

APPENDIX B

**CHAPTER 3
Planning and Subdivisions**

Subchapter 1. Purpose and Definitions

Section

- 6001. Purpose
- 6002. Definitions
- 6003. Other definitions

Subchapter 2. Submission and Review of Plans

Section

- 6011. Submission of sketch plan
- 6012. Application for approval of preliminary plat
- 6013. Public hearing on preliminary plat
- 6014. Approval of preliminary plat
- 6015. Application for approval of final plat
- 6016. Public hearing on final plat
- 6017. Action by planning commission

Subchapter 3. Required improvements

Section

- 6021. Required improvement list
- 6022. Installation - design standards
- 6023. Modification of design
- 6024. Inspection of improvements
- 6025. Proper installation

Subchapter 4 - Development Requirements

Section

- 6031. Streets
- 6032. Lot layout
- 6033. Pedestrian access
- 6034. Water
- 6035. Fire protection
- 6036. Sewage disposal
- 6037. Utility lines
- 6038. Outdoor lighting
- 6039. Storm drainage
- 6040. Open space and recreation areas
- 6042. Site preservation and landscaping
- 6043. Excavation and grading
- 6044. Utility easements
- 6045. Assessment of developmental impact

Subchapter 5. General Provisions Section

- 6051. Fees
- 6052. Number of copies
- 6053. Attendance at public hearings
- 6054. Suitability of land
- 6055. Conformity with municipal development plan and by-laws
- 6056. Performance bonds
- 6057. Acceptance of streets
- 6058. Filing of approval plat
- 6059. Plat void if revised after approval
- 6060. Application forms
- 6061. Certificate of title
- 6062. Form of recorded plat
- 6063. Action on staff, committee or department recommendations

Subchapter 6. Administration and enforcement

Section

- 6071. Administrative officer
- 6072. Endorsement by the commission
- 6073. Appeals
- 6074. Enforcement and penalties
- 6075. Expiration of approval
- 6076. Severability
- 6077. Repeal of prior ordinances

Subchapter 6. Administration and enforcement

Section

- 6071. Administrative officer
- 6072. Endorsement by the commission
- 6073. Appeals
- 6074. Enforcement and penalties
- 6075. Expiration of approval
- 6076. Severability
- 6077. Repeal of prior ordinances

Subchapter 1. Purpose and Definitions

§ 6001. Purpose.

These subdivision regulations are formulated pursuant to 24 V.S.A. §4401(b)(2) and are for the purposes set forth by chapter 117 of Title 24 Vermont Statutes Annotated.

§ 6002. Definitions.

For the purpose of these regulations, certain words used herein shall be defined as follows:

Comprehensive plan or plan. The municipal development plan for the city and any amendment thereto, as defined and adopted under the Vermont Planning and Development Act.

Construction drawing. The drawing showing location profile, grades, size and type of drains, sewers, water mains, underground utilities, pavements, cross-section of streets, miscellaneous structures, etc.

Easement. Authorization of a property owner for the use by another and for a specified purpose, of any designated part of his property.

Final subdivision plat. Final drawings on which the subdivision is presented to the commission for approval for which, if approved, shall be filed for record with the city clerk.

Location maps. A map showing the relation of the proposed subdivision to adjacent properties and the surrounding area.

Planning commission or commission. The planning commission of the City of Rutland.

Preliminary subdivision plat. The preliminary drawing for a major subdivision, indicating proposed layout of the subdivision to be submitted to the commission for its consideration.

Private streets. Any road, lane, or way, intended for vehicular access purposes, which serve a subdivision (as defined herein) and is neither owned nor maintained by the city.

Resubdivision. Amended subdivision.

Sketch plan. An informal sketch of the proposed subdivisions, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the commission as to the form of the subdivision and objective and requirements of these regulations.

Street. Any road, highway, avenue, street, parkway, lane or other way between right-of-way lines.

Street, minor. A street intended to serve primarily as access to abutting residential properties.

Street, major. A street which serves or is designed to be used primarily as a route for traffic between communities or major development areas.

Street, secondary. A street which serves or is designed to carry traffic from local residential streets to the system of major streets, or which serves abutting non-residential uses or districts.

Subdivider. Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision.

1. The division of any parcel of land for other than agricultural or forestry purposes, with or without streets, into two (2) or more legal divisions of land for immediate or future transfer of ownership, which results in the creation of one or more improvable parcels of less than twenty-five acres.

