

Subject: ZTA 19-04, Animal Boarding and Care - Residential Zones	
Purpose: To introduce agenda item – no vote expected	
Analyst: Jeffrey L. Zyontz, Senior Legislative Analyst	Committee: PHED
Keywords: #ZTA, Animal Boarding, Animal Care	

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATIONS

This is the introduction of a Zoning Text Amendment (ZTA) sponsored by Council President Nancy Navarro. There is no Committee recommendation.

DESCRIPTION/ISSUE

Animal Boarding and Care is a defined land use that is currently only allowed in residential zones as a conditional use. ZTA 19-04 would amend the definition of the Animal Boarding and Care use and would allow Animal Boarding and Care in residential zones as a limited use. It would also establish required limited use standards for small lot residential zones. The quantity of animals, types of animals, and the duration of the activity would be limited. The ZTA would also add the standards for conditional use approval in small lot residential zones.

SUMMARY OF KEY DISCUSSION POINTS

- Public Hearing is tentatively scheduled for June 18, 2019 at 1:30 p.m.
- The Planning, Housing, and Economic Development Committee will make recommendations for the Council's consideration at a date to be determined.
- At a date to be determined after the Committee has made its recommendations, the Council will act on the ZTA.

This report contains:

ZTA 19-04 for introduction

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Zoning Text Amendment No.: 19-04
Concerning: Animal Boarding and
Care – Residential Zones
Draft No. & Date: 4 – 3/29/19
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

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow Animal Boarding and Care as a conditional use in residential zones; and
- establish standards for approval for an Animal Boarding and Care use in residential zones

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

Division 3.1. “Use Table”
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:

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

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under
6 Division 4.9.

(2)

USE OR USE GROUP	Definitions and Standards	Ag	Residential														Commercial/Residential			Employment				Industrial			
			Rural Residential				Residential Detached								Residential Townhouse			Residential Multi-Unit									
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TL	TD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL
* * *																											
COMMERCIAL																											
ANIMAL SERVICES	3.5.1																										
Animal Boarding and Care	3.5.1.B	C	C	C	C	L/C	L/C	L/C	L/C	L/C	L/C	L/C						C	C	C	L	C				L	L
* * *																											

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

7 * * *

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 **A. Defined, In General**

12 Animal Services means the structures or land used for the care of animals.

13 Animal Services does not include any use considered accessory to an
14 agricultural use.

15 **B. Animal Boarding and Care**

16 1. Defined

17 Animal Boarding and Care means [the structures or land used for] the
18 boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic
19 animals at a location other than a Veterinary Office/Hospital [, not
20 including animals raised for agricultural purposes]. Animal Boarding
21 and Care does not include:

22 a. the uncompensated breeding or care of dogs, cats, pets, fowl, or
23 other domestic animals that belong to the owner or tenant of the
24 property; or

25 b. animals raised for agricultural purposes.

26 2. Use Standards

27 a. Where Animal Boarding and Care is allowed as a limited use in
28 zones other than Residential Detached zones, it must satisfy the
29 following standards:

30 i. Any part of a building used for animal boarding or care
31 must be soundproofed.

32 ii. If it is abutting or confronting a property zoned
33 Agricultural, Rural Residential, or Residential Detached
34 that is vacant or improved with an agricultural or

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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.

b. In Residential Detached zones, where Animal Boarding and Care is allowed as a limited use, it must satisfy all of the following standards:

- i. Boarding is limited to a maximum of 4 animals.
- ii. Animals are limited to dogs or cats.
- iii. Boarding is limited to 4 days in any week.
- iv. An outdoor exercise area is prohibited.

c. 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:

- i. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200 zones:
 - (a) The minimum lot area is 2 acres or the minimum lot area required for a detached house building type in the zone, whichever is greater.
 - (b) Exterior areas used to exercise, walk, or keep animals [must be] are set back a minimum of 200 feet from any lot line and screened under Division 6.5.

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- (c) All exterior exercise areas and runs [must be] are fenced.
- (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
- (e) Animals must only be walked or exercised in on-site outdoor areas.
- (f) The sound level at the nearest property line must satisfy Chapter 31B.
- (g) All buildings and accessory structures [must be] are set back a minimum of 75 feet from any lot line.
- (h) All litter and animal waste [must be] is contained and controlled on the site.
- (i) Any accessory operation, such as the sale of pet food and supplies, [must be] is in the statement of operations and [must be] is limited as an accessory activity to a maximum of 20% of sales.
- (j) The Hearing Examiner may regulate hours of operation. The Hearing Examiner may also regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (k) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.

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- (l) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations [must be] is sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
 - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- ii. In the Commercial/Residential and Employment zones, any part of a building used for animal boarding or care [must be] is soundproofed.
- iii. In the CRT, CR, and NR zones, 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.
- iv. In the R-90, R-60, and R-40 zones, an outdoor exercise yard is allowed if:
 - (a) All exterior exercise areas and runs are fenced.

- 114 (b) Animals are prohibited from being outdoors
115 between 9:00 p.m. and 7:00 a.m.
- 116 (c) The sound level at the nearest property line
117 satisfies Chapter 31B.
- 118 (d) All accessory structures are set back a minimum of
119 75 feet from any lot line.
- 120 (e) All litter and animal waste is contained and
121 controlled on the site.
- 122 (f) Any accessory operation, such as the sale of pet
123 food and supplies, is in the statement of operations
124 and is limited as an accessory activity to a
125 maximum of 20% of sales.

126 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
127 date of Council adoption.

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129 This is a correct copy of Council action.

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132 Megan Davey Limarzi, Esq.
133 Clerk of the Council