

## Department of Planning and Zoning

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**TO:** Planning Commission Ordinance Committee  
**FROM:** Scott Gustin  
**DATE:** March 3, 2016  
**RE:** Article 10: Subdivision amendments

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The purpose of this proposed amendment is three-fold:

- Establish administrative authority for minor subdivisions (i.e. those eligible for combined preliminary and final plat review) not otherwise subject to DRB review.
- Incorporate reference to the standards of the City Engineer for public infrastructure improvements.
- Clean up omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance into the 2008 Comprehensive Development Ordinance.

There is also one “clean-up” item relative to Article 11. A footnote reference to Article 3 was to be deleted as part of ZA-15-02 (conditional use and PUD amendment) but was missed. This amendment deletes it.

Proposed CDO language is below. New language is underlined red and deleted language is ~~crossed-out~~.

### **Sec. 10.1.3 Platting Jurisdiction**

**(a) Platting Authority:**

The Administrative Officer and the DRB shall be the official city platting authorities responsible for the review and acceptance of all land subdivision plats. The Administrative Officer shall be the platting authority for all subdivisions that will create fewer than five (5) lots and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11. The DRB shall be the platting authority for all other subdivisions. No plat of a land subdivision shall be entitled to be recorded in the city land records without the approval of the Administrative Officer or the DRB or its designee inscribed thereon.

**(b) Use of plat:**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that does not have final approval by the Administrative Officer or the DRB or its designee inscribed thereon and is not recorded in the city land records shall be prohibited.

**(c) Erection of buildings:**

No zoning or building permit shall be issued and no building shall be erected on any lot within a proposed subdivision unless and until the final subdivision plat has been approved by the Administrative Officer or the DRB and properly recorded in the city's land records.

#### **Sec. 10.1.4 – Sec. 10.1.6**

As written.

#### **Sec. 10.1.7 Combined Preliminary and Final Plat – Administrative Review**

~~The administrative officer shall have the authority to approve or deny an application f~~For subdivisions that will create fewer than five (5) lots ~~or dwelling units~~, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, ~~the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.~~

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the ~~DRB~~ Administrative Officer shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

#### **Sec. 10.1.8**

As written.

#### **Sec. 10.1.9 Final Plat Approval Process**

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

##### **(a) Final Plat and Construction Detail Submission Requirements**

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat and, for subdivisions to be reviewed by the DRB, giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below.
4. Ten (10) copies of the final site plan, as specified in subsection (7) below.
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six

(36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:

- A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.
  - B. Location, width, name, and final grade of proposed streets.
  - C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
  - D. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
  - E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
  - F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:
- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
  - B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and,
  - C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
8. Construction detail drawings: Standards for public streets and related public infrastructure shall be as established by the City Engineer. All submitted applications

for final plat approval must ~~likewise~~ have construction detail drawings consisting of the following as applicable:

- A. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.
- B. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins, culverts and existing intersecting walks and driveways.
- C. Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- D. Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catch basins and manholes. Surface elevations and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert, or bridge.
- E. Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the applicant shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The applicant shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the city engineer said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the waste water division of the public works department.
- F. Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.
- G. All profiles shall be drawn with:
  - i. A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.
  - ii. Existing centerline in fine black line with elevation shown every fifty (50) feet.
  - iii. Proposed centerline grades in heavier black line with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade

shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.

- iv. Cross-sections at every fifty (50) foot station or any unusual section, as is common practice in the design of roadways by the Vermont Agency of Transportation.
- v. Existing right-of-way line in fine black dash line.
- vi. Proposed right-of-way line in fine black dash line.
- vii. All elevations based on the U.S. Coast and Geodetic Survey benchmarks.
- viii. Requirements (i), (ii), (iii) and (iv) of such construction detail drawings must be approved by the city engineer prior to approval of the final plat ~~by the DRB.~~

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

**(b) Completeness of Submission, Administrator's Action**

As written.

**(c) Public hearing on final plat:**

As written.

**(d) Review Criteria:**

As written.

**(e) DRB approval of final plat:**

As written.

**Sec. 10.1.10 Performance Bond and Guarantee of Completion**

As written.

**Sec. 10.1.11 Recording of Final Plats**

**(a) Certifications and Endorsement:**

Every approved final plat seeking recording in the city land records shall carry the following executed certifications:

1. ~~City Project~~ Engineer's certification as follows:

“It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont.”

