

TO: City Plan Board **Item Number: 4**

FROM: Planning & Development Services Department **DATE: September 22,**
Staff **2016**

SUBJECT: Petition PB-16-101 TCH. City Plan Board. Amend the list of permitted uses within the Automotive – oriented business district (BA) zoning district to add veterinary services (SIC-074) as a specially regulated use and animal specialty services, except veterinary (SIC-0752) within enclosed buildings.

Recommendation

Approve Petition PB-16-101 TCH.

Discussion

This petition proposes to amend the list of permitted uses within the Automotive – oriented business district (BA) to add veterinary services as a specially regulated use and animal specialty services, except veterinary within enclosed structures. Veterinary services include establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for a variety of animal species. Animal specialty services include establishments providing services to animals that do not include veterinary care, such as grooming, boarding services, animal shelters, and training. Currently, veterinary services are permitted within enclosed buildings as a specially regulated use in a wide range of commercial and mixed-use, and office zoning districts as a specially regulated use. Similarly, animal specialty services are also permitted within the mixed-use, commercial, industrial, and downtown (Central City district) zoning districts within enclosed buildings.

The BA district is established to identify and delineate those commercial land uses involved in automotive sales as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those uses by requiring appropriate buffering, screening, or similar compatibility enhancements, to maintain its harmony with adjacent and surrounding land uses. The addition of veterinary services and animal specialty services to the BA zoning district is consistent with the intent of the BA zoning district which currently allows a variety of other non-automotive commercial uses. The proposed uses are generally less intense in terms of noise, traffic, and other compatibility concerns than many of the uses allowed by right within the BA zoning. Any potential compatibility issues will be further mitigated by limiting both uses within enclosed structures. As a result, it is not anticipated that the addition of these uses will result in compatibility concerns with adjacent land uses or within the BA zoned properties within the City. Finally, the addition of these uses to the BA zoning district will provide greater consistency

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of allowable uses between the various mixed-use and commercial zoning districts within the City.

Respectfully submitted,



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List of Exhibits

Exhibit A: Proposed amendment to Sec. 30-62. - Automotive-oriented business district (BA).

Exhibit B: Article VI Specially Regulated Uses: Sec. 30-99. - Veterinary services (GN-074).

Exhibit A: Proposed amendment to the BA zoning district

Sec. 30-62. - Automotive-oriented business district (BA).

(a) *Purpose.* The BA district is established to identify and delineate those commercial land uses involved in automotive sales, services and related activities as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those uses.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Encourage automotive-oriented business development to occur along major transportation arteries where sites are adequate for an integrated design of automotive services and where such development could most adequately serve the needs of the community's residents without resorting to excessive quantities of strip development;
- (2) Provide for, and accommodate as efficiently as possible, those commercial land uses commonly associated with automotive business and, therefore, prevent the indiscriminate application of this district along the community's arteries;
- (3) Minimize traffic congestion on public streets;
- (4) Ensure, through development plan approval, that major commercial developments are designed to promote the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;
- (5) Require appropriate buffering or screening around such development, to maintain its compatibility with adjacent and surrounding land uses;
- (6) Discourage, as much as possible, any encroachment by industrial, residential and commercial uses generally understood to be capable of adversely affecting the basic commercial automotive characteristics of the district; and
- (7) Permit outdoor storage and sale of retail goods.

(c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Food trucks	In accordance with article VI

	Ice dealers, retail only	
MG-15	Building construction— General contractors and operative builders	
MG-17	Construction—Special trade contractors	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-41	Local and suburban transit and interurban highway passenger transportation	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	
GN-501	Motor vehicles and motor vehicle parts and supplies, wholesale	Excluding motor vehicle parts, used (IN-5015)
GN-504	Professional and commercial equipment and supplies, wholesale	
GN-508	Machinery, equipment and supplies, wholesale	Excluding construction and mining (except petroleum) machinery and equipment (IN-5082), industrial machinery and equipment (IN-5084), and transportation equipment and supplies, except motor

