

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



ZONING COMMISSION
District of Columbia

2006 JUN 20 PM 3:12

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MEMORANDUM

CASE NO. 05-21A

EXHIBIT NO. 8

TO: District of Columbia Zoning Commission

FROM: *EL S for*
Ellen McCarthy, Director

DATE June 20, 2006

SUBJECT: Z.C. Case No. 05-21A -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.

The Office of Planning has conducted additional research regarding animal related uses and submits the following regarding animal shelters and veterinary hospitals.

Animal Shelters

The Washington Humane Society, operator of the animal shelters within the District, submitted a letter to the file dated May 4, 2006 regarding the proposed regulations for animal shelters. The Humane Society proposes several changes to the proposed regulations, which are discussed below.

1. The letter suggests creating a separate criterion for waste and odor from noise, as follows, "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."

The Office of Planning recommends that this suggestion be adopted to ensure the control of odor.

2. The letter suggests deleting the 1,000 foot requirement for outdoor runs from residence districts and adding the following wording, "Outdoor runs adjacent to indoor dog kennels shall not be permitted unless located a minimum of 200 feet from all residential zone districts in its entirety. Dogs are allowed in the outside portion of their runs only between the hours of 8 a.m. and 8 p.m. Outside runs are for exercise and air only; dogs shall eat and sleep inside. The building shall be constructed using

double-paned windows and exterior doors shall be kept closed at all times. Outdoor runs must be completely enclosed by a masonry wall at least 8 feet in height.”

Other jurisdictions permit outside runs associated with kennels and similar type uses, provided a minimum distance from residential uses is maintained. The City of Riverside, Ohio permits “outside turns” within their agricultural environmental zoning districts, provided the turns are at least 200 feet from a residential lot. York County, Pennsylvania requires animal related uses to be “completely within an enclosed building” if located within 200 feet of a residential property line.

The Zoning Regulations requires specific setbacks from residential zone districts for a variety of uses. Those uses and setbacks include:

- 25 feet for a gasoline service station, bowling alley, fast food restaurant or food delivery service from a residence district, unless separated from the residence district by a street or alley;
- 50 feet for a motorcycle sales and repair from a residence district;
- 200 feet for a massage establishment from a residence or special purpose district;
- 200 feet for an Intermediate Materials Recycling Facility from a residential lot line for any portion of the facility, or 500 feet if it operates between the hours of 7:00 PM and 7:00 AM;
- 300 feet for a Solid Waste Handling Facility from a residence district used for residential purposes;
- 600 feet for a sexually-oriented business from a residence or special purpose district, or a church, school, library, playground or the area under the jurisdiction of the Commission of Fine Arts.

Some of the setbacks required relate to noise and/or are to distance specific uses from residential areas for other reasons. The Washington Humane Society recommends a distance of 200 feet from residential zone districts, and restricting the hours of use to between 8:00 AM to 8:00 PM.

A restriction of 200 feet is appropriate and consistent with the requirements of other jurisdictions and in line with setbacks required of other uses for noise, especially when combined with a restriction of hours for outdoor uses. Therefore, the Office of Planning recommends adopting the above language as proposed by The Humane Society for distance and for hours that the outdoor runs may be used. However, as stated above, the criteria should not be so specific as to require double-paned windows, potentially eliminating other effective means of controlling external effects.

3. The last suggestion from the Humane Society is to permit animal shelters as a matter-of-right within industrial zone districts.

The Office of Planning is in agreement with this recommendation because the establishment of new residences is not permitted within the industrial zone districts. Animal shelters provide a necessary public service and have no control over how and when the animals come in. They also serve as a rescue function. However, the use should be required to locate a minimum of 200 feet from existing residential uses or residential zone districts.

Veterinary Hospitals

Veterinary Hospitals is one of the uses proposed to be permitted by special exception, subject to the same criteria as animal boarding, pet grooming and pet shops. Animal shelters are also subject to the same criteria, but are proposed to be allowed outdoor runs subject to additional standards. Any combination of the above mentioned uses is proposed to be permitted, subject to the granting of a special exception by the Board of Zoning Adjustment for each individual use proposed. Therefore, a veterinary hospital that intends to practice veterinary medicine and provide animal boarding for animals not convalescing would need two special exceptions; one for a veterinary hospital and one for an animal boarding facility.

Since the Final Report was filed the Office of Planning has met with an operator of several veterinary hospitals in the District. Veterinary hospitals are different from the other animal related uses in that healthy animals, the ones most likely to be active and make noise, are not kept on-site. Only convalescing animals are kept for medical reasons.

Some jurisdictions, such as Fairfax County, Virginia and Baltimore City, Maryland, permit veterinary hospitals as a matter-of-right within industrial and the more intensive commercial zones, and by special exception within the lesser intensive commercial zones. This is similar to the way veterinary hospitals are now permitted as a matter-of-right with the C-2, C-3, C-4, C-M and M Zone District, and prohibited in the C-1 Zone District, the least intensive commercial zone district. The Office of Planning is unaware of any problems resulting from veterinary hospitals being permitted as a matter-of-right. Therefore, it is recommended that veterinary hospitals continue to be permitted as a matter-of-right use within the C-2, C-3, C-4, C-M and M Zone Districts.

The Office of Planning also reviewed the concept of non-canine animal boarding as an accessory use to veterinary hospitals. Non-canine animal boarding includes cats, rabbits, ferrets and “pocket pets,” such as gerbils, hamsters and mice, but not dogs. These animals do not make the noise that dogs do, and as smaller animals, do not have the same impact as dogs. As a result the Office of Planning recommends that animal boarding of non-canine pets be permitted as an accessory use for veterinary hospitals, provided the area devoted to this type of boarding is less than 50 percent of the total floor area of the veterinary hospital. Veterinary hospitals that desire to provide the boarding of dogs, or

utilize 50 percent or more of the hospital to boarding would be required to obtain approval of a special exception for animal boarding.

CONCLUSION

The Office of Planning recommends the following for animal shelters:

1. Permit as a matter-of-right use within C-M and M zone districts, provided a minimum distance of 200 feet is maintained from all residential zone districts and any existing residential uses.
2. Permit as a special exception use within the C-2, C-3 and C-4 zone districts, provided a minimum distance of 200 feet is maintained for outdoor runs associated with animal shelters from all residential zone districts and any existing residential uses, in combination with the 8:00 AM to 8:00 PM restriction on hours of use for the outdoor area. This provision is necessary due to the special non-profit, public service nature of animal shelters and their need for outdoor areas.

The Office of Planning recommends the following for veterinary hospitals:

1. Continue to permit veterinary hospitals as a matter-of-right use within the C-2, C-3, C-4, C-M and M Zone District.
2. Permit non-canine animal boarding as an accessory use to veterinary hospitals, provided the area devoted to boarding is less than 50 percent of the area of the veterinary hospital.
3. Permit by special exception a veterinary hospital to have canine boarding, or boarding that occupies 50 percent or more of the area of the veterinary hospital, subject to the same conditions of the previously adopted animal boarding regulations (Z.C. Order No. 05-21).