

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT ALLOWING PERMITTED COMMERCIAL USES IN VILLAGE RESIDENTIAL ZONING DISTRICT TO INCLUDE VETERINARY OFFICES

BACKGROUND:

One of the Somerset developers (Chuck Winkleblack) requested allowing a veterinary clinic for small animals as a permitted use in Somerset. The zoning for all of Somerset is "F-VR" Village Residential District. The Ames *Municipal Code* establishes permitted uses in the Somerset Neighborhood in the use table, Table 29.1201(5) Village Residential (F-VR) Floating Zone Uses (see Attachment A). Somerset is composed of areas with different building types and uses established by the tables of "Urban Regulations" for each area. Table 29.1201(7)-8 Village Residential (F-VR) Floating Zone Urban Regulations: Commercial/Shop Front (see Attachment B) governs buildings in the Commercial Center.

Neither of these tables lists veterinary clinics or any more general use that would include veterinary clinics. When a use is not listed as permitted in a zoning district it is generally prohibited (see Section 29.304). Veterinary offices are permitted in all other commercial zoning districts in the city.

The zoning ordinance does not include specific standards or criteria for text amendments. Therefore, the City Council may want to consider the overall purpose of the zoning ordinance described in Section 29.102 (see Attachment C). Particularly relevant for permitting an additional use in a zoning district would be the following statement in the ordinance:

The Ordinance has been made with reasonable consideration, among other things, as to the character of the area of each Zone and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Consideration should be given to whether the operation of veterinary clinics customarily results in impacts to other nearby uses. In the Village Residential zoning district these nearby uses could be most office or retail sales and service uses or residential uses. Impacts that might result from a use could include traffic, noise, odors, use of the facility when other facilities are typically inactive, etc., which are more frequent or pronounced than such impacts of other commercial uses that are already permitted in the Commercial Center.

Veterinary offices are already permitted in all other commercial areas of the city. This includes the commercial areas that are typically located adjacent to residential areas: Neighborhood Commercial, Convenience Commercial Node, Convenience General Services, Downtown Service Center, and Campustown Service Center. In the Convenience Commercial Node and Convenience General Services zoning districts, kennels are specifically excluded from permitted uses. Note that in this context the word “kennel” refers to a use, not just a physical enclosure where an animal might be kept while receiving veterinary care.

Therefore, it can be concluded that Veterinary Clinics, with kennels specifically excluded, located within the Commercial Center of Village Residential zoning districts will not have a detrimental impact on the character of the zone, its suitability for particular uses, the value of buildings in the area, and is otherwise consistent with the purposes of the zoning ordinance.

There may be some concern that permitting veterinary offices in the Commercial Center of Village Residential zoning districts would not restrict the animals treated to small pets, that it would allow larger animals such as horses, goats, and pigs that require larger facilities, attract larger vehicles, or cause more noise or odor than smaller animals. If this is a concern, the use could be restricted to small animals. “Small animal” is a term defined by the American Animal Hospital Association and the American Veterinary Medical Association, the governing bodies of the veterinary profession. It includes pocket pets, dogs, cats, and “exotics”, i.e. birds, reptiles. This information was provided by the Small Animal Primary Care Clinic of the Lloyd Medical Center in the College of Veterinary Medicine at Iowa State University. Mr. Winkleblack has included the term “small animal exclusive” in the requested amendment to the zoning ordinance.

Recommendation of the Planning & Zoning Commission. On April 4, 2011, with a vote of 4-0, the Planning and Zoning Commission recommended approval of the zoning text amendment to permit “Veterinary Offices—small animal exclusive not including kennels” in the Commercial Center of Village Residential zoning districts.

Proposed Ordinance: In drawing up the language of the proposed ordinance, the use table was revised to allow veterinary offices in this zone. There were also two places in the use table where there was an incorrect code section referenced for the definition of the Retail Sales. That error is also corrected in this proposed ordinance.

Approval of the amendment will change the Village Residential (F-VR) Floating Zone Use Table and Urban Regulations as shown on the attached ordinance.

