

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 108

CASE NO. 74-8

December 23, 1974

Pursuant to notice, a public hearing of the Zoning Commission was held on July 31, 1974, to consider an amendment to the text of the Zoning Regulations. Thereafter, having met in Executive Session, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

1. Add a new Paragraph 2101.13 - Mixed Use Districts, as follows:

2101.13 - Mixed Use (Commercial-Residential)
Districts

C-R - Mixed Uses (retail, residential, office,
light industry)

Renumber existing paragraphs 2101.13, 2101.14 and
2101.15 to 2101.14, 2101.15 and 2101.16, respectively.

2. Revise the title for Chapter 4 to read as follows:
Use, Height, Area and Bulk Regulations for Special
Purpose, Waterfront and Mixed Use Districts.

3. Add a new Article 45 as follows:

Article 45 - Mixed Use Districts

Section 4501 - Preamble

4501.1 - The Mixed Use (CR) zone district is applied to selected geographic areas where a mixture of uses and buildings densities is intended to carry out elements of the city's development plans including goals in employment, population, transportation, housing, public facilities, and environmental quality. More specifically, CR Districts may be located in the periphery of the Central Employment Area, uptown centers, or other subway stops, and selected areas under-going economic and physical decline. In certain of these areas, as designated now or in the future by public plans and policies, a mixture of uses and building densities is intended to promote and protect the public health, safety, convenience, order, prosperity, and general welfare of the community as best accomplished by the CR District,

No CR District shall be mapped after January 2, 1975, unless such mapping is proposed as part of a Sectional Development Plan by the Mayor's designated planning agency or the National Capital Planning Commission.

The purpose of the Mixed Use (CR) District is to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. Development will be guided by an approved public policy or plan and through the use of the Planned Unit Development, special exception or other site plan review process. By the use of these public review and planning powers, these regulations are also intended to:

- a. Help create major new residential and mixed use areas in planned locations at appropriate densities, heights, and mixtures of uses,
- b. Encourage the preservation and rehabilitation of structures of historic or architectural merit in the District.

c. Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of specific area plans.

d. Encourage flexibility in architectural design and building bulk and conformance to an approved Sectional Development Plan, if adopted, provided that such designs and building bulk are compatible and harmonious with adjoining development over the CR District as a whole.

e. Make recreation areas more accessible to both the CR District's residents and visitors.

f. In a variety of ways, create environments conducive to a higher quality of life and environment for residents, businesses, employees, and institutions in the District of Columbia as specified in District plans and policies,

Section 4502 - Use Regulations

4502.1 - Except as provided in Chapter 7 and Sub-sections 4502.5 and 4502.6 of these regulations, in the CR District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the uses listed in the following Sub-sections.

4502.2 - The following uses are permitted as a matter of right:

4502.21 - Dwelling, flat, or multiple dwelling.

4502.22 - Rooming or boarding house.

4502.23 - Halfway house, social service or community center.

4502.24 - Hotel or motel.

4502.25 - Church or other place of worship.

4502.26 - Convalescent home, nursing home, or personal care home.

4502.27 - Philanthropic or eleemosynary institution.

4502.28 - Retail sales or services not specified in Sub-sections 4502.3 and 4502.4.

4502.29 - Office.

- 4502.210 - Private school or trade school.
- 4502.211 - Restaurant or private club.
- 4502.212 - Artist's studio.
- 4502.213 - Private or public theater.
- 4502.214 - Boat club or marina,
- 4502.215 - Swimming pool.
- 4502.216 - Recreational building or use.
- 4502.217 - Park or open space.
- 4502.218 - Library,
- 4502.219 - Museum.
- 4502.220 - Accessory use (including parking),
building or structure customarily incidental and
subordinate to the principal uses permitted above.

4502.3 - The following uses are permitted as Special Exceptions when authorized by the Board of Zoning Adjustment, if the Board considers that they are appropriate in furthering the objectives of the Mixed Use Districts, subject to the provisions of Sub-section 8207.2, and in addition, any further conditions specified in each case:

- 4502.31 - Hospital or clinic, provided that:

- A" Such use is located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic or parking.
- B. There is a demonstrated need for the facility.
- C. The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities, showing location, height and bulk of all improvements including but not limited to buildings, parking and loading facilities, screening, signs, and public utility facilities, and a description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.
- D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and

Traffic, the Department of Environmental Services, and other departments and agencies of the District of Columbia Government as appropriate.

E. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for review and report by the Department of Human Resources on the need for the facility as well as the specific design of the facility.

4502.32 - Off-street parking in excess of the maximum specified in Sub-section 4505.1, provided that:

A. All such parking shall be entirely within a building or structure.

B. All provisions of Paragraph 7402.12 are complied with.

C. Such parking shall not result in dangerous or otherwise objectionable traffic conditions, and the present character and future development of the neighborhood will not be adversely affected.

D. Such parking is reasonably necessary and convenient to uses on the same lot or in the vicinity,

E. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.33 - Electric substation, natural gas regulator station, public utility pumping station or telephone exchange, subject to such requirements for setbacks, screening or other safeguards as the Board shall deem necessary for protection of the neighborhood,

4502.34 - Bowling Alley, provided that:

A. The use shall not be within 25 feet of a residence district unless separated therefrom by a street or alley,

B. Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required,

C. Accessory off-street parking spaces shall be required on the basis of a place of public assemblage as provided by Sub-section 4505.1.

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

E. The Board may impose requirements pertaining to design, appearance, screening, lighting, additional off-street parking spaces, signs or any other requirements as it shall deem necessary for the protection of neighboring or adjacent property.

4502.35 - Light manufacturing, processing, fabricating or milling establishment, provided that:

A. Such use shall comply with the standards of external effects for C-M Districts contained in Sub-section 6101.5, and further, shall have no adverse effects on other uses on the same or adjoining properties.

4502.38 - Experimental research or testing Laboratory, subject to the conditions specified in Paragraph 4502.35, above.

4502.39 - Automobile or motorcycle sales or repairs, provided that:

A. Such use is so located that it is not objectionable to other uses on the same or neighboring property because of noise, fumes or other conditions.

B. Such use will not result in dangerous or otherwise objectionable traffic conditions.

C. The use and all its accessory facilities, including automobile storage, are located within a building.

D. No portion of a building so used is within 50 feet of a Residence District or Special Purpose District.

E. The Board may impose additional requirements pertaining to location of buildings, other structures, entrances, exits, soundproofing, or such other requirements as the Board shall deem necessary to protect adjacent or nearby property.

F. Before taking final action on an application for such use, the Board shall refer the application

B. Such use will not result in dangerous or otherwise objectionable traffic conditions.

C. There is adequate off-street parking for trucks and other service vehicles.

D. There is no outdoor storage of materials,

E. The Board may impose requirements pertaining to design,, appearance, screening or any other requirement which it shall deem necessary for the protection of neighboring or adjacent property.

F. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate,

4502.36 - Warehouse or wholesale use, subject to the conditions of Paragraph 4502.35, above.

4502.37 - Building service trade, including but not limited to plumber, electrician, exterminator, or air conditioning mechanic, subject to the conditions specified in Paragraph 4502.35, above.

to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502,310 - College or university, provided that:

A, Such use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions;

B. The applicant shall submit to the Board a plan for developing the campus as a whole, showing the location, height and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and loading facilities, screening, signs, streets, and public utility facilities athletic and other recreational facilities, and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development; and,

C. Within a reasonable distance of the college or university campus and subject to compliance with the provisions of sub-paragraph (A) hereof and Sub-section 8207.2 the Board may also permit the interim use of land or improved property with any use which the Board may determine is a proper college or university function: and,

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and **recommendations** of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.311 - Other uses not specified in Sub-section 4502.2 and not prohibited by Sub-section 4502.4, provided that;

A. Such use will not adversely affect the present character and future development of the neighborhood.

B. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of such use.

C. The Board may impose requirements pertaining to the design, appearance, screening or any other requirement which it shall deem necessary for the protection of neighboring or adjacent property.

D. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the reports and recommendations of the Department of Highways and Traffic, the Department of Environmental Services and other departments and agencies of the District of Columbia as appropriate.

