

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

**ZC Case No. 05-21  
(Text Amendment – 11 DCMR)  
(Animal Boarding)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03 (2001 ed.)), hereby gives notice of its intent to amend chapters 1, 7 and 8 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would permit animal boarding uses as a special exception in the C-2, C-3, C-4, and M Zone Districts. The amendments would also permit certain existing types of dog boarding facilities to obtain Certificates of Occupancy establishing their matter of right status, but those facilities will need special exception approval to continue using exterior yards. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register

The following rulemaking action is proposed.

Title 11 DCMR is amended as follows:

- A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended by adding the following new definition:

**Animal boarding-** Any premises, other than a veterinary hospital, pet shop, or pet grooming establishment, used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any pet grooming establishment that permits ten or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use.

- B. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

1. By adding new §§ 721.7 through 721.8 to read as follows:

721.7 Notwithstanding § 735, an animal boarding use in existence as of July 11, 2005, under a Certificate of Occupancy for a "Dog Care Center" or "Dog Day Care Center," may be permitted to apply for a new Certificate of Occupancy as an animal boarding use if the use does not abut a Residence Zone, except that the continued use of an external yard shall require the approval of the Board of Zoning Adjustment as a special exception pursuant to § 736.

721.8 Any internal or external expansion of an animal boarding use permitted under § 721.7 shall require the approval of the Board of Zoning Adjustment as a special exception.

2. By adding a new § 735 to read as follows:

**735 ANIMAL BOARDING**

735.1 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

735.2 The animal boarding use shall not abut a Residence Zone.

735.3 The animal boarding use shall take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed and no animals shall be permitted in an external yard on the premises.

735.4 The animal boarding use 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. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

735.5 The Board may impose additional requirements pertaining to the location of buildings or other structures, entrances, exits, buffers, barriers, fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number, and/or breeds of animals, or other requirements, as the Board deems necessary to protect adjacent or nearby property.

**736 ANIMAL BOARDING: EXTERNAL YARDS**

736.1 External yards or other exterior facilities for the keeping of animals shall not be permitted.

736.2 Notwithstanding § 736.1, an animal boarding use existing on July 11, 2005, under a Certificate of Occupancy for a "Dog Care Center" or "Dog Day Care Center," may continue the use of an external yard for the keeping of dogs if approved by the Board of Zoning Adjustment pursuant to § 3104 and the requirements of this section.

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736.3 The yard shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, and/or waste.

736.4 The applicant shall demonstrate that the external yard will be fenced off for the safe confinement of the animals.

736.5 The applicant shall demonstrate that the external yard is located entirely on private property.

736.6 The Board shall establish the hours in which animals may be kept in the yard, provided that, no animals shall be permitted in the yard between the 8:00 p.m. and 7:00 a.m.

3. By amending § 761.1 by inserting the phrase “an animal boarding use shall be prohibited and” after the language “Any use permitted in a C-4 District under § 751 shall be permitted in the C-5 (PAD) District as a matter of right, except that”.

C. Chapter 8, INDUSTRIAL DISTRICTS, is amended by adding new §§ 802.21 through 802.24 to read as follows:

802.21 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

802.22 The animal boarding use shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor or waste.

802.23 The animal boarding use shall not abut a Residence Zone.

802.24 External yards or other exterior facilities for the keeping of animals shall not be permitted.

D. Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding to the table of special exceptions in §3104.1, in the proper alphabetical order, the following new entry:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Animal Boarding	Any C-2, C-3, C-4 or M District	§§ 721.7, 721.8, 735, 736, and 802.21

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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, Acting Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.