

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 12-12
Z.C. Case No. 12-12
(Text Amendment – 11 DCMR)
(New § 2405.9, PUD Standards)
December 10, 2012

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; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia (11 DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12389. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The amendments add a new § 2405.9 to provide that any additional density or development rights granted through a planned unit Development, including a PUD-related map amendment, cannot be transferred as part of a combined lot development.

Procedures Leading to Adoption of Amendments

On July 26, 2012, the Office of Planning (OP) submitted a memorandum that served as a petition requesting amendments to the regulations. The Commission voted to set down the proposal for hearing at its July 30, 2012 public meeting.

On October 1, 2012, OP submitted a memorandum in support of the proposed amendments. The report also suggested a refinement to the language that was advertised for public hearing to clarify that the new provision applied to residential and non-residential density or development rights granted through a PUD, or PUD-related map amendment.

A public hearing was scheduled for and held on October 11, 2012. OP testified in support of the amendments. At the conclusion of the hearing, the Commission authorized the referral of the proposed text, including the refinement suggested in the October 1, 2012 OP report, to the National Capital Planning Commission (NCPC) and the publication of a notice of proposed rulemaking in the *DC Register*. More than thirty (30) days has elapsed since the NCPC referral and no NCPC report has been received.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012 at 59 DCR 12389. No comments were received.

At a properly noticed public meeting held on December 10, 2012, the Commission took final action to adopt the text amendments, making no changes to the text as proposed.

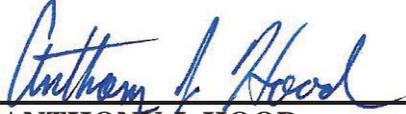
Title 11 DCMR, Chapter 24, **PLANNED UNIT DEVELOPMENT PROCEDURES**, § 2405, **PUD STANDARDS**, is amended by adding a new § 2405.9 to read as follows:

2405.9 Any additional density (whether residential or non-residential) or development rights granted through a PUD, including PUD-related map amendments, cannot be transferred as part of a combined lot development.

On October 11, 2012, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** this petition at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve; Michael G. Turnbull, not present, not voting).

On December 10, 2012, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on December 28, 2012.



ANTHONY J. HOOD
Chairman
Zoning Commission



SARA A. BARDIN
Director
Office of Zoning

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.