



Planning Commission Recommendation

To: Burlington City Council

From: Burlington Planning Commission

Project: Comprehensive Plan Update – Code Revisions – Changes to Title 17 (zoning)

Date: April 19, 2023

Summary:

As part of the ongoing comprehensive plan update effort the City is required to adopt development regulations (zoning codes) that are consistent with and implement the Comprehensive Plan. Importantly, the City's development regulations must be sufficient to carry out the goals and policies of the Comprehensive Plan.

The Planning Commission previously recommended the adoption of a number of changes to the Land Use, Housing, Transportation, Parks and Conservation, Natural Resources, Economic Development, and Implementation elements of the Comprehensive Plan. In order to ensure the City's Comprehensive Plan and development regulations are consistent, and to ensure the City's development regulations are sufficient to carry out the objectives of the plan, the Planning Commission has determined that significant revisions must be made to the City's development regulations. The Planning Commission has also determined that revisions should be made to improve the effectiveness and clarity of the zoning code, and to address long standing issues of public concern.

In order permit a thorough and thoughtful review, the Planning Commission requested that City's Community Development Department break this project into manageable components. The Planning Commission has reviewed the final bath of code changes prepared by Community Development Department. The final batch of code changes include a comparatively small number of changes to a number of code titles necessary to implement the comprehensive plan. The Planning Commission has reviewed the final batch of code changes and recommends adoption by the City Council.

Findings:

The Planning Commission has reviewed the requirements of the Growth Management Act (GMA) related to consistency. The Planning Commission has also considered the goals and policies of the revised Comprehensive Plan elements, reviewed recent development projects, discussed the land use and environmental impacts associated with various development patterns, and reviewed concerns raised by the public. Based on this information the Planning Commission makes the following findings:

1. In order to address the requirements of the GMA Burlington adopted a comprehensive plan and implementing regulations in 1994.
2. The GMA requires that cities periodically update their comprehensive plans and development regulations. Specifically, cities must update their comprehensive plans and development regulations on an eight year cycle (RCW 36.70A.130(5)). Burlington last completed a periodic update in 2005 and was required to complete another update by June of 2016.
3. In order to address the periodic update requirements of the GMA, the City is currently working to complete a thorough review of its comprehensive plan and development regulations.
4. Comprehensive plans must include a number of elements including; land use, housing, capital facilities, utilities, transportation, economic development, and parks and recreation (RCW 36.70A.070).
5. The City is required to adopt development (zoning) regulations that are both consistent with, and sufficient to implement, the Comprehensive Plan.
6. The Planning Commission has reviewed, and recommended the adoption of an updated Comprehensive Plan and Comprehensive Plan Map.
7. The Planning Commission finds that changes must be made to the City's zoning and development regulations to implement, and ensure consistency with, the updated Comprehensive Plan and Comprehensive Plan Map.
8. The Planning Commission finds that an updated zoning map must be adopted to implement, and ensure consistency with, the updated Comprehensive Plan and Comprehensive Plan Map.
9. On October 26, 2022 the Planning Commission reviewed, and recommended the adoption of revisions to titles 12, 13, 14, 14A, 15, and 16 of the Burlington Municipal Code.

10. In order to ensure a thorough review, provide adequate opportunities for public comment, and to break the project into manageable components, the Planning Commission has been incrementally reviewing, and acting on, individual chapters, or groups of chapters from title 17 of the Burlington Municipal Code.

11. The Planning Commission has completed this incremental review of Title 17 and adopts, by reference, the following recommendations and findings:

- a. August 6, 2018 (critical area protection standards);
- b. August 6, 2018 (flood development regulations);
- c. March 27, 2019 (critical area protection standards);
- d. December 16, 2020 (flood development regulations);
- e. December 16, 2020 (changes to RD and RA-1 zoning code)
- f. January 20, 2021 (changes to RA-2, MUR-1, and MUR-2 zoning code)
- g. April 21, 2021 (changes MUC-1 and MUC-2 zoning code)
- h. April 21, 2021 (recreational marijuana provisions);
- i. July 21, 2021 (CI-1 and CI-2 zoning code)
- j. October 20, 2021 (PFT-1 and PFT-2 zoning code);
- k. October 20, 2021 (PC-1 and PC-2 zoning code)
- l. January 19, 2022 (general development code provisions)
- m. January 19, 2022 (landscaping standards);
- n. April 20, 2022 (zoning map amendments);

12. Each of the Planning Commission recommendations listed above was presented to the City Council for review and comment following its completion.

