

15.B MASTER PLAN REVIEW

Notes:

1. This Article has been prepared as a complete replacement of the current Master Plan provisions of Article 15.
2. Subdivision and Planned Unit Development are prepared as separate articles, 15A and 15C

15.B.01	Purpose
15.B.02	Applicability
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15.B.04	Master Plan Components
15.B.05	Review Standards
15.B.06	Approval, Effect, Duration, Amendment

15.B.01 Purpose

For purposes of these Regulations a master development plan, or “Master Plan,” is a plan for the integrated, long-term development of a tract of land which prescribes the overall pattern, type, density, form and timing of development, consistent with applicable regulations, the City’s adopted Capital Improvement Program, and Official Map. Master plan review and approval by the Development Review Board (DRB) is intended to:

- Establish the framework for the orderly, well-planned and integrated development of large tracts of land, and land subdivision and development projects that occur over an extended period;
- Identify and address the cumulative and overall impacts of more complex or phased development on the planned pattern and density of development, resources identified for protection under Articles 10 and 12, municipal infrastructure, and existing and planned community facilities and services;
- Ensure that the location, timing and rate of proposed development does not exceed the ability of the City to provide municipal infrastructure, facilities and services in an efficient and cost-effective manner;
- Serve as the basis for development phasing, by specifying the timing and sequence of development in relation to existing and planned infrastructure capacity, required improvements, and the provision of open space, including civic spaces and other public amenities;
- Define and clarify respective interests, roles, responsibilities, and management structures for project development under the Master Plan, and for long-term management and maintenance.
- Provide assurances to the City, neighbors and other interested parties that subsequent development will be consistent with the approved master plan; and
- Provide assurances to the applicant, investors, and developers that, for the duration of the approved master plan, development consistent with the plan may proceed under regulations in effect at the time of master plan approval.

15.B.02 Applicability

Commented [PC1]: Note to PC: Master plan approval is currently required under § 15.07 for 1) land development involving ten or more acres; 2) development of more than ten dwelling units in the SEQ; and 3) Development of more than ten units in a five-year period in the R1-Lakeshore District.

1 **(A) Required Approval.** A Master Plan review and approval by the DRB is required prior to site plan
2 or preliminary subdivision review for:

3 (1) Subdivision of development involving four (4) or more contiguous acres, except for a Transect
4 Subdivision within the City Center Form Based Code District.

5 (2) Subdivision or land development proposed to occur over two (2) or more phases, or three (3)
6 or more years.

7 (3) A Planned Unit Development under Article 15.C, except for a small infill PUD as defined and
8 exempted under Section ___.

9 (4) [Other – e.g., projects with multiple principal buildings/lot, projects >= “x” DUs or GSF?].

10 (5) The DRB may also require the submission of a Master Plan for any tract of land where there
11 exists clear potential for future growth and development beyond what may be presented in an
12 application, as necessary to establish physical and functional connections between areas of proposed
13 and potential future development.

14 **(B) Elective Review.** An applicant may request master plan review for any project that involves two
15 (2) or more acres in any zoning district, except within the City Center FBC District.

Commented [PC2]: For PC Discussion: Currently there is no PUD or Master Plan in the City Center FBC District. This tool could be used to establish a Master Plan if appropriate, in the future. Perhaps refer to the FBC Subcommittee?

Commented [PC3]: Note to PC: This threshold still to be established.

Commented [PC4]: Note to PC: currently as specified for “elective PUD review,” except for parcels of land less than two acres in the R1, R1-LV, R2, R4 and LN Districts.

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19 **15.B.03 Master Plan Review Process**

20 The following procedures apply to any subdivision or development project for which Master Plan review
21 is requested or required:

22 **(A) Pre-Application Sketch Plan Review.** An applicant must submit a sketch plan for review and
23 follow the procedures and submittal requirements of Section 15.A.04. If master plan review is requested
24 or required, the applicant must then file an application for master plan approval within six (6) months of
25 the final DRB sketch plan review meeting. The Master Plan must generally conform to the layout shown
26 on the sketch plan, and incorporate recommendations made by the DRB.