2. Any development of a parcel of land such as a commercial or industrial complex, multi-family project, planned unit development or planned residential development; including commercial or residential condominiums.

3. Division of land such as for minor realignment of property lines, for municipal purposes which conform to the comprehensive plan (such as road widening, easements, sidewalks, parks, etc.), or enlargement of existing lots, shall not be deemed a subdivision, provided that no new developable lots result.

Subdivision, major. Any residential subdivision containing four (4) or more lots, any non-residential subdivision or any subdivision requiring any installation of new streets, or the extension of any municipal facilities, or any shopping complex, multi-family housing, planned residential development, or planned unit development, including condominiums.

Subdivision, minor. Any residential subdivision containing less than four (4) lots, which does not require a new public street or extension of municipal facilities.

Vicinity map. A detailed map which shows, within a prescribed area, the relation of the proposed subdivision to adjacent properties and the surrounding area, indicating curb cuts, property and building lines, streets, easements, etc., and municipal boundaries, if within 500 feet.

§ 6003. Other definitions.

Unless otherwise defined herein, the definitions contained in the Vermont Planning and Development Act and the City of Rutland zoning regulations shall apply to these regulations.

Subchapter 2, Submission and Review of Plans

§ 6011. Submission of sketch plan.

Any person proposing to subdivide land shall first apply to the administrative officer for sketch plan approval. Said plans shall be 18" x 24" or 24" x 36" in size.

(a) Prior to submitting application for approval, a subdivider shall submit to the administrative officer a sketch plan for the proposed subdivision, which shall include the following information:

1. Name and address of the owner of record and applicant.
2. Name of owners of record of contiguous properties.
3. Boundaries and area of:
 - (a) All contiguous land belonging to the owner of record; and
 - (b) proposed subdivision.
4. Existing and proposed layout of property lines; type and location of existing and proposed restrictions of land, such as easements and conditions, to the extent that this information is available.
5. Type of, location, and approximate size of existing and proposed streets, utilities, existing structures, and open space, to the extent that this information is available.
6. Date, north arrow and scale (numerical and graphic).

(b) The administrative officer shall advise applicant of sketch plan is complete within 48 hours. The administrative officer shall advise the applicant whether the subdivision shall be treated as a major subdivision or minor subdivision pursuant to the requirements of section 6002 herein. Any subdivision that qualifies as a minor subdivision and is designated as such by the administrative officer may be considered and reviewed by the planning commission under the minor subdivision procedures established under section 6011(c).

(c) (1) Plats required. A minor subdivision shall require only the submission of a final plat; and preliminary plat review shall be waived; provided however, that the planning commission shall have conducted a sketch review of the sketch plan submitted by the applicant as approved by the administrative officer.

(2) Time of submission. The final plan shall be submitted not more than six (6) months following the determinations of the planning commission relative to the sketch plan at the sketch review session.

(3) Fees. The fee for a minor subdivision shall be set by the board of aldermen.

§ 6012. Application for approval of preliminary plat

Within six months of the meeting on the sketch plan, the subdivider shall file an application for the approval of a preliminary plat with the administrative officer. Said application shall include the following:

1. Preliminary map. The preliminary map shall consist of one or more maps or drawings which shall be 18" x 24" or 24" x 36" in size with all dimensions shown in feet or decimals of a foot, drawn to a scale of not less than 100 feet to the inch, or not more than 40 feet to the inch where lots have less than 100 feet frontage, showing or accompanied by the following information:
 - (a) Proposed subdivision name or identifying title and the name of the city.
 - (b) Name and address of owner of record, subdivider, and designer of preliminary plat.
 - (c) Number of acres within proposed subdivision, location of property lines, structures, watercourses, wooded areas, and other essential existing physical features.
 - (d) Names of all subdivisions immediately adjacent and names of owners of record of adjacent acreage.
 - (e) Location and size of existing sewers and water mains, culverts and drains on the property or serving the property to be subdivided, showing depths of pipe and directions of flow, if known.
 - (f) Location, names and widths of existing and proposed streets, private ways, sidewalks, curb cuts, paths, easements, parks and other public or privately maintained open spaces, as well as similar facts regarding adjacent property.
 - (g) Contour lines at 5 foot intervals based on U.S. Geological Survey datum of existing grades and also of proposed finished grades where change of existing ground elevation will be five feet or more. Contour intervals closer than five feet may be required by the commission in order to properly evaluate specific aspects of the project, such as storm drainage, landscaping, etc.
 - (h) Complete survey of subdivision tract by licensed land surveyor.
 - (i) Numerical and graphic scale, date, and true and magnetic north arrow.
 - (j) Details of proposed connection with existing municipal water supply or alternative means of providing water supply to the proposed subdivision.
 - (k) Details of proposed connections with existing sanitary sewage disposal system or adequate provision for on-site disposal of septic wastes
 - (l) If on-site sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five feet; location and results of percolation tests, all in accordance with applicable state regulations or standards.
 - (m) Drainage plan, indicating provisions for collection and discharge of storm drainage.
 - (n) Preliminary designs of any bridges or culverts which may be required.
 - (o) Location of temporary markers adequate to enable commission to readily locate and appraise the basic layout in the field. Unless an existing street intersection is shown, distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

