

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 242
CASE NO. 78-1
November 9, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 30, April 3, April 10, April 24 and May 1, 1978 to consider proposed amendments to the text of the Zoning Regulations. Such amendments proposed to modify requirements for all of the Commercial Districts, as well as the planned unit development process.

Following the lengthy hearings and receipt of large amounts of public testimony, the Commission determined to divide the case into several parts, for the purpose of discussing the matter and arriving at a decision. The Commission held several work sessions and finally determined that several changes should be made to the C-1 and C-2 Districts.

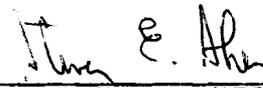
This order is one of a series of orders relating to the commercial revision case. Other orders will deal with the planned unit development process and other elements of the case. After all of the issues in the entire case have been decided, the Commission will issue a full statement of reasons setting forth the basis for its decision.

The Commission believes that the proposed amendments are in the best interests of the District of Columbia and are consistent with the intent and purposes of the Zoning Regulations and Zoning Act. The Commission therefore hereby orders adoption of those amendments to the Zoning Regulations contained in the attached document entitled "Revised C-1 and C-2 Districts," dated November 9, 1978, a copy of which is attached hereto and made a part hereof.

Vote of the Commission taken at the public meeting held on October 16, 1978: 4-0 (George M. White, John G. Parsons, Walter B. Lewis and Ruby B. McZier to adopt, Theodore F. Mariani not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on November 9, 1978 by a vote of 3-0 (George M. White and Walter B. Lewis to adopt, John G. Parsons to adopt by proxy, Theodore F. Mariani not voting, not having participated in the case, Ruby B. McZier not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on 17 NOV 1978.

"REVISED C-1 AND C-2 DISTRICTS"

NOVEMBER 9, 1978

Amendments to the C-1 and C-2 Districts

1. Delete existing Section 5101 and 5102 regarding uses in C-1 and C-2 Districts and replace them with the following:

Section 5101 - C-1 Districts (Neighborhood Shopping)

5101.1 The C-1 District is designed to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development. Such districts will only permit low-bulk development and, in general, will be mapped only in outlying areas. Some community facilities, housing and mixed uses, as well as the usual neighborhood shopping and service establishments, will be permitted.

5101.2 Except as provided in Chapter 7, in a C-1 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 paragraphs.

5101.3 The following uses are permitted as a matter of right:

5101.31 Any use permitted in any R-5 District under Sub-section 3105.3 or in the SP District under Sub-section 4101.3.

5101.32 Service establishments, to include:

- A. Bank or other financial institution
- B. Bar or cocktail lounge
- C. Barber or beauty shop
- D. Cobbler or shoe repair shop
- E. Collection station for dry cleaning, dying, or laundry
- F. Dressmaking shop or establishment
- G. Frozen food locker for family or individual use only
- H. Gasoline service station, existing on the effective date of these regulations
- I. Gasoline service station as an accessory use to a parking garage, or public storage garage, subject to the special provisions of Article 74 and provided:
 1. All portions of the gasoline service station are located entirely within the garage;
 2. No part of such accessory use is visible from a sidewalk; and,
 3. Signs or displays indicating the existence of such accessory use are not visible from the outside of the garage.

- J. Laundry, self service, not exceeding 2,500 square feet of gross floor area
- K. Laundry or dry cleaning establishment, not exceeding 2500 square feet of gross floor area
- L. Locksmith
- M. Newspaper distribution station
- N. Optician and Optometrist
- O. Radio or television repairs
- P. Shoeshine parlor
- Q. Tailor shop or valet shop not exceeding 2500 square feet of gross floor area
- R. Watch repair shop