Commented [PC5]: Note to PC: Note: reflects current requirements under 15.06.C.

27 **(B) Master Plan Application.** The applicant must submit a Master Plan that includes the components
28 described under (D) below; and specific submission requirements as listed in Appendix E, Submission
29 Requirements. The applicant must meet with Planning & Zoning Department Staff to review application
30 requirements, relevant codes and standards, and proposed phasing schedules, prior to submitting a
31 formal application.

32 **(C) Combined Review.** At the applicant’s request, master plan review may be combined with
33 preliminary subdivision or site plan review for the entire development or a discrete portion or phase of
34 the proposed development. Any land proposed for development for which master plan review is secured
35 without preliminary subdivision or site plan review shall require preliminary subdivision or site plan review
36 and approval prior to final review unless the DRB has waived the preliminary subdivision stage of review
37 in an approved master plan. The DRB may review the master plan and all areas proposed for preliminary
38 subdivision or site plan review simultaneously, and shall issue separate findings of fact under each.

1 Findings of fact pertaining to the Master Plan shall be binding on the DRB and the applicant for all
2 subsequent preliminary subdivision or site plan applications made pursuant to master plan approval.

3 **(D) Neighborhood Meeting.** The applicant for master plan review must conduct at least one (1)
4 neighborhood meeting in the neighborhood in which the project is located, the costs of which are to be
5 borne by the applicant. The purpose of this meeting is to present the pending proposal, provide an
6 opportunity for public questions and comments, and to allow the applicant to identify and address
7 potential neighborhood concerns in advance of the formal hearing process.

Commented [PC6]: For discussion by the PC. Modelled after the City Center FBC (where no DRB hearing takes place)

8 (1) The neighborhood meeting must be held within thirty (30) calendar days of filing a complete
9 application, and no less than seven (7) calendar days prior to the first public hearing.

10 (2) The meeting should be held on a weekday evening or Saturday and in an ADA-accessible
11 public building in the City of South Burlington;

12 (3) The meeting should include an overview of the project by the applicant, an opportunity for
13 all members of the public in attendance to offer oral input, and acceptance of any written input.

14 (4) The meeting should not be held on the same day as a regularly scheduled Development
15 Review Board or City Council meeting.

16 (5) A meeting invitation that includes a brief project description, and the date, time and location
17 of the neighborhood meeting must be posted on the development site, and sent by regular mail to all
18 property owners within 1,000 feet of the proposed development at least seven (7) calendar days prior
19 to the meeting date. A digital copy of the meeting notice must also be provided to the Administrative
20 Officer in advance for posting and forwarding to the City's notice list.

Commented [PC7]: For PC discussion: the objective here is positive but logistically this may be difficult. Perhaps an alternative requirement such as a newspaper ad or other?

21 (6) Following the meeting, the applicant must submit the meeting attendance list and meeting
22 minutes to the Administrative Officer for inclusion in the public hearing record.

23 **(E) Public Hearing.** Following the submission of a complete application, the Administrative Officer
24 must schedule and the DRB must hold a warned public hearing on the application, as required under 24
25 V.S.A. §§ 4463 and 4464 and Section 17.08(F) of these Regulations.
26

27 **15.B.04 Master Plan Components**

28 A Master Plan required under this section must include all components listed below and in Appendix E,
29 Submission Requirements, unless waived by the DRB because they are not applicable, to be presented in
30 narrative, graphic, and tabular form.

Note! The greater the level of detail provided in the Master Plan, the less need for extensive review of subsequent phases of development. Conversely, the more general the details provided, the greater the level of information and review that may be required by the DRB for subsequent phases of development.

31

32 **(1) Project Description.** A map, narrative and accompanying table(s) that describe:

- 33
- The overall vision for and scope of the proposed development;
 - The land area and properties to be included under each phase of development;
- 34

- Current property ownership and contact information;
- Current zoning district designations;
- Project consistency with applicable zoning and subdivision regulations; and
- Requested modifications or waivers, as allowed under applicable regulations.

