final subdivision approval under Section 15.A.07 *under the regulations in effect*
2 *at the time of resubmission.*

3 (1) The survey plat to be recorded in city land records must comply with the requirements of 27
4 V.S.A. Chapter 17 (Filing of Land Plats), the DRB decision, including any stipulations or required
5 conditions of approval, and adopted city policies and fee schedules.

6 (2) *The locations of all permanent surveying monuments, lot corner markers, and building*
7 *envelope markers must be identified on the final subdivision plat as recorded in the land records.*

8 (3) In addition to the original mylar and required copies of the final plat, the applicant must also
9 provide *the Administrative Officer with a digital copy of the plat in a format that meets adopted state*
10 *(Vermont Geographic Information System) and city data standards.*

11 (4) Once properly recorded, the survey plat shall become part of the South Burlington Official
12 Map and shall not expire, except as subsequently amended in conformance with these Regulations.

13 **B. DRB Endorsement or Clerk Certification**

14 (1) No subdivision plat which requires DRB approval shall be filed or recorded in the Office of the
15 City Clerk until it has been approved by the DRB, as endorsed in writing on the plat. DRB endorsement
16 shall not take place until all required plats, plans, construction drawings and supporting documents
17 have been submitted to and reviewed by the Administrative Officer for compliance with the
18 conditions of final subdivision approval.

19 (2) The DRB endorsement shall state that “This plat has been approved by Resolution of the
20 Development Review of the City of South Burlington, Vermont.” It shall also specify the date of DRB
21 approval, subject to any conditions or requirements specified in the resolution, and be signed by the
22 Chair or Clerk of the Development Review Board.

23 (3) For any subdivision plat that was deemed approved for failure of the DRB to issue a decision
24 under 15.A.07(F), the accompanying City Clerk’s Certificate must be attached to the plat as filed and
25 recorded.

26 (4) Any plat that is recorded or subsequently revised without DRB approval and endorsement or
27 Clerk Certification shall be considered null and void, and the Administrative Officer shall institute
28 proceedings to have the plat stricken from city land records.

29 **15.A.09 Subdivision Amendments**

30 **A. Required Review.** *As subdivision plan and plat that has received final subdivision approval from*
31 *the DRB may not be altered, modified, revised or amended without DRB approval.*

32 (1) *Requested modifications or revisions to a previously approved subdivision plat, plans or*
33 *conditions of approval must be submitted to the Administrative Officer as an application for a*
34 *proposed subdivision amendment for DRB review under this section.*

35 (2) *The scope of review under this section will be limited to those aspects of the approved*
36 *subdivision plan and plat affected by the proposed amendment.*

Commented [PC9]: NOTE TO PC New section, clarifies when an application must start anew vs final plat only.

1 **B. Minor Subdivision Amendment.** *A minor amendment, as determined by the Administrative*
2 *Officer, includes an amendment to a minor subdivision that does not result in the creation of a major*
3 *subdivision; or a subdivision amendment that does not result in a substantial change, alteration, revision*
4 *or modification of the subdivision plat, plans or conditions of final subdivision approval. A minor subdivision*
5 *amendment shall require only Final Plat Review. Modifications to an approved subdivision which do not*
6 *result in elements of the plat may be reviewed and approved by the Administrative Officer.*

7 **C. Major Subdivision Amendment.** *Any proposed subdivision amendment that involves a substantial*
8 *change, alteration, revision or modification to an approved subdivision plat, plan or condition of*
9 *subdivision approval shall be considered a new subdivision pursuant to these Regulation.*

10 **D. Amendment Recording Requirements**

11 (1) *If an amendment is approved by the DRB prior to the recording of the subdivision plat under*
12 *Section 15.08 as previously approved, the amendment must be incorporated on the final subdivision*
13 *plat as filed for recording.*

14 (2) *If an amendment is approved by the DRB after the original plat has been recorded, an*
15 *amended subdivision plat must be prepared and recorded under Section 15.08 which carries a notation*
16 *that this plat as amended supersedes the original plat as previously recorded, referencing the date and*
17 *recording information for the original plat.*

18
19 **15.A.10 Subdivision Standards – Applicability and Compliance**

20 **A. Applicability.** *Any subdivision of land subject to these Regulations must meet applicable*
21 *subdivision standards under this Article unless waived by the DRB under Section 15.A.01(C). The DRB, in*
22 *determining compliance with these standards, may require:*

23 (1) *Disclosure of the intended use and development of all land to be subdivided, including*
24 *subsequent development plans for any retained portion of the existing tract or parcel to be subdivided.*

25 (2) *An independent technical review of the proposed subdivision under one or more standards,*
26 *prepared by a qualified professional, in accordance with Section 17.08.*

27 (3) *Modification of subdivision layout and design, the phasing of subdivision and development, or*
28 *other measures necessary to avoid or mitigate the adverse impacts of a proposed subdivision on*
29 *adjoining properties and uses; the transportation network; public facilities, infrastructure and services;*
30 *and environmental resources identified for protection under Articles 10 and 12.*

31 **B. Compliance with Zoning Regulations.** *The applicant must demonstrate that the subdivision*
32 *conforms to the planned pattern of subdivision and development as defined by relevant zoning district*
33 *purpose statements and standards; or as specified for a type of Planned Unit Development (PUD) under*
34 *Article 15.C. In addition to meeting required zoning district, transect zone, or PUD standards:*

35 (1) **Overlay Districts.** *The subdivision must also meet applicable overlay district standards under*
36 *Article 10.*

1 (a) In all subdivisions and PUDs in which the provisions of the Traffic Overlay District in Section
2 10.02 of these Regulations apply and in which the Traffic Overlay District provisions conflict
3 with those of this section, the more restrictive provisions shall apply.

4 (2) **Multiple Districts.** *For the subdivision of land located in more than one zoning district, the*
5 *district regulations specific to that portion of the subdivision within each zoning district shall apply,*
6 *except as specified for a Planned Unit Development under Article 15C.*

7 (a) *Subdivision boundaries and lot lines must be located and configured to avoid creating*
8 *building lots that are split by zoning district boundaries except where the DRB finds such split*
9 *building lots unavoidable due to pre-existing lot and infrastructure layout.*

10 (b) *The DRB may approve a request to extend zoning district standards up to fifty (50) feet*
11 *in either direction beyond the district boundary line as necessary to avoid a subdivision or building*
12 *lot split by a zoning district boundary.*

13 **C. Compliance with Regulations.** *Subdivisions, including building lots, dwelling units, and supporting*
14 *facilities and infrastructure, must also be designed, configured and constructed to comply with other*
15 *relevant standards under these Regulations and other city ordinances and standards in effect at the time*
16 *of application, including those listed below. Where a standard under this Article conflicts with another*
17 *standard, the more stringent, restrictive, or specific standard shall apply.*

- 18 • *Official Map, adopted under 24 V.S.A. § 4421*
- 19 • *Capital Improvement Program, adopted under 24 V.S.A. § 4430*
- 20 • *Department of Public Works Standards*
- 21 • *Fire Prevention and Safety Ordinance*
- 22 • *Water and Cross Connection Ordinances*
- 23 • *Sanitary Sewer and Stormwater Ordinance*
- 24 • *Impact Fee Ordinance*
- 25 • *E-911 Ordinance*

26 **D. Conformance with an Approved Master Plan.** *The applicant must demonstrate that the*
27 *subdivision conforms, as applicable, to a Master Plan approved by the DRB under Article 15.B, including*
28 *the approved development plan, management plan, buildout budgets and phasing schedule.*

29 **15.A.11 Subdivision Standards – General**

30 **A. Development Suitability.** *The applicant must demonstrate that the land to be subdivided is*
31 *physically suited for its intended use and the proposed density or intensity of development, and that the*
32 *proposed subdivision will not result in undue adverse impacts to public health and safety, environmental*
33 *resources as identified and regulated under Articles 10 and 12, neighboring properties and uses, or public*
34 *facilities and infrastructure located on or within the vicinity of the land to be subdivided.*

35 **(1) Physical Site Constraints.** *Land that is physically unsuited for development, including land*
36 *that is characterized by periodic flooding, poor drainage, shallow soils, landslides, environmental site*
37 *contamination or other known physical hazards or constraints, must not be subdivided for*

1 development unless the applicant can demonstrate that such limitations can be overcome,
2 remediated, or mitigated as necessary to allow for subsequent development.

