

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



2006 SEP - 8 PM 2:10

D.C. OFFICE OF ZONING

RECEIVED

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM:  Ellen McCarthy, Director
DATE: September 7, 2006
SUBJECT: Z.C. Case No. 05-21A

ZONING COMMISSION
District of Columbia

CASE NO. 05-21A
EXHIBIT NO. 21

Revised Second Supplemental Report- to permit and define Pet Grooming Facilities, Pet Shops, Veterinary Hospitals and Animal Shelters as special exception uses within the C-2, C-3, C-4, C-M and M Zone Districts, initiated by the Office of Planning.

This report contains the final recommendations of the Office of Planning for Z.C. Case No. 05-21A. These recommendations are shown below on the public hearing notice that was originally published for this case.

Deletions are shown in ~~strikeout~~.

Additions are shown in **bold**.

Office of Planning commentary is shown in *italics*.

Title 11 DCMR (Zoning) is proposed 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 or abandoned animals without a fee, and is operated by a non-profit organization or governmental agency.

Pet grooming establishment- An establishment, which, for a fee, trims; ~~or cleans or curries (the combing of the hair or coat with a currycomb)~~ domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten animals are on the premises at a time, or the overnight stay of animals is permitted.

The change to the definition of Pet grooming establishment was made pursuant to comments from the Commission at its public meeting on February 13, 2006.

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

Veterinary boarding hospital – A Veterinary Hospital that boards animals as an independent line of business.

Veterinary hospital- An establishment used by a licensed veterinarian for the practice of veterinary medicine, and not as an animal boarding establishment, ~~but which may also provide overnight care for animals.~~

Changes to the definition of Veterinary Clinic were made following a meeting between the Office of Planning and local veterinarians on June 16, 2006.

B. Chapter 6, MIXED USE DISTRICTS, § 602.1 (a) is amended to read as follows:

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

a. (a) Veterinary hospital;

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

b. Section 721, Uses as a Matter of Right C-2, is amended as follows:

c. By amending 721.2 (x) to read as follows:

(x) Veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.

d. by striking subparagraph 721.3 (p).

2. By adding new §§ 737 through 740 to read as follows:

737 PET GROOMING

737.1 A pet grooming establishment 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 grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

737.3 All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.

This condition was added pursuant to comments received from the Washington Humane Society in a letter dated May 4, 2006 and as recommended by the OPs Supplemental Report dated June 20, 2006. Although the recommendation was made for animal shelters, the Office of Planning recommends including it as a condition for all of the animal related uses, as the impact from animal waste is potentially the same for each of the uses.

737.34 The pet grooming establishment shall not abut an existing residential use, or Residence Zone.

737.45 External yards or other external facilities for the keeping of animals shall not be permitted.

737.56 The sale of pet supplies is permitted as an accessory use.

737.7 The Board may impose additional requirements as it deems necessary to protect nearby properties.

The addition of this condition was suggested by the Q Street Association and the Appellants in BZA Appeal 17092, in a letter dated June 28, 2006 for veterinary hospitals. The Office of Planning recommends the inclusion of this condition for all animal related special exception uses.

738 PET SHOP

738.1 A pet shop 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 pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

738.34 The pet shop shall not abut an existing residential use, or a Residence Zone.

738.45 External yards or other external facilities for the keeping of animals shall not be permitted.

738.6 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

739 VETERINARY BOARDING HOSPITAL

739.1 A veterinary boarding hospital 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 A veterinary boarding hospital may Board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), excepted domesticated dogs.

739.3 No more than 50% of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.

739.4 The veterinary hospital shall be located and designed to create no objectionable con to adjacent properties resulting from animal noise, odor or waste.

739.34 The veterinary boarding hospital shall not abut an existing residential use, or a Residence Zone.

739.45 External yards or other external facilities for the keeping of animals shall not be permitted.

739.56 Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

739.7 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

This special exception use was amended pursuant to a suggestion from local veterinarians to the Office of Planning on June 16, 2006 and as recommended in OPs Supplemental Report dated June 20, 2006. The veterinarians indicated that the use is currently permitted as a matter of right, and that they are unaware of any issues as a result of this. They also requested to be able to board small animals as a matter of right. The Office of Planning recommends that veterinary hospitals continue to be permitted as

a matter of right, and that a special exception be required only if the small animal boarding exceeds 50 percent of the area of the hospital.

