

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *ELSF*
Ellen McCarthy, Director

DATE: December 2, 2005

SUBJECT: **Z.C. Case No. 05-21A – Setdown and Final Report-** to permit Pet Grooming, Pet Shops and Veterinary Hospitals as special exception uses within the C-2, C-3, C-4, C-M and M Zone Districts; and to define the terms Pet Grooming, Pet Shop, Veterinary Hospital, Licensed Veterinarian and Animal Shelter, initiated by the Office of Planning.

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BACKGROUND

At the Zoning Commission hearing of November 3, 2005, the Commission requested that the Office of Planning prepare definitions for "pet shop" and "veterinary hospital," and any other similar related uses. The Office of Planning was also requested to consider requiring that these uses be subject to the same criteria established for dog and/or cat boarding facilities as uses permitted by special exception only.

The Office of Planning added the terms "licensed veterinarian" and "animal shelter" to the list of related terms. The term licensed veterinarian and the proposed definition are consistent with the Veterinary Practices Act of 1982 (D.C. Law 4-171; D.C. Code 3-501 *et seq.* (2001 ed.)). The other proposed terms and definitions included within this report are not addressed in the Veterinary Practices Act. As a licensed veterinarian is a person and not a use, the Office of Planning recommends deleting it from the list of prohibited uses in the Waterfront (W) and Mixed Use (CR) Zone Districts. A prohibition against veterinary hospitals will remain, which will serve to prohibit veterinarians from establishing practices within those zone districts.

Animal shelter is a use that is not currently addressed in the Zoning Regulations. The Office of Planning is aware of three animal shelters within the City. One is located in the C-M-1 Zone District, one within the C-2-A and the third on un-zoned land. The one on un-zoned land is the District of Columbia Animal Shelter. The Office of Planning recommends permitting this use also as special exception within the C-2, C-3, C-4, C-M and M Zone Districts, similar to the way the other animal related uses are proposed to be permitted. However, animal shelters cannot control the amount of animals received, or

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reject animals for socialization reasons, as can the other animal uses. Therefore, the Office of Planning recommends that outdoor area be permitted for animal shelters only, provided the outdoor area is located a minimum of 1,000 feet from a residential zone district.

Pet shops and veterinary hospitals are currently uses permitted as a matter of right within the C-2, C-3, C-4, C-M and M Zone Districts, although they are not specifically defined under § 199, Definitions. There is also a lack of consistency within the Zoning Regulations concerning the use of these terms.

Animal hospitals (but not veterinary hospitals) and veterinarians are prohibited uses within the C-R and W Zone Districts. Chapter 21, Parking, provides for “veterinary doctor” and “veterinary hospital,” but not a licensed veterinarian. Therefore, this text amendment also proposes to streamline the Zoning Regulations through the use of one set of terminology. The terms “Licensed Veterinarian” and “Veterinary Hospital” will be used consistently throughout the Zoning Regulations.

RECOMMENDATION

The Office of Planning recommends the proposed text amendment be set down for public hearing.

Title 11 (DCMR) is recommended to be amended as follows:

- A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended by adding the following new definitions:

Animal Shelter- Any premises that houses and feeds stray animals without a fee as a non-profit organization or governmental agency. Only animals sheltered without a fee may be kept on the premises and animals. Animal shelters do not include boarding or grooming of animals that are not sheltered without a fee.

Pet Grooming- An establishment, which for a fee, trims, cleans or curries (the combing of the hair or coat with a currycomb) domestic pets such as dogs and cats, and which may sell pet supplies. This term does not include dog and/or cat boarding or the overnight stay of pets.

Pet Shop- A store for the sale of dogs, cats, birds, tropical fish and/or other domesticated pets, and related supplies and equipment.

Licensed Veterinarian- A person who is currently licensed to practice veterinary medicine in the District.

Veterinary Hospital- An establishment used by a licensed veterinarian for the practice of veterinary medicine, and not as dog and/or cat boarding establishment. A veterinary hospital may include incidental boarding of animals as necessary for convalescence, pet grooming and the sale of pet supplies.