4502.312 - Wherever the provisions of Sub-section 4502.3 require referral of an application to the Office of Planning and Management for coordination, review and report, such coordination, review and report shall consider:

A. Whether the proposed use furthers the objectives of the Mixed Use District.

B. The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District Government.

- C. The proposed site plan, including the relationship of different uses on the site.
- D. The impact of the proposed site plan on neighboring properties,
- E. Any other matters which are within the Office's jurisdiction.

Wherever the provisions of Sub-section 4502.3 require referral of an application by the Office of Planning and Management to the Department of Highways and Traffic, the Department of Highways and Traffic report to the Office of Planning and Management shall include the following:

- A. Considerations of the traffic to be generated and its impact.
- B. The location and design of vehicular access and parking facilities.
- C. The number of parking and loading facilities.
- D. The treatment of public space.
- E. Any other matters which are within the Department's jurisdiction.

Wherever the provisions of Sub-section 4502.3

require referral by the Office of Planning and Management of an application to the Department of Environmental Services, the Department of Environmental Services report to the Office of Planning and Management shall include the following:

- A. **The** availability of sewer and water capacity.
- B. The impact on air quality.
- C. The potential noise from commercial, industrial and traffic sources.
- D. Any other matters which are within the Department's jurisdiction.

4502.4 - The following uses are specifically prohibited in CR Districts:

4502.41 - Animal hospital or veterinarian.

4502.42 - Car wash, as a principal use.

4502.43 - Chemical manufacturing, storage or distribution.

4502.44 - Drive-in establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles while in such vehicles).

4502.45 - Enameling, plating or painting (except artist's studio), as a principal use.

4502.46 - Material salvage.

4502.47 - Outdoor advertising or billboard as a principal use.

4502.48 - Outdoor material storage.

4502.49 - Packing or crating operations as a principal use.

4502.410 - Parking lot.

4502.411 - Gasoline Service Station.

4502.412 - Smelting or rendering.

4502.413 - Carting, express, moving, or hauling terminal or yard, except a cooperative central delivery or pick-up system for goods or merchandise solely to serve businesses in the area.

4502.414 - Any industrial use prohibited in an M District.

4502.415 - Any use first permitted in the M District.

4502.5 - All uses in existence on the effective date of the designation of a CR District, which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid building permit has been issued, and which are permitted in a CR District as a special exception under Sub-section 4502.3 shall be considered as confarming uses, and any such use may occupy any amount of space within that allotted to the entire certificate of occupancy at the time of designa-

tion of the CR District. Any expansion of such use beyond the total space allotment for the entire certificate of occupancy or the introduction of an additional use must be approved by the Board of Zoning Adjustment in accordance with the applicable paragraph of Sub-section 4502.3. All uses in existence on the effective date of the designation of a CR District which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid certificate of occupancy has been issued, and which are prohibited in a CR District under Sub-section 4502.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71.

4502.6 - Existing Structures - All structures in existence or under construction pursuant to a valid building permit on the effective date of the designation of a CR District and which do not otherwise conform to the applicable standards of the CR District shall be considered as conforming structures. All such structures may be renovated, remodeled, altered, expanded or replaced provided that there shall be no increase in height, floor area or lot occupancy, yard, court and roof structure requirements above those normally allowed in

the CR District, In the case of restoration of a structure, such restoration shall be subject to the terms of Sub-sections 7108.2 and 7108.3.

Section 4503 - Heights of Buildings or Structures

4503.1 - Except as provided below, the height of buildings and structures shall not exceed 90 feet.

4503.2 - For that portion of any property zoned CR lying within 220 feet of the boundary of Rock Creek Park or for that portion of any property zoned CR lying within 220 feet of that portion of a street abutting Rock Creek Park, the height of buildings and structures shall not exceed 60 feet, provided that this Sub-section shall not apply to any property zoned CR which is separated from Rock Creek Park by property in a zone district that limits height to 60 feet.

4503.3 - Freestanding, primarily ground supported signs shall not exceed 20 feet in height.

4503.4 - In the CR District, the height of buildings and structures shall be measured as provided elsewhere in these regulations, except that height shall be measured to the highest point of the roof excluding parapets not exceeding five feet in height.

