DATE: February 5, 2020
TO: Planning and Zoning Commission
FROM: David N. Hockett, AICP
Principal Planner
RE: 7. Zoning Code Amendment

A. Public Hearing regarding an amendment to Section 176.50-12 to allow “Veterinary Office / Animal Hospital” as a permitted use in the UTC-1 Zoning District.

B. CPC Resolution No. 20-03 recommending approval of the amendment to Section 176.50-12 to allow “Veterinary Office / Animal Hospital” as a permitted use in the UTC-1 Zoning District

The applicant Dr. Ryan Bock, is requesting an amendment to Section 176.50-12 to permit “veterinary office / animal hospitals to be a permitted use within the newly established UTC-1, Urban Transitional Commercial - 1 zoning district. The UTC-1 zoning district is primarily located along the north side of 7th Avenue west of 6th Street and south of the Pucker Street Historic District and a small area north of 8th Avenue between 7th and 13th Streets. The areas of UTC-1, zoning have been highlighted within Figure 1 – Zoning Map. The applicant is seeking to expand his practice and the current regulations prohibit that proposed expansion.

Figure 1 - Zoning Map

The district provides a buffer to residential areas north of the traditional Central Business District. The intent of the district is to promote commercial development which respects the relationship to adjacent
residential neighborhoods. Development will be encouraged to orient entrances to the primary street frontage and respect and be compatible with adjacent residential uses.

Veterinary Office / Animals Hospitals are currently a permitted use in the UTC-2, Urban Transitional Commercial – 2 district and UC-1 Urban Commercial district (found east of 17th Street to 35th Street along 7th Avenue and is permitted within the in the BC, Business Community and BR, Business Regional zoning districts, which are primarily located along Tower Terrace Road, 7th Avenue east of 35th Street and along the divided highways.

Only one (1) veterinary office was identified within the UTC-1, zoning district and that is the applicants practice located at 448 7th Avenue that has operated in this location for 40+ years. The current zoning of UTC-1 has resulted in this location being a legal non-conforming use (grandfathered), which permits it to continue to operate, but provides no ability to expand operations and would not permit any new practices from being established within the zoning district.

Staff has reviewed the request and researched typical office practices of veterinary office / animal hospitals and have determined that they operate in a manner similar to a medical clinic or urgent care facility that is currently permitted within the zoning district. The only noticeable difference is typically as small outdoor space to permit the animal outside for the bathroom accompanied by veterinary staff.

The UTC-1 zoning district provide a variety of uses, that typically generate more traffic / noise and late night operations than most veterinary offices, including restaurants, tavern/bars and medium retails sales, which are buildings between 10,000 and 30,000 square feet.

With any business, veterinary office / animals hospitals would be required to meet the general standards regarding setbacks, parking, lighting, landscaping / screening as any other use in the UTC-1 district in addition to the following performance standards already in place for the operation of such facilities.

(1) Outdoor exercise areas that directly abut or face any residentially zoned properties, commercial zoned property and any public street shall be screened with a 100% opaque non-see-through fence or wall.

(2) All animals shall be kept either within completely enclosed structure or under direction control of the facility operator or staff at all times, and shall be indoors between the hours of 10:00PM and 7:00AM.

(3) Veterinary offices / animal hospitals providing onsite service to domestic animals only and include; outdoor kennels, commercial boarding services as an accessory use, crematory services or 24-hour emergency services shall be located at least 100 feet from any lot in any Residential District; all outdoor kenneling shall be limited to clinics located in a Manufacturing district.
(4) Noise regulations shall conform with the standards set forth in Chapter 53, Noise and Noise limits of the City of Marion City Code.

These development standards, will prohibit any outdoor / commercial kennel, but would not prohibit the overnight indoor boarding of animals under doctor care / observation. In addition, due to the location of the UTC-1 zoning district in relation to residential zoning districts, it is unlikely that a 24-hour emergency facility would be permitted in the district.

Staff does not see any objection to veterinary office / animal hospitals as a permitted use within the UTC-1, zoning district with the existing development standards in place that would be prohibit boarding and large animal operations. Staff recommends APPROVAL of CPC Resolution No. 20-03 regarding an amendment to Section 176.50-12 to allow “Veterinary Office / Animal Hospital” as a permitted use in the UTC-1 Zoning District.
Ryan Bock  
448 7th Avenue  
Marion, Iowa 52302  

November 14, 2019  

City of Marion  
Attention: Marion City Council  
1225 6th Avenue  
Marion, Iowa 52302  

Re: Marion Central Corridor Districts Plan  

Dear Marion City Council,  

This letter is to request a waiver to the proposed UTC-1 permitted uses for my business, Marion Animal Hospital. The Marion Central Corridor Districts Plan places my business in a UTC-1 zoning district, and a veterinary office is not a permitted use as proposed. I am requesting a waiver to allow Marion Animal Hospital to expand or move within the proposed district.  

Marion Animal Hospital is a veterinary clinic serving dogs and cats. All animals outside the building are walked on a leash or carried in a pet taxi. We are not an outdoor boarding facility and we have no outdoor runs.  

I have been in business at this location for fifteen years, and this location has served as a veterinary clinic for more than 40 years. Marion Animal Hospital has no detrimental effect on the neighboring residential district.  

As proposed, the Marion Central Corridor Districts Plan prevents the growth of Marion Animal Hospital by preventing expansion or a move within the district. I am requesting a waiver for Marion Animal Hospital to be allowed to expand or move within the proposed UTC-1 zoning. Our long history in our current location makes this district of Marion desirable to us and our customers for any future growth.  

Sincerely,  

Ryan Bock, DVM