

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND

Z.C. ORDER NO. 18-02

(Text Amendments to - 11-U DCMR)

**(To Allow Veterinary Hospitals and Veterinary Boarding Hospitals as Special Exceptions
when Abutting an Existing Residential Use in a Mixed-Use Building and to Permit such
Hospitals to Board Domesticated Dogs)**

June 25, 2018

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.) hereby gives notice of the permanent adoption of amendments to §§ 508, 511, and 513 of Subtitle U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the DCMR.

The amendments concern the special exception approval of veterinary hospitals and veterinary boarding hospitals in those zones to which MU-Use Groups C, D, and E apply, which are currently:

MU-Use Group C	MU-Use Group D	MU-Use Group E
MU-12 MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5 MU-6 MU-17, MU-18 MU-19 MU-24, MU-25 MU-26, MU-27 CG-2

Though veterinary hospitals are permitted by special exception in these zones, among the conditions applicable to the use is that it may not abut existing residential uses or board domesticated dogs. Veterinary boarding hospitals are not expressly permitted by special exception in these zones and are only mentioned in the MU-Use Group C applicable provision with respect to limiting the gross floor area that may be devoted to the boarding animals. The amendments clarify that veterinary boarding hospitals are also permitted by special exception in these zones, and permit veterinary boarding hospitals and veterinary hospitals to abut existing residential uses in mixed use buildings and to board domesticated dogs, if certain conditions are met.

The Commission adopted these rules on an emergency basis at the close of its public hearing held on Wednesday April 12, 2018, at which time the amendments became effective. A Notice of

Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 4, 2018, at 65 DCR 004909. In response, the Commission received no comments. The Commission took final rulemaking action to adopt these amendments at a public meeting on June 25, 2018 making no change to the text as proposed.

The amendments shall become final upon publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are adopted:

Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, is amended as follows:

Paragraph (k) of § 508.1 of § 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), is amended to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

...

(k) Veterinary office, hospital, or boarding hospital subject to the following conditions:

(1) A veterinary hospital or 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(j)(1);

(2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;

(3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

(4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:

(A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

- (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Paragraph (m) of § 511.1 of § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is amended to read as follows:

511.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

...

- (m) Veterinary office or hospital, or veterinary boarding hospital subject to the following conditions:
 - (1) A veterinary hospital or 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(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

- (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone;
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Paragraph (l) of § 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), is amended to read as follows:

513.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section

...

- (1) Veterinary office or hospital, or veterinary boarding hospital subject to the following conditions:
 - (1) A veterinary hospital or 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(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the Applicant demonstrates that:
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
 - (5) External yards or other external facilities for the keeping of animals shall not be permitted;

- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and

...


On April 12, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **EMERGENCY** and **PROPOSED ACTION** to **APPROVE** the petition at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May, not present, not voting).

On June 25, 2018, upon the motion of Chairman Hood as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on November 2, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.