4503.5 - A spire, tower, dome, pinnacle or minaret serving as an architectural embellishment, radio or television tower, chimney or smokestack may be erected to a height in excess of that authorized in Sub-section 4503.1 and 4503.2.

4503.6 - If erected or enlarged as provided in Sub-section 4506.8, housing for mechanical equipment, or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located, provided that such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to their respective heights above the roof of the top story.

Section 4504 - Floor Area Ratio

4504.1 - In the CR District, the floor area ratio of all buildings and structures on a lot shall not exceed 6.0, not more than 3.0 of which may be used for other than residential purposes.

4504.2 - For the purposes of this Section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels.

4504.3 - For the purposes of this Section, the allowable residential and non-residential bulk of a CR District may be apportioned between two or more lots in the same square regardless of the normal limitation on floor area, provided that the aggregate residential and non-residential floor area may not exceed the normal limits for the CR

District. A covenant running with the land and applicable to all properties involved in such apportionment shall be executed by all of the owners of such properties and the Government of the District of Columbia prior to the issuance of any building permits. Such covenant shall be for the purpose of insuring that the total floor area does not exceed the limits applicable to residential and non-residential uses.

Section 4505 - Off-street Parking and Loading

4505.1 - All buildings and structures shall be provided with off-street parking spaces as specified in the following parking schedule. All such parking spaces shall conform to the provisions of Sections 7204, 7205, 7206 and 7207 except Paragraph 7207.17.

PARKING SCHEDULE

<u>USE</u>	<u>MINIMUM NUMBER OF SPACES</u>	<u>MAXIMUM NUMBER OF SPACES</u>
Single-family dwelling or flat	0	1/dwelling unit
Multiple dwelling	1/6 dwelling units	1/3 dwelling units
Multiple dwelling constructed as a cooperative or condominium	1/6 dwelling units	2/3 dwelling units
Hotel or Motel	0	1/4 sleeping rooms or suites

PARKING SCHEDULE
(cont.)

USE	<u>MINIMUM NUMBER OF SPACES</u>	<u>MAXIMUM NUMBER OF SPACES</u>
Hospital or Nursing Home	0	1/8 beds
Retail Sales or Service	0	1/1,000 square feet of gross floor area
Office or Clinic		1/1,500 square feet of gross floor area
Manufacturing or Whole- sale Use	0	1/4,000 square feet of gross floor area
Warehouse	0	0
Theater or place of public assemblage	0	1/112 square feet of floor area devoted to seating
All Others	0	0

4505.2 - The Board of Zoning Adjustment is authorized to reduce the number of required parking spaces. Such reduction shall be governed by the provisions of Subsections 7203.2 and 7203.3.

4505.3 - All buildings and structures shall be provided with off-street parking facilities for bicycles provided that no such spaces shall be required for a hotel or motel. Such facilities shall contain space for a number of bicycles at least equivalent to the maximum number of

automobile parking spaces permitted under Sub-section 4505.1. Such bicycle facilities shall have convenient access from building and street or other bicycle right-of-way, be secure, and shall be located within a building or structure, either on the ground floor, first basement or first cellar level.

4505.4 - All buildings and structures shall be provided with off-street loading berths and off-street service/delivery parking spaces as specified in the following schedule:

USE	NUMBER OF LOADING BERTHS		NUMBER OF SERVICE SPACES	
	Minimum	Maximum	Minimum	Maximum
Multiple dwelling with more than 50 units	1	2	3	6
Hotel - for each 200 rooms	1	2	3	6
Hospital	1	2	3	6
Offices				
5,000 to 20,000 square feet of gross floor area -	0	1	1	2
20,000 to 50,000 square feet of gross floor area -	1	2	3	6
50,000 to 100,000 square feet of gross floor area -	1	2	3	6
For each additional 100,000 square feet of gross floor area -	1	2	3	6

USE (cont.)	<u>NUMBER OF LOADING BERTHS</u>		<u>NUMBER OF SERVICE SPACES</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
Retail				
1,000 to 5,000 square feet of gross floor area -	0	1	2	4
5,000 to 10,000 square feet of gross floor area -	1	2	3	6
10,000 to 50,000 square feet of gross floor area -	2	4	6	12
For each additional 100,000 square feet of gross floor area -	1	2	3	6
Theater - with more than 500 seats -	1	2	3	6
Warehouses, Wholesale and Manufacturing				
5,000 to 20,000 square feet of gross floor area -	1	2	2	4
20,000 to 100,000 square feet of gross floor area -	2	4	4	8
For each additional 100,000 square feet of gross floor area -	1	2	2	4
All Others	0	1	1	2