13. Following the completion of the general development and landscaping standards the City Council remanded both code chapters to the Planning Commission for further work and asked that the Planning Commission consider changes related to home businesses, vehicle parking, junk storage, and the keeping of animals.
14. Following the Council remand the Planning Commission reviewed each of the effected code chapters and made the following specific changes to address Council concerns:
 - a. Amended definitions to clarify that a home business approval is not required for hobbies, or occasional side work even if some compensation is paid to the resident.
 - b. Eliminated many of the items identified in the list of prohibited home business types and clarified Planning Commission's intent to prohibit, as home businesses, those uses which would otherwise only be considered a permitted use in an industrial zone (CI-1 or CI-2).
 - c. Revised the standards related to the keeping of animals to reference the City's existing animal control code rather than creating separated provisions for animal control in the general development standards. The Planning Commission notes that other provisions related to the keeping of household pets in each of the City's residential zones remains unchanged from the City's existing adopted code.
 - d. Clarified the Planning Commission's intent to prohibit parking of vehicles in "required" landscaping areas rather than any landscaped area. The Planning Commission notes the intent of this provision was to prevent landscaping areas installed as a condition of development approval from being converted to parking or merchandise display areas, as opposed to regulating parking in residential areas. The applicable code language has been amended to reflect this change.
 - e. With respect to the landscaping standards the Planning Commission further reviewed the revised standards and notes that while in most cases the revised standards are more detailed and prescriptive than the existing standards, the intent of these changes is primarily to reduce ambiguity and confusion and create more certainty for developers and review staff. In most instances the substantive components, or effect, of the proposed landscaping standards has not significantly changed except with respect to buffer or transition areas between more intensive zones and less intensive zones. The Planning Commission finds that these changes are essential to effectively mitigating potential impacts associated with more intensive infill and redevelopment in commercial mixed-use zones when such development abuts less intensive

residential zones. However, the Planning Commission did make changes to limit the scope of the tree retention and maintenance standards to multifamily and non-residential development.

15. The City's Community Development Department submitted a final edited version of the proposed changes to Title 17, including changes to the definitions and administrative provisions (17.01 and 17.05), and those sections dealing with utilities, essential public facilities, Planning Commission and Hearing Examiner Administration, and amendments to the code and comprehensive plan. The Planning Commission finds these changes are necessary to ensure consistency with, and implement, the updated Comprehensive Plan.

Recommendation:

Based on the findings above the Planning Commission makes the following recommendations:

1. The City Council should adopt revisions to Title 17 substantially in the form of attached exhibit "1"
2. The City Council should adopt a revised zoning map substantially in the form of attached exhibit "2";

Dated this 19th day of April 2023


Marianne Manville-Ailles
Chair, City of Burlington Planning Commission

Attachments: "1" –Changes to Title 17 BMC (zoning code)
"2" – Revised Zoning Map BMC (sewer)

AND, 3 STAFF SHALL MAKE ANY NON
SUBSTANTIVE CHANGES REQUIRED
FOR CLARITY, GRAMMAR, &
SPELLING AND THE FINAL
DRAFT SHALL REFLECT
SUCH CHANGES; AND

4. THE FINAL DRAFT
SHALL REFLECT CHANGES
NOTED IN STAFF EMAIL
TO LANDED GENTRY DATED
APRIL 19, 2023 CONCERNING
LOT WIDTHS, SETBACKS, &
REVIEW REQUIREMENTS FOR
ZERO LOT LINE DEVELOPMENTS.

MMA