740 ANIMAL SHELTER

- 740.1 An animal shelter may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 740.2 The animal shelter shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.
- 740.3 The animal shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping.**
- 740.4 All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.**
- 740.35 The animal shelter shall not abut an existing residential use, or a Residence Zone.
- 740.46 External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard or facility is located a minimum of ~~1,000~~ 200 feet from **an existing residential use** ~~all~~ or Residence Zone Districts.
- 740.57 Animal shelters shall not engage in boarding or grooming of animals that are sheltered for a fee.
- 740.8 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.**

The revisions to the special exception criteria for an animal shelter are based on a letter from the Washington Humane Society, dated July 28, 2006 and OPs Supplemental Report dated June 20, 2006.

D. Chapter 8, INDUSTRIAL DISTRICTS, is amended by ~~adding new §§ 802.25 through 802.28~~ to read as follows:

1. **By adding new § 804 (m) as follows:**

(m) An animal shelter shall be permitted as a matter of right subject to the following additional standards:

(1) The animal shelter shall be located, designed, and operated so as to create no objectionable conditions to adjacent properties resulting from animal noise, odor or waste.

- a. The animal shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping; and**
- b. Animal shelters shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;**

(2) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:

- a. No part shall be located within 200 feet of an existing residential use or Residence Zone;**
- b. No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 8:00 a.m.;**
- c. External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of the animals and the absorption of noise. Fencing and/or walls shall be a minimum of 8 feet in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics; and**
- d. No more than 3 animals shall be permitted within any exterior yard or outdoor run at a time;**

(3) Animal shelters shall not abut an existing residential use or a Residence Zone; and

(4) Animal shelters shall not engage in boarding or grooming of animals that are sheltered for a fee.

Animal shelters are recommended to be permitted as a matter of right within industrial zone districts, as suggested by The Washington Humane Society in letters dated May 4, 2006 and July 28, 2006, and OPs Supplemental Report dated June 20, 2006.

2. By adding new §§ 802.25 through 802.28 to read as follows:

802.25 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;
- b. **All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.**
- bc. The pet grooming establishment shall not abut an existing residential use, or a Residence Zone;
- c. External yards or other external facilities for the keeping of animals shall not be permitted; and
- d. The sale of pet supplies is permitted as an accessory use.
- e. **The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.**

802.26 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;

- bc. The pet shop shall not abut an existing residential use, or a Residence Zone; and
- c. External yards or other external facilities for the keeping of animals shall not be permitted.
- d. **The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.**

802.27 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- (a) **A veterinary boarding hospital may Board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), excepted domesticated dogs.**
- (b) **No more than 50% of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.**
- (c) **The veterinary hospital shall be located and designed to create no objectionable con to adjacent properties resulting from animal noise, odor or waste.**
- (d) **The veterinary boarding hospital shall not abut an existing residential use, or a Residence Zone.**
- (e) **External yards or other external facilities for the keeping of animals shall not be permitted.**
- (f) **Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.**
- (g) **The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.**

~~802.28 An animal shelter 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 shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;~~
- ~~b. The animal shelter shall not abut an existing residential use, or a Residence Zone;~~
- ~~c. External yards or other external facilities for the keeping of animals shall not be permitted unless located a minimum of 1,000 feet from a Residence Zone in its entirety; and~~
- ~~d. The animal shelter shall not engage in boarding or grooming of animals that are sheltered for a fee.~~

The Office of Planning recommends that proposed addition of a special exception for an animal shelter within the industrial zone districts be deleted because OP now recommends it as a use permitted as a matter of right within industrial districts.

- E. Chapter 9, WATERFRONT DISTRICTS, subsection 902.1(a) is amended to read as follows:

902.1 The following uses are prohibited in Waterfront Districts:

- (a) Veterinary hospital;

- F. The table included in § 2101.1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES is amended by striking the use “Office- Medical and dental, clinic, veterinary doctor or veterinary hospital” and inserting the use “Office- Medical and dental, clinic, or veterinary hospital” in its place.

- G. Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding to the table of special exceptions in §3104.1, in the proper alphabetical order, the following new entry:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Animal shelter	Any C-2, C-3, or C-4 or M District	§§ 740 and ~~802.28~~

Pet grooming establishment Any C-2, C-3, C-4 or M District §§ 737 and 802.25

Pet shop Any C-2, C-3, C-4 or M District §§ 738 and 802.26

Veterinary boarding hospital Any C-2, C-3, C-4 or M District §§ 739 and 802.27

EMc/sjm_{AICP}