- (p) All parcels of land proposed to be dedicated or reserved for public use and the condition of such dedication or reservation.
- (q) List of waivers subdivider desires from requirements of these regulations.
- (r) General description of type of development to be built.
- (s) A registered mailed receipt from each record owner of all adjacent parcels of land and a copy of the letter sent to each such record owner of all adjacent parcels of land, the content of which letter should include notice to the adjacent land owners of the applicant's intent to subdivide, the location of the proposed subdivision, the intended project for use to be developed in and on the subdivision subdivided parcels, the date, time, and location of the first public hearing to be held by the planning commission.

2. Vicinity map. The vicinity map which shall be 18" x 24" or 24" x 36" in size, which shall be prepared from existing surveys or public records, shall show relative of the proposed subdivision to adjacent properties and to the general surrounding area. The vicinity map shall include the following:

- (a) All existing subdivisions, approximate tract lines and acreage of adjacent parcels, together with names of record owners of all adjacent parcels of land, namely those directly abutting or directly across any street adjoining the proposed subdivision.
- (b) Locations, widths and homes of existing, filed, or proposed streets, curb cuts, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph 1 above.
- (c) An outline of the plated area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.

§ 6013. Public hearing on preliminary plat.

A public hearing on the preliminary plat shall be held by the commission within thirty (30) days after the time of its submission to the administrative officer. Said hearing shall be advertised and warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

§ 6014. Approval of preliminary plat.

Within 45 days after the public hearing on a preliminary plat, the commission shall approve, modify and approve, or disapprove said preliminary plat and the ground for any modification(s) required or the grounds for disapproval shall be stated upon the records of the commission. Failure of the commission to act within said 45 day period shall constitute an approval of the preliminary plat.

When granting approval to a preliminary plat, the commission shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat. The action of the commission plus any conditions attached thereto shall be noted with two copies of the preliminary plat.

One copy shall be returned to the subdivider and one copy retained by the planning commission.

The amount of improvement or the amount of all bonds which shall be required shall be set prior to the final subdivision plat approval. The subdivider shall estimate the cost of improvements, and the city engineer shall set the amount of the bond.

Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat. Prior to approval of the final subdivision plat, the planning commission may require additional changes as a result of further study of the subdivision of as a result of new information obtained at any public hearing held pursuant to these regulations.

At the time the commission grants preliminary plat approval, it may permit the plat to be divided into two or more sections (for phased development) subject to any conditions the commission deems necessary in order to insure the orderly development of the plat. The applicant may submit a section of the approved preliminary plat for final approval if said section constitutes at least 25% of the lots or floor area in the approved preliminary plat. Under these circumstances, preliminary approval on the remaining sections of the plat shall remain in effect for three years from the date of the preliminary plat approval or a period of time mutually agreed to by the commission and the applicant.