ALTERNATIVES:

1. The City Council can approve the text amendment to the zoning ordinance to permit “Veterinary Offices—small animal exclusive not including kennels” in the Commercial Center of Village Residential zoning districts.

2. The City Council can approve the text amendment to the zoning ordinance to permit “Veterinary Offices” in the Commercial Center of Village Residential zoning districts, without restrictions.
3. The City Council can deny the request to amend the zoning ordinance.
4. The Council can refer the request to amend the zoning ordinance back to staff for specific further changes.

MANAGER’S RECOMMENDED ACTION:

Veterinary offices are permitted in all commercial districts, even those adjacent to low density residential areas. Staff is not aware of any serious problems of compatibility between uses associated with any such clinic. Animals typically arrive and depart veterinary clinics within one day, although on occasion an animal may need to stay overnight. Kennels, on the other hand, as a use provide longer term shelter for many more animals and usually include an outdoor area for the animals. Kennels may create more noise for neighbors and therefore are specifically excluded as a Permitted Home Occupation. Likewise, treatment of larger animals, such as horses, goats, and pigs may well require larger facilities, more outdoor confinement areas and larger vehicles to transport them, compared to other permitted commercial uses. However, veterinary offices for small animals are not likely to result in any more traffic or other impacts and not require any larger facilities than other commercial uses already permitted in Village Residential zoning districts.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby amending the zoning ordinance to permit “Veterinary Offices-small animal exclusive not including kennels” in the Commercial Center of Village Residential zoning districts.

ATTACHMENT A – CURRENT PERMITTED USES

Table 29.1201(5)
 Village Residential (F-VR) Floating Zone Uses

USE CATEGORY	NEIGHBORHOOD CENTER	NEIGHBORHOOD GENERAL	NEIGHBORHOOD EDGE
RESIDENTIAL			
Country House	N	N	Y
Village House	N	Y	Y
Village Cottage	Y	Y	N
Single Family Attached (Side-yard House)	Y	Y	N
Single Family Attached (Row-house)	Y	Y	N
Village Apartment	Y	N	N
Garden Apartments, if previously approved	N	Y	N
Assisted Living	N	Y	Y
COMMERCIAL			
Apothecary Shop	Y	N	N
Artist Studio and accessory gallery	Y	N	N
Banks	Y	N	N
Barber Shops	Y	N	N
Beauty Shops	Y	N	N
Car Wash	Y	N	N
Convenience store with gas	Y	N	N
Dance Studio	Y	N	N
Dry Cleaner	Y	N	N
Dwellings above the first floor	Y	N	N
Hardware store	Y	N	N
Grocery, bakery, delicatessen or similar retail stores	Y	N	N
Office Uses	Y	N	N
Pottery Shops	Y	N	N
Retail sales as defined in Section 29.502 of this ordinance	Y	N	N
Restaurants, excluding drive through service	Y	N	N
OTHER USES			
Child Day Care Facilities	Y	Y	N
Community Facilities, except vocational training for handicapped	Y	N	N
Essential Public Services	Y	N	N
Religious Institutions	Y	Y	N
Schools, limited to public and private day schools	N	Y	Y