B. Chapter 6, MIXED USE DISTRICTS, is amended as follows:

1. By amending § 602, PROHIBITED USES (CR) as follows:

602.1 The following uses shall be specifically prohibited in CR Districts:

(a) ~~Animal Veterinary hospital or veterinarian;~~

C. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

1. By amending § 721.2, service commercial uses permitted in a C-2 District as a matter right, as follows:

(x) ~~Veterinary hospital~~

2. By amending § 721.3, retail establishments permitted in a C-2 District as a matter of right:

(p) ~~Pet Shop~~

3. By adding a new § 736 to read as follows:

736 PET GROOMING

736.1 A Pet Grooming may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

736.2 The Pet Grooming shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

736.3 The Pet Grooming Use may not abut a residence zone.

736.4 External yards or other such facilities for the keeping of dogs and/or cats shall not be permitted.

3. By adding a new § 737 to read as follows:

737 PET SHOP

- 737.1 A Pet Shop Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 737.2 The Pet Shop Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- 737.3 The Pet Shop Use may not abut a residence zone.
- 737.4 External yards or other such facilities for the keeping of dogs and/or cats shall not be permitted.

3. By adding a new § 738 to read as follows:

738 VETERINARY HOSPITAL

- 738.1 A Veterinary Hospital Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 738.2 The Veterinary Hospital Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- 738.3 The Veterinary Hospital Use may not abut a residence zone.
- 738.4 External yards or other such facilities for the keeping of dogs and/or cats shall not be permitted.

739 ANIMAL SHELTER

- 739.1 An Animal Shelter Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 739.2 The Animal Shelter Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- 739.3 The Animal Shelter Use may not abut a residence zone.

739.4 External yards or other such facilities for the keeping of dogs and/or cats shall not be permitted unless located a minimum of 1,000 feet from all residential zone districts in its entirety.

C. Chapter 9, WATERFRONT DISTRICTS, is amended as follows:

2. By amending § 902, PROHIBITED USES (W) as follows:

602.1 The following uses are prohibited in Waterfront Districts:

(a) ~~Animal~~ **Veterinary** hospital or veterinarian;

D. Chapter 8, INDUSTRIAL DISTRICTS, is amended by adding new §§ 802.22 through 802.24 to read as follows:

802.22 A Pet Grooming Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

- a. The Pet Grooming Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- b. The Pet Grooming Use may not abut a residence zone.
- c. External yards or other such facilities for the keeping of dogs shall not be permitted.

802.23 A Pet Shop Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

- a. The Pet Shop Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- b. The Pet Shop Use may not abut a residence zone.
- c. External yards or other such facilities for the keeping of dogs shall not be permitted.

802.24 A Veterinary Hospital Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

- a. The Veterinary Hospital Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- b. The Veterinary Hospital Use may not abut a residence zone.
- c. External yards or other such facilities for the keeping of dogs shall not be permitted.

802.25 An Animal Shelter Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

- a. The Animal Shelter Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- b. The Animal Shelter Use may not abut a residence zone.
- c. External yards or other such facilities for the keeping of dogs shall not be permitted unless located a minimum of 1,000 feet from a residential zone district in its entirety.

E. Chapter 9, WATERFRONT DISTRICTS, is amended as follows:

1. By amending § 902.1 as follows:

(a) ~~Animal Veterinary hospital or veterinarian;~~

F. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended as follows:

1. By amending § 2101.1 as follows:

Office- Medical and dental, clinic, ~~veterinary doctor,~~ or veterinary hospital:

CONCLUSION

The Office of Planning recommends the adoption of the proposed text amendment as described above. The inclusion of pet grooming, pet shops and veterinary hospitals subject to the same special exception criteria as dog and/or cat boarding businesses will help to ensure that illicit dog and/or cat boarding uses are not illicitly established. In addition, the provision to add animal shelter to the list of uses within the Zoning Regulations will serve to permit that use as a special exception also. However, outdoor yards are proposed to be allowed under certain conditions due to the fact that shelters cannot turn away animals, as can the other uses. The addition of definitions for pet grooming, pet shops, veterinary hospitals, licensed veterinarians and animal shelters will

serve to clarify the regulations through the provision of a description of each of those terms.

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