§ 6015. Application for approval of final plat

The subdivider shall, within 18 months after approval of the preliminary plat, submit an application for approval of the final subdivision plat to the administrative officer at least 21 days prior to a regular meeting of the commission. The final plat application may be submitted in sections in accordance with section 5814 so that it shall only include the phase of the approved preliminary plat which the subdivider proposes to record and develop at that time. If the final plat, or the first section thereof, is not submitted to the commission within 18 months after the approval of the preliminary plat, the commission may refuse without prejudice to act on the final plat and require resubmission of the preliminary plat. The final plat application shall include the following:

1. Final plat: The subdivision plat which shall be 18" x 24" or 24" x 36" in size, shall conform in all respect to the preliminary subdivision plant as approved by the commission and shall show:
 - (a) Proposed subdivision name or identifying title, name of the city, name and address of record owner and subdivider, name, license number and seal of licensed land surveyor, boundaries of the subdivision and its general location in relation to existing streets or other landmarks, scale (numerical and graphic) date true and magnetic north arrows.
 - (b) Street names and lines, pedestrian ways, lots reservations, easements, and areas to be dedicated to public use.
 - (c) Sufficient data acceptable to the city engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. These shall be tied to existing reference points acceptable to the city engineer.
 - (d) The length of all straight lines, deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
 - (e) By proper designation on such plat, all public space for which offers of cession are made by the subdivider and these spaces title to which is reserved by him.
 - (f) Lots within the subdivision numbered in numerical order within block, and blocks lettered in alphabetical order.
 - (g) The location of all improvements referred to in section 5821 and in addition thereto the location of all utilities, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area affecting the subdivision.
 - (h) Permanent reference monument shown thus: "X"; and lot corner markers shown thus "O".
 - (i) Construction drawings of all required improvements.
2. Supporting documents:
 - (a) Copies of such covenants or deed restrictions as are intended to cover all or part of tract.
 - (b) Prospectus describing management organization, of one is required.

- (c) In the case of a subdivision or development served by a privately owned and/or maintained street:
- (d) A completed contract between city and landowner regarding the number of lots or dwelling units to be served by the proposed right-of-way or private street, and the responsibility for roadway maintenance, with city attorney's certificate that the contract is satisfactory.

§ 6016. Public hearing on final plat.

A public hearing shall be held by the commission within thirty (30) days after the time of submission to the administrative officer of the final subdivision plat for approval. Said hearing shall be warned in accordance with the public notice provisions of the Vermont planning and Development Act. In addition, notice of such hearing shall be forwarded to the regional planning commission and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary at least 15 days prior to the hearing.

§ 6017. Action by planning commission.

The planning commission shall, within 45 days after the public hearing held under section 6016 of these regulations, approve, modify and approve, or disapprove such plat. Failure to act within 45 days shall be deemed approval.

Subchapter 3. Required improvements

§ 6021. Required improvement list

The following are required improvements; monuments, lot markers, streets, curbs, sidewalks, street signs, outdoor lighting, water mains, sanitary sewers, storm drains, fire hydrants, landscaping and other capital improvements as required by the commission.

§ 6022. Installation - design standards.

All required improvements shall be designed and installed in accordance with the design standards, development requirements, specifications and procedures set forth in these regulations and standards. Said installation and design standards apply to both public and privately owned required improvements.

§ 6023. Modification of design

If at any time after approval before or during the construction of the required improvements, it is demonstrated that unforeseen conditions make it necessary to modify the location or design of structures, curb cuts, roads, or parking lots, the commission may, with the concurrence of the city engineer, authorize minor modifications, provided that they are within the spirit and intent of the commission's approval and that they do not alter the function of any improvements previously required by the planning commission. The modification of minor engineering or construction details or improvements may be authorized by the city engineer, provided they do not alter the location or design of structures, curb cuts, roads, or parking lots.

§ 6024. Inspection of improvements

At least seven days prior to commencing construction of any required improvement(s), subdivider shall advise the city engineer, in writing, when the construction of required improvement(s) shall begin, so he can inspect during the construction process to assure satisfactory completion of improvements or stipulations required by the commission.

§ 6025. Proper installation

Prior to construction of required improvements, developer shall submit contract documents and working drawings, certified by a registered engineer, for the required improvements to city engineer or his designee for approval. City engineer or his designee shall give his approval or denial within a period of two weeks. If requested by the developer, city engineer shall make reasonable periodic inspections and, as soon as possible, in writing, notify developer of any deficiencies found. Within 30 days of completion of improvements, developer shall submit to city engineer as built construction drawings, certified by a registered engineer. City engineer shall then inspect required improvements within 45 days after said submission and determine if all required improvements have been constructed in accordance with the submitted drawings and the final plat approval. He shall report his findings within 30 days of his inspection, in writing, to the administrative officer with a copy to developer. In the event deficiencies are found and not remedied by developer within 2 weeks of receipt of notice, administrative officer shall notify the bonding company and take all necessary steps to preserve the city's rights under any performance bond required under §5058. If all required improvements are found to be properly completed, administrative officer shall release the performance bond.