(2) **Context Report.** A map and accompanying narrative that describe the area proposed for development in relation to the surrounding neighborhood, and to existing and planned City facilities, services, and infrastructure in the vicinity of the project, to include:

- Existing parcels, and existing and planned streets, recreation paths, transit routes, buildings, land uses, open spaces and community facilities located within ½-mile of project boundaries;
- Proposed street, recreation path, transit, infrastructure and open space connections between existing, planned and proposed development; and
- A description of how concerns raised in the neighborhood meeting will be addressed.

(3) **Existing Conditions Report.** A Site Conditions Map for the entire tract and accompanying narrative that depict and describe:

- Existing topographic conditions, including elevation contours, surface waters, wetlands and other natural features;
- Environmental resources identified for protection under Articles 10 and 12, or otherwise regulated by the City;
- Existing streets, rights-of-way and utility corridors; and
- Existing land uses and structures, including any historic sites or structures listed or eligible for listing on the Vermont State Register of Historic Places.

(A) **Development Plan.** One or more maps and an accompanying narrative that depict and describe the overall pattern, density and type of development proposed for the entire project, and for each phase of development, to include:

- Environmental resource areas identified for protection, consistent with adopted Environmental Protection Standards under Articles 10 and 12;
- Designated open space areas, including any land areas to be set aside for renewable energy production;
- The proposed street grid within and connecting each phase of development, including the location of major streets by street type, and any existing rights-of-way, easements or intersections identified for relocation;
- Proposed recreation paths, transit routes, and infrastructure and utility corridors between and serving each phase of development;
- Designated development areas, including land use allocation areas by proposed use type(s), and associated acreages for each; at minimum to include designated residential areas, nonresidential areas, mixed use areas, civic spaces, and principal or shared parking areas.

Commented [PC8]: Note to PC: This Section would require the applicant to provide an assessment of the project's context.

Commented [PC9]: Note to PC: this is intended to be shown as maps and accompanying narrative.

- Proposed transition areas along the project perimeter, in which proposed development will be integrated with or buffered from adjoining properties and development;
- Existing buildings to be incorporated in proposed development or redevelopment; and
- Public and private transportation, infrastructure and utility improvements necessary to accommodate each phase of development, and the entire project buildout, to include any improvements proposed for future public dedication, consistent with the City's adopted Official Map.

(B) Summary Statistics. The following project statistics, presented in an easy to reference tabular format, must be provided for the entire tract or project area, and for each phase of development unless waived by the DRB:

- Total acreage;
- Open space acreage by open space or environmental resource type;
- Development acreage by land use or building type for each designated development area, excluding proposed streets, but including the acreage of designated principal or shared civic spaces and parking areas;
- Number of proposed dwelling units by housing or building type;
- Gross square feet of building floor area by use or building type for nonresidential and mixed use development; and
- Other statistics or data required by the DRB as necessary to determine conformance with relevant standards under these Regulations.

(C) Buildout Analysis and Budget. Based on projections provided under (E) above, the applicant must also provide an analysis for each of the following based on total projected demand at buildout, and as allocated for each phase of development, for use in determining the project's total buildout budget:

- Minimum and maximum acreage allocations by use type, as percentages of designated development acreage;
- Gross and net development densities by use type;
- Minimum number or percentage of affordable housing units required per designated residential and mixed-use development area and phasing plan for proposed units, as applicable pursuant to Article 18;
- Minimum acreage or percentage of civic space required per designated development area;
- Maximum peak hour trip generation rates, by use type;
- Maximum water supply and wastewater system demand, by use type;
- Maximum total impervious surface (percentage, total square footage) and projected volume of stormwater runoff per designated development area; and
- Other measures or parameters required by the DRB as necessary to identify and limit the projected impacts of development on municipal facilities, infrastructure and services, and properties and uses within the vicinity of the project.

Commented [PC10]: Note to PC: These are intended to be provided in table-format at this Master Plan Stage.

Commented [PC11]: Note to PC: this information is based on the above and becomes the foundation for the decision and future amendments.

