
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 16, 2001

SUBJECT: Petition No. 400-01-17- Planning Commission - request to amend the Zoning Ordinance to allow a veterinary office as a conditional use in the Neighborhood Commercial CN Zone

STAFF REPORT BY: Janice Jardine, Land Use and Policy Analyst

Document Type	Budget-Related Facts	Policy-Related Facts	Miscellaneous Facts
Ordinance	The proposal has no budget impact.	The proposal is presented to revise an existing ordinance.	The Administration has clearly stated the positive aspects of the proposal.

NEW INFORMATION:

The Council received a briefing regarding this item on November 20, 2001. Please see the attached draft minutes for details.

- Issues discussed included:
 - Adding definitions to differentiate between small animal and large animal veterinary offices.
 - Community Council notification.
 - Differences in regulations relating to medical offices and veterinary offices.

- A revised ordinance has been provided that includes the following definitions:
 - Small Veterinary Office means a veterinary facility that serves only small animals such as dogs, cats, birds, rabbits, reptiles, rodents and other similarly sized animals.
 - Large Veterinary Office means a veterinary facility that serves large animals, either wild or domesticated, such as sheep, goats, cows, pigs, horses, llamas, wild cats, bears or other similarly sized animals.

The following information was provided for the Council Work Session on November 27, 2001.

OPTIONS AND MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending the text of the zoning ordinance to allow a veterinary office as a conditional use in the Neighborhood Commercial CN zone.

2. ["I move that the Council"] Not adopt an ordinance amending the text of the zoning ordinance to allow a veterinary office as a conditional use in the Neighborhood Commercial CN zone.

KEY ELEMENTS

The Administration's transmittal provides a detailed description of the proposed text change. Key elements are summarized below.

- A. The Administration indicated that this action would address an inconsistency in the current Zoning Ordinance. Veterinary offices are currently a permitted use in all commercial zones except the Neighborhood Commercial zone. In addition, veterinary offices are currently a permitted use in the Residential RO and Residential Mixed-Use RMU zones and a conditional use in the Residential Business RB zone.
- B. The purpose of the Neighborhood Commercial district is to provide for small-scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses.
- C. The Zoning Ordinance currently describes a veterinary office as a facility that is "operating entirely within an enclosed building and keeping animals overnight only for treatment purposes." (Sec. 21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts)
- D. A public or private kennel is defined as the keeping of more than two (2) dogs and/or two (2) cats that are more than six (6) months old. A third dog or cat may be allowed if a pet rescue permit has been approved under Animal Control, Sec. 8.04.130 of the City Code. (Sec.21A.62 Definitions)
- E. Cremation services are not permitted in any of the commercial zoning districts.
- F. The Administration's transmittal identifies the following major issues that were considered in allowing veterinary offices in the Neighborhood Commercial zone:
 - 1. noise
 - 2. odor
 - 3. cremation
 - 4. length of stay
 - 5. size of animals receiving treatment
 - 6. setback requirements
 - 7. water and sewer requirements
 - 8. impacts on abutting properties
 - 9. building and trash receptacle location
- G. The Planning staff report notes that the conditional use process will allow for review of new facilities and provide the opportunity to mitigate any negative impacts that may be inherent to each new site or facility in the Neighborhood Commercial zone. In addition, the Planning staff report notes that although difficult to enforce, Title 8, Animal Control, provides the authority to administer penalties on those responsible for violating the Animal Nuisance Section 8.04.370 of the Municipal Code.
- H. The public process included:
 - 1. Letter describing the proposed text change sent to Community Council Chairs
 - 2. Planning Commission hearing notice sent to Community Council Chairs
 - 3. Presentation to the City Business Advisory Board
- I. The Planning staff report provides findings of fact that support the criteria established in the City's Zoning Ordinance, Sec. 21A.50.050 - Standards for General Zoning Amendments. Please refer to the Planning staff report for specific findings of fact and discussion of compliance with individual standards.
- J. The Planning Commission voted to recommend that the City Council approve the proposed zoning text amendment. Issues discussed at the Planning Commission hearing included:
 - 1. The length of stay for animals that would be kept for monitoring or specialized treatment.