Subchapter 4. Development Requirements

§ 6031. Streets

1. Arrangement: The arrangement of streets in the subdivision shall provide for the continuation of major and secondary streets of adjoining subdivisions and for proper projection of major and secondary streets necessary to make possible fire protection, movement or traffic and construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and draining facilities. Where, in the opinion of the commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
2. Topography: Streets shall be logically related to the topography so as to produce usable lots and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. The maximum grade for street should be 8% unless the commission and city engineer approve a higher grade. Adequate provisions shall be made to control the drainage of each street by an adequate storm water system, subject to approval of the commission and city engineer.
3. Intersections: Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle of less than 80 degrees.
4. Street jogs: Street jogs with center line offsets of less than 200 feet shall not be allowed.
5. Streets names: Streets shall be identified by name on the proposed plat. Proposed streets which are obviously in alignment with others already existing and names shall bear the names of existing streets. In no case shall names for proposed streets duplicate existing street names within the local zip code district irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.
6. The board of highway commissioners shall have the authority to designate or redesignate by name, streets in the city.
7. Street signs: All street signs and posts shall be provided and installed by the city.
8. Cul-de-sac: A cul-de-sac is a dead end street, terminating in a turnaround at one end and a secondary or major street at the other, which is not intersected by any other streets or ways. Cul-de-sac streets shall be permitted only in residential districts and the length of a cul-de-sac shall not exceed ten times the minimum required lot frontage for the district(s) involved. The number of dwelling units served by a cul-de-sac or by a system of streets sharing a common single

access to a major or secondary street shall not exceed 5- unless additional connections to other streets are approved by the planning commission after consultation with the city engineer.

9. Access: Adequate provisions shall be made for the regulation of general traffic access to the proposed subdivision or development. Entrances and exits for motorized vehicles shall be designed to facilitate smooth traffic flow, controlled and coordinated turning movements, and minimize hazards to pedestrians. Paved access for emergency vehicles shall be provided to within 100 feet of the principal entry for multi-family dwellings and commercial, industrial and institutional establishments.

All streets and highways shall be of sufficient width and suitable grade and be so located to facilitate fire protection and coordinated so as to compose a convenient system properly related to the plan.

10. Streets: All streets shall be completely constructed by the subdivider in accordance with minimum requirements for street construction as promulgated and maintained by the city engineer. Street construction shall be at the sole expense of the developer, unless this requirement is waived by the board of aldermen.
11. Sidewalks: Sidewalks shall be installed along both sides of major and secondary streets, and along one side of minor streets. Sidewalk to curb distance shall be at least four feet or as otherwise approved by city engineer. Sidewalks shall be laid out so as to maximize southern exposure. Sidewalk provisions may be waived by the commission if such waiver is in the best interest of the city.

§ 6032. Lot layout

Lots shall be laid out in such a way that they can be developed in full compliance with zoning regulations, and give consideration to topography, soils and drainage conditions.

Corner lots shall have extra width to conform to setbacks on each street. No subdivision showing any reserved strips shall be approved. At lot frontage width of length ratio shall not exceed one to five.

§ 6033. Pedestrian access

Permanent pedestrian easements, 10 feet in width, may be required through blocks 600 feet or more in length of as a continuation of cul-de-sacs, or in conjunction with utility easements in order to facilitate pedestrian circulation within the subdivision or access to adjoining neighborhoods and public property or community focal points such as parks, schools, and other public property, shopping centers, centers of employment, and community recreation facilities, etc. Additional pedestrian easements shall be reserved where indicated by the comprehensive plan.

§ 6034. Water

The existing public utility system shall be extended so as to provide necessary quantities of water, at acceptable pressure. Construction shall conform to city water department requirements.

The developer may be required to design and install water mains and appurtenances of larger size than immediate needs of his development would require to conform to the city water department master plan for water main sizes to give service to future development.

City shall pay for differences between material costs of needed sizes and required larger sizes of pipes and appurtenances. Developer shall pay all handling and laying costs. Should nearest pipes servicing development area not be large enough, subdivider shall pay for and install proper sizes at its expense, unless the board of aldermen authorizes city to pay part or all of such expense.