All such loading berths shall conform to the requirements of Sections 7303 and 7305 and Sub-sections 7302.2 and Paragraphs 7306.11 and 7306.12. All such service spaces shall conform to the requirements of the above sections and sub-sections except that the size of each service space shall be 20 feet long by 12 feet wide with a vertical clearance of 10 feet and shall not require loading platforms or space for such platforms. Loading berths and service spaces shall be located within the building or in the rear or side yard of the building.

Section 4506 - Yards, Courts, and Open Space
Requirements

4506.1 - Required Public Space at Ground Level -
An area equivalent to 10 percent of the total lot area shall be provided for all new development, Such area shall be located immediately adjacent to the main entrance to the principal building or structure on the lot and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure. Such area shall be open to the sky or have a minimum vertical clearance of one story or ten feet. Such area shall be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays, Such space shall be open and available to the general public on a continuous basis. Such area shall not be charged against the gross floor area of the building.

4506.2 - Percentage of Lot Occupancy

4506.21 - No structure, including accessory buildings, devoted to a residential use shall

occupy more than 75% of the lot upon which it is located.

4506.22 - For the purposes of this Subsection, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

4506.23 - For the purposes of this Subsection, "residential uses" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes, and hospitals.

4506.3 - Private Residential Recreation Space

4506.31 - Private residential recreation space is that space suitably equipped and devoted to active or passive recreation for the residents of a particular residential building or structure. Such space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure, provided that 70% of the total of such space shall be open to the sky,

4506.32 - An area equal to 15% of the gross floor area devoted to residential purposes shall be provided as private residential recreation space,

4506.33 - For the purposes of this Subsection, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes and convalescent or nursing homes.

4506.4 - Rear Yards

4506.41 - A rear yard shall be provided for each residential building or structure.

4506.42 - When the residential use begins at or below grade, the minimum depth of rear yard shall be 3" per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than 12 feet.

4506.43 - When the residential use begins above grade, the minimum depth of rear yard shall be 3" per foot of vertical distance from the horizontal plane upon which the residential use begins to the

highest point of the main roof, but not less than 12 feet. Such rear yard need be provided at and above the residential plane

4506.44 - In the case of a through lot or a corner lot abutting three or more streets, no rear yard is required for any building or structure.

4506.45 - For the purposes of this Subsection, "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent and nursing homes, hospitals, hotels and motels

4506.5 - Side Yards - No side yard is required for any structure located in a CR District. If a side yard is provided, its minimum width shall be 3" per foot of height of building but not less than 8 feet.

4506.6 - Width of Open Court - Where an open court is provided in a CR District, such court shall have the following minimum dimensions:

Residential building except hotel: 3" per foot

of height of court, but not less than 10 feet
Hotel and other permitted structure: 2 1/2"
per foot of height of court, but not less than
6 feet.

For the purposes of this Subsection, "residential building" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

4506.7 - Width and Area of Closed Court - Where a Closed Court is provided in a CR District, such court shall have the following minimum dimensions:

Residential building except hotel:

Width: 4 inches per foot of height of court but not less than 15 feet

Area: Twice the square of the required width of court dimension.

Hotel and other permitted structure:

Width: 2 1/2 inches per foot of height of court, but not less than 12 feet

Area: Twice the square of the required width of court dimension.

For the purposes of this Sub-section, "residential building" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

4506.8 - Roof Structures

4506.81 - The provisions of Section 3308 in toto shall apply to roof structures in the Mixed Use Districts,

4506.82 - The gross floor area of roof structures permitted under this section shall not be counted in determining the required number of off-street parking spaces or loading berths as required elsewhere in these regulations.