5101.33 Retail establishments, to include:

- A. Art supplies store
- B. Automatic ice delivery station
- C. Automobile accessories sales, excluding installation
- D. Bakery, provided any manufacture of bakery goods is limited to goods retailed on the premises
- E. Bicycle sales and repair
- F. Book store
- G. Camera or photographic supplies store
- H. Cosmetics or toiletries store
- I. Drug store or pharmacy
- J. Electrical appliance store, including television and radio sales
- K. Flower stand or florist shop
- L. Food or grocery store
- M. Gift shop
- N. Hardware store
- O. Hobby shop, including the sale of toys
- P. Jewelry store
- Q. Lunch counter, lunch room, cafe, or restaurant, but not including a drive-in type restaurant.
- R. Music store
- S. Newsstand
- T. Notions or novelty store
- U. Off-premises alcoholic beverages sales
- V. Paint store
- W. Sporting goods store
- X. Stationery store
- Y. Tobacco products store
- Z. Variety store
- (AA) Wearing apparel and accessories store

5101.34 Other similar service or retail use, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

- 5101.35 - Telephone exchange, electric substation using non-rotating equipment and natural gas regulator station.
- 5101.36 - Library
- 5101.37 Office, except new chancery and international agency.
- 5101.38 Parking lot, parking garage, or public storage garage, subject to the special provisions of Article 74 of these regulations.
- 5101.39 Chancery use existing on 22 SEP 1978 (effective date of this amendment) provided that before any additions to buildings or structures shall be made, the Board of Zoning Adjustment determines after a public hearing that the proposed use and the building in which the use is to be located are not incompatible with the present and proposed development of the neighborhood, pursuant to the provisions of Article 46 and Sub-section 4605.
- 5101.310 College, university or other academic institution of higher learning.
- 5101.311 Antenna tower for television and radio broadcasting, and in conjunction therewith the erection, alteration or use of buildings for transmission or reception equipment.
- 5101.4 The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case, and with referral to the Municipal Planning Office in accordance with Sub-section 5101.5:
- 5101.41 Gasoline service station hereafter established or enlarged, subject to the special provisions of Article 74 of these regulations, and provided that:
- 5101.411 The station shall not be located within 25 feet of a residence district unless separated therefrom by a street or alley;
- 5101.412 The operation of the use will not create dangerous or other objectionable traffic conditions;
- 5101.413 The Board may impose requirements pertaining to design, appearance, screening, lighting, or such other requirement as it shall deem necessary to protect adjacent or nearby property.

- 5101.42 Public utility pumping station, subject to requirements pertaining to setbacks, screening, or such other requirement as the Board shall deem necessary for the protection of neighboring or adjacent property.
- 5101.43 Accessory parking spaces elsewhere than on the same lot or part thereof on which any principal C-1 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, subject to the provisions of paragraph 4101.46 of Article 41.
- 5101.44 Bowling alley, provided that:
- 5101.441 The use shall not be within 25 feet of a residence district unless separated therefrom by a street or alley.
- 5101.442 Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required;
- 5101.443 Accessory off-street parking spaces shall be required on the basis of a place of public assemblage as provided by Sub-section 7202.1;
- 5101.444 The Board may impose requirements pertaining to design, appearance, screening, lighting, additional off-street parking spaces, signs, or any other requirement as it shall deem necessary for the protection of neighboring or adjacent property.
- 5101.45 Automobile accessory sales, including installations when such operations are carried on entirely within a building, subject to the provisions of Paragraph 5101.41.
- 5101.5 On receiving an application for an approval under Sub-section 5101.4 the Board shall submit the application to the Director of the Municipal Planning Office for coordination, review, report and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Environmental Services, Housing and Community Development and, if an historic district or historic landmark is involved, of the State Historic Preservation Officer.
- 5101.6 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this Section are permitted.
- 5102 C-2 Districts (Community Business Center, including C-2-A, C-2-B and C-2-C Districts).

5102.1 The C-2 District -- Community Business District -- is divided into C-2-A, C-2-B and C-2-C Districts.

5102.11 The C-2-A District is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the city outside of the central core. Such districts will be located in low and medium density residential areas with access to main highways or rapid transit stops, and will include office employment centers, shopping centers, and medium-bulk mixed use centers. The C-2-A District will permit development to medium proportions. It will accommodate a major portion of existing commercial strip developments.

5102.12 The C-2-B District is designed to serve commercial and residential functions similar to the C-2-A District, but with higher density residential and mixed uses. Such districts should be compact and located on arterial streets, in uptown centers and at rapid transit stops. In this district, building use may be entirely residential, or may be a mixture of commercial and residential uses.