§ 6035. Fire protection

The layout of the subdivision shall be reviewed by the fire chief or his designee to insure that adequate fire protection can be provided. This review shall include, but not be limited to, minimum distance between structures, street width, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants.

All aspects of fire protection systems shall be designed and installed in accordance with applicable codes in all areas served by municipal water.

§ 6036. Sewage disposal

Off-site.

Subdivider shall connect to the public sewer system. The subdivider is required to provide such pumping and other facilities as may be necessary. Developer may be requested by the planning commission or city engineer to over-design and over-build said utilities or portions thereof so that future users may connect onto the system. City shall pay the difference between the cost of improvements necessary for the subdivision and cost of over-designing and over-building. Costs of over-designing and over-building shall be confined to difference in material costs of pipe and structure sizes. The difference in costs of handling and laying of various sizes of pipe shall be borne by the developer.

Should nearest pipes servicing development area not be large enough, subdivider shall pay for and install proper sizes at its expense, unless the board of aldermen authorizes city to pay part or all of such expense.

On-site.

Sewage disposal facilities shall be designed and installed in accordance with all applicable local and state regulations and standards.

Community sewer systems shall be designed in such a way that they may eventually be connected to the municipal sewer system.

§ 6037. Utility lines

Electric, telephone and cable telecommunications distribution systems may be underground or aboveground, at option of developer. All work is to be coordinated with utility company, both for subdivision and areas adjacent to subdivision.

§ 6038. Outdoor lighting

Illumination of areas such as streets, sidewalks, driveways, parking areas, loading and unloading areas, principal entryways and/or other locations shall be provided in accordance with the recommendations of the city engineer, and in compliance with the performance standards of the Rutland zoning regulations. Subject to approval by the board of aldermen, the city may furnish lights on utility poles. Subdivider shall furnish poles, fixtures, and any lights not provided by city.

§ 6039. Storm drainage

A. Removal of spring and surface water. The subdivider shall remove, either by pipe or by open ditch, any spring or surface water that may exist, either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width as specified by the city engineer, and shall be designed to standards approved by the city engineer. In design of the drainage system, natural waterways and drainage ways shall be utilized to the fullest extent possible.

B. Drainage structure to accommodate potential development upstream. Culverts or other drainage facilities shall, in each case be large enough to accommodate potential run-off from inside or outside the subdivision. The commission shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide such information as the adequacy of the facilities. Developer's engineer is to certify that culverts or other drainage facilities are large enough to accommodate potential run-off from inside or outside the

subdivision. Certification shall be in a form acceptable to the commissioner of public works and city engineer.

C. Responsibility for drainage downstream. Subdivider's engineer shall provide such information as the commission and city engineer deem necessary to determine the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where the city engineer advises that additional run-off incident to development of the subdivision will overload an existing downstream drainage facility so there will be damage to private property or an increase in expenditures of public funds. The commission shall not approve the subdivision until the subdivider and board of aldermen agree to allocation of the costs of improvement. Developer's engineer is to certify that additional run-off incident to the development will not overload existing downstream drainage facilities.

§ 6041. Open space and recreation areas

Land with adequate access to and from public streets shall be reserved for open space and recreational area as deemed necessary in proper cases by the commission in any plot submitted for approval. The commission may waive this requirement concerning recreation lands.

§ 6042. Site preservation and landscaping

A. Existing features. The preservation of site amenities such as trees, brooks or drainageways, historic sites, and other unusual features which the commission feels are an asset to the site and/or community, shall be required insofar as possible through harmonious design and appropriate construction methods.

B. Natural cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours and conserve the natural cover and soil. After application for approval has been submitted to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any purpose other than to meet construction needs of that particular subdivision or to meet any requirements of these regulations.

C. Erosion and sediment control. The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the commission to protect areas exposed during development. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development. The permanent final vegetation and structures should be installed as soon as practical in the subdivision. Adequate and permanent measures shall be taken at culvert outfalls to minimize or prevent erosion and disruption of drainageway areas. All responsibility for damage or other problems caused by erosion associated with the development shall rest with the developer.

D. Landscaping. Suitable hardwood shade trees such as sugar maple, Norway maple, red maple, ash or oak shall be planted at 60 foot intervals on the average, along both sides of streets or private ways where there are or would otherwise be no trees. All trees shall measure at least two inches in diameter measured at a point four feet above finished grade level. Final choice of tree species and exact plant locations are subject to recommendations of the city forester.