2. A size limit of an animal to be treated.
3. The handling of deceased animals.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

During a recent Work Session discussion relating to the proposed zoning ordinance text amendment to allow power plants as a conditional use in Manufacturing zones, Council Member Carlton Christensen noted that it may be appropriate to include as part of the proposed text amendment specific criteria to mitigate impacts related to that type of use. This would provide advanced notice for property owners or developers of the basic information and specific criteria necessary to be addressed as part of the conditional use process. Council Members may wish to discuss with the Administration additional criteria that may be appropriate to address specific impacts relating to veterinary offices and that should be included as part of the proposed text amendment.

The Zoning Ordinance currently does not provide a definition for veterinary offices or clinics. The *Table of Permitted and Conditional Uses in Commercial Zones* does list veterinary offices operating entirely within an enclosed building and keeping animals overnight only for treatment purposes. Council Members may wish to request that a definition for veterinary offices and clinics be included in the proposed text amendment.

Council Members may wish to consider requesting that the proposed text amendment be included as part of the citywide Zoning Ordinance “fine tuning” project, currently underway in the Planning Division. This would allow a more comprehensive analysis of potential impacts and interactions associated with similar types of uses and creation of compatible requirements for neighborhood businesses to operate near and within residential areas.

Council Members may wish to discuss with the Administration the following comments, concerns and issues expressed to date by constituents:

- A. Representatives from the East Central Community Council have raised issues relating to the cumulative impact of the number of conditional uses, non-conforming uses and special needs housing facilities in the Central City area. Planning staff indicated to Council staff that the City currently does not have an accurate citywide map or accounting of the number and location of these types of facilities. Planning staff indicated that they are currently trying to address this issue within their current staffing level and workload. Council Members may wish to request that the Administration identify what resources may be needed or options available to provide this information, or may wish to request an estimate of the time line for completing the project with existing resources.
- B. The CB/CN study supported the addition of a number of new uses, including veterinary facilities, as permitted uses in the CN and other neighborhood zones. (The CB/CN study is the citywide analysis of the Commercial Business CB and Neighborhood Commercial CN zoning districts initiated through a Council Legislative Action in January 1997.)
 - Discussions during the CB/CN study process included:
 - a. An evaluation of each business use relating to potential adverse impact.
 - b. Identification of mitigation strategies for potential impacts.
 - c. Identification of the types of uses that would provide for the needs of the neighborhood.
 - d. The need to treat similar uses in an equitable manner relating to zoning requirements.

- e. The conditional use process puts an additional financial and time burden on some small business owners making it difficult to compete on an equal basis with other businesses (of a similar nature) that are not required to go through the conditional use process.

Council Members may wish to request that the Administration provide a status report regarding the Legislative Action requesting a citywide analysis of the areas zoned Community Business CB and Neighborhood Commercial CN to determine consistency with existing master plans and appropriate zoning. Council Members previously received a written update on this project from the Administration dated March 29, 2000. At that time, the Administration's timeline included an open house and Planning Commission review and action in April and May of 2000, with an anticipated final transmittal to the City Council in June 2000. Planning staff has indicated to Council staff that this project is currently on hold. Council Members may wish to clarify this with the Administration.

MASTER PLAN AND POLICY CONSIDERATIONS:

In the past, Planning staff has indicated to Council staff that:

- Current master plans were not consulted because the proposed text change will be applied on a citywide basis.
- Master plan issues relating to the proposed development will be addressed through the conditional use process.
- Site development and utility service requirements will be evaluated through conditional use, development review and building permit processes.

The City's Strategic Plan and the Futures Commission Report contain statements that support creating attractive conditions for business expansion including retention and attraction of large and small businesses, but not at the expense of minimizing environmental stewardship or neighborhood vitality.

The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:

- a. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
- b. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
- c. Ensure that building restoration and new construction enhance district character.
- d. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
- e. Treat building height, scale and character as significant features of a district's image.
- f. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

- a. Is aesthetically pleasing;
- b. Contributes to a livable community environment;
- c. Yields no negative net fiscal impact unless an overriding public purpose is served; and
- d. Forestalls negative impacts associated with inactivity.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- June 11, 2001 Letter sent to Community Council Chairs
- June 14, 2001 Business Advisory Board meeting
- August 2, 2001 Planning Commission Hearing

cc: Rocky Fluhart, Jay Magure, Roger Cutler, Lynn Pace, David Dobbins, Roger Evans, Stephen Goldsmith, Brent Wilde, Larry Butcher, Craig Spangenberg, Ken Brown, Cheri Coffey, Melissa Anderson

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment, vet clinics