3 **(2) Buildable Area.** For purposes of these Regulations, including the platting of building lots and
4 the calculation of the density or intensity of development allowed within a subdivision, "Buildable
5 Area" is defined as the total area of the tract or parcel to be subdivided, less the area occupied by the
6 following physical and legal site limitations or constraints, including "Hazards" and "Level 1 Resources"
7 as defined and regulated under Articles 10 and 12, as indicated on sketch and master plans, and as
8 field verified and delineated on preliminary and final subdivision plans and plats:

- 9 • Surface waters and associated setbacks and buffers
- 10 • Class I and II wetlands and associated setbacks and buffers;
- 11 • River Corridors
- 12 • 100-Year (1%) floodplains and floodways;
- 13 • Very steep slopes with a natural grade equal to or greater than 25%;
- 14 • Rare, Threatened, and Endangered Habitat (if applicable by species);
- 15 • Forested Habitat Blocks and Habitat Block Connectors; and,
- 16 • Existing and planned street, railroad rights-of way, and transmission line corridors.
- 17

18 **(3) Buildable Area Calculations.** The allowed number of building lots or dwelling units within the
19 subdivision shall be calculated based on the Buildable Area of the parcel or tract to be subdivided
20 except as otherwise specified for a Transect Zone Subdivision under Article 8, a Planned Unit
21 Development under Article 15.C; and as provided for the transfer of development rights under Article
22 9, or affordable housing offsets, bonuses, or incentives under Article 18.

23 (1) Any proposed alteration of the existing grade to create developable building lots, including
24 land excavation or fill, must meet the standards of Section 3.12 (Alteration of Existing Grade),
25 Article 16 (Construction and Erosion Control) and other applicable resource protection, flood
26 hazard area and stormwater management standards under these Regulations.

27 **C. Development Context.** The applicant must demonstrate that the subdivision conforms to the
28 planned pattern of subdivision and development in the area, as defined by district purpose statements
29 and standards, or as specified for a type of Planned Unit Development (PUD) under Article 15.C.

30 **D. Connectivity.** A subdivision, to the extent physically feasible, must be configured and laid out to
31 maximize connections with adjoining parcels and neighborhoods, and to avoid creating isolated and
32 disconnected enclaves of development, except where necessary to separate incompatible land uses or to
33 avoid undue adverse impacts to resources identified for protection under Articles 10 and 12. Accordingly,
34 the applicant must demonstrate that the subdivision is laid out to connect with and extend existing and
35 planned streets, sidewalks, recreation paths, transit routes, and utility and greenway corridors located
36 adjacent to or within ½-mile of the subdivision, or as indicated on the City's Official Map. Off-site
37 improvements necessary to serve the proposed subdivision must be provided in accordance with 15.A.18.

Commented [PC10]: Note to PC: this section is intended to be consistent with the Commission's direction 9/25/20

Commented [PC11]: Note to PC: Staff reviewing 500-year flood plain and will provide recommendations

38
39
40

1 **15.A.12 Resource Protection**
2

3 **A. Purpose.** *The applicant must demonstrate that the proposed subdivision has been configured and*
4 *laid out to:*

- 5 (1) *incorporate significant natural, historical and scenic site features located on the parcel or tract*
6 *to be subdivided;*
- 7 (2) *avoid and exclude Hazard and Level 1 resource areas identified for protection under Articles*
8 *10 and 12 from parcelization, physical fragmentation, and development; and,*
- 9 (3) *minimize and mitigate the adverse impacts of land subdivision and development on Level 2*
10 *resource areas identified for protection under Article 12.*

11
12 **B. Applicability.** *Resource protection standards under this section apply to all subdivisions of land,*
13 *unless modified or waived by the DRB under 15.A.01(C), resource-specific allowances under Articles 10 or*
14 *12, and the following:*

- 15 (1) *The DRB may consider the context, planned type and pattern of development and necessary*
16 *extension of proposed supporting facilities, infrastructure, and service of the proposed Subdivision,*
17 *Transect Zone Subdivision, or Planned Unit Development in reviewing requests for waiver or*
18 *modifications permitted within Articles 10 and 12.*
- 19 (2) *The DRB may modify the requirements of this section for a Minor Subdivision, or the*
20 *subdivision or re-subdivision of a previously developed tract of land of less than four (4) acres as*
21 *necessary to allow for fully integrated infill or redevelopment.*
- 22 (3) *Notwithstanding a subdivision waiver or modification, other resource protection standards*
23 *under these Regulations shall apply as applicable, including any requirements for on- or off-site impact*
24 *mitigation.*

Note! Application for a Conservation Planned Unit Development under Article 15.C is recommended for a proposed subdivision in which a significant portion of the total tract area is within a Hazard, Level 1 or Level 2 resource area, as necessary to allow for a more flexible subdivision layout and design, including the transfer of development density within the project area, and the clustering of development on building lots that exclude these resource areas.

25
26 **C. Resource Identification.** *Site features or resources to be incorporated in subdivision layout and*
27 *design, as shown to scale on sketch and master plans, must be field verified and delineated on the ground*
28 *by the applicant, as indicated on preliminary and final subdivision plans and plats, as specified in Articles*
29 *10 or 12 of these Regulations specific to each resource.*

- 30
31 (1) **Existing Site Features.** *Existing site features of significance to the City, to be considered in*
32 *subdivision layout and design include:*

Commented [PC12]: This section is for Commission Consideration. These could be recommended or required to be mapped.

- 1 (a) Archaeological and historical sites and structures that are listed on the State Register of
2 Historic Places, and historical landscape features such as stone walls and fences.
3 (b) Prominent shade trees, street trees, or documented specimen or witness trees.
4 (c) Exceptional or unique geological features such as exposed ledges, cliffs, waterfalls and
5 cascades.

Commented [PC13]: Commission Option:
"Eligible for Listing"

6 (2) Listed site features must be considered for retention and incorporation in subdivision layout
7 and design.

8 (3) At minimum the DRB may require, as a condition of subdivision approval, that a listed
9 historical site, structure or landscape feature present on the parcel to be subdivided must be
10 inventoried, assessed and documented [by a qualified historic preservationist or architect], before any
11 site development, or any structural relocation, removal or demolition may occur.

Commented [PC14]: For Commission
consideration. Keep or remove?

12 (2) **Resource Protection Areas.** Resource protection areas to be incorporated in subdivision
13 layout and design include Hazards, Level 1, and Level 2 resources identified for protection and
14 regulated under Articles 10 and 12.

15 (a) Subdivision boundaries and lot lines must be located and configured to avoid or, where
16 deemed necessary by the DRB, to minimize the subdivision, parcelization and physical
17 fragmentation of resources located on contiguous parcels, and on the tract or parcel to be
18 subdivided.

Commented [PC15]: NOTE TO PC This is an
update to Section 15.18(A)(6) which refers to
undefined "open space" areas.

19 (b) Contiguous Hazard and Level 1 Resource protection areas that exceed the minimum lot size
20 must be set aside and identified on the subdivision plat, and in associated legal documents, as
21 "Conservation Lots" to be maintained and managed in single or common ownership, or under a
22 conservation easement held by the City or qualified third party, such as an established land trust.
23 As a condition of subdivision approval, future subdivision of conservation lots shall be prohibited
24 except where all land is being conveyed for conservation purposes, to be noted on the subdivision
25 plat.