Section 4507 - Development Bonuses

4507.1 - Additional floor area and/or height greater than the maximum specified above may be permitted only with the approval of the Zoning Commission. Such requests may also include variations of the normally required yards, courts, roof structure set back, and parking and loading limits. With such approval, the maximum heights and FARS are as follows:

CR 110 feet 7.0 (of which no more than 3.0
may be used for other than resi-
dential purposes)

4507.2 - For purposes of this Section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels,

4507.3 - Application for such increases in floor area and/or height and associated variations in the yard, court, roof structure setback, parking or loading requirements must be filed in accordance with Section 7503. Applications will be evaluated by the Zoning Commission in light of the purposes set out in the preamble to the Mixed Use District and any public policy or plan then in effect.

4507.4 - In particular, the bonuses are to be awarded for the following economic policies or design characteristics intended to achieve a special environment in the CR Districts.

4507.41 - Provision of housing units qualifying as moderate income housing as defined in area plans or official programs prepared by appropriate public agencies.

4507.42 - Provision of space for small retail uses or other small businesses which have been physically displaced (by private or public demolition) from the sub-

ject property or other locations in the District of Columbia as designated by the Mayor or his economic development representative.

4507.43 - Creation of areas devoted primarily to pedestrians and bicyclists in functional relationship to adjacent and area-wide pedestrian ways and bicycle paths or routes; creation of convenient access to waterfront areas and other public recreation and open space areas for residents and visitors.

4507.44 - Provision of space for retail and service establishments which contribute to creation of evening activity centers.

4507.45 - A high quality of urban design, including but not limited to landscaped open space and plazas accessible to the public and attractive and functional buildings or groups of buildings.

4507.46 - Preservation and enhancement of any place, building or structure contained on the National Register of Historic Places or in the District of Columbia's Inventory of Historic Sites contained in the District of Columbia's Comprehensive Historic Preservation Plan or any other place, building or structure which may be defined as architecturally,

historically or culturally significant by any Sectional Development Plan prepared by the Mayor's designated planning agency or the National Capital Planning Commission.

4507.47 - Other features of social, economic or physical value designed to further improve the quality of life in the Mixed Use District.

4507.5 - More than half of the maximum allowable bonus may only be achieved by provision of moderate income housing units or space for small retail and business uses, or both as defined in paragraphs 4507.41 and 4507.42.

4. ADD A NEW SECTION 7503 as follows:

7503 - Procedures for Review and Approval of Development Bonuses

7503.1 - The purpose of this section is to establish the requirements and procedures for the review and approval of development bonuses which may be provided in the use, bulk, height, and area regulations of the several districts. Notwithstanding the provisions of Article 71 (Non-conforming Uses and Non-conforming Structures) and Article 82 (Board of Zoning Adjustment), an application for review under this section and any concurrent requests for processing under Article 71 and/or Sub-section 8207.2 will be under the

jurisdiction of the Zoning Commission.

7503.2 - Prefiling Conference

7503.21 - Before filing an application for a development project as provided by this section, the applicant shall submit a written request for a conference with the Director of the Office of Planning and Management. The request shall set forth the nature of the proposed project, the appropriate zone district regulations, and the type and extent of bonuses sought. The Office of Planning and Management shall process the application within the time periods specified in Section 7503.

7503.22 - Based on the information supplied in the request, the Director shall schedule within thirty days a conference with the applicant and his representatives, appropriate representatives of District, Federal or inter-governmental agencies, representatives of advisory neighborhood councils, if any, and other appropriate community representatives.

7503.23 - At the prefiling conference, the applicant and his representatives shall give a full explanation of the proposed development. The government agency

and neighborhood representatives may raise questions, suggest project improvements or modifications and/or suggest additional information that may be appropriate for a more complete understanding of the proposal when it is filed,

7503.24 - Within fifteen days following the conference, the Director will transmit the minutes of the conference to the applicant and each agency and neighborhood representative attending the conference. Minutes of the conference shall also be transmitted to the members of the Zoning Commission and to heads of D.C. Departments and Agencies not in attendance at the conference but who should be aware of the proposed project and its implications,

7503.3 - Filing Requirements

7503.31 - Following the prefiling conference and receipt of the minutes of said conference, the applicant may file an application for development bonuses incorporating suggested changes growing out of the prefiling conference which in the judgment of the applicant are appropriate. The application shall be filed on the appropriate form provided by the Zoning Secretariat Office and shall include the following information:

a. A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas and any other open space,

b. Typical floor plans and architectural elevations for all open sides of each building.