§ 6043. Excavation and grading

A. General. All excavating and filling required for construction of improvements shall be as specified within this section. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover overall finished slopes.

This material shall be spread uniformly over all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section.

B. Fill. No stumps, wood, roots, sod, other fibrous or organic material or refuse shall be used as fill. In those locations where the alignment crosses swamp or marsh land, or other similar soil that is incapable of withstanding expected loads, such inadequate soils shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankments, but may be used in flattening embankment slopes or for filling low spots outside the road section. The commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.

C. Embankments. Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth, extending across the entire fill area. They shall be spread by a bulldozer or other acceptable method and shall be thoroughly compacted. Where embankments are made of rock, the rock shall be deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

D. Subgrade. Upon completion of filling and excavation, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with the acceptable material and the process of leveling and rolling continued until no further depression results.

E. Side slopes. Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (1 on 2). Surplus materials resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) horizontally (1 on 2). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (6 on 1). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

§ 6044. Utility Easements

Easements of sufficient width shall be provided in locations acceptable to city engineer so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

§ 6045. Assessment of development impact

The commission shall evaluate any proposed major subdivision according to the following standards. In light of findings made on these standards, the commission may require reasonable modification or appropriate phasing of the proposed subdivision.

1. Will not result in undue water or air pollution. In making this determination it shall consider: elevation of land above sea level in relation to flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; slope of the land and its effect on effluent; applicable health and water resource department regulations.
2. Does have sufficient water available for reasonable foreseeable needs of the subdivision or development.
3. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
4. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of highways existing or proposed. PLa must be approved by city engineer.

5. Will not have undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural area.
6. Efficiency of allocation and distribution of street and public facility installation, construction and maintenance.
7. Will not cause unreasonable burden on the ability of the municipality to provide educational services.
8. Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services and facilities.

Subchapter 5. General Provisions

§ 6051. Fees

Upon submission of an application for minor subdivision plat approval, major subdivision preliminary plat approval, or major subdivision final plat approval, applicant shall pay a fee in accordance with a fee schedule established by the board of aldermen for the administration of subdivision review. Included in said fee shall be the anticipated costs of any public hearing and expenses not otherwise provided for herein.

§ 6052. Number of copies

All required submissions under these regulations shall be submitted in quadruplicate.

§ 6053. Attendance at public hearings

The subdivider or his duly authorized representative shall attend all required meetings and hearings held under these regulations to review the subdivider's application, including any public meetings or hearings which are continued to a specific time and date. The commission may disapprove subdivider's application if he or his duly authorized representative fails to attend any such public hearings or meetings.

§ 6054. Suitability of land

The commission shall not approve an application if development is subject to adverse physical limitations which would be harmful to the safety, health and general welfare of surrounding and adjacent areas unless adequate methods to solve the physical limitations are established. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions shall not ordinarily be developed.

§ 6055. Conformity with municipal development plan and by-laws

Proposed subdivisions shall conform to the municipal development plan and all by-laws of the city, including the city zoning ordinances. When a subdivider submits an application for a proposed planned unit development of residential development in addition to the requirements of these regulations, applicable requirements of the Vermont Planning and Development Act and the City of Rutland Zoning Regulations shall be adhered to.

§ 6056. Performance bonds

Before final approval of a subdivision plat, subdivider shall furnish the city with a performance bond with appropriate surety or security, approved by the board of aldermen, in an amount to cover the full costs of all new streets and required improvements, and their maintenance for a period of two years after completion, the cost of which shall be borne by the subdivider. The amount of such bond shall be determined by the city engineer and the form and execution of such

bond shall be approved by the city attorney. The performance bond shall run for a term determined by the planning commission, however, the term may be extended for an additional period not to exceed three years.

As-built construction drawings and plans shall be submitted to and approved by the city engineer prior to the release of any bonds or portions thereof, for installation of required improvements.

§ 6057. Acceptance of streets

Approval of a subdivision plat by the commission shall not be deemed to constitute or be evidence of acceptance with the city of any streets, easements, water and sewer facilities, or open space shown on the subdivision plat.

§ 6058. Filing of approved plat

Approval by the planning commission or certification by the city clerk of the planning commission's failure to act with 45 days of the final public hearing held under these regulations, shall expire 90 days from such approval or certification unless, within such 90 day period, such plat shall have been duly filed or recorded with the office of the city clerk.