Commented [PC16]: NOTE TO PC This is an
update and replacement to section
15.18(A)(4) that refers to the 2002 Open
Space Strategy, and ties in directly with the
Article 10 & 12 work.

26 (c) Hazard and Level 1 resource protection areas must be excluded from the calculation of
27 Buildable Area. Building lots and building envelopes are prohibited within these areas, except as
28 necessary to accommodate resource-dependent facilities (e.g., water and wastewater treatment
29 facilities, public or community recreation facility), as specified under Articles 10 and 12, or as
30 allowed under this subsection.

31 (d) A building lot may extend or encroach within a delineated resource protection area only
32 to the extent necessary to meet minimum lot size or frontage requirements for the zoning district
33 in which the lot is located

34 (e) A building lot may incorporate a Hazard, Level 1, or Level 2 resource area that is less than
35 the required minimum lot size; however in this case the DRB may require the delineation of a
36 building envelope that excludes delineated resource areas, as shown on the subdivision plat and
37 pinned on the ground, as necessary to limit the siting of buildings, other structures, and parking
38 areas to the developable portion of the lot.
39

1 (f) Encroachments within resource protection areas, including by transportation and utility
2 corridors, are subject to and limited to those allowed under Article 12, or as otherwise specified
3 within Flood Hazard Areas or River Corridors under Article 10.

4 (g) A resource protection area may be incorporated and improved as green infrastructure
5 (e.g., for stormwater management or flood control), or as a public amenity serving the subdivision,
6 consistent with the provisions of Articles 10 and 12, to the extent that this does not interfere with
7 its critical natural functions or intended use.

8
9 **15.A.13 Subdivision Design Process**

10 **A. Design Process.** *The design process to be followed by the applicant under this Subsection, in*
11 *preparing subdivision plans and draft plats included with the application, includes the following steps in*
12 *order of preference:*

13 (1) *Delineate and set aside resource areas identified for protection, and other existing site*
14 *features for consideration under 15.A.12 above.*

15 (2) *Layout and configure the proposed street network to:*

16 (a) *connect with and extend existing streets;*

17 (b) *define one or more contiguous blocks that meet applicable block standards under 15.A.16*
18 *or as otherwise specified for the Zoning District, Transect Zone, or type of Planned Unit*
19 *Development in which the subdivision is located); and to*

20 (c) *incorporate allowed Street Types and design standards under 15.A.14, including existing*
21 *and planned streets, sidewalks, recreation paths, and transit stops.*

22 (3) *Delineate building lots that front on and are oriented to the abutting street or civic space, and*
23 *that meet applicable lot size and dimensional requirements by Zoning District, Transect Zone or type*
24 *of Planned Unit Development or Building Type under Appendix ____, as applicable.*

25 (4) *Designate within each block, or as otherwise provided within the subdivision, required civic*
26 *spaces, parking lots or facilities, and infrastructure and utility corridors or easements that meet the*
27 *requirements of these Regulations, which are to be retained in common or single ownership or*
28 *dedicated to the City.*

29 (5) *Incorporate within block configurations, as applicable, one or more alleys or service lanes, and*
30 *midblock pedestrian passages as necessary to provide rear, side or shared vehicular and pedestrian*
31 *access to fronting building lots, civic spaces and designated parking areas or facilities.*

32
33 **15.A.14 Street Network**

34
35 **A. Purpose and Intent.** *It is the intent of the City to establish and maintain an integrated,*
36 *interconnected transportation system that efficiently and safely serves all users, including pedestrians,*
37 *bicyclists, motorists, transit riders and people with disabilities. Accordingly, the applicant must*
38 *demonstrate that the proposed street network serving the subdivision is consistent with City objectives to:*

- 39
 - *Maximize network accessibility and connectivity for all transportation modes and users;*

- 1 • *Minimize vehicle miles traveled;*
- 2 • *Provide adequate emergency vehicle access, and minimize emergency response times;*
- 3 • *Limit direct access onto arterial and collector streets, as necessary to preserve and enhance*
- 4 *functional capacity;*
- 5 • *Create interconnected, walkable pedestrian- and bicycle-friendly residential neighborhoods and*
- 6 *mixed use development;*
- 7 • *Provide for multiple, direct routes and connections between residential neighborhoods, schools,*
- 8 *parks, employment, shopping and other activity centers or destinations;*
- 9 • *Incorporate or provide direct pedestrian connections to existing and planned public transit routes*
- 10 *for any subdivision and development located within the Transit Overlay District; and to*
- 11 • *Accommodate on-street parking where appropriate or required.*

12
13 **B. Street Layout.** The arrangement of streets serving the subdivision must incorporate and extend
14 the network of existing and planned arterial, collector and local streets in the vicinity, including existing
15 and planned streets serving adjoining subdivisions, and as shown on the City's Official Map.

16 (1) **Street Grid.** The street layout must *establish or extend an interconnected street grid that*
17 *logically relates to existing site topography, defines walkable blocks, produces useable building lots,*
18 *reasonable street grades, and safe intersections, incorporates adequate stormwater drainage, and*
19 *avoids or, where deemed necessary by the DRB, minimizes encroachments within and mitigates*
20 *adverse impacts to resources identified for protection under Articles 10 and 12.*

21 (2) **Street Orientation.** *The street layout to the extent feasible, consistent with the existing and*
22 *planned pattern of development and local topography, should be oriented to maximize solar access*
23 *and gain on abutting building lots and block faces. Longer streets and block faces should either be*
24 *aligned east-west or north-south, within 20 degrees of true east or true north, in relation to anticipated*
25 *building lot and building roof orientation.*

26 (3) **Existing and Planned Public Streets.** The street network must incorporate existing and
27 planned public streets, recreation paths *and sidewalks* shown on the City's Official Map; or as required
28 by the DRB if the location, length or function of a proposed street within the City's street network
29 warrants public ownership. The right-of-way provided for a public street shown on the Official Map
30 must be of a similar location and alignment as that shown on the map, subject to approval and
31 acceptance by the City Council. Planned right-of-way widths listed for public streets under Table 3-1:
32 Planned Street Rights-of-Way, must also be incorporated in the proposed street layout as applicable.

33 (4) **Street Connections.** The street network must maximize connectivity and provide for the
34 future extension of streets *of equivalent functional class* and other connecting rights-of-way or
35 easements through adjoining properties *upon future subdivision, development or redevelopment.*
36 *Street rights-of-way* must extend to adjoining property lines to allow for future street, sidewalk,
37 recreation path and utility connections. *Accordingly:*

- 38 (a) *Right-of-way connections to properties adjoining the subdivision must be provided along*
- 39 *property boundaries at regular intervals, spaced according to functional class, street type and,*
- 40 *where applicable, required block lengths unless modified or waived by the DRB under 15.01(C).*

Commented [PC17]: For PC discussion.
Prepared on an Energy Committee
recommendation.

1 (b) *In making its determination to waive or modify a street right-of-way requirement, the*
2 *Board shall consider substitution of a recreation path, sidewalk, or trail right-of-way prior to*
3 *determination that a full waiver of a right-of-way is warranted.*

4 (c) The DRB shall require that applicant construct a connecting street or recreation path to
5 the property line; or to contribute *a proportionate share* of the cost to complete construction, *in*
6 *addition to any required impact fees. Where a street or recreation path is identified in the Impact*
7 *Fee Ordinance, construction of planned improvements may receive credit pursuant to the*
8 *Ordinance.*

9 (d) *For phased development*, the DRB may approve a street or other right-of-way shown on
10 the subdivision plat and, as a condition of subdivision approval, require that the right-of-way be
11 clearly marked on the ground with one or more signs that indicate its existence and future use;
12 and that construction must occur before any further subdivision or development may be allowed.

