



Zoning Text Amendment (ZTA) No. 19-03, Commercial/Residential Zones - Animal Boarding and Care

Gregory Russ, Planner Coordinator, FP&P, gregory.russ@montgomeryplanning.org, 301-495-2174

Jason Sartori, Acting Chief, FP&P, jason.sartori@montgomeryplanning.org, 301-495-2172

Completed: 02/28/19

Description

Zoning Text Amendment (ZTA) 19-03 would allow Animal Boarding and Care as a limited use in CR zones.

Summary

Staff recommends approval, as amended, to allow Animal Boarding and Care as a limited use in the CR zones. The modifications would clarify the intent of ZTA 19-03 by eliminating any reference of the CR zones under the conditional use standards for Animal Boarding and Care.

Background/Analysis

Animal Boarding and Care is defined as *the structures or land used for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals at a location other than a Veterinary Office/Hospital, not including animals raised for agricultural purposes.*

Under the current Zoning Code, Animal Boarding and Care is allowed as a limited use in the GR (General Retail), IL (Light Industrial) and IM (Moderate Industrial) zones and allowed with conditional use approval in the Agricultural, Rural Residential, RE-2, RE-2C, RE-1, R-200, Commercial/Residential (CR, CRT and CRN) and Neighborhood Retail (NR) zones. ZTA 19-03 proposes to allow this use under the limited use standards in all CR zones.

Limited Use Standards

Where Animal Boarding and Care is allowed as a limited use, it must satisfy the following standards:

- Any part of a building used for animal boarding or care must be soundproofed.
- If it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required.
- An outdoor exercise yard is allowed if it is fenced and set back a minimum of 50 feet from any Residential zone.
- Any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

Conditional Use Specific Standards

Where Animal Boarding and Care is allowed as a conditional use in the CR zones, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use, and the following standards:

- In the **Commercial/Residential** (and Employment) zones any part of a building used for animal boarding or care must be soundproofed.
- In the **CRT, CR,** and NR zones an outdoor exercise yard is allowed if: it is fenced and set back a minimum of 50 feet from any Residential zone; and any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

Staff Recommendations

Staff has no objection to ZTA 19-03 since the objective standards of the limited use requirements are similar to the objective specific requirements under the conditional use provisions including: soundproofed walls; fenced outdoor exercise areas that are a minimum of 50 feet from any Residential zone; and a prohibition on animals being outdoors after 9:00 p.m. The conditional use provisions are silent on requirements for outdoor exercise areas for animal boarding in the CRN zone. However, given that CRN zoned properties are intended to be located along the transitional edges for pedestrian-scale, neighborhood-serving mixed-use centers, the limited use provisions provide additional mitigating measures by requiring site plan approval when an Animal Boarding and Care use is proposed adjacent to a property located in the AR, Rural Residential or Residential Detached zones. Therefore, staff believes that the limited use provisions governing Animal Boarding and Care are sufficient to mitigate any potential impacts to adjacent properties when allowing the use in the CR zones.

Staff recommends modifications to Section 3.5.1.B.2.b.ii & iii to remove any reference to the CR zones under the conditional use standards for Animal Boarding and Care since, as proposed, the use would only be allowed under the limited use provisions. Below, staff has highlighted the language to be eliminated for the reader’s convenience.

Section 3.5.1. Animal Services

* * *

B. Animal Boarding and Care

* * *

2. Use Standards

* * *

b. Where Animal Boarding and Care is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use, and the following standards:

* * *

ii. In the **Commercial/Residential and** Employment zones any part of a building used for animal boarding or care must be soundproofed.

iii. In the **CRT, CR, and** NR zone **[s]** an outdoor exercise yard is allowed if:
(a) it is fenced and set back a minimum of 50 feet from any Residential zone; and
(b) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

Attachments

1. ZTA No. 19-03 as modified by staff

ATTACHMENT 1

Zoning Text Amendment No.: 19-03
Concerning: Commercial/Residential
Zones - Animal Boarding
and Care

Draft No. & Date: 1 - 1/24/19

Introduced:

Public Hearing:

Adopted:

Effective:

Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Navarro at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow Animal Boarding and Care as a limited use in CR zones

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

Division 3.1. "Uses and Use Standards"

Section 3.1.6. "Use Table"

Division 3.5. "Commercial Uses"

Section 3.5.1. "Animal Services"

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

8 **Sec. 2. DIVISION 59-3.5 is amended as follows:**

9 **Division 3.5. Commercial Uses**

10 **Section 3.5.1. Animal Services**

11 * * *

12 **B. Animal Boarding and Care**

13 * * *

14 **2. Use Standards**

15 * * *

16 b. Where Animal Boarding and Care is allowed as a conditional use, it
17 may be permitted by the Hearing Examiner under Section 7.3.1,
18 Conditional Use, and the following standards:

19 * * *

20
21 ii. In the [[Commercial/Residential and]] Employment zones any
22 part of a building used for animal boarding or care must be
23 soundproofed.

24
25 iii. In the [[CRT, CR, and]] NR zone[[s]] an outdoor exercise yard
26 is allowed if:

27 (a) it is fenced and set back a minimum of 50 feet from any
28 Residential zone; and

29 (b) any animal is prohibited from being outdoors between
30 9:00 p.m. and 7:00 a.m.

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34 **Sec. [[2]] 3. Effective date.** This ordinance becomes effective 20 days after
35 the date of Council adoption.

36

37 This is a correct copy of Council action.

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39

40 Megan Davey Limarzi, Esq.

41 Clerk of the Council