1 **(D) Design Standards.** The application must include proposed standards, specifications, illustrations,
2 best management practices, or other forms of guidance for the following, consistent with City regulations
3 in effect at the time of Master Plan approval, as applicable to all subsequent development under the
4 Master Plan:

- 5 • Environmental resource protections for identified resources, consistent with associated standards
6 and accepted mitigation measures under Articles 10 and 12.
- 7 • The mix or allocation of land uses, as specified for each phase of development;
- 8 • Typical street cross-sections by Street Type, as referenced under Appendix ____;
- 9 • Typical open space types, including designated civic space types, as referenced under Appendix
10 ____;
- 11 • Typical block and building lot dimensions and configurations, consistent with applicable
12 subdivision and zoning regulations, and zoning district or PUD type, and for designated transition
13 areas as necessary to complement or match the adjoining pattern of development;
- 14 • Typical building types, as applicable and referenced under Appendix ____, including proposed
15 housing types, and elevations;
- 16 • Building height and setback standards as applicable by zoning district, PUD or building type; and
17 for designated transition areas as necessary to complement or match the adjoining the form of
18 development;
- 19 • Parking specifications for on-site, off-site, and on-street parking areas, needed to serve
20 proposed development;
- 21 • Setbacks, buffering, screening or other mitigation measures necessary to separate incompatible
22 land uses, particularly within designated transition areas;
- 23 • Overall lighting plan, including typical fixtures, consistent with relevant lighting requirements
24 under Section 13.07 and Appendix D;
- 25 • Landscaping and screening specifications, consistent with relevant landscaping standards under
26 Section 13.06;
- 27 • Specifications for the siting and design of new buildings, and the retrofit of existing buildings, as
28 necessary to meet applicable energy standards under Section 3.15, and to promote renewable
29 energy installations; and
- 30 • Any additional architectural or design guidance for each type or phase of development, and for
31 proposed transition areas, that is intended to integrate existing and new forms of development,
32 and to ensure coordinated and cohesive forms of phased development;

33
34 **(E) Phasing Plan.** The application must include a narrative or table and map that clearly identify,
35 describe and depict each phase of development, including properties included, designated development
36 areas by use type, major streets, supporting infrastructure and facility improvements, civic spaces, and
37 other public amenities to be provided prior to or in association with each phase; and a schedule for the
38 timing and sequence of development over the period covered by the Master Plan, consistent with the
39 City's adopted Capital Improvement Program and Official Map. Each phase should account for at least
40 20 percent of the total project area or expected buildout in units/SF, incorporate one or more distinct
41 areas identified for coordinated development and management, and the infrastructure and facilities

Commented [PC12]: Note to PC: This section is intended to establish the design standards that will direct the project through all of the remaining stages of review. The DRB has the authority to approve a design, to vest the standards in the current regulations, or to determine that the element must be reviewed under the regulations in place at the time of the subsequent review. Applicants are therefore incentivized to make commitments early on in order to be vested.

1 necessary to support that phase of development. Any temporary or interim structures or uses (e.g.,
2 buildings, parking, construction or staging areas) intended for conversion or redevelopment in a
3 subsequent phase should also be identified in the phasing plan.

4
5 **(F) Management Plan.** A narrative description of the proposed management structure
6 responsible for project development, to include all principals or entities with direct control over and
7 responsibility for the financing, permitting, construction, and completion of development under the
8 Master Plan; and, following project completion, for long-term ownership, management, operation, and
9 maintenance of capital and community assets. The management plan must also clearly identify any
10 streets, infrastructure, facilities, civic or other open spaces proposed for public dedication under each
11 phase of development, consistent with the City's adopted Official Map and Capital Improvement Plan, for
12 consideration in subsequent DRB conditions of approval or development agreements to be approved by
13 the City Council.