13 (e) The DRB may require *temporary* turnarounds at subdivision boundaries, designed to City
14 specifications under Appendix __, as approved by the City Engineer and Fire Chief. The applicant
15 must then show on the subdivision plat the right-of-way area to be returned to adjacent property
16 owners when street and sidewalk extensions to abutting properties are constructed.

17 (5) **Dead-End Streets.** Permanently gated streets, dead-end streets and cul-de-sacs are
18 prohibited unless the DRB finds that the presence of physical, right-of-way or other legal constraints,
19 incompatible land uses, or resources identified for protection under Article 10 or 12 preclude required
20 connections.

21
22 (a) Permanent dead-end streets are subject to review and approval by the Fire Chief and City
23 Engineer under these Regulations *and other public works specifications and fire codes in effect at*
24 *the time of application.*

25
26 (b) A permanent dead-end street allowed under this provision *must not exceed two hundred*
27 *(200) feet in length measured to the center of the turnaround; and must include a turnaround*
28 *designed to City specifications under Appendix __. Hammerhead turnaround designs are the*
29 *City's preferred dead-end configuration.*

30
31 **C. Street Design.** *The street network must incorporate allowed Street Types under Appendix __, or*
32 *as specified by Zoning District, Transect Zone or type of Planned Unit Development, which are consistent with*
33 *the functional class and the pattern and type of development or uses to be served by the street network.*
34 *Streets must be designed by a Vermont licensed professional engineer, and constructed to City*
35 *specifications. Proposed street types and functional classifications must be identified on subdivision plans*
36 *submitted with the application.*

37 (1) All streets, including both public and private streets, must be designed and constructed by
38 the applicant *or developer* to City specifications, unless otherwise specifically authorized by the DRB
39 under final subdivision approval.

40 (2) In reviewing master plan and subdivision applications, including applications for Planned Unit
41 Development under Article 15.C, the DRB has the authority to require the design and construction of
42 proposed streets to City standards; *the upgrade or improvement of an existing street as necessary to*

Commented [PC18]: Note to PC: added the words "proportionate share" here to clean up what had been a matter of some confusion in the past, where it simply said "a portion." The section has been interpreted to mean "proportional" in the past but this codifies that.

Commented [PC19]: Note TO PC: consistent with 15.12(A) but more restrictive to match SEQ objectives.

1 *serve the proposed subdivision*; and the provision of an irrevocable offer of dedication of one or more
2 streets to the City. Any action to accept an offer of dedication shall be the sole authority of the City
3 Council.

4 (3) **Public Streets.** The DRB shall require a street to be offered for dedication to the City as a
5 public street in accordance with the following:

6 (a) The proposed street will or could provide a future extension to an adjoining unaffiliated
7 property or to another existing, proposed, or planned public street.

8 (b) The DRB determines, upon recommendation from the Director of Public Works and
9 Planning & Zoning Director, that the significance of the proposed street within the City's street
10 network warrants public ownership.

11 (c) Any street proposed to be public shall be built to public standards as enumerated in these
12 Regulations or associated Public Works Standards and Specifications.

13
14 (4) **Private Streets.** The DRB may approve, or require, a proposed street to be a private street,
15 as clearly marked on the subdivision plat and in any applicable legal documents, in accordance with
16 the following:

17 (a) The proposed street will serve lots within a commercial subdivision, master plan, or
18 Planned Unit Development

19 (b) *The proposed street is a dead end street that cannot connect to an adjacent unaffiliated*
20 *property or street.*

21 (c) Homes built on a private roadway may be required to be sprinklered to the satisfaction
22 of the South Burlington Fire Chief. All proposed sprinkler systems must be reviewed and agreed
23 upon prior to plat approval. This requirement may be waived by the DRB upon recommendation
24 by the City of South Burlington Fire Chief.

25 (5) Street Types under Appendix specify standards that must be followed in designing,
26 redesigning, modifying, or reconstructing a street, except for an existing or proposed public street for
27 which there exists separate engineering plans developed by the City. Street, streetscape, or any other
28 construction or improvements within these street rights-of-way must conform to City engineering
29 plans, as modified by the Director of Public Works.

30 (6) All streets must be designed and constructed with sidewalks, greenbelts, bike facilities,
31 medians, travel lanes and on-street parking as specified for each street type, unless an acceptable
32 alternative is approved by the DRB under Subsection (7) below. The street type standard applicable
33 to a proposed street or section of roadway shall be determined by the Development Review Board,
34 in consultation with the Public Works and Planning & Zoning Departments, based on supporting
35 documentation and the following criteria:

36 (a) Any street type listed for a specific section of roadway, as shown on the Official Map or
37 the Official Zoning Map, shall be the applicable street type for purposes of these regulations.

38 (b) The street type must be listed as an eligible or allowed street type as specified by Zoning
39 District, Transect Zone Building Envelope Standard, or PUD type.

Commented [PC20]: Note to PC: Staff recommends this section be accompanied by a Resolution to be adopted by the City Council indicating that Offers of Dedication will not be accepted until the roadway connects to an adjacent roadway.

Commented [PC21]: Note to PC: Staff recommends this section be accompanied by a Resolution to be adopted by the City Council affirming that the City will not accept roads private roads or roads not built to public standards

Commented [PC22]: NOTE TO PC Generalized from current Section 11.02 – Street types in FBC

Commented [PC23]: NOTE TO PC From Section 11.02 & 11.03 FBC. Proposed to expand city-wide

- 1 (c) The proposed street must conform to the stated intent of an applicable street type and
2 intended uses and activities listed for that type.
- 3 (d) The street type must be consistent with planned, proposed or anticipated connections to
4 or extensions of existing streets.
- 5 (e) The street type must be consistent with the specified design speed and design vehicle and
6 accommodate projected traffic volumes at buildout.
- 7 (f) The street type, including associated facilities, must accommodate all anticipated users,
8 including motorists, pedestrians, cyclists *and transit riders*.
- 9 (g) The street type must conform to Comprehensive Plan policies, and any long range studies,
10 capital plans, and other related city planning and policy documents specific to the street, the
11 location, and the planned pattern of development in the vicinity of the subdivision.

12
13 (7) The DRB is authorized to allow modifications of City street *types and standards* within a
14 Subdivision, Transect Zone Subdivision or Planned Unit Development, *at the request of an applicant*,
15 if it finds that the proposed modification furthers stated Comprehensive Plan goals and policies
16 specific to the *Zoning District*, Transect Zone or PUD type in which the street is located, and that such
17 modification is consistent with provisions for public health, safety and welfare and the orderly
18 development of the City. In no case shall a public or private street have a width of less than (20) feet.
19 *In making such a finding, the DRB may consider, as applicable:*

- 20 (a) The stated reasons why a cited standard or specification cannot be achieved;
- 21 (b) The estimated cost of construction to meet the cited standard *in relation to the total*
22 *project cost, and the cost of any proposed alternative, if cost is cited as a factor in the request;*
- 23 (c) Projected traffic volumes, including projected truck, pedestrian and bicyclist traffic, and
24 the minimum standards necessary to accommodate the stated design vehicle(s);
- 25 (d) The compatibility of a requested modification with present and anticipated
26 improvements to adjacent street sections or connections;
- 27 (e) Accident data for the area, to determine the potential impact of a proposed modification
28 on safety and accident rates; and any proposed countermeasures that will be employed to reduce
29 the frequency and severity of future accidents.
- 30 (f) Recommendations of the City Engineer, Director of Public Works, Fire Chief, *Director of*
31 *Planning and Zoning*, and City Committees, with respect to the proposed street design in relation
32 to its development context, functional classification, and the City's ability to provide emergency
33 and other services within the proposed subdivision;
- 34 (g) Any other information the Board deems necessary to render a decision.