5102.13 The C-2-C District is designed to serve commercial and residential functions similar to the C-2-A District, but with higher density residential and mixed uses. The C-2-C District is also designated for those areas previously zoned C-2-B where the Zoning Commission had permitted a maximum floor area ratio of 6.0. Such districts should be compact and are located in or near the Central Employment Area. In this District, buildings may be entirely residential, or may be a mixture of commercial and residential uses.

5102.2 Except as provided in Chapter 7, in a C-2 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 paragraphs.

5102.3 The following uses are permitted as a matter of right:

5102.31 Any use permitted in C-1 Districts under Sub-section 5101.3.

5102.32 Additional service establishments, to include:

- A. Automobile laundry, with reservoir space for at least 15 automobiles.
- B. Automobile rental agency
- C. Billiard parlor or pool hall
- D. Blueprinting or similar reproduction service
- E. Bowling alley, provided it is soundproof
- F. Catering establishment
- G. Dental laboratory
- H. Film exchange
- I. Funeral, mortuary, or undertaking establishment
- J. General indoor storage, not exceeding 2,500 square feet of gross floor area
- K. Interior decorating shop
- L. Laundry, self service, with no limitations on the gross floor area
- M. Laboratory, optical
- N. Parcel delivery service
- O. Photographic studio
- P. Picture framing studio or shop
- Q. Plumbing or heating shop, excluding outdoor storage
- R. Printing, lithographing, or photengraving establishment, in each case not exceeding 2,500 square feet of gross floor area
- S. Public bath, physical culture, or health service
- T. Radio or television broadcasting studio and antenna tower in conjunction therewith
- U. Streetcar or bus passenger depot
- V. Tailor shop or valet shop, with no limitation on the gross floor area
- W. Telegraph office
- X. Veterinary hospital

5102.33 Additional retail establishments, to include:

- A. Antique store or shop
- B. Auction house
- C. Automobile accessories sales, including installations
- D. Automobile and truck sales
- E. Boat or other marine sales
- F. Department store
- G. Display stand or store for mail order sales
- H. Dry goods store
- I. Furniture store
- J. Home furnishings sales
- K. Ice sales
- L. Leather goods store
- M. Musical instruments and accessories sales
- N. Office supplies and equipment sales
- O. Optical goods store
- P. Pet shop

- Q. Precision instrument sales
- R. Drive-in type restaurant

5102.34 Other similar service or retail use, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

5102.35 Assembly hall, auditorium, or public hall.

5102.36 Theatre, including motion picture theatre.

5102.37 Chancery or international agency in the C-2-B, or C-2-C District, pursuant to the provisions of Article 46, Sub-sections 4605.1 and 4607.1.

5102.4 The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case, and with referral to the Municipal Planning Office in accordance with Sub-section 5102.5.

5102.41 Gasoline service station hereafter established or enlarged, or a repair garage not including body and fender work, subject to the special provisions of Article 74 of these regulations and to the conditions for a gasoline service station set forth in paragraph 5101.41.

5102.42 Motorcycle sales and repair, provided that:

5102.421 The use and all its accessory facilities are located within a building.

5102.422 No portion of a building so used is located within 50 feet of a Residence or Special Purpose District; and,

5102.423 The Board may impose additional requirements pertaining to location of buildings, other structures, entrances, exits, soundproofing, or such other requirement as the Board shall deem necessary to protect adjacent or nearby property.

5102.43 Public utility pumping station, subject to requirements pertaining to setbacks, screening, or such other requirement as the Board shall deem necessary for the protection of adjacent or nearby property.

