

CHAPTER 9: SUBDIVISIONS

SECTION 901: PURPOSE. To provide uniform standards for the division of land within the Village and to minimize public costs for the maintenance and repair of facilities installed and constructed as a requirement of this Code.

SECTION 902: REQUIRED PERMITS. Nothing in this Chapter shall waive or modify the requirement to obtain other permits as specified in this Code.

SECTION 903: APPLICABILITY. Any proposal or development, which includes the subdivision or division of land for sale or construction purposes, now or in the future, shall meet the requirements of this Chapter.

SECTION 904: GENERAL APPLICATION REQUIREMENT. All proposals for the subdivision of any property shall meet the application requirements as specified in Section 503 of this Code.

SECTION 905: GENERAL STANDARDS

- A. **Conformity with Other Regulations.** No land shall be subdivided except in conformity with the requirements of this Code.
- B. **Site Suitability.** No subdivision shall be approved on any land, which is unsuitable for development due to flood hazard, poor drainage, unstable soils, rock formations, slopes, or other conditions, which may be a hazard to the public health, safety or welfare unless sufficient measures are proposed to mitigate the identified risks.
- C. **Public Facilities.** All subdivision proposals shall demonstrate the adequacy of all public facilities and services including streets, drainage, stormwater treatment, water supply, sanitation facilities, lighting, emergency access, recreation facilities and similar services or facilities. All proposals shall include an analysis of any potential adverse impact of these services or facilities on adjacent land uses.
- D. **Protection of Significant Features.** In all subdivisions, to the maximum extent possible, efforts shall be made to preserve historic sites, scenic views, forested lands, and unique natural physical characteristics. The Commission shall consider all alternatives available to preserve these significant features, including the donation of lands for public purposes.
- E. **Subdivision Name.** Every subdivision shall be given a unique name, which distinguishes it from other existing subdivisions within the Village. Every effort shall be made not to duplicate names of subdivisions in adjoining communities.
- F. **Lot requirements**
1. **Arrangement.** Lot area, width, depth, orientation, and setbacks shall be arranged to minimize impact on adjoining properties and public streets. Double Frontage Lots shall be avoided whenever possible. Frontage on all corner lots shall be increased by a minimum of fifteen (15) percent.

2. Shape. Side lot lines shall be as close as practical to right angles to street lines or radial to curving street lines. Lots shall be no more than twice as deep as the width of the lot.

3. Access. Each lot shall have direct access to a public street. The Commission may approve a private drive, which serves not more than two (2) lots if both lots have the required sixty (60) feet of frontage on a public street for new subdivisions. A private drive can also serve an existing lot without sixty (60) feet of frontage. Secondary access shall be provided whenever possible. The Commission may require secondary access for any subdivision of ten (10) or more lots or units. The commission may require more than two (2) access points into subdivisions over ten (10) lots or units based on the ability to connect existing or planned streets. The commission may require a right-of-way(s) accommodate future street connections to adjacent properties in any subdivision.

G. Boundary Adjustments.

1. No additional lots shall be created.
2. No existing lot shall be made non-conforming.
3. No currently non-conforming lot shall be made more non-conforming.
4. No existing structure shall be made non-complying.
5. No currently non-complying structure shall be made more non-complying.

SECTION 906: STREETS

A. General Standards. Streets approved as a part of any subdivision shall be constructed as specified in Appendix A.

B. Arrangement

1. All streets shall be integrated with the existing system of streets.
2. All streets shall be extended to the boundary of the proposed subdivision if the Commission determines a future need for street extensions to serve adjoining property.
3. Street design shall include measures to discourage through traffic in Residential Districts.
4. Street design shall include measures to encourage improved connectivity in the Village Center District and strike an appropriate balance between all modes of transit.
5. Access for emergency vehicles shall be considered in the layout of any street.

C. Design

1. Streets shall be designed to the extent possible to intersect at right angles. The approach to the intersection should be approximately at right angles for a distance of fifty (50) feet.
2. No intersection shall have more than four (4) approaches. Whenever possible, "T" intersections shall be used in all residential subdivisions.
3. New intersections on one side of the street shall be located immediately across the street from an existing intersection whenever possible. Street jogs with centerline offsets of less than one hundred twenty five (125) feet are prohibited, unless the Commission finds that no reasonable alternative exists.
4. Curb radii shall be adequate for the design speed of any street. All streets shall have curbs on both sides unless a wavier is requested and approved for GSI measures.

specifically waived by the Commission. [Curb cuts here do not apply to GSI runoff control discharge points.](#)

5. All right-of-way and pavement widths shall be as specified in the table below. No curbing shall be included in the calculation of pavement widths.
6. The centerline grade of any street shall not exceed eight (8) percent.
7. New streets should be designed to follow the natural topography of the site to the extent possible. The applicant shall provide plan and profile drawings and critical cross-sections of grading plans.