35
36 **D. Functional Capacity and Transit Oriented Development.** The nearest signalized intersection or
37 those intersections specified by the DRB shall have an overall level of service "D" or better, at the peak
38 street hour, including the anticipated impact of the fully developed proposed PUD or subdivision. In

Commented [PC24]: Note TO PC: combines language under 15.A.12(E)(4) and 11.06 re street types as currently applied only to transect zone subdivisions.

Commented [PC25]: For Commission Consideration: Are the requirements below overly strenuous?

Commented [PC26]: NOTE TO PC: This section is slated to be updated and replaced with a project to update the City standards to reflect the different circumstances and goals in City Center, urban areas, and rural areas. It is nearing completion but slightly behind this project.

1 addition, the level of service of each through movement on the major roadway shall have a level of service
2 "D" or better at full buildout.

3
4 **E. Access and Circulation.** The applicant must demonstrate that the street network is arranged to
5 meet applicable access management, traffic and pedestrian circulation standards under these
6 Regulations, including criteria for site plans under Article 14, Transect Zone Subdivisions under Article 8,
7 or a type of Planned Unit Development under Article 15.C; and, for state highways, VTrans Access
8 Management Program Guidelines in effect at the time of application. Unless otherwise specified under
9 these Regulations, the street network, including the location and arrangement of streets, must be designed
10 to:

11 (1) Provide a minimum of two (2) entrances or access points from an arterial or collector street
12 to a subdivision with more than fifty (50) dwelling units on four (4) or more lots or within four (4) or
13 more principal buildings, unless otherwise approved by the DRB in consultation with the City Engineer
14 and Director of Planning & Zoning.

15 (2) Separate subdivision entrances by a minimum distance of four hundred (400) feet on either
16 side of a public street, as necessary to ensure safe access and traffic movement into and out of the
17 subdivision. Subdivision entrances on opposite sides of a public street may be allowed by the DRB if
18 substantially aligned with each other. Signalized subdivision entrances must be separated from
19 existing, signalized highway intersections (as measured between the near edges of the driveway and
20 the intersection) based on street traffic volumes:

21
22 **Table 15-1: Signalized Intersection
Spacing**

Projected Peak Hour Volume (VPH per access lane)	Distance (Feet)
Below 450	300
450-550	350
551-650	400
651-750	450
751 and greater	500

23 (3) Provide for street intersections as close to ninety (90) degrees as physically possible.

24 (4) Incorporate offset "T" intersections and other traffic calming measures as necessary to reduce
25 through traffic and traffic speeds within residential and mixed use neighborhoods and to establish
26 terminal views. Street jogs with centerline offsets of less than two hundred (200) feet on local streets
27 are not allowed unless specifically approved by the DRB, in consultation with the Fire Chief and City
28 Engineer, for purposes of traffic calming.

29 (5) Provide deceleration, acceleration and turn stacking lanes as necessary to meet specified
30 Level of Service (LOS) standards under (3) above.

Commented [PC27]: NOTE TO PC Based on, and expands on 15.12

Commented [PC28]: Note TO PC: intended to clarify, substitute for existing provision under 15.12(J) re street end alternatives—as addressed above, for dead-end streets].

Commented [PC29]: NOTE TO PC From 15.12(I)

Commented [PC30]: Note to PC: newly added

1 (6) Design intersections and other access points to *City specifications under Appendix [redacted]*, to
2 include curb radii necessary to accommodate anticipated vehicle types and speeds *while also*
3 *minimizing pedestrian crossing distances.*

4 (7) Provide for safe access to abutting properties *for motorists, cyclists, and pedestrians, including*
5 *safe sight distances, access separation distances, and accommodations for high- accident locations.*

6 (8) Align access points with existing intersections or curb cuts and consolidate existing access
7 points or curb cuts within the subdivision, *to the extent physically and functionally feasible.*

8 (9) *Minimize vehicular access points (curb cuts) to abutting properties and building lots along*
9 *pedestrian-oriented street frontage; and provide, where physically feasible, shared vehicular access to*
10 *frontage and other abutting building lots via rear alleys, side streets, service lanes, shared driveways,*
11 *or rear cross connections between adjoining parcels.*

12 **F. Street Names and Signs.**

13 (1) **Names.** Proposed streets and street names must be identified on the *final* subdivision plat
14 submitted with the application. Street names and numbering shall be provided and approved in
15 accordance with the City's E-911 Ordinance.

16 (2) **Signs.** All street signs and posts will be provided and must be installed by the City at the
17 expense of the subdivider. Street and other highway signs must conform to the South Burlington Sign
18 Ordinance *and applicable Manual on Uniform Traffic Control Devices (MUTCD) standards* in effect at
19 the time of application.

20 **15.A.15 Sidewalks, Bike Lanes, Recreation Paths**

21 **A. Purpose and Intent.** As necessary to facilitate pedestrian and bicycle access and circulation
22 throughout the subdivision, and to provide direct pedestrian and bicycle connections to adjoining
23 neighborhoods, public parks, transit stops, and other community focal points or destinations in the vicinity
24 (e.g., schools, recreation facilities, civic buildings, shopping and employment centers), *the applicant must*
25 *demonstrate that subdivision layout and design, including the proposed street network, incorporates as*
26 *applicable:*

- 27 (1) pedestrian-oriented streetscapes, as defined by Street Type under **Appendix [redacted]**;
- 28 (2) pedestrian sidewalks, crosswalks, and mid-block crossings that meet ADA requirements;
- 29 (3) interior block pedestrian passages and walkways;
- 30 (4) direct pedestrian access from the street to fronting building lots and civic spaces, and to
31 existing and planned transit stops;
- 32 (5) bicycle access to all building lots, and existing and planned transit stops;
- 33 (6) bicycle lanes, as incorporated by street type; and
- 34 (7) existing and planned pedestrian trails and multiuse recreation paths, as identified in the
35 Comprehensive Plan, or on the City's Official Map.

36
37 **C. Complete Streets.** *Unless otherwise specified by Zoning District, Transect Zone or PUD type, the*
38 *subdivision must incorporate sidewalks or recreation paths as required by Street Type under Appendix*

1 [redacted], and other City specifications, including Americans with Disabilities Act (ADA) requirements as
2 applicable.

- 3 (1) Where a subdivision is proposed to front along an existing roadway, all elements of the
4 Street Type from the curb inward shall be installed by the applicant.

Commented [PC31]: Note to PC: added to be consistent with FBC standards.

6 **E. Pedestrian Easement.** A permanent pedestrian easement twenty (20) feet in width may be
7 required by the DRB, as necessary to facilitate pedestrian and bicycle circulation within the subdivision:

- 8 (1) Through any block that is six hundred (600) feet or more in length;
9 (2) As a continuation of a dead-end street;
10 (3) To provide direct pedestrian access to an existing or planned transit stop within or adjacent
11 to the subdivision;
12 (4) In conjunction with a utility easement.

14 **B. Additional Easements.** Additional pedestrian or recreation path easements must be reserved, as
15 indicated on subdivision plans and shown on the subdivision plat, in conformance with planned public
16 trail and recreation path systems included on the Official Map and Comprehensive Plan.

Commented [PC32]: NOTE TO PC From 15.12(M)(5)

18 15.A.16 Blocks and Lots

19 **A. Purpose.** The layout and configuration of blocks and building lots in relation to the street network
20 establishes the overall pattern of development, including the creation or extension of walkable,
21 pedestrian-friendly neighborhoods and mixed use developments. As such, the configuration of blocks and
22 building lots represent a fundamental component of subdivision design. Accordingly, the applicant must
23 demonstrate that the proposed subdivision incorporates:

- 24 (1) A street layout or grid under 15.A.14 above that establishes blocks that meet required block
25 standards under these Regulations, including interconnected, walkable blocks and neighborhoods in
26 all residential and mixed use zoning districts, or as specified by Transect Zone under Article 8 or by PUD
27 type under Article 15.C.
28 (2) Blocks that are configured to accommodate and provide access to building lots that comply
29 with these Regulations.
30 (3) Block faces and building lots that, where feasible, are oriented to maximize solar access and
31 gain;
32 (4) Regularly shaped building lots that front on, and minimize lot frontage or width along
33 abutting streets;
34 (5) Required civic spaces, parking lots or structures, and utility corridors and other facilities or
35 easements that are intended to be held, managed and maintained in single or common ownership.

