#### Public Hearing

#### MEMORANDUM

March 15, 2019

TO:

**County Council** 

FROM:

Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT:

Zoning Text Amendment 19-03, Commercial/Residential Zones - Animal Boarding and

Care

PURPOSE:

No vote required – public hearing

Zoning Text Amendment (ZTA) 19-03, lead sponsor Council President Navarro at the request of the County Executive, was introduced on February 5, 2019. ZTA 19-03 would allow Animal Boarding and Care as a limited use in Commercial/Residential zones.<sup>1</sup>

Animal Boarding and Care, as a limited use, requires the following provisions:

- i. Any part of a building used for animal boarding or care must be soundproofed.
- ii. 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 under Section 7.3.4.
- iii. 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.

A Planning, Housing and Economic Development Committee worksession on ZTA 19-03 is tentatively scheduled for April 1, 2019.

This packet contains
ZTA 19-03

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<sup>&</sup>lt;sup>1</sup> Key word: #AnimalBoarding.

Zoning Text Amendment No.: 19-03 Concerning: Commercial/Residential

Zones - Animal Boarding

and Care

Draft No. & Date: 1 - 1/24/19 Introduced: February 5, 2019

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"

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

<u>Underlining</u> 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.

<u>Double underlining</u> 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:

Zoning Text Amendment No.: 19-03

## Sec. 1. DIVISION 59-3.1 is amended as follows:

- 2 Division 3.1. Use Table
- 3 \* \* \*
- 4 Section 3.1.6. Use Table
- The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under
- 6 Division 4.9.

						Residential																						
		Ag	Rural Residential			Residential Detached							Residential Townhouse			Residential Multi-Unit			Commercial/ Residential			Employment				Industrial		
USE OR USE GROUP	Definitions and Standards	AR	R	RC	RNC	RE-	RE- 2C	RE-	R- 200	R-9(	R-60	R-40	TLD	тмр	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	ІН
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COMMERCIAL				<u> </u>						<u> </u>					<u> </u>	<u> </u>	_				<u> </u>					_		_
ANIMAL SERVICES	3.5.1							_							-		_							ļ		-		-
Animal Boarding and Care	3.5.1.B	С	С	С	С	С	С	С	С		Ì						ì		[C] <u>L</u>	[C] <u>L</u>	[C] <u>L</u>	L	С		<u> </u>	L	L	_
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	Ke	ey:	P =	Permi	itted U	l Ise	L =	Lim	ited	Use	C	= Con	ditio	nal U	se	Blaı	nk C	ell =	Use N	ot Allo	wed							

7 \* \* \*

8	Sec. 2. Effective date. This ordinance becomes effective 20 days after the
9	date of Council adoption.
10	
11	This is a correct copy of Council action.
12	
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14	Megan Davey Limarzi, Esq.
15	Clerk of the Council