Commented [CM1] : By changing this to say a waiver may be requested could allow for more innovative LID/GSI to be installed which could help with the PCP. Also was a suggestion from HW PCP Appendix E pg 10

Commented [JJ2R1] : agreed. Maybe we need to confirm that GSI allows intermittent curb cuts for runoff control this was an issue in the Whitcomb 3 development,

Commented [RM3R1] : I think we can keep this all to the first edit; unless the last sentence is really necessary?

RIGHT OF WAY WIDTHS	
Major Arterials	60 feet
Local residential street	50 feet
Cul de sac Turn-around Diameter	50 feet 100 feet
Private Street Easements	40 feet
Private Driveways	20 feet

PAVEMENT WIDTHS	
Major Arterials	32 feet
Local residential streets	28 feet
Cul de sac Turn-around Diameter	28 feet 75 feet
Private streets	20 feet
Private Driveways	12 feet

D. **Dead-end Streets.** Dead-end streets may be allowed only on a temporary basis until the street may be extended to adjacent property. The Commission may require a temporary turn-around on any dead-end street. If the dead-end street extends to more than six hundred (600) feet, from the closest intersection, a temporary turnaround shall be required. Dead-end streets shall be limited to one thousand (1,000) feet. When a dead-end street is connected the temporary turn-around [or cul de sac](#) shall be removed, returned to grass and deeded to the adjacent property owners at the expense of the developer making the connection. Where undeveloped land lies beyond the developed portion of the subdivision, the commission shall require that no development occur at the terminus of the dead-end street and the right-of-way improvements be extended to the property line. The Planning Commission has the right to condition or restrict access to any thru street to minimize any negative impact caused by traffic to a specific use where a special and vulnerable population is present with specific needs that would be at risk with thru traffic. Restricted access shall not negate the ability of the commission to require more than one access point for subdivisions of ten (10) or more lots or units.

Waiver. The commission may waive the requirement that a dead-end street be temporary if, in the opinion of the Planning Commission, all of the following standards are met:

1. The street connection is not required to provide adequate emergency access to the proposed development, future development on adjacent parcels or development along the dead-end street.
2. The street connection is not necessary to provide a through connection.
3. The street connection is not required to provide a secondary access point to the proposed subdivision, future development on adjacent parcels, or for the properties now served by the dead-end street, in accordance with Section 905.F.3.
4. The street connection is not required to provide convenient vehicular access to the proposed subdivision or future development on adjacent parcels.
5. The street connection is not necessary to accommodate future development on adjacent parcels.

E. Dedications. Unless specifically approved otherwise all right-of-ways, utility connections, stormwater infrastructure, and streets shall be dedicated to the Village in accordance with the deed and acceptance provisions of this LDC. No private streets or drives utilities or stormwater infrastructure shall be accepted by the Village until the right-of-way, pavement and construction standards of the Village are met in their entirety and deeded to the community with Trustee Approval. All proposed subdivisions to be served by private infrastructure shall include a proposed homeowners association agreement with the final application. The association agreements shall be reviewed and approved by the Village Attorney and Village Engineer, Public Works Superintendent and Water Quality Superintendent prior to final plan approval by the Planning Commission.

F. Street Utilities Easements. Upon specific approval of the Commission, the right-of-way width may be reduced by five (5) feet on either or both sides for a total of ten (10) feet provided that a permanent easement is granted for public use.

G. Right-of-Way Widths. For the purpose of determining right-of-way and pavement widths, the following standards shall apply.

1. Major arterial shall be any street with one or more of the following characteristics:
 - (a) The street provides a through connection to adjoining developments.
 - (b) The street provides future connections to undeveloped land.
 - (c) The street connects two state highways, or connects two existing arterials.
 - (d) Traffic projections demonstrate a necessity at a future date to construct one or more additional lanes.
 - (e) Any subdivision road, which facilitates through traffic.
 - (f) The street is located in a commercial or non-residential district and the Commission determines a need for the right-of-way for vehicle, pedestrian and bikeway purposes, or for bus transportation purposes.
2. Local residential street shall be any street not designated major arterial, private street or private driveway.
3. Private streets shall be as defined in Section 709 of this Code.
4. Private drives shall serve no more than two (2) lots if both lots have the required sixty (60) feet of frontage on a public street.

H. Curb Cuts. Curb cuts shall be consistent with the provisions of Section 509 and 705 of this Code.

I. Street Surface. Streets shall be hard surfaced. The Planning Commission may waive this requirement for existing private streets that are not hard surfaced and for which the total proposed number of units does not exceed five. The apron and any portion in the public right-of-way must be paved twenty (20) feet beyond the edge of the public right-of-way.