Commented [PC33]: Energy Committee Recommendation

36 **B. Blocks.** In all Zoning Districts except the SEQ-Natural Resource Protection, Mixed
37 Industrial/Commercial, Industrial-Open Space, Airport, Airport Industrial, Institutional Agricultural, Park
38 and Recreation, and Form Based Code District, a major subdivision with a contiguous developable area of
39 four (4) or more acres must incorporate one or more blocks defined by intersecting street rights-of-way or

1 other defining features such as a lake or river, railway, historic feature, or permanently conserved land.
2 Block configurations must be designed meet the following requirements:

3 (1) Blocks must be of sufficient developable area, length and width to accommodate building lots
4 that meet zoning district, transect zone (building envelope standards) or PUD standards with regard
5 to intended use, lot size and dimensions and, where applicable, proposed building types.

6 (2) A rectangular block configuration that accommodates two tiers of building lots that front on
7 abutting streets (which may be accessed by a rear alley) is the preferred block configuration; however
8 a square block configuration that incorporates a shared interior parking area, parking facility, or
9 courtyard is also acceptable.

10 (3) The DRB may also allow a trapezoidal, triangular or other block configuration as necessary to
11 accommodate existing physical, resource protection, or right-of-way constraints, or to create a design
12 focal point to a neighborhood, to the extent that such a configuration otherwise meets applicable
13 block length and perimeter requirements, and can accommodate regularly shaped building lots that
14 front on at least one abutting street.

15 (4) Unless otherwise specified under these Regulations, or as approved by the DRB under
16 15.A.01(B); in order to ensure and maintain a pedestrian-oriented scale of development within
17 residential and mixed use subdivisions:

Commented [PC34]: Note to PC: Per Commission discussion and direction 9/2020

- 18 (a) The block perimeter must not exceed 2,000 feet
19 (b) The minimum block length allowed is 200 feet; and
20 (c) The average block length (for all block sides or faces) must not exceed 500 feet.

21 (5) The DRB may require, per (C)(3) above, a mid-block pedestrian easement for any block that
22 exceeds 600 feet in length, as necessary to provide more direct and convenient pedestrian access,
23 connections and circulation.

Commented [PC35]: Note to PC: Based on current SEQ standards

24 **B. Lots.** All lots must be laid out to logically relate to topography and their intended use or purpose.
25 Building lots must be laid out within existing and planned street and block configurations, in such a way
26 that they can be developed in full compliance with their intended use and these Regulations. Unless
27 otherwise specified under these Regulations as applicable to the subdivision:

28 (1) All proposed lots must be numbered, as shown on subdivision plans and plats.

29 (2) The arrangement and configuration of lots must allow for the further subdivision of any
30 remaining developable land on the tract or parcel to be subdivided. Where proposed building lots
31 exceed minimum lot area requirements, the DRB may require that such lots be configured and
32 developed in a manner that allows for further subdivision and infill development.

33 (3) Unless otherwise specified under these Regulations, a minimum of ten percent (10%) of the
34 total buildable area within the developed portion of any Major Subdivision exceeding two acres in size
35 must be allocated to functionally integrated civic space lots, as shown on the subdivision plan and plat.

36 (a) Required civic space must incorporate one or more allowed Civic Space Types under
37 Appendix ___ and meet associated type requirements.

Commented [PC36]: For PC Discussion: proposed addition setting a minimum standard for Civic Space Standard. 10% is fairly common place and is consistent with current SEQ standards (7.5 acres per 1,000 population) and Comprehensive Plan goals

1 (b) Designated civic space lots must have frontage on or pedestrian access from an abutting
2 street. The entrance to a civic space that does not front on an abutting street must be readily
3 visible, apparent, and accessible from the street.

4 (4) The arrangement and configuration of building lots within the subdivision must be consistent
5 with the intended use, street type, and the planned pattern of development for the Zoning District,
6 Transect Zone or PUD type in which the subdivision is located, including the existing or planned street
7 and block network.

8 (5) All building lots must front on a public or private street, a designated civic space, or a shared
9 courtyard with pedestrian access to the abutting street.

10 (6) Building lots must be configured to comply with all relevant lot area, dimensional and lot
11 coverage requirements under these Regulations, including as applicable:

- 12 • Lot requirements under Section 3.05;
- 13 • Setback and buffer requirements under Section 3.06;
- 14 • Lot requirements specific to an allowed use under Article 13;
- 15 • Zoning district dimensional standards under Appendix C-2;
- 16 • Transect Zone Building Envelope Standards under Article 8;
- 17 • SEQ Subdistrict standards under Article 9; and
- 18 • PUD or Building Type standards under Article 15.C and Appendix .

19 (7) Unless otherwise specified under these Regulations, building lots must have sufficient
20 developable area to accommodate proposed building types, associated yard or other required open
21 space areas, site drainage, utilities, or other improvements required under these Regulations, including
22 site plan standards under Article 14.

23 (8) A building lot generally must be rectangular in shape, with side lot lines that are perpendicular
24 or radial to the abutting street, and rear lot lines that parallel the street, except as necessary to
25 accommodate existing rights-of-way or other physical site constraints (see Figure 2-1, Lots, Yards and
26 Lot Lines). Irregular or oddly shaped building lots, including flag and through lots, are prohibited,
27 except for:

28 (a) A flag lot, with a minimum of fifteen (15) feet of frontage on the abutting street, as
29 necessary to accommodate a back-lot subdivision and infill development within an existing
30 subdivision, block pattern, or development;

31 (b) A triangular or trapezoidal building lot defined by abutting streets that otherwise has
32 sufficient street frontage and lot area to meet minimum lot requirements; or

33 (c) A through lot with frontage on two parallel or intersecting streets that cannot be further
34 subdivided under minimum lot requirements, provided that front setback requirements can be met
35 on both streets.

36 (d) Building should be oriented and configured to minimize lot width (frontage) along the
37 street. The preferred building lot width to depth ratio is 1:2; however a ratio of 1:1 to 1:5 may be
38 allowed as necessary to accommodate physical site constraints, stormwater drainage, or rear lot
39 access and parking.

Commented [PC37]: NOTE TO PC Based on current SEQ standards, slightly adjusted to be more flexible.

1
2 (9) *Building lots must be configured to avoid or, where necessary, minimize rear lot lines that abut*
3 *side lot lines. Unless otherwise specified under these Regulations, corner lots must be configured to*
4 *meet lot frontage and front setback or build-to-zone requirements on all abutting streets.*

Commented [PC38]: NOTE TO PC Per Section 3.05

5 (10) *Temporary or permanent surface parking lots, where parking is the principal use, must at*
6 *minimum meet the minimum lot area requirement applicable to building lots, to allow for future*
7 *parking lot redevelopment. Such lots must also be shown on subdivision plans and plats submitted*
8 *with the application.*

9
10 **15.A.17 Utilities and Services**

Commented [PC39]: NOTE TO PC Currently 15.13, 15.18, and generally updated.

