



Planning Commission Recommendation

To: Burlington City Council

From: Burlington Planning Commission

Project: Annual Code Update – Preliminary Recommendation on Non-Substantive Changes to Chapters 17.55 – 17.69

Date: August 21, 2024

Summary:

The Planning Commission and City Council previously committed to continually reviewing and updating the City's development regulations. The purpose of this ongoing review and update cycle is to identify and address changes of a non-substantive nature using a manageable and incremental process. This recommendation concerns the fourth group of minor code changes being presented for the 2024 code update cycle. This group includes changes to chapters 17.55 and 17.60 (Commercial-Industrial zones), 17.66 and 17.67 (Parks and Conservation zones), and 17.68 and 17.69 (Public Facility and Transportation zones).

The Planning Commission discussed the proposed changes to BMC chapters 17.55 – 17.69 at a public meeting on July 17, 2024. A public hearing was held to consider a formal recommendation on the proposed changes on August 21, 2024. Following the public hearing, the Planning Commission voted to recommend the preliminary adoption of the proposed changes. The Planning Commission's recommendation is "preliminary". It is the intent of the Planning Commission that at the conclusion of the annual code update process, all of the proposed code amendments will be combined and considered for adoption in a single, final action. The final action will include all substantive and non-substantive changes adopted by the Planning Commission and City Council during the 2024 update cycle.

The Planning Commission recommends the City Council preliminarily adopt the proposed changes to BMC chapters 17.55 - 17.69.

Findings:

The Planning Commission has reviewed a draft of proposed changes to chapters 17.30 – 17.50 of the Burlington Municipal Code. 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. Burlington adopted a new comprehensive plan and substantially revised the City’s development regulations on May 11, 2023.
2. During the development of Burlington’s revised Comprehensive Plan and development regulations, it became apparent that a large number of individually minor problems with the Burlington Municipal Code had gone unaddressed over the years. Addressing the cumulative effect of these minor problems was a significant challenge for the City.
3. Recognizing that addressing small problems as they are identified is easier than addressing years of accumulated problems, the Planning Commission and City Council committed to continually reviewing and updating the Burlington Municipal Code to address minor, non-substantive issues in an ongoing and incremental fashion.
4. A “non-substantive” change is a minor text amendment that does not change the intent of the code. Non-substantive changes frequently include spelling, grammar, phrasing, and organization.
5. On July 17, 2024 the Planning Commission discussed potential minor, non-substantive changes to chapters 17.55 – 17.69 of the Burlington Municipal Code.
6. On August 21, 2024 the Planning Commission held a public hearing to consider recommending the proposed changes to chapters 17.55 – 17.69 be preliminarily adopted by the City Council.
7. The Planning Commission finds that the proposed changes to chapters 17.55 – 17.69 are minor, non-substantive, and do not change the underlying intent of the code. The Planning Commission further finds that the proposed changes are consistent with, and necessary to effectively implement, the Burlington Comprehensive Plan.

Recommendation:

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

1. The City Council should preliminarily adopt amendments to chapters 17.55 – 17.69 of the Burlington Municipal Code substantially in the form of attached exhibit “A”.

2. It is the Planning Commission’s intent that as each batch of the annual code update is completed, it be submitted to the Planning Commission and City Council for preliminary action. At the conclusion of the annual update, all previously adopted changes will be combined and considered together for final action.

Dated this _____ day of August 2024

Marianne Manville-Ailles
Chair, City of Burlington Planning Commission

Attachments: “A” Proposed changes to BMC chapters 17.55 – 17.69