		vehicles (IN-5088)
MG-52	Building materials, hardware, garden supply and mobile home dealers	
MG-54	Food stores	
MG-55	Automotive dealers and gasoline service stations	Including gasoline service stations in accordance with article VI
MG-57	Home furniture, furnishings, and equipment stores	
IN-5941	Sporting goods stores and bicycle shops	Accessory outdoor display, storage and sales in accordance with section 30-67
GN-596	Nonstore retailers	
GN-598	Fuel dealers	
IN-5999	Hot tubs, swimming pools, whirlpool baths, retail only	
Div. H	Finance, insurance and real estate	
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
<u>GN-074</u>	<u>Veterinary services</u>	<u>Only within enclosed buildings and in accordance with article VI</u>
<u>IN-0752</u>	<u>Animal specialty services, except veterinary</u>	<u>Only within enclosed buildings</u>
MG-73	Business services	Excluding heavy construction equipment rental and leasing (IN-7353), airplane rental and leasing, oil field equipment rental and leasing and oil well drilling equipment rental and leasing and including

		disinfecting and pest control services (IN-7342), in accordance with article VI
MG-75	Automotive repair, services and parking	Excluding carwashes (IN-7542)
MG-76	Miscellaneous repair services	
IN-7833	Drive-in motion picture theaters	
MG-79	Amusement and recreation services	Excluding go-cart raceway operations and go-cart rentals, and simulated gambling establishments
MG-86	Membership organizations	
Places of religious assembly	In accordance with article VI	
Div. J.	Public administration	Excluding correctional institutions (IN-9223)
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	
	Ice manufacturing/vending machines	In accordance with article VI

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

(1) Minimum yard setbacks:

- a. Angle of light obstruction for all principal and accessory structures: 45 degrees.
- b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the

minimum setback shall be 25 feet or the distance created by the angle of light obstruction, whichever is greater.

- (2) Accessory structures shall not exceed 25 feet in height.
 - (3) Maximum building height: Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the maximum building height shall be three stories.
- (e) *Additional requirements for outdoor uses.* Whenever a use in a BA zoning district which includes outdoor storage and display, and/or other activities outside of completely enclosed buildings is adjacent to a residential district or to land which is shown for residential use on the future land use map of the comprehensive plan, such outdoor storage, display and/or activity shall be buffered and screened from all property lines in common with the residential district or land which is shown for residential use on the future land use map of the comprehensive plan as required for outdoor storage in article VI.
- (f) *General requirements.*
- (1) Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, solid waste, recycling, yard trash containers (except litter containers), and grease containers, that are stored outside of the building, shall be placed at the side or the rear of the building and within ten feet of the building. The container shall be enclosed with an enclosing wall, so that it is not visible from the street or adjacent property (from ground level). The enclosing wall shall be finished and/or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street and abutting residential land.
 - (2) Mechanical equipment shall be located so that noise and visual impacts upon abutting residential property are minimized. For purposes of this section, mechanical equipment is defined as a heating, ventilation, or air conditioning unit placed outside of a building.
 - (3) All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-67, pertaining to general provisions for business and mixed-use districts, and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3946, § 1, 1-24-94; Ord. No. 3963, § 4, 3-14-94; Ord. No. 980273, § 2, 11-9-98; Ord. No. 981306, § 1, 6-28-99; Ord. No. 030752, § 5, 5-10-04; Ord. No. 030917, § 1, 8-9-04; Ord. No. 040662, § 1, 1-14-05; Ord. No. 070619, § 3, 3-24-08; Ord. No. 110289, § 7, 11-3-11; Ord. No. 130278, § 1, 12-5-13; Ord. No. 140130, § 3, 9-4-14; Ord. No. 140190, § 7, 4-16-15)

Exhibit B: Specially regulated use provisions for veterinary services

Sec. 30-99. - Veterinary services (GN-074).

(a) *Dimensional requirements.* Dimensional requirements for veterinary services:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 100 feet.
- (3) Minimum yard setback: All buildings and structures, excluding fences and walls, shall be set back a minimum distance of 25 feet from any property which is in a residential zoning district or which is shown for residential use on the future land use map of the comprehensive plan. All other setbacks shall conform to the requirements of the district in which such use is located.

(b) *Additional regulations.*

- (1) No such facilities shall be permitted to have outside cages or runs except for those which are located in industrial districts and which are at least 500 feet from any property shown on the comprehensive plan for residential use.
- (2) All such facilities shall have sound attenuation so as to prevent common and ordinary animal noises from being heard outside any building or structure. Outside cages or runs permitted in industrial districts shall not be required to be so designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 8, 7-25-94)