11 **A. Capacity of Community Facilities, Utilities and Services.** *The applicant must demonstrate that*
12 *the proposed subdivision and development will not exceed the existing or planned capacity of, or cause a*
13 *disproportionate or unreasonable burden on City facilities, utilities and services, including:*

- 14
 - 15 • *Public schools,*
 - 16 • *Police, fire protection and ambulance services,*
 - 17 • *Street infrastructure and maintenance,*
 - 18 • *Parks and recreation facilities, and*
 - *Water supply, wastewater disposal, and stormwater management systems and infrastructure.*

19 **B. Potable Water Supply and Wastewater Systems.** *The applicant must demonstrate that adequate*
20 *potable water supply and wastewater facilities exist to serve the subdivision at buildout, and for each*
21 *phase of development, in accordance with the following:*

Commented [PC40]: Note TO PC: These sections have been updated to also incorporate provisions under other city ordinances relevant to subdivisions

22 (1) A subdivision within the City's public water supply and wastewater system service areas must
23 be connected to municipal systems *unless physical constraints preclude such connection.* For the
24 sewer system this includes any area located within the City Center Service Area, or within 200 feet of
25 an existing sewer line. Each building lot within the subdivision must be served by the municipal
26 system as required under the City's Water Ordinance, and *South Burlington Ordinance Regulating the*
27 *Use of Public and Private Sanitary Sewerage and Stormwater Systems,* as most recently amended.

Commented [PC41]: Note to PC: Added for clarity

28 (2) Private community or other onsite systems are not permitted within the City's existing public
29 water supply and sewer service areas. A community system outside of an existing service area may
30 be allowed only with approval from the DRB, the Department of Public Works *and the Vermont*
31 *Department of Environmental Conservation, under the Department's Environmental Protection Rules.*
32 The applicant must demonstrate that a community system has been designed in accordance with City
33 and state standards, and to eventually connect to the municipal system.

34 (3) Existing or planned water supply and wastewater system capacity must be adequate to meet
35 total water demand and wastewater flows at buildout, and for each phase of development, as
36 evidenced by City allocations of available reserve capacity for projects connecting to municipal
37 systems. The applicant must apply to the Department for a preliminary allocation of available
38 uncommitted water and wastewater system reserve capacity in advance of preliminary subdivision
39 review.

1 (a) Preliminary capacity determinations are not binding on the City but may be used by the
2 applicant and DRB to determine that system reserve capacity, at the time of application, is
3 sufficient to serve the proposed subdivision. Final capacity allocations will be issued by the
4 Department only after the DRB issues final subdivision approval.

5 (b) Capacity allocations are not transferrable, and unused allocations expire with the
6 expiration of final subdivision approval, or within (5) years of the date of issuance, unless a one-
7 time extension of up to five (5) years is requested and approved by the Department.

8 (4) Proposed mains, distribution lines and connections to the City's water distribution and
9 wastewater systems, and associated equipment and appurtenances, must be designed to City
10 specifications by a Vermont registered engineer, and are subject to review and approval by the Public
11 Works Department.

12 (5) Utility corridors and easements must be shown on subdivision plans and plats submitted with
13 the application. Water and sewer mains must be located within the limits of public rights-of-way or,
14 with approval of the DRB and the Department of Public Works:

15 (a) within other property owned by the City; or

16 (b) within a restrictive, perpetual utility easement granted to the City which is of sufficient
17 width to allow Department access for maintenance and repair work.

18 (6) Sufficient water system pressure must be maintained throughout the subdivision, to serve all
19 building lots and to provide for adequate fire protection.

20 (7) A water or sewer main must extend across the entire property, to the adjoining property line,
21 to allow for future extensions through adjoining properties.

22 (8) The DRB, in consultation with the Department of Public Works and Planning & Zoning
23 Department, may also request that the applicant oversize required system improvements,
24 including pipes and pumping stations, as necessary to also serve adjoining parcels, or to comply with
25 planned system improvements, subject to review and approval by the City Council.

26 (a) If requested improvements are approved by the City Council in advance of preliminary or
27 final subdivision approval, system infrastructure must be installed by the applicant as approved,
28 and the City shall reimburse the applicant or developer for the difference in cost.

29 (b) If the City Council does not approve requested improvements, the applicant will not be
30 required to comply with the DRB or Department request.

31 **C. Fire Protection.** The subdivision must be laid out to ensure that adequate fire protection can be
32 provided in accordance with City specifications.

33 (a) Subdivision layout and design must also comply with applicable City and state public safety
34 and fire codes in effect at the time of application, including standards for minimum separation
35 distances between structures, street width, water flow and pressure, fire hydrant installation,
36 sprinkler systems, and emergency vehicle access.

37 (b) Fire hydrants connected to the municipal water system must be located and designed to meet
38 City specifications, as recommended by the Department of Public Works and City Fire Marshal. For a
39 subdivision that is not connected to the municipal system, the DRB may require the subdivider to install

Commented [PC42]: NOTE TO PC Paul removed an operational statement about City maintaining systems before they are taken over.

Commented [PC43]: NOTE TO PC From 15.18(7)

1 *hydrants, fire ponds or other measures necessary to provide adequate fire protection, as*
2 *recommended by the Fire Marshall.*

3 **D. Stormwater Facilities.** The applicant must demonstrate that stormwater management system
4 serving the subdivision has been designed to meet City standards and specifications under Article 12 of
5 these regulations, the *South Burlington Ordinance Regulating the use of Public and Private Sanitary*
6 *Sewerage and Stormwater Systems.*

7 **E. Utilities and Services.** The applicant must demonstrate that subdivision design has been
8 coordinated with utility companies serving the proposed subdivision, as necessary for the DRB to
9 determine that adequate service capacity exists and that the areas identified for utility installation, on
10 subdivision plans and plat, meet the requirements of these Regulations.

11 (1) *Utility connections must be provided to each building lot, and to other subdivision lots on*
12 *which service is necessary or required.*

13 (2) *Utilities must be located within street rights-of-way, or within permanent utility access and*
14 *maintenance easements identified on subdivision plans and plats.*

15 (3) New electrical, natural gas, telephone, internet, cable television, and outdoor lighting systems
16 must be installed underground, *unless prevented by ledge or other physical constraints that make*
17 *burying utility lines impractical.*

18 (4) Utility lines or corridors must be located and designed in a manner that is compatible with
19 the extension of utilities and services to adjacent properties.

20 **F. Street and Sidewalk Lighting.** *Where provided along local and collector streets, street and*
21 *sidewalk lighting must be pedestrian-scaled (e.g., 12 to 14 feet in height) to ensure pedestrian safety*
22 *traveling to and from public spaces. Overall illumination levels should be consistent with the development*
23 *patterns and character of the neighborhood, with smooth levels of illumination (rather than hot-spots)*
24 *and light trespass minimized to the lowest level consistent with public safety.*

25 **G. Renewable Energy Facilities.** *The applicant must demonstrate that, to the extent physically*
26 *feasible, reasonable, and as appropriate to its development context, the subdivision has been designed to*
27 *incorporate best practices that maintain access to and use of renewable energy resources-, e.g., to include*
28 *one or more of the following as indicated on subdivision plans and plats:*

29 (1) *Street and building lots that are oriented to maximize solar access and gain, for passive solar*
30 *construction or rooftop solar installations.*

31 (2) *Parking lots or structures that are designed and constructed to accommodate electric vehicle*
32 *infrastructure, including charging stations and solar canopies or rooftop solar installations.*

33 (3) *One or more suitable open areas (“solar lots”) within the subdivision that are specifically*
34 *designated for a ground-mounted community or neighborhood solar installation.*

35 (4) *Solar access easements, as necessary to maintain solar access across adjoining building lots*
36 *or properties.*

37 (5) *Covenants, deed restrictions or other legal mechanisms that require “solar-ready”*
38 *construction within the subdivision.*

Commented [PC44]: Note to PC: Moved from SEQ standards and modified slightly.

Commented [SM45R44]: Is this lighting provision required or optional (per “where provided”) —e.g., under Street Type Standards? Clarification needed...

Commented [PC46]: For Planning Commission consideration based on meeting with the Energy Committee. This could be a “should” or a “must”

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15.A.18 Required Improvements

A. General Standards. All required improvements must be designed and installed in accordance with the design standards, development requirements, specifications and procedures set forth in these Regulations and other applicable City regulations and standards. Typical plans and sections are attached to these Regulations. Installation and design standards apply to both public and privately owned required improvements. Proposed privately owned streets and other improvements shall be marked as such on the final plat.