Y = permitted
 N = prohibited

ATTACHMENT B – CURRENT PERMITTED USES IN COMMERCIAL BUILDINGS

**Table 29.1201(7)-8
Village Residential (F-VR) Floating Zone Urban Regulations
Commercial/Shop Front**

URBAN REGULATIONS	F-VR ZONE	
General Requirements	<p>All design shall be submitted to and approved by the Village. Architect Commercial/Shop Front structures shall be permitted in the Neighborhood Center only. Commercial/Shop Front structures shall be permitted on lots that are between 24 and 48 feet wide.</p>	
Building Placement	<p>There shall be a mandatory build-to-line of 6 feet. Vehicle access to all Commercial/Shop Front lots shall be from an alley only. Commercial/Shop Front structures shall be constructed with no side yard setback on interior side yard lines. There shall be a 6-foot side yard setback on the side yard in a corner condition. The front façade of Commercial/Shop Front structures shall extend along 100% of the frontage and 50% along the side lot line in a corner condition. Commercial/Shop Front structures shall be arranged where the building placement along a street creates a traditional “Main Street” effect. Commercial/Shop Front structures shall be arranged where a mid-block pedestrian pathway or paseo of 8 feet in width is constructed to enable pedestrian mobility through the Neighborhood Center. Where no building wall exists, a garden wall shall be constructed on the property line, except in the instance of a Convenience Store with gas.</p>	
Design Elements	<p>The area between the build-to-line and the front property line and the area between the structure and side lot line in a corner condition shall be paved similar to the adjacent sidewalk. Balconies, awnings and roof overhangs may encroach into the area between the build-to-line and the front property line and the area between the side yard setback line and the side yard line. An awning or second story balcony is required for a minimum of 50% of the street frontage or the distance adjacent to a path. Balconies shall be 3 feet deep and awning shall be 6 feet deep adjacent to street frontage. Awning adjacent to a path shall be 3 feet deep. All exterior building walls facing adjacent streets shall be glazed along a minimum of 40% of the wall length with clear glass at eye level. Setback areas for entrance doors to Commercial/Shop Front structures shall not exceed 75 square feet. Commercial/Shop Front structures shall not exceed 10,000 square feet of floor area in any single structure.</p>	
Use Requirements	Apothecary Shop	Artists Studios and Accessory Gallery
	Bait and Tackle Shop	Banks
	Barber Shops	Beauty Shops
	Cabinet Shops	Car Wash
	Convenience Store With Gas	Dance Studio
	Dry Cleaner	Dwelling Units Located Above the First Floor
	Hardware Store	
	Grocery, Bakery, Delicatessen or Similar Retail Sales	Office Buildings
	Photography Labs	Pottery Shops
	Printing Shops	Retail Sales as Defined in Section 5.3 of this Ordinance
	Restaurants, Excluding Drive Through Service	Second Hand Stores
Height Restrictions	<ul style="list-style-type: none"> • Commercial/Shop Front structures shall be a maximum of three stories in height • Single Story Commercial/Shop Front structures facing adjacent street shall be a minimum of 16 feet in height. • Garden walls shall not exceed 6 feet in height when located along the side lot line and shall not exceed 3 feet in height when located between the build-to-line and the front property line. • Awnings shall be constructed at a height of between 9 and 12 feet above the walk. 	
Parking Requirements	<ul style="list-style-type: none"> • Parking is allowed on Commercial/Shop Front lots behind the structure only. • One parking space shall be provided for each 250 square feet of gross floor area. • Required parking includes all parking on the Commercial/Shop Front lots plus all parking on and off the street within 300’ of the Commercial/Shop Front lot. • Trash container and loading areas shall be located behind the Commercial/Shop Front structure. 	

ATTACHMENT C – CURRENT PURPOSE OF THE ZONING ORDINANCE

Sec. 29.102. PURPOSE, INTERPRETATION AND APPLICATION.

(1) **Purpose.** The Ordinance regulates and restricts the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes in order to promote the health, safety and the general welfare of the City in the following ways:

- (a) To direct the development of the City in accordance with the Land Use Policy Plan, which is the City's comprehensive plan;
- (b) To preserve the availability of agricultural land;
- (c) To consider the protection of soil from wind and water erosion;
- (d) To encourage efficient urban development patterns;
- (e) To lessen congestion in the streets;
- (f) To secure safety from fire, flood, panic, and other dangers;
- (g) To promote health and the general welfare;
- (h) To provide adequate light and air;
- (i) To prevent the overcrowding of land;
- (j) To avoid undue concentration of population;
- (k) To promote the conservation of energy resources;
- (l) To promote reasonable access to solar energy;
- (m) To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- (n) To preserve historically significant areas of the City.

The Ordinance has been made with reasonable consideration, among other things, as to the character of the area of each Zone and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.