14 **15.B.05 Review Standards**

15 **(A) Findings.** For Master Plan approval, the DRB must find that:

- 16 (1) The Master Plan includes all the components required under D above, unless specifically
17 waived by the DRB, in enough detail to provide the framework and standards for future development
18 under the plan;
- 19 (2) The overall type, pattern and density of development, and allocation of land uses, are
20 consistent with these Regulations and other City regulations in effect at the time of application,
21 including relevant subdivision, zoning district or planned unit development standards;
- 22 (3) The proposed Development Plan demonstrates the efficient, coordinated and integrated
23 development and use of land which:
 - 24 (a) Considers existing topography and physical site constraints;
 - 25 (b) Avoids or minimizes and mitigates the impacts of future development on environmental
26 resources identified for protection, as enumerated in Articles 10 and 12, and as incorporated into
27 the overall design;
 - 28 (c) Defines an overall pattern of development, including proposed streets and blocks, that is
29 consistent with the zoning district or type of planned unit development;
 - 30 (d) Maintains street, pedestrian, and transit connectivity, and contiguous or accessible open
31 space with the adjoining neighborhood, and within and between each phase of development;
 - 32 (e) Avoids, or minimizes and mitigates the adverse impacts of development on adjoining
33 properties and uses, through the designation of transition areas or buffer areas along the project
34 perimeter; and
 - 35 (f) Includes adequate standards specific to each type and phase of development, to include
36 guidance for the functional and aesthetic integration of development with the surrounding
37 neighborhood, and provisions for buffering or screening incompatible land uses.

Commented [PC13]: Note to PC: The DRB must find that each of the criteria below are met in order to approve

1 (4) The Buildout Budget sets reasonable development parameters for the entire project and as
2 allocated for each phase of development, for reference in subsequent regulatory reviews, as
3 necessary to identify and limit the cumulative and overall impacts of project development on City
4 infrastructure, facilities and services.

5 (5) Design Standards are sufficiently detailed to provide standards for development that apply
6 for the duration of the Master Plan.

7 (5) The Phasing Plan and Schedule:

- 8 (a) are consistent with the City's adopted Capital Improvement Program;
- 9 (b) ensure that all phases of development will occur in an orderly fashion; and that
- 10 (c) infrastructure and facility improvements necessary to support each phase of
11 development will be provided concurrently with such development, as may be further ensured
12 through subsequent or separate regulatory review processes and development agreements.

13 (6) The Management Plan:

- 14 (a) defines a management structure for the duration of the Master Plan that supports long-
15 term project viability through buildout;
- 16 (b) identifies those principals or entities responsible for securing necessary municipal permits
17 and approvals for development under the Master Plan; and
- 18 (c) clearly identifies proposed ownership and responsibilities for the long-term management,
19 maintenance and operation of capital and community assets, including any proposed dedications
20 of land, facilities and infrastructure to the City.

21 **15.B.06 Master Plan Approval, Effect, Duration, Amendment**

22
23 **(A) Decision.** Within forty-five (45) days after the close of the public hearing on the Master Plan, the
24 DRB must issue its written findings of fact and decision to approve, approve with conditions, or disapprove
25 the Master Plan. Failure to act within this 45-day period shall constitute approval under 24 VSA § 4464(b),
26 as deemed by the court and certified by the City Clerk. The DRB decision, including findings and
27 information for appeal, shall be sent by certified mail to the applicant, and filed in the City land records.
28 Copies of the decision shall also be mailed to all parties who participated in the DRB hearing process.

29 **(B) Subsequent Regulatory Review.** In its approval of a Master Plan, the DRB shall specify the level
30 of review and review processes required for subsequent applications filed under the Master Plan,
31 provided such procedure is consistent with the intent of these Regulations and the following:

- 32 (1) Sketch plan review is not required for any application for preliminary subdivision or site plan
33 review that complies with the approved Master Plan, and associated conditions of approval.
- 34 (2) The DRB may waive preliminary subdivision or site plan review for specified phases or portions
35 of a project.

1 (3) The DRB may in its decision specify allowed modifications or changes under the Master Plan
2 which require only administrative review and approval by the Administrative Officer.

3 **(C) Effect.** Once a Master Plan has been approved, all subsequent development must conform to the
4 Master Plan as approved.

5 (1) **The** Development Review Board in issuing a decision shall make specific findings as to which
6 elements in the Master Plan are vested. The Board may approve elements of the Master Plan for all
7 subsequent applications; determine that elements of the Master Plan are vested; and/or determine
8 that elements are not vested.