B. Reference Monuments. Permanent reference monuments, *as shown on the final subdivision plat*, must be set in concrete for all corners and angle points of the boundaries of the subdivision and as required by the City Engineer for new roads. Lot corner markers shall be set at corners and angle points of all lots, plots, or parcels, and located in the ground to finish grade.

C. Modification of Design or Improvements. If at any time after approval before or during the construction of the required improvements, the subdivider demonstrates that unforeseen conditions make it necessary or preferable to modify the location or design of structures, utility cabinets, curb cuts, roads, parking lots, lighting, or landscaping, such minor alterations may be authorized by the Administrative Officer pursuant to the standards in Section 14.05(l) for as-built plans and field changes, upon the advice of the City Engineer. Such authorization may be provided if the proposed changes are within the spirit and intent of the Development Review Board's approval and that they do not waive or substantially alter the function of any improvements previously required by the Development Review Board. The modification of minor engineering or construction details or improvements may be authorized by the City Engineer without further approval, provided such changes do not alter the approved function, location or design of structures, curb cuts, roads, or parking lots.

D. Inspection of Improvements. The City Engineer may, at their discretion, may perform inspections as needed during the installation of required improvements to verify the satisfactory completion of required work.

E. Proper Installation of Public Facilities and Improvements. Prior to the release of any bond, escrow account, or letter of credit pursuant to Section 15.A.19, the subdivider or developer must submit to the City Engineer as-built construction drawings, certified by a licensed engineer. The City Engineer shall then inspect the required public facilities and improvements. In the event deficiencies are found and are not remedied by the subdivider or developer, the Administrative Officer shall notify the holder of the surety and take all necessary steps to preserve the City's rights under any performance bond, escrow account, or letter of credit.

F. Acceptance of Required Improvements. *The City Council is not obliged to accept any public street, facility, or improvement.* City acceptance of proposed public streets and required public facilities and improvements must conform to procedures established by the City Council. Acceptance shall not take place until after the City Engineer has determined that required public facilities and improvements have been satisfactorily completed and after all bonds, escrow accounts or letters of credit, other than an amount that may be required to cover maintenance and-guarantee work for a two-year period, have been

Commented [PC47]: Note TO PC: streamlined from current requirements following consultation with DPW.

1 released or closed.

2

3 **15.A.19 Performance Bonds, Escrow Accounts, Letters of Credit**

4

5 **A. Public Facilities and Improvements.**

6 (1) Public facilities and improvements under this Article shall include, without limitation, streets,
7 sidewalks, recreation paths, curbing, water and sewer mains and pipes, stormwater infrastructure,
8 pipes and catch basins, fire hydrants, parks, recreational facilities and other improvements which are
9 public or are intended to become public.

10 (2) Before the issuance of a zoning permit, the applicant, subdivider or developer must furnish
11 the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient
12 to cover the full costs of all proposed public facilities and improvements and ancillary site
13 improvements and their maintenance for two years after completion.

14 (3) **Term.** Such bonds, escrow accounts, or letters of credit shall run until the City Engineer has
15 deemed the work to be complete in accordance with City approvals and regulations and for two (2)
16 years thereafter, but in no case for a longer term than three (3) years. However, with the consent of
17 the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may
18 be extended for an additional period not to exceed three (3) years. If any public facilities and
19 improvements have not been installed or maintained as provided within the term of the bond, escrow
20 account or letter of credit then the amount secured by the bond, escrow account or letter of credit
21 shall be forfeited to the City.

22 (4) **Partial Release.** Upon a determination by the City Engineer that a phase of the construction
23 of public facilities and improvements is complete as provided in Article 15.A.18(E), the Administrative
24 Officer may recommend that the City Treasurer approve a partial release of the amount of the bond,
25 escrow account or letter of credit equivalent to the phase or portion of the completed construction,
26 up to a maximum of 90% of the original amount. Any amounts that the City Treasurer releases shall
27 not exceed the proportion of the total project that has been built, up to a maximum of 90% of the
28 original amount. The remaining 10% of the original amount of the bond, escrow account or letter of
29 credit only shall be released upon the determination of the City Engineer that the public facilities and
30 improvements have been maintained for two years after the City Engineer determined the public
31 facilities and improvements to be complete. Upon a determination by the City Engineer that the
32 public facilities and improvements have been maintained as provided within the term of the bond,
33 escrow account or letter of credit, the Administrative Officer may recommend that the City Treasurer
34 approve the release of the remaining 10% of the original amount.

35 **B. All other bonds, escrow accounts, or letters of credit required by these Regulations,** including
36 but not limited to Landscaping and Site Restorations or rehabilitation, Earth Products and required
37 demolition and removal of buildings.

38 (1) Before issuance of a zoning permit, the applicant, subdivider or developer shall furnish the
39 City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to
40 guarantee all landscaping and plantings as required under Article 14, and any site restorations or
41 rehabilitations as required under Article 3 or Article 13, for a period as described in this section.

1 (a) For development with a total landscaping budget requirement of \$2,000 or less, no
2 performance bond, escrow account, or letter of credit shall be required.

3 (b) For development with a total landscaping budget requirement of over \$10,000, the
4 required amount for performance bond, escrow account, or letter of credit shall be \$10,000, plus
5 fifty percent (50%) of the landscaping budget amount over \$10,000. Example: a development with
6 a total required landscaping budget of \$20,000 shall have a performance bond, escrow account,
7 or letter of credit of not less than \$15,000.

8 (2) **Term for Bonds, Escrow Accounts, or Letters of Credit for demolition and removal of**
9 **buildings required by Article 3.09.** Bonds, escrow accounts or letters of credit for the demolition and
10 removal of a principal building upon the construction and occupancy of a new principal building, as
11 required by Article 3.09 of these Regulations, shall run for a period of two (2) years. The
12 Administrative Officer may recommend that the City Treasurer approve the release of the bond,
13 escrow account or letter of credit upon a demonstration of compliance with Article 3.09(E)(3). If an
14 applicant, subdivider or developer does not demonstrate compliance with Article 3.09(E)(3) as
15 provided within the term of the bond, escrow account or letter of credit, then the amount secured by
16 the bond, escrow account or letter of credit shall be forfeited to the City.

17 (3) **Term for Other Bonds, Escrow Accounts, or Letters of Credit required by Articles 3, 13 and**
18 **14 and 15.** All other bonds, escrow accounts, or letters of credit shall run for a period of three (3)
19 years. However, with the consent of the applicant, subdivider or developer, the term of that bond,
20 escrow account or letter of credit may be extended for an additional period not to exceed three years.
21 If any required work has not been constructed, installed or maintained as provided within the term
22 of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account
23 or letter of credit shall be forfeited to the City.

24 **C. Bond Amounts.** The amount of such bond, escrow account or letter of credit shall be established
25 by the Development Review Board and shall be equal to: 100% of the estimated project costs for public
26 facilities and improvements, plus a 15% contingency; or 100% of the estimated project costs for all other
27 types of bonds required by these Regulations. The applicant, subdivider or developer shall be responsible
28 for providing accurate cost estimates. Where amounts are not specified by these Regulations, the City
29 Engineer shall review all cost estimates and provide a recommendation to the Board. The Board may
30 invoke technical review to confirm the accuracy of estimates.

31 **D. Form of Bonds, Other Sureties.** The form of any such bond, escrow account, or letter of credit
32 shall be approved by the City Attorney and City Council and shall include procedures for the City to make
33 use of such funds in accordance with 24 VSA § 4464.

34 **E. "As-built" construction drawings and plans** shall be submitted in paper and digital form to, and
35 approved by, the City Engineer, prior to the release of any bonds, or portions thereof, for the installation
36 of all required improvements.