



## MONTGOMERY COUNTY DEPARTMENT OF PARK &amp; PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**MCPB**  
**Item #9**  
**7/03/03**

**DATE:** June 27, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief, Development Review *JRD*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To allow an animal boarding place by special exception in the RE-2C zone

**TEXT AMENDMENT:** No. 03-14  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Silverman  
**INTRODUCED DATE:** June 10, 2003

**PLANNING BOARD REVIEW:** July 03, 2003  
**PUBLIC HEARING:** July 15, 2003; 1:30pm

**STAFF RECOMMENDATION:** APPROVAL

#### **PURPOSE OF THE TEXT AMENDMENT**

To allow an animal boarding place by special exception in the RE-2C zone

#### **BACKGROUND**

A request was made during the time of the comprehensive review of the residential special exceptions (at the time of the Council's Planning Housing and Economic Development (PHED) Committee review), to allow a veterinary hospital and an animal boarding place by special exception in the RE-2C zone. The PHED Committee supported the request since the RE-2C Zone was the only large lot zone where a veterinary hospital was not allowed by special exception. Additionally, the veterinary hospitals were already allowed by special exception in smaller lot zones such as the R-200, R-150, R-90 and R-60. Although the proposal for a veterinary hospital was approved by the Council, the animal boarding place proposal was never considered. This omission appears to be an oversight and it not clear why animal boarding place by special

exception in the RE-2C zone was not included as part of the approved legislation. ZTA 03-14 would correct this apparent oversight.

## ANALYSIS

### Zones Where Animal Boarding Places are Permitted by Special Exception

Currently in the one-family residential zones, animal boarding places are allowed by special exception in the RE-2, RE-1 and R-200 Zones. The special exception provisions of Section 59-G-2.02 require a minimum lot area of 2 acres or the minimum required in the zone, whichever is larger. In the case of any applicable one-family residential zone, the minimum lot area requirement would be 2 acres. Therefore, the inclusion of animal boarding places in the RE-2C would be no different than allowing the use in any other currently applicable one-family residential zone.

### Special Exception Standards for Animal Boarding Places

Extensive new special exception standards were added to both animal boarding places and veterinary hospital categories as part of the comprehensive zoning ordinance review for special exceptions in one-family residential zones. Below are the special exception standards for animal boarding places:

\* \* \*

*(b) In any residential or rural zone where permitted by special exception, an animal boarding place must comply with the following conditions and requirements:*

*(1) The minimum lot size is 2 acres or the minimum required in the zone, whichever is greater.*

*(2) Exterior areas used to exercise, walk, or keep animals must be set back from any property line a minimum of 200 feet and screened from adjacent residential properties. All exterior exercise areas and runs must be fenced for the safe confinement of animals.*

*(3) For all buildings in which animals will be present, maximum expected interior sound levels must be reduced to 40 dBA (A-weighted decibels) outside, measured at ten feet from the structure.*

*(4) All buildings and accessory structures must be set back from any property line a minimum of 75 feet.*

*(5) No animal may be outdoors between 6 p.m. and 8 a.m.*

*(6) On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.*

*(7) Dogs must not be walked or exercised in outdoor areas that are off-site.*

(8) *In addition to the submittal requirements in Sec. 59-A-4.22, the applicant must submit the following information. Applications submitted without this information are incomplete and will not be accepted or assigned a case number:*

(i) *acoustical engineering studies that demonstrate that the proposed use meets the standards in Sec. 59-G-2.02(b) (3) and (6) above. The studies must show the worst scenario sound level. The statement of operations must be sufficiently detailed to allow determination of how often the worst scenario sound level occurs.*

(ii) *detailed floor plans that show all the interior areas, including runs and kennels, and*

(iii) *site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.*

(9) *The board must specify a minimum number of off-street parking spaces equal at least to the number of employees on the maximum shift plus three. The required number of parking spaces must in no case be less than 3.*

(10) *The Board may regulate hours of operation. The Board may also regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or kept.*

(11) *Any accessory operation, such as grooming or the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales not to exceed 20%.*

(12) *All litter and animal waste must be contained and controlled on the site.*

(13) *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.*

\* \* \*

As seen above, outdoor animal exercise/walking areas must be at least 200 feet from the property line while an extensive set of noise standards have been implemented as well. In addition, no building can be closer than 75 feet to a property line. As stated previously, no animal boarding use may be located on a site less than two acres in land area. As such, with the extensive development standards applying to any relevant zone, staff has no objection with allowing animal boarding places as a special exception use in the RE-2C Zone.

## **RECOMMENDATION**

The staff recommends approval of the proposed text amendment to allow an animal boarding place by special exception in the RE-2C zone. Staff believes that similar reasons for allowing veterinary hospitals in the RE-2C zone could apply for permitting animal boarding places in this zone. Staff has proposed several plain language changes to clarify the intent of the proposed text amendment.

Attachment 1 depicts the proposed text amendment as amended.

GR

### **Attachments**

1. Proposed Text Amendment 03-14 as amended.

ATTACHMENT 1

Zoning Text Amendment No: 03-14  
Concerning: Animal Boarding Place in  
RE-2C Zone  
Draft No. & Date: 1 – 6/3/03  
Introduced: June 10, 2003  
Public Hearing: July 15, 2003; 1:30 PM  
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

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By: Councilmember Silverman

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AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing an animal boarding place by special exception in the RE-2C zone.

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

DIVISION 59-C-1                    “RESIDENTIAL ZONES, ONE-FAMILY”  
Section 59-C-1.31                “Land uses”

*EXPLANATION: **Boldface** indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws  
by the original text amendment.  
[Single boldface brackets] indicate text that is deleted from  
existing law by the 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-C-1 is amended as follows:**

2   **DIVISION 59-C-1.           RESIDENTIAL ZONES, ONE-FAMILY.**

3   \* \* \*

4   **59-C-1.31. Land uses.**

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
<b>(d) Services.</b>										
* * *										
Animal boarding places. <sup>15</sup>	SE	<u>SE</u>	SE	SE						
* * *										

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6           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
7 date of Council adoption.

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9 This is a correct copy of Council action.

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14 Mary A. Edgar, CMC

15 Clerk of the Council