SECTION 907: EASEMENTS. Drainage and utility easements shall be specified on the plat. Easements shall be based upon standard engineering practices and a twenty-five (25) year design storm. A standard eight (8) foot easement shall be placed on all side lot lines and rear lot lines for future use for drainage and utility purposes. Signed Easement documents shall be submitted for review prior to final inspection and public acceptance of infrastructure. Once inspection is complete the signed easement documents must be recorded into the Land Records within 30 days and a recorded copy submitted to the Village staff.

SECTION 908: RECREATIONAL OPEN SPACE. Open space provides ecological, health and social benefits to new and existing residents and must be incorporated into new developments if required by the Planning Commission based on the standards contained herein. Within any subdivision, site plan, PUD plan the Commission may require the dedication of not more than fifteen (15) percent of the land for open space and recreation purposes. The Commission may require that all or part of the land be developable. The designation of all open space up to and exceeding the fifteen (15) percent that may be required by the Planning Commission shall not be deducted from the total project land area for density purposes if the project is reviewed as a PUD and meets the intent of the Planned Development Standards as listed in Section 511. Under this scenario, density will be calculated on an overall project basis with preserved open space and developed land both counting towards the total land area. Developed areas may then be denser than the underlying zoning district allows in accordance with Planning Commission approval and the planned development standards. The dedicated open space must be preserved indefinitely through either donation of the land to the village or a conservation easement guaranteeing public access. -If development is to occur the preservation of open space for agricultural or recreation purposes are important to the long-term environmental sustainability and quality of life in the district. Projects are reviewed on an overall project density basis to allow for the preservation of open space while achieving full build out. Open space networks and preservation of important natural resources should be integrated with new development in such a way as to allow for continued agricultural uses or emerging open space opportunities with responsible development. This dedication does not specifically preclude the use of land for environmental or stormwater -purposes if deemed to be in the best interest of the community.

A. Open Space Designation. Land to be preserved shall be chosen for its physical and ecological features including significant ecological functions, access, stormwater management and open space function. Open spaces may provide for a variety of functions including but not limited to agricultural, active recreation, wildlife habitat and natural areas based on the following criteria:

1. Open space uses and functions to meet the needs of existing and future

Commented [CM4] : To match suggested changes in Chapter 7

Commented [JJ5R4] : bond and warranty provisions???

Commented [CM6R4] : Yes we need to match this to the changes in Chp 5

Commented [RM7R4] : Will do.

populations.

2. Physical and ecological functions of the land.
3. Agreements with other preservation or recreational organizations for the long-term management of the property.
4. The relationship between the open space and existing and proposed development.
5. Funding and organization for maintenance of the open space.

SECTION 909: PEDESTRIAN AND BIKEWAY STANDARDS

A. General Standards

1. Concrete Sidewalks shall be constructed along both sides of major arterials and along one side of all other streets. The Commission may waive this requirement in favor of a specific alternative, which provides equal or superior pedestrian access.
 - (a) Sidewalks shall be constructed as specified in Appendix A.
 - (b) Sidewalks shall be a minimum five (5) feet wide. The Commission may require sidewalks along major arterials to be greater than five (5) feet wide if it determines that heavy usage or safety factors justify the added width.
2. The Commission may require other walkways to connect with pedestrian origins or destinations, or to connect with walkways planned or existing on adjacent properties.
 - (a) Walkways may be surfaced in concrete, bituminous paving or gravel as determined by the level of usage anticipated.
 - (b) Walkways shall be a minimum five (5) feet wide and constructed to the specifications in Appendix A for the designated material.
3. All subdivisions shall be designed to include bicycle access, unless this requirement is specifically waived by the Commission. The construction of a hard-surfaced bicycle path along one side of a street shall eliminate the need to construct a sidewalk along that side of the street, provided a sidewalk is constructed along the other side of the street.
 - (a) Bicycle paths shall be ten (10) feet wide.
 - (b) Bicycle paths shall be surfaced with bituminous paving which meets the specifications for such material in Appendix A.

SECTION 910: INFRASTRUCTURE IMPROVEMENTS. All infrastructure improvements shall meet the standards of Appendix A: Public Works Specifications unless an alternate is specifically reviewed and approved by the Village Engineer and the Commission. All construction and installation shall be reviewed by the Village. The Village shall have the authority to require on-site changes as deemed necessary. Infrastructure may be required to be over-sized to serve future development, as determined by the Commission.

SECTION 911: MONUMENTS AND LOT CORNER MARKERS. Permanent right-of-way monuments shall be set at all street intersections and at all angles and curves or other critical points in street lines. Each monument shall be a precast concrete post, four (4) inches by four (4) inches and forty-eight (48) inches long. The top shall have a center mark, which shall be the point of reference. The monuments shall be set in place after all other street improvements are completed. Corner markers (i.e. iron -rods) shall be set at all corners and angle points of all lots, plots or parcels, and shall be located in the ground below finish grade level.

