

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 140

CASE NO. 76-7

December 31, 1976

Pursuant to notice, a public hearing of the Zoning Commission was held on September 8, 1976, to consider amendments to the text of the Zoning Regulations. The Commission having met, and having determined that it is appropriate to amend the agency referral requirements and references, in conformity with changes effected by the District of Columbia Self-Government and Governmental Re-organization Act and by re-organizations within the District of Columbia government, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

Only those specific sections and sub-sections of the Zoning Regulations proposed to be amended are set out in their entirety below, including all government agencies to be deleted and all agencies to be substituted.

All material to be deleted is designated by a line drawn across the words to be omitted. Directly following the lined out material is the name of the agency that is substituted in the text of the regulations.

All words that appear underlined are those that are defined in the Zoning Regulations.

1. Section 3101.46 -- College or university which is an academic institution of higher learning, including college or university hospital, dormitory, fraternity or sorority house proposed to be located on the campus of a college or university provided that:

. . .

(e) Before taking final action on an application for such use, the Board shall have submitted the application to the National Capital Planning Commission, District of Columbia Municipal Planning Office and the Director Department of Highways and Traffic District of Columbia Department of Transportation for review and report,

2. Section 3101.47 -- Antenna Tower for Television and frequency modulation broadcasting to any height and in conjunction therewith the erection, alteration, or use of buildings for transmission or reception equipment on the same lot or elsewhere, provided that:

. . .

(e) Before taking final action on an application for such use, the Board shall have submitted the application to the National Capital Planning Commission, District of Columbia Municipal Planning Office for review and report; and,

3. Section 3101.49 -- Philanthropic or eleemosynary institution, not of a correctional nature, provided that:

. . .

(c) Before taking final action on an application for such use, the Board shall have submitted the application to the National Capital Planning Commission, District of Columbia Municipal Planning Office for review and report,

4. Section 3101.411 -- Accessory passenger automobile parking spaces elsewhere than on the same lot or part thereof on which the main use is permitted, except for a one-family dwelling, provided that:

. . .

(e) Before taking final action on an application for such use, the Board shall have submitted the application to the Director District of Columbia Department of Highways and Traffic Transportation for review and report,

5. Section 3105.42 -- In R-5-A Districts all new residential development, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board in accordance with the standards and requirements of Section 3307 and the following:

. . .

(b) The Board shall refer the application to the District of Columbia Department of Highways and Traffic ~~Transportation Office-of-the Assistant-to-the-Mayer-for-Housing-Programs~~ and District of Columbia Department of Housing and Community Development ~~and-the-National Capital-Planning-Commission~~ for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

(c) The Board shall refer the application to the ~~Zoning-Commission-Office~~ District of Columbia Municipal Planning Office for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood.

6. Section 4101.41 -- Parking lot, parking garage on lot other than alley lot, public storage garage, or mechanical parking garage, subject to the provisions of Article 74 and to the following standard:

. . .

(c) Before taking final action on an application for such use, the Board shall submit the application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report; and,

(d) Before taking final action on an application for a parking garage, public storage garage, or mechanical parking garage, the Board shall submit the application to the ~~National-Capital Planning-Commission~~ District of Columbia Municipal Planning Office for review and report.

7. Section 5301.23 -- Notwithstanding the provisions of paragraph 5301.1, when the C-2-B District is located near an R-5-D District or SP District or at an Uptown Center or Rapid Transit Stop, the Zoning Commission may authorize a floor area ratio of 6.0 subject to the restriction-s of paragraph 5102.5, provided however, it shall not be subject to the restrictions contained in paragraph 5301.3. ~~When the C-2-B District is proposed to be located at a Rapid Transit Stop, the Zoning Commission shall refer each application to the National Capital Planning Commission for review and recommendation.~~

8. Section 7501.23 -- Each application shall certify that the minimum area of land included within the project is at least three acres except as modified in sub-paragraphs a, b and e of this paragraph.

. . .

(c) When the Zoning Commission, with the concurrence of the ~~National Capital Planning Commission~~ District of Columbia Municipal Planning Office and after public hearing, finds that a preliminary application for a planned unit development is of exceptional merit and in the best interests of the city or the country, then the Zoning Commission may approve said planned unit development in accordance with the requirements and procedures of this section even though the application does not meet with the area requirements of this subsection.,

9. Section 7501.31 -- The applicant for a planned unit development shall submit a preliminary application to the Zoning Commission containing the information hereinafter set forth in subparagraphs a through e. The Zoning Commission shall refer the application and accompanying documents to ~~the Zoning Advisory Council~~ the ~~National Capital Planning Commission~~ District of Columbia Municipal Planning Office and any other appropriate agency for their review and report within ten (10) days of the receipt of the preliminary application.

. . .