By: \_\_\_\_\_

Registered \_\_\_\_\_

Seal

2. Surveyor's certification as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type and materials are correctly shown.

By: \_\_\_\_\_

Registered \_\_\_\_\_

Seal

3. Applicant's certification as follows:

State of Vermont, County of Chittenden, City of Burlington

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey."

Agent/Owner: \_\_\_\_\_

Date: \_\_\_\_\_

4. Certificate of dedication: A certification by the applicant setting forth the description of the areas and improvements being dedicated to the public and the extent of the title which is being dedicated.

5. Text of protective covenants whereby the applicant proposes to regulate land use in the subdivision and otherwise protect the proposed development.

6. Certificate of the City Engineer, as follows:

"I, \_\_\_\_\_, city engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions:"

\_\_\_\_\_

-

City Engineer

7. Certificate of the Superintendent of City Parks as follows:

“I, \_\_\_\_\_, superintendent of parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions:”

\_\_\_\_\_  
City Superintendent of Parks

8. Certificate of the City Fire Marshal as follows:

“I, \_\_\_\_\_, fire marshal do hereby certify that the subject plat has been examined by me and found to comply with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions:”

\_\_\_\_\_  
City Fire Marshall

9. Any other certificate as may be reasonably required by the Administrative Officer or DRB to carry out the purpose and intent of these regulations.

Every approved final plat seeking recording in the city land records shall carry the endorsement of the Administrative Officer or the DRB.

Final plats approved by the Administrative Officer shall carry the following endorsement stating that the plat has been approved by the Administrative Officer, and specifying the date of such approval and any conditions of approval, and signed and dated by the Administrative Officer.

“Approved by the Administrative Officer in, Burlington Vermont, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont.”

Signed This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By \_\_\_\_\_

Witness \_\_\_\_\_ Administrative Officer \_\_\_\_\_

Zoning Permit/Certificate of Appropriateness # \_\_\_\_\_

Final plats approved by the DRB shall carry the following endorsement stating that the plat has been approved by resolution of the development review board, and specifying the date of such approval, including the Findings of Fact and any conditions of approval, and signed and dated by the chair of the development review board.

“Approved by Resolution of the City of Burlington Development Review Board, Burlington Vermont, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ Subject to All

Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont.”

Signed This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By \_\_\_\_\_

Witness \_\_\_\_\_ DRB Chair \_\_\_\_\_

Zoning Permit/Certificate of Appropriateness # \_\_\_\_\_

Endorsement shall not take place until all required plats, construction drawings, and supporting documents have been submitted to the administrative officer and determined to be complete and accurate. Prior to the endorsement of the final plat, the city engineer and the administrative officer shall check all documents to be filed to ascertain that they are as approved.

Where necessary, a certification by the city clerk of the Administrative Officer’s failure to act within thirty (30) days of filing a complete subdivision application, or the development review board's failure to act within forty-five (45) days of the close of the final public hearing held under these regulations shall serve as the required endorsement.

**(b) Recording within 180-days**

As written.

**(c) Plat Void if Revised After Approval:**

As written.

**Sec. 10.1.12 – 10.1.14**

As written.

**ARTICLE 11. PLANNED DEVELOPMENT**

*Introduction: This Article of the Burlington Comprehensive Development Ordinance provides for greater flexibility in the design and layout of more complex developments in order to encourage and more efficient design, and preserve important natural and cultural features in the City. In exchange for flexibility, and in some cases development incentives, the application must undergo a more rigorous application and review process.*

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Sec. 11.1.7 Accessory Facilities. ....**Error! Bookmark not defined.**

***PART 1. – PLANNED UNIT DEVELOPMENT***

**Sec. 11.1.1 Intent.**

As written.

**Sec. 11.1.2 Authority.**

As written.

**Sec. 11.1.3 General Requirements and Applicability.**

Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

<b>Districts</b>	<b>Minimum Project Size</b>
RH, RM, RM-W, Downtown and Neighborhood Mixed Use, Institutional <sup>1</sup>	No minimum project size.
RL, RL-W, RCO-R/G <sup>1</sup>	2 acres or more

<sup>1</sup> Subject to Conditional Use Review pursuant to Art 3, Part 5.

**Sec. 11.1.4 – 11.1.7.**

As written.