c. A landscape plan showing all existing contour lines and landscaping to be retained and all new contours, planting and landscaping.

d. A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading.

e. A Development Schedule showing for each building: the lot area, FAR, height, total gross floor area, gross ground floor area, percentage of lot occupancy, proposed uses, the FAR and gross floor area devoted to each use, the number by type of residential uses, and the number of off-street parking spaces and loading spaces devoted to each use.

f. A Development Schedule for the total site showing: the total lot area, total FAR, total

percentage of lot occupancy, the FAR and gross floor area devoted to each use, the total number by type of residential uses, the gross area and percentage of lot devoted to public open space at ground level, and the gross area, gross area expressed as a percent of the total gross floor area, location and percent of gross area open to the sky for all private recreation space.

g. A detailed statement and other information necessary for understanding the economic features, design characteristics, or other amenities which are provided which would qualify the application for bonus increases in height or density.

h. A copy of the minutes of the prefiling conference.

7503.32 - No application shall be processed until all the required information is furnished.

7503.4 - Zoning Commission Review - Within 30 days of receipt of a completed application, the Zoning Commission shall review the application on a preliminary basis and determine whether a public hearing shall be granted. Applications may be dismissed without a hearing, but no application shall be granted unless such a public hearing is held. If no determination is made within 30 days con-

cerning the granting of a hearing, the application shall be considered as if it had been denied.

7503.5 - Public Hearing

7503.51 - If a public hearing is granted, such hearing shall be held within 60 days of the date upon which such hearing was granted.

7503.52 - Notice of such hearing shall be given in the same manner as for amendments to the Zoning Map as contained in the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia. Such hearing shall be conducted as a contested case in accordance with those Rules,

7503.6 - Zoning Commission Decision

7503.61 - Within 40 days of the end of the public hearing, the Zoning Commission shall issue a proposed order, granting, denying or conditionally granting the application.

7503.62 - Thirty days from the date of publication, the proposed order of the Zoning Commission shall

become final, unless it is withdrawn or modified by the Zoning Commission. Subsequent to such withdrawal or modification, the Commission shall again issue a proposed order, to be circulated for an additional 30 day period, During these 30 days periods, the Zoning Commission may receive and consider additional comments from the applicant or any other party or person, including suggested amendments to the proposed order or other action.

7503.63 - No order of the Zoning Commission approving a site plan review application shall be valid for a period longer than six months unless within such period the plans therefor are filed for the purpose of securing a building permit. Any permit approved hereunder shall be issued within a period of six months after the date of the filing of an application therefor. The erection or alteration approved shall be started within six months after the date of the issuance of the permit and shall proceed to completion in accordance with its terms. If such work is not started within such period the permit shall expire and shall not be renewed,

7503.7 - Enforcement

7503.71 - A covenant running with the land and ap -

plicable to all properties involved in an approved application shall be executed by all of the owners of such properties and the District of Columbia Government prior to the issuance of any building permits.

7503~72 - Such covenant shall bind the property owners and their successors to develop their properties only in accordance with the order approved by the Zoning Commission.

7503.73 - Any application which involves bonuses granted for non-physical amenities, such as moderate income housing or provision of space for small businesses, shall be subject to the requirements that reports, bi-annual from the date of approval, be filed with the Zoning Commission indicating that they are still in compliance with the order of the Zoning Commission. Any application found not to be in compliance shall be prosecuted in accordance with Section 83.05.

