

CITY PLANNING DEPARTMENT



Memorandum – FINAL

To: City Plan Commission
From: Kenneth R. Kirkland MPA, MRP, AICP; Asst. City Planning Director
Date: November 7, 2023
RE: Ordinance #9-23-05 – “Commercial Uses”
Proposed Amendment – Zoning Ordinance

Proposal:

The Proposal amends §17.36.010 of the Zoning Ordinance by including all commercial uses and structures be subject to the provisions of the Industrial Performance Commission.

Planning Analysis:

The Ordinance currently allows the Building Official to seek the advisory opinion of the Industrial Performance Commission if they cannot determine whether an industrial development will be compliant with performance standards regarding certain nuisances such as noise, vibration, smoke, waste, fly ash, dust, fumes, vapors, gases, heat, and glare. This Amendment adds commercial development as a type of development on which the Building Official may seek an advisory opinion on. While development impacts and mitigation measures are reviewed and addressed during the development plan review process, this allows for an additional stage of review as part of the building permit process in the event unforeseen and/or unique situations arise.

Findings of Fact:

In accordance with §17.120.030 of the Zoning Ordinance:

Comprehensive Plan Analysis

§17.120.030(A) requires that the City Plan Commission include, as part of its recommendation to the City Council; a statement on the general consistency of the proposal with the Comprehensive Plan.

The Comprehensive Plan speaks to mitigating non-residential impacts on adjacent properties through regulation and design, (LUP-2.6 and EDP-5.1); expanding the tax base by constructing properly designed and sited commercial and industrial structures, (EDG-3) in areas that are suitable for those structures, (EDP-3.1) or actively redeveloping existing sites, (EDP-4.1) that are underutilized. (EDG-4); which overall, enhance the existing development process, (EDG-9 and EDP-9.1)

Based on the above, Staff finds that Ordinance 9-23-05 is consistent with the Comprehensive Plan.

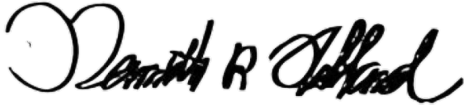
Zoning Ordinance Analysis

§17.120.030(B) requires that the City Plan Commission include, as part of its recommendation to the City Council; a demonstration of recognition and consideration of each of the applicable purposes of the Zoning Ordinance. To the extent that non-residential development has multiple layers of review and is required to comply with all aspects of the Zoning Ordinance, including Development Plan Review and the Industrial Performance Commission as needed, Staff finds that the Proposal adequately addresses the appropriate purposes detailed in §17.04.010.

Recommendation:

In accordance with RIGL § 45-24-52 and §17.120.030 of the Zoning Ordinance, Staff finds this Amendment generally consistent with the goals and purposes of the Comprehensive Plan and is compatible with the general purposes of the Zoning Ordinance. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and forward a **POSITIVE RECOMMENDATION** on the Application to the City Council.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kenneth R. Kirkland". The signature is written in a cursive, flowing style.

Kenneth R. Kirkland, MPA, MRP, AICP
Assistant City Planning Director

Cc: City Planning Director
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