10. Section 7501.32 -- In reviewing each preliminary application for approval, the ~~National Capital~~

~~Planning Commission and the Zoning Advisory Council~~ District of Columbia Municipal Planning Office shall give consideration to:

- . . .
11. ~~Section 7501.34~~ --- In the case of an existing Urban Renewal Plan which has already been approved by both the National Capital Planning Commission and the City Council and which has been submitted for processing under this Section, no additional report shall be required from the National Capital Planning Commission or from the City Council.
 12. ~~Section 7501.35~~ --- In the case of a new or revised Urban Renewal Plan which has not been approved by the National Capital Planning Commission, the Zoning Commission may accept the report of the National Capital Planning Commission prepared for the Redevelopment Land Agency as meeting the requirements of sub-paragraphs 7501.31 and 7501.32.
 13. Section 7501.56 -- Before approval of any changes permitted by paragraph 7501.55, the Board shall submit the application to the ~~National Capital Planning Commission~~ District of Columbia Municipal Planning Office for review and report,
 14. Section 9101.22 -- The District of Columbia Zoning Commission, National Capital Planning Commission, District of Columbia Municipal Planning Office, Redevelopment Land Agency Department of Housing and Community Development, ~~National Capital Housing Authority~~ or any other department of the Government of the District of Columbia or of the Federal Government.
 15. Section 9101.41 -- Submit such proposed amendment to the ~~Zoning Advisory Council~~ District of Columbia Municipal Planning Office for opinion or report, provided that if the ~~Zoning Advisory Council~~ Municipal Planning Office shall fail to transmit its opinion or report to the Zoning Commission within the period specified in Section, 7608 the Zoning Commission may proceed to take final action on such amendment.

16. Section 4402.31 - Hospital or Clinic provided that:
. . .

(e) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office of Planning and Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report to include reports and recommendations from all appropriate District of Columbia agencies.

17. Section 4402.33 -- Bowling Alley, provided that:
. . .

(c) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office of Planning and Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies.

18. Section 4402.34 -- Light Manufacturing, processing, fabricating, or milling establishment, provided that:
. . .

(g) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office of Planning and Management~~ District Of Columbia Municipal Planning Office for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies,

19. Section 4402.37 -- Private School, trade school, college or university, provided that:
. . .

(d) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office of Planning and Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia government.

20. **section** 4402.38 -- Other uses not specified in Sub-sections 4402.2 or 4402.4 provided that:

. . .

(e) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office-of-Planning-and Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia Government.

21. Section 4402.39 -- Wherever the provisions of Sub-section 4402.3 require referral of an application to the ~~Office-of-Planning-and Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report shall consider:

. . .
22. Section 4402.391 -- Whenever the ~~Office-of-Planning and-Management~~ District of Columbia Municipal Planning Office refers an application to the District of Columbia Department of ~~Highways-and Traffic~~ Transportation under Sub-section 4402.3, the report shall consider the following:

. . .
23. Section 4402.392 -- Whenever the ~~Office-of-Planning Management~~ District of Columbia Municipal Planning Office refers an application to the Department of Environmental Services under Sub-section 4402.3, the report shall consider the following:

. . .

24. Section 4501 - Preamble

4501.1 -- The Mixed Use (CR) zone district is applied to selected geographic areas where a mixture of uses and building 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 undergoing 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 ~~Mayer's-designated-planning-agency~~ District of Columbia Municipal Planning Office or the National Capital Planning Commission.

25. Section 4502.31 -- Hospital or Clinic, provided that:

. . .

(d) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office-of-Planning-and-Management~~ District of Columbia Municipal Planning Office for coordination, review and report, said report to include the reports and recommendations of the District of Columbia Department of ~~Highways-and-Traffic~~ Transportation, the District of Columbia Department of Environmental Services and other departments and agencies of the District of Columbia 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~~ District of Columbia Municipal Planning Office 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..

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

. . .

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

27. Section 4502.34 -- Bowling Alley, provided that:

. . .

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

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

. . .

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

29. Section 4502.39 -- Automobile or motorcycle sales or repairs, provided that:

. . .

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

. . .

30. Section 4502.310 -- College or university, provided that:

. . .

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

31. Section 4502,311 -- Other uses not specified in Sub-section 4502.2 and not prohibited by Sub-section 4502.3, provided that:

. . .

(d) Before taking final action on an application for such use, the Board shall refer the application to the ~~Office of Planning and Management~~ District of Columbia Municipal

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

32. Section 4502.312 -- Wherever the provisions of Sub-section 4502.3 require referral of an application to the ~~Office-of-Planning-and-Management~~ District of Columbia Municipal Planning Office for coordination, review and report, such coordination, review and report shall consider:

. . .

Wherever the provisions of Sub-section 4502.3 require refer-ral of an application by the ~~Office of-Planning-and-Management~~ District of Columbia Municipal Planning Office to the District of Columbia Department of ~~Highways-and-Traffic~~ Transportation, the District of Columbia Department of ~~Highways-and-Traffic~~ Transportation report to the ~~Office-of-Planning-and-Management~~ District of Columbia Municipal Planning Office shall include the following:

. . .

