

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF EMERGENCY and PROPOSED RULEMAKING**

**Z.C. Case 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)**

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 Rep1.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), and the requirements of Title 1 (Office of Documents and Administrative Issuances Regulations) of the District of Columbia Municipal Regulations (DCMR) § 311, hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 508, 511, and 513 of Subtitle U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the DCMR.

The proposed 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:

<b>MU-Use Group C</b>	<b>MU-Use Group D</b>	<b>MU-Use Group E</b>
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 applicable MU-Use Group C provision with respect to limiting the gross floor area that may be devoted to the boarding of animals. The proposed amendments would 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 if certain conditions are met. The boarding of domesticated dogs will also be permitted,

The petitioner requested, and the Commission agreed, that these proposed amendments should be adopted on an emergency basis, since much of the District’s development and population growth in recent years has been along mixed-use corridors yet the District’s ratio of veterinary hospitals to households is substantially lower than other markets with only one veterinary hospital per 27,000 households even though 40% of renters in the District own pets. Given the apparent lack of animal care facilities in the District, the Commission found emergency adoption of these

amendments necessary “for the immediate . . . promotion of the public . . . welfare . . .” 1 DCMR § 311.5(d)

The Commission adopted these emergency rules at the close of its public hearing held on Thursday, April 12, 2018, at which time the amendments became effective. The emergency rules shall remain in effect until August 10, 2018 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Commission also gives notice of its intent to take final rulemaking action to adopt these amendments to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR (the Zoning Regulations of 2016) is amended as follows: (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

**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(h)(j)(1), ~~except domesticated dogs~~;
  - (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(h)(j)(1), ~~except domesticated dogs~~;
- (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.

**Paragraph (I) 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(h)(j)(1), ~~except domesticated dogs~~;
  - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals ~~subject to the spacing requirements of Subtitle U § 513.2(a)~~;
  - (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

...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001, or signed electronic submissions may be submitted in PDF format to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.