9 (2) Master Plan approval is binding upon the applicant, the owner(s), their agents and successors
10 in interest.

11 (3) Once the Master Plan is approved, the applicant may apply for other permits and approvals
12 referenced in the conditions of Master Plan approval, as required prior to the start of construction.

13 (4) Unless the applicant fails to comply with the conditions of Master Plan approval and these
14 Regulations, the Master Plan as approved shall not be modified, revoked or otherwise impaired by
15 any action of the City without the consent of the applicant. For purposes of subsequent regulatory
16 reviews under the Master Plan, for the duration of the plan the regulations in effect at the time of
17 Master Plan approval shall apply to vested elements under Subsection(C)(1). For vested elements,
18 Regulations enacted following master plan approval shall apply only as necessary to address public
19 health and safety or, at the request of the applicant, to incorporate types or forms of development
20 allowed under more recently adopted regulations, in conjunction with an application to amend the
21 Master Plan.

22 **(D) Duration.** The duration of the Master Plan, as specified in the conditions of DRB approval, shall
23 be determined by the DRB in consultation with the Planning Director and City Engineer.

24 (1) The Master Plan should be approved for a period of time, not to exceed six (6) years, for which
25 the impacts of proposed development can clearly be ascertained from the quality and detail of the
26 information provided; which allows sufficient time for project planning, permitting and development,
27 including required regulatory reviews; and which accommodates full project buildout in relation to
28 the timing of planned infrastructure and facility improvements.

29 (2) The Master Plan shall remain in effect as approved until the development allowed by the plan
30 has been completed, the plan expires, or the plan is amended or superseded.

31 (3) Applicant shall submit a complete preliminary or final subdivision or site plan application (as
32 applicable) for at least one phase of the project within two (2) years of the date of approval of the
33 Master Plan. Concurrent review with Master Plan shall be deemed to have satisfies this requirement.
34 Failure to submit a complete application within two (2) years of the date of approval shall result in
35 expiration of the Master Plan.

36 (4) The duration of an approved Master Plan may be extended by the DRB for up to two (2), 2-
37 year periods, for cause, if the request and reasons for the extension are submitted in writing prior to

Commented [PC14]: Note to PC: this section enumerate the DRB's authority to vest elements of the plan.

Commented [PC15]: Note to PC: This duration would be authorized to last a maximum of 10 years, after which a new Master Plan would be required. 10 years has been recommended as a typical Master Plan duration.

1 the Master Plan expiration date; however in no event shall the duration of an approved Master Plan
2 exceed ten (10) years in total, to include all authorized extensions or amendments.

3 **(E) Amendment.**

4 **(1) Minor Amendment.** An approved Master Plan may be amended concurrently with the
5 application for preliminary or final subdivision or site plan review, without sketch plan review, if the
6 proposed amendment represents a material change that does not deviate significantly from the
7 Master Plan as approved, including the approved development plan and phasing schedule, and does
8 not alter the overall buildout budget. This may include the reallocation of budgeted development
9 parameters between development phases.

10 **(2) Substantial Amendment or Re-Approval.** Full Master Plan review and approval under (C),
11 including sketch plan review and required pre-application meetings, will be required to re-approve a
12 Master Plan beyond the duration established in Subsection (D) above or for any development
13 representing a substantial change that deviates from the approved Master Plan in one or more of the
14 following respects:

15 (a) Proposed development that incorporates land or properties that were not included in the
16 master plan as approved;

17 (b) Proposed development that significantly alters the development plan as approved,
18 including a change in the overall pattern of development (e.g., streets, blocks, connectivity), the
19 location and extent of permanent open space, designated development areas and civic spaces, or
20 the allocation of development densities and land uses; or,

21 (c) Proposed changes that significantly alter the parameters and associated impacts of
22 development at buildout as set forth in the approved buildout budget, including but not limited
23 an increase in total site coverage, an increase in PM peak hour trip ends, and other parameters
24 that require additional infrastructure, facilities or services.

25 Re-approval of a Master Plan shall be subject to the Land Development Regulations in effect at the
26 time of application and shall be considered a new application for the purposes of Subsection D,
27 Duration.

28