Wherever the provisions of Sub-section 4502.3 require referral by the ~~Office-of-Planning-and-Management~~ District of Columbia Municipal Planning Office of an application to the District of Columbia Department of Environmental Services, the District of Columbia Department of Environmental Services report to the ~~Office-of-Planning-and-Management~~ District of Columbia Municipal Planning Office shall include the following:

33. Section 5101.41 -- Gasoline Service Station hereafter established or enlarged, subject to the special provisions of Article 74 of these regulations, and provided that:

. . .

(c) Before taking final action on an application for such use, the Board shall submit the

application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report; and,

34. Section 5101.44 -- Bowling Alley, provided that:

. . .

(d) Before taking final action on an application for such use, the Board shall submit the application to the ~~Director~~ District of Columbia Department of ~~Highways-and-Traffic~~ Transportation for review and report; and

35. Section 7502.31 -- Sectional Development Plans may be initiated and prepared by the National Capital Planning Commission or the ~~Mayer Commissioner's-designated-planning-agency~~ District of Columbia Municipal Planning Office, either separately or jointly. The agency primarily responsible for the Sectional Development Plan shall be designated as the "preparing agency". Any citizen, property owner, group of citizens, or group of property owners may petition the ~~Mayer-Commissioner's-designated-planning-agency~~ District of Columbia Municipal Planning Office or the National Capital Planning Commission to propose to the Zoning Commission a plan which the citizens or property owners have prepared. Such petition may also be addressed directly to the Zoning Commission which may, at its discretion, request one of the above agencies to assume responsibility for such a plan. The agency, after ascertaining that a representative Community Advisory Group (see Sub-section 7502.3) has been formed for the Sectional Development Plan area, may agree to such a petition, and shall then have the same responsibilities regarding that plan as if it had initiated the proposal.
36. Section 7502.32 -- The preparing agency shall be responsible for designating the boundaries of the Sectional Development Plan area. If the plan area, as designated, contains 50% or more land which is not federally owned, the ~~Mayer-Commissioner's-designated-planning-agency~~ District of Columbia Municipal Planning Office shall become the preparing agency. If the plan area contains more than 50% land which is federally owned, the National Capital Planning Commission shall become the preparing agency.

37. Section 7502.61 -- Amendments to zoning in a Sectional Development Plan area may be proposed only by a District or Federal agency. Any citizen, property owner, group of citizens or group of property owners may petition the ~~Mayer Commissioner's-designated-planning-agency~~ District of Columbia Municipal Planning Office, the National Capital Planning Commission or the Zoning Commission to adopt, as its own, such a proposed amendment.
38. Section 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~~ District of Columbia Municipal Planning Office. 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~~ District of Columbia Municipal Planning Office shall process the application within the time periods specified in Section 7503.
39. Section 3104.44 -- Parking lot, not otherwise permitted under provisions of this Section, provided that:
- . . .
- (d) Before taking final action on an application for such use, the Board shall submit the application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report.
40. Section 3104.45 -- Accessory parking spaces eslewhere than on the same lot or part thereof on which any principal R-4 or R-5 use is permitted, except for a one-family dwelling, when such parking spaces will be established within the square in which the principal use is Located, provided that:
- . . .
- (b) Before taking final action on an application for such use, the Board shall have submitted the application to the ~~Director~~ , District

of Columbia Department of ~~Highways-and~~
~~Traffic~~ Transportation for review and report;

41. Section 3101.48 -- Parking lot, provided that:

. . .

(d) Before taking final action on an application for such use, the Board shall have submitted the application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report.

42. Section 3105.44 -- Parking garage constructed as a principal use on a lot other than an alley lot in an R-5-D District provided that:

(d) Before taking final action on an application for such use, the Board shall have submitted the application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report.

43. Section 4101.42 -- The construction of new office buildings for a chancery, nonprofit organization labor union, an architect, dentist, doctor, engineer, lawyer or similar professional person, provided that: (As amended Feb. 19, 1959).

. . .

(d) Before taking final action on an application for such use, the Board shall submit the application to the ~~Director~~ District of Columbia Department of ~~Vehicles-and-Traffic~~ Transportation for review and report,

44. Section 4101.45 -- Gasoline service station hereafter established or enlarged subject to the special provisions of Article 74 and provided:

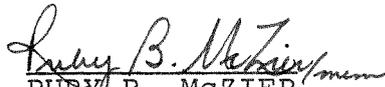
. . .

(d) Before taking final action on an application for such use, the Board shall submit the application to the ~~Director~~ District of

Columbia Department of ~~Vehicles-and-Traffic~~
Transportation for review and report.

45. Section 7502.42 -- The membership of a Community Advisory Group shall include representatives of all elements of the community affected by a Sectional Development Plan including, but not limited to, advisory neighborhood ~~councils~~ commissions, if any, commercial and residential property owners, associations of citizens, businessmen or tenants, residential and commercial tenants and others. Refusal of any individual or representative to accept membership on an Advisory Group shall not prevent that Group from carrying out its functions.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION


RUBY B. McZIER
Chairperson


ARTHUR B. HATTON
Executive Secretary