Commented [CM8] : What is this referring to as infrastructure? This seems vague and could have stronger language especially related to SW as there no infiltration STPS in Appendix A

Commented [JJ9R8] : add Public works and water quality. This could address staged development such as CTE and others. It could also be other potentially contiguous sites such as Kolvoord above Fairview. WE can discuss.

Commented [JJ10] : should there be a "disturbed and replaced" provision?

SECTION 912: STREET LIGHTS. Streetlights shall be located at each intersection and at approximately one hundred fifty (150) foot intervals between intersections. Streetlights shall be located at the corner to provide light at the intersection, where possible. Streetlights shall be provided at major curves and at the ends of cul-de-sacs.

1. Street light poles and fixtures shall be as approved by the Commission, designed to be harmonious with their surroundings.
2. Street lighting plans shall be approved by the Village.

SECTION 913: UTILITY LINES. All services for electricity, cable television, telephone, outdoor lighting, and other utilities shall be located underground. The applicant shall work with utilities to ensure suitable locations for underground installations and necessary above-ground equipment, both for the proposed subdivision and areas adjacent to the subdivision. Above-ground equipment shall not be located within the visibility triangles and shall be hidden from view in the public right-of-way.

SECTION 914: INSTALLATION/GUARANTEES. The applicant shall provide a guarantee for all improvements.

A. **Performance Bond.** Prior to starting land development or obtaining a zoning permit, the applicant shall furnish the Village with a performance bond with appropriate surety or security (as approved by the Village Attorney) in an amount to cover the full costs of all new streets and other required public improvements as determined by the Village Engineer for a period of two (2) years after acceptance by the Village Trustees. Such bond shall include a provision that the principal of the bond comply with all terms of the final plat approval and shall include, but not be limited to, the performance of all required public improvements. Such bonds shall provide for, and secure to the public, the completion of all required public improvements and the maintenance thereof for a period of two (2) years after the Village Trustees accept the public streets and other required public improvements.

B. **Acceptance of Streets and Open Space.** The approval of a Final Plat, or filing of a Final Plat, shall not constitute acceptance of any street, park or other open space shown on such plan. Acceptance shall be by resolution of the Trustees.

SECTION 915: AS BUILT PLANS. *One digit set as-built file including the following:*

- 1) HydroCAD,
- 2) GIS Geospatial data. Geodatabase or shape file in VT State Plane Meters NAD83 (NSRS or most current) Coordinated DAD data- Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83(2011) each 2010.0, NAVD 88 (geogrid12b) Supply 3 values of state plane coordinates on the plans.
- 3) VT DEC BMP Tracking spreadsheet with Phosphorus removal numbers

-One (1) set of mylars and two (2) paper copies of plans showing as built conditions of streets and other infrastructure improvements shall be submitted prior to final inspections and public acceptance of said improvements.

SECTION 916: OFF-SITE IMPROVEMENTS. The Commission may require, upon

Commented [JJ11]: updated information in order of preference from Shannon Lunderville. Some version references may need to be updated

Commented [RM12R11]: Need to put some actual language around this; as discussed in other chapters too.

recommendation of the Village Engineer, the construction of off-site improvements. Said improvements may include oversize piping, stormwater treatment practices to meet offset, drainage improvements, intersection improvements, traffic control improvements or other improvements necessitated by the proposed development. Arrangements may be made by the applicant to obtain reimbursement from future developments, which utilize the off-site improvements. The Village may financially participate in off-site improvements, which improve existing deficiencies.

Commented [CM13] : Adding this align with suggested changes to Chp 7 713D4c

Commented [RM14R13] : May need some clarifying language – or perhaps just a reference to the place that describes what the offset is.

SECTION 917: WAIVERS/EXCEPTIONS. The Commission may waive or modify the provisions of this Chapter as specified below. Waivers or modifications shall be requested in writing and must be specifically approved by the Commission.

- A. **Standards.** No waiver or modification may be granted unless:
1. The subdivision is consistent with the intent and purpose of all provisions of the Plan and this Code.
 2. The waiver or modification would have no significant adverse impact on the public interest or on adjacent property.
 3. A superior alternative is proposed which meets all the requirements of this Code.
 4. The waiver or modification is necessary to protect or enhance significant existing natural or cultural features such as historic sites, scenic areas, or major tree groupings.
 5. The strict application of the specific requirement would be technically impractical in terms of engineering, design and construction practices, due to specific characteristics of the property, which are unique and are not generally existent on other property. In no instance shall this be interpreted to allow the creation of non-conforming lots.