- 5102.44 Enlargement of existing laundry or dry cleaning establishment which contains more than 2500 square feet of gross floor area, provided that:
- 5102.441 Any noise or odor will not affect the neighborhood adversely; and
- 5102.442 Dangerous or otherwise objectionable traffic conditions will not be created, and
- 5102.443 The Board may impose additional requirements as to the location of the building and other structures, the location of equipment, and such other requirements as the Board may deem necessary to protect adjacent or nearby property.
- 5102.45 Accessory parking spaces elsewhere than on the same lot or part thereof on which any principal C-2 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, subject to the provisions of Paragraph 4101.46 of Article 41.
- 5102.46 Any establishment which has a principal use the administration of massages, provided that:
- 5102.461 The establishment shall be compatible with other uses in the area.
- 5102.462 Such use will not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic or other conditions.
- 5102.463 The establishment will not have an adverse impact on religious, educational, and other institutional facilities located in the area.
- 5102.5 On receiving an application for an approval under Subsection 5102.4, the Board shall submit the application to the Director of the Municipal Planning Office for coordination, review, report and impact assessment along with reports in writing of all relevant District Departments and agencies including the Departments of Transportation, Environmental Services, Housing and Community Development and, if an historic district or historic landmark is involved, of the State Historic Preservation Officer.
- 5102.6 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this Section are permitted.

2. Modify the table in Sub-section 5201.1 regarding height in commercial districts to read as follows:

<u>District</u>	<u>Height in Feet</u>	<u>Height in Stories</u>
C-1	40	3
C-2-A	50	No Limit
C-2-B, C-3-A	65	No Limit
C-2-C, C-3-B	90	No Limit
C-4	110	No Limit
C-5 (PAD)	130	No Limit

3. Modify the table in Sub-section 5301.1 regarding FAR in commercial districts to read as follows:

Floor Area Ratio (FAR)

<u>District</u>	<u>Apartment House or other residential use</u>	<u>Hotel or other permitted use</u>	<u>Maximum permitted</u>
C-1	1.0	1.0	1.0
C-2-A	2.5	1.5	2.5
C-2-B	3.5	1.5	3.5
C-2-C	6.0	2.0	6.0
C-3-A	4.0	2.5	4.0
C-3-B	6.5	6.5	6.5
C-4	8.5	8.5	8.5
C-5 (PAD)	10.0	10.0	10.0

4. Delete existing Paragraph 5301.22, regarding increase of floor area ratio in C-2-B Districts, and renumber existing Paragraph 5301.23 to 5301.22.
5. Delete existing Sub-section 5301.3 concerning pro ratio computation of FAR.
6. Modify the table in Sub-section 5302.1 regarding lot occupancy in commercial districts to read as follows:

<u>District</u>	<u>Percentage of Lot Occupancy</u>
C-1	60
C-2-A	60
C-3-A	75
C-2-B, C-2-C	80
C-3-B, C-4, C-5 (PAD)	100

7. Modify the table in Paragraph 5302.21 regarding residential recreation space to read as follows:

<u>District</u>	<u>Percentage</u>
C-1, C-2-A	20
C-2-B, C-2-C, C-3-A	15
C-3-B	10
C-4, C-5 (PAD)	5

8. Modify the table in Sub-section 5303.1 regarding rear yards, to read as follows:

<u>District and structure</u>	<u>Minimum depth of rear yard</u>
C-1 All <u>structures</u>	20 feet
C-2-A, C-2-B, C-2-C All <u>structures</u>	15 feet
C-3-A, C-3-B, C-4, C-5 (PAD) All <u>structures</u>	Two and one-half inches per foot of vertical distance from the mean finished grade at the middle of the rear of the <u>structure</u> to the highest <u>point</u> of the main roof or parapet wall but not less than 12 feet.

9. Adopt other conforming amendments to the Zoning Regulations as follows:

- A. Redesignate all that property currently designated C-2-B, where a maximum floor area ratio of 6.0 is permitted, to C-2-C.
- B. Modify Paragraph 2101.14 to include in the list of districts.
- C-2-B Medium-high density
C-2-C High density
- C. Amend Sub-section 7103.1 to include "C-2-C" between "C-2-B" and "C-3-A" for non-conforming use provisions.
- D. Amend Article 72 regarding parking requirements to include "C-2-C" after "C-2-B" wherever "C-2-B" is mentioned.
- E. Amend Paragraph 7613.23 regarding boundary lines crossing a lot to include "C-2-C" between "C-2-B" and "C-3-A".