

June 22, 2010

Introduction

MEMORANDUM

June 18, 2010

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney 

SUBJECT: Introduction – Zoning Text Amendment 10-08, Agricultural Zones – Pet Daycare

Zoning Text Amendment (ZTA) 10-08, sponsored by Councilmember Knapp, is scheduled to be introduced on June 22, 2010. The ZTA would allow pet daycare in the Rural Density Transfer Zone and the Rural Zone on tracks of land at least 75 acres in size. Under the proposed provisions the pets must be transported to the site by the pet daycare operator; all structures and facilities must be located at least 500 feet from any neighboring homes.

A public hearing will be held on September 21, 2010 at 1:30 p.m. if the Council approves the attached resolution.

This packet contains
ZTA 10-08
Resolution

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Zoning Text Amendment No.: 10-08
Concerning: Agricultural Zones –
Pet Daycare
Draft No. & Date: 2 - 6/17/10
Introduced: June 22, 2010
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- define pet daycare;
- allow pet daycare in certain agricultural zones; and
- generally amend the provisions for pet care in agricultural zones

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2

Section 59-A-2.1

DIVISION 59-C-9. “AGRICULTURAL ZONES”

Section 59-C-9.3 “Land uses”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-A-2 is amended as follows:**

2
3 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

4
5 **59-A-2.1 Definitions.**

6 * * *

7 Daycare for pets. Activities, fenced areas, and structures for the care,
8 feeding, exercising, and training of pets other than overnight boarding.

9 * * *

10 **Sec. 2. DIVISION 59-C-9 is amended as follows:**

11 **Division 59-C-9 AGRICULTURAL ZONES.**

12 * * *

13 **59-C-9.3 Land uses.**

14 No use is allowed except as indicated in the following table:

15 **-Permitted Uses.** Uses designated by the letter "P" are permitted on any lot
16 in the zones indicated, subject to all applicable regulations.

17 **-Special Exception Uses.** Uses designated by the letters "SE" may be
18 authorized as special exceptions under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
* * *							
(h) Services: ²							
* * *							
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE ⁴⁸	SE	SE	SE

Day care facility for not more than 4 senior adults and persons with disabilities. ¹⁴	P	P	P	P ⁴⁸	P	P	P
<u>Daycare for pets</u>	<u>P*</u>			<u>P*</u>			
Domiciliary care home for more than 16 residents. ³⁵	SE	SE	SE	SE ⁴⁸	SE	SE	SE
Educational institution, private.	SE	SE	SE	SE ^{13, 48}	SE	SE	SE

19 * The tract of land must be at least 75 acres. Pets must be transported to and
 20 from the site by the pet daycare provider. All facilities and structures must be at
 21 least 500 feet from any neighboring residential building.

22 * * *

23 **Sec. 3. Effective date.** This ordinance takes effect immediately upon the
 24 date of Council adoption.

25

26 This is a correct copy of Council action.

27

28

29 _____
 Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: June 22, 2010
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Notice of Public Hearing on Zoning Text Amendment 10-08

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 10-08, introduced on June 22, 2010, is intended to allow pet daycare in certain agricultural zones under certain circumstances.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

Legal notice will be given of the public hearing to be held on September 21, 2010 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council