

Ordinance No.: 19-05
Zoning Text Amendment No.: 19-03
Concerning: Commercial/Residential
Zones - Animal Boarding
and Care
Draft No. & Date: 2 - 3/27/19
Introduced: February 5, 2019
Public Hearing: March 19, 2019
Adopted: April 8, 2019
Effective: April 8, 2019

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

Lead Sponsor: Council President Navarro at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow Animal Boarding and Care as a limited use in CR zones

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

Division 3.1. "Use Table"
Section 3.1.6. "Use Table"
Division 3.5. "Commercial Uses"
Section 3.5.1. "Animal Services"

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 text that 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.*

OPINION

Zoning Text Amendment (ZTA) 19-03, lead sponsor Council President Navarro at the request of the County Executive, was introduced on February 5, 2019. ZTA 19-03 would allow Animal Boarding and Care as a limited use in Commercial/Residential zones.

Currently, Animal Boarding and Care is a limited use in the GR (General Retail), IL (Light Industrial), and IM (Moderate Industrial) zones. It is a conditional use in the AR, R, RC, RNC, RE-2, RE-2C, RE-1, R-200, NR, and Commercial/Residential zones.

In its report to the Council, the Montgomery County Planning Board had no objections to ZTA 19-03 given limited use requirements for Animal Boarding and Care. Technical changes were recommended by Planning staff with which the Planning Board agreed. Planning Staff recommended approval of ZTA 19-03 with modifications to remove references to the CR zones under the conditional use standards for Animal Boarding and Care.

The Council's public hearing was conducted on March 19, 2019. All testimony supported the approval of ZTA 19-03. Interest was expressed to have the ZTA effective immediately upon adoption.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on April 1, 2019. The Committee recommended approving ZTA 19-03 with amendments to remove the references to the CR zones in the provisions for the conditional use approval of an Animal Boarding and Care business.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 19-03 will be approved as amended.

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:

Sec. 1. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential												Commercial/ Residential			Employment				Industrial			
					Residential Detached								Residential Townhouse			Residential Multi-Unit											
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL
* * *																											
COMMERCIAL																											
ANIMAL SERVICES	3.5.1																										
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C									[C]L	[C]L	[C]L	L	C				L	L
* * *																											
Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed																											

* * *

8 **Sec. 2. DIVISION 59-3.5 is amended as follows:**

9 **Division 3.5. Commercial Uses**

10 **Section 3.5.1. Animal Services**

11 * * *

12 B. Animal Boarding and Care

13 * * *

14 **2. Use Standards**

15 * * *

16 b. Where Animal Boarding and Care is allowed as a conditional
17 use, it may be permitted by the Hearing Examiner under
18 Section 7.3.1, Conditional Use, and the following standards:

19 * * *

20 ii. In the ~~[[Commercial/Residential and]]~~ Employment
21 zones, any part of a building used for animal boarding or
22 care must be soundproofed.

23 iii. In the ~~[[CRT, CR, and]]~~ NR ~~[[zones]]~~ zone, an outdoor
24 exercise yard is allowed if:

25 (a) it is fenced and set back a minimum of 50 feet
26 from any Residential zone; and

27 (b) any animal is prohibited from being outdoors
28 between 9:00 p.m. and 7:00 a.m.

29 * * *

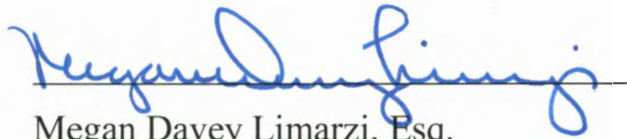
30 **Sec. 3. Effective date.** This ordinance becomes effective on the date of
31 Council adoption.

32

33 This is a correct copy of Council action.

34

35



36 Megan Davey Limarzi, Esq.

37 Clerk of the Council