5. ADD TO SECTION 7501 the following:
 - A. To sub-paragraph 7501.23a, after "SP":
" CR"
 - B. To sub-paragraph 7501.24a, after "'R-5-D":
"CR"

C. To sub-paragraph 7501.24b.

"CR 6.0 not more than 3.0 of which may be used
for other than residential purposes"

6. AMEND SUB-SECTION 8207.2 TO INCLUDE THOSE SPECIAL EXCEPTIONS
IN CR DISTRICTS, as follows:

<u>Type of Special Exception</u>	<u>District</u>	<u>Section, Paragraph, or Sub-paragraph in Which Conditions Are Specified</u>
Automobile Sales or Repair	CR	4502.39
Bowling Alley	W, CR, C-1	4402.33, 4502.34, 5101.44
Building Service Trade	W, CR	4402.36, 4502.37
Electric Substation	Any R Dist. W, CR	3101.43, 4402.32, 4502.33
Hospital or Clinic	W, CR	4402.31, 4502.31
Laboratory	CR	4502.38
Light Manufacturing, Processing, Fabricating	W, CR	4402.34, 4502.35
Milling	W, CR	4402.34, 4502.35
Motorcycle Sales or Repair	C-2, C-3-A, CR	5102.42, 5103.42, 4502.39
Natural Gas Regulator Station	Any R Dist., W, CR	3101.43, 4402.32, 4502.33
Off-street Parking	CR	4502.32
Public Utility Pumping Station	Any R, SP or C Dist., W, CR	3101.43, 4101.44, 4402.36 4902.33, 5101.42, 5102.42 5103.43, 5104.41
School - College, university or other academic institution of higher learning	Any R Dist., CR	3101.46, 4502.310
Telephone Exchange	R-4, R-5, SP, W, CR	3104.42, 4101.43, 4402.3: 4502.33
Warehouse	W, CR	4402.35, 4502.36
Wholesale Use	W, CR	4402.35, 4502.36
Uses not specified in 4502.2 and not prohibited in 4502.4	CR	4502.311

7. A. ADD TO SECTION 1202 NEW DEFINITIONS as follows:

Central Employment Area: The core area of the District of Columbia, where the greatest employment in the city and region is found, The Central Employment Area comprises the principal office employment center of the city and region and includes the Downtown Retail Core as well. For the purposes of these Regulations, the boundaries of the Central Employment Area are New Hampshire Avenue on the west, Massachusetts Avenue on the north, North Capitol Street on the east, and Constitution Avenue on the south.

Club, Private: Building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational or recreational purpose, provided that the organization or association is a non-profit corporation and registered with the U.S. Internal Revenue Service, that goods, services, food and beverages are sold on the premises only to members and their guests, and that office space and activities are limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.

Uptown Center: A multi-purpose major activity center with strong transit orientations and a significant concentration of employment and high density residential as the principal

elements, developed in a manner which serves the surrounding lower density community while protecting it from avoidable intrusions.

B. DELETE THE EXISTING DEFINITION OF "CLUB, PRIVATE."

C. ADD TO THE DEFINITION OF "MOTEL" AFTER THE TERM "SUB-SECTION 4405.1," the following:

"and in the CR District in Sub-section 4505.1.

D. ADD TO THE DEFINITION OF "PERCENTAGE OF LOT OCCUPANCY" AFTER THE WORD "WATERFRONT" the following:

"and Mixed Use".

8. In order to specify that streets in Mixed Use Districts are considered "business streets" for purposes of the Height Act, ADD TO SUB-SECTION 7610.1 between "Waterfront" and "Commercial" the following:

"Mixed Use"

9. AMEND SUB-SECTION 7103.1 to insert "CR" after "W-3" and before "C-M-1".

10. MODIFY PARAGRAPH 7613.24 TO READ as follows:

"7613.24 W-1, W-2, W-3 and CR Districts."

11. AMEND SECTION 7614 to insert "CR" after "W" in Paragraphs 7614.11, 7614.13 and 7614.2a.

12. MODIFY PARTS OF ARTICLE 72 as follows:

A, Add to the end of Sub-section 7201.1 and 7201.2 the following: "or in the case of a CR District, Subsection 4505.1"

B. Add to Sub-section 7201.3 after the term "Sub-section 4405.1" the following:

"or in the case of a CR District, Sub-section 4505.1."

C. Add to Sub-section 7202.1 after the term "Sub-section 4405.1" the following:

"and except as provided in Sub-section 4505.1 for the case of a CR District",

D. Add to Paragraph 7207.14, 7207.15 7207.16 after the term "Sub-section 4405.1" the following:

"or in the case of a CR District, Sub-section 4505-1."

Order NO. 108
Case No. 74-8
Page 46

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ATTEST:

Martin Klauber

Martin Klauber
Executive Secretary