No plat showing a new street or highway may be filed or recorded in the office of the city clerk until it has been approved by the commission and such approval is endorsed in writing on such plat, or the certificate of the city clerk showing the failure of the commission to take action within said 45 day period is attached.

§ 6059. Plat void if revised after approval

No changes, erasures, modifications or revisions shall be made on any subdivision plat after approval has been given by the commission and endorsed in writing on the plat, unless said plat is first resubmitted to the commission and the commission approves such modification. In the event said subdivision plat is recorded without complying with these requirements, the plat shall be considered null and void and the commission shall institute proceedings to have the plat stricken from the records of the city clerk.

§ 6060. Application forms

All applications required under these regulations shall be submitted on forms furnished and approved by the administrative officer.

§ 6061. Certificate of title

Final plat application for a minor or major subdivision shall be accompanied by a certificate of title showing ownership of all property and easements to be dedicated or acquired by the city, and said certificate of title shall be approved by the city attorney. All proposed deeds conveying property or easements to the city shall also accompany final applications for minor or major subdivisions, and be approved by the city attorney. All such deeds must be accepted by the city prior to release of any performance bonds or sections thereof.

§ 6062. Form of recorded plat

The plat to be filed with the city clerk shall comply with requirements of the Vermont Statutes Annotated as presently enacted or as hereinafter from time to time amended.

§ 6063. Action on staff, committee or department recommendations

Before taking action on a final plat, the commission shall notify, in writing, any municipal staff, committee or department of any intended changes with respect to recommendations pertaining to the plat made by said staff, committee, or department. Action taken on final plats shall be deferred until said staff, committee, or department has submitted its comments on the commission's intended changes.

§ 6064. Waivers and variances

The procedures and requirements for the submission and processing of plats and the standards for the design and layout established by these subdivision regulations may be waived or varied by the planning commission, subject to appropriate conditions, when the planning commission finds that compliance with any procedure, requirement or standard is not requisite in the interest of the public health, safety and general welfare due to the special circumstances of a particular plat or plats or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, however, any waiver or variance granted shall pertain only to that particular subdivision for which it was granted and shall not set a precedent for similar action for any other subdivision. When a waiver or variance has been requested with respect to a subdivision application, the notice of the public hearing on such application shall specify that such has been requested, the section or sections of this regulation to which the request pertains, and a concise statement of the nature and the reasons for the request.

Subchapter 6. Administration and Enforcement

§ 6071. Administrative officer

The zoning administrator shall perform the necessary administrative and enforcement requirements of this by-law.

§ 6072. Endorsement by the commission

Every approved subdivision plat shall carry the following endorsement on the copy to be filed with the City Clerk: "Approved by resolution of the planning commission of the City of Rutland on the ____ day of _____, 19____ subject to the requirements and conditions of said resolution. Signed this ____ day of _____ 19____ by _____, Chairman or Clerk".

§ 6073. Appeals

Appeals from the decision of the commission shall be in accordance with provisions of the Vermont Planning and Development Act and Vermont Statutes as presently in effect or as hereinafter from time to time amended.

§ 6074. Enforcement and penalties

Any person who violates any of the provisions of these regulations shall be fined not less than \$5.00 nor more than \$50.00 for each offense and each day that a violation continues shall constitute a separate offense.

Any person who sells, transfers, or agrees to sell or transfer land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not less than \$5.00 nor more than \$50.00, and each lot, parcel, or unit so sold, transferred or agreed to be sold or transferred shall be deemed a separate violation. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act, as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct, or prevent any violation of these regulations or prosecute violators thereof.

§ 6075. Expiration of approval

If no action is taken by subdivider to construct substantially his proposed subdivision within three years of final plat approval, said approval shall become null and void; however, said approval may be extended for up to two additional years if the commission determines that developer has, since final plat approval, been diligently and consistently pursuing financing or other necessary approvals.

§ 6976. Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

§ 6077. Repeal of prior ordinances

Upon passage, these subdivision regulations shall be known and cited as Rutland City Subdivision Regulations and are in accord with 24 V.S.A. §4401 et seq. Title 31 R.O.R. Chapter 3, §5871 through §5879 inclusive together with any amendments thereto are hereby repealed as of the effective date of these regulations.