

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 293

CASE NO. 79-4

October 11, 1979

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on July 30, 1979, to consider an amendment to the text of the D.C. Zoning Regulations. The Amendment proposed to change the standards related to the requirements for residential recreation space in commercial districts.

On September 14, 1978, the Commission adopted Order No. 234 which changed the regulations concerning the C-3, C-4 and C-5 Districts, and established a requirement in sub-section 5302.2 that residential recreation space be provided for residential uses in commercial districts as follows:

5302.2 -- When all or a portion of a building in a C-3, C-4 or C-5 District is devoted to a residential uses other than a hotel, recreation space shall be provided which is safe, secure, and suitably equipped and/or landscaped for the active or passive recreation use of the residents. Such residential recreation space shall be provided as specified below;"

On November 9, 1978, the Commission adopted order no. 242 which changed the regulations concerning C-1 and C-2 Districts contained in sub-section 5302.2. This regulation as adopted by the Commission did not distinguish as to which type of residential use was required to have common recreation space, even though the discussion of the matter in the record and the intent of the Commission was to apply the requirement only to apartment houses.

On February 8, 1979, the Commission adopted emergency order no. 266. That order was adopted after consideration of a request, dated January 31, 1978, by the developer of the Car Barn site on East Capitol Street, S.E. that the Commission specifically determine that the open space requirement should be inapplicable to single family and flat structures.

The Commission believes that it was not the intent of the Commission to apply the requirements of sub-section 5302.2 to single-family dwellings and flats. The Commission believes that the imposition of such a requirement works a hardship on developers attempting to provide such housing in commercial districts, which would be contrary to the best interest of the city.

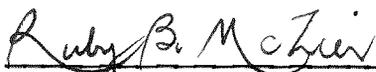
The Commission believes, that the application of a residential recreation space requirement to single family dwellings and flats constructed in commercial districts results in potential conditions which are clearly inconsistent with the intent of the Zoning Regulations. Single family dwellings and flats, regardless of their location, provide recreation space which is largely independent and self-sufficient. Lot occupancy and yard requirements are designed to insure that such dwellings are provided with private outdoor recreation space. The application of Sub-section 5302.2 would largely defeat this purpose. Interior recreation space in the form of living room, dens or recreation rooms are normally provided in all single family dwellings or flats. Apartment buildings, however, can be constructed without providing adequate recreation space even while complying with all zoning requirements. It is this situation which the residential open space requirements were designed to correct.

The proposed amendment was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and the NCPC reported that the proposed amendment will not have an adverse impact on the Federal Establishment or other Federal interests in the National Capital.

The Commission finds that the proposed amendment is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. The Commission therefore hereby orders that Sub-section 5302.2 of the Zoning Regulations is amended to read as follows:

5302.2 -- When all or a portion of a building in a C-1, C-2, C-3, C-4 or C-5 District is devoted to a residential use other than a single family dwelling, flat or hotel, recreation space shall be provided which is safe, secure, and suitably equipped and/or landscaped for the active or passive recreation use of the residents. Such residential recreation space shall be provided as specified below.

Vote of the Commission taken at the public hearing held on July 30, 1979: 4-0 (Commissioners Theodore F. Mariani, Walter B. Lewis, John G. Parsons, and George M. White, to approve - Commissioner Ruby B. McZier, not present , not voting).



RUBY B. McZIER
Chairperson
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on October 11, 1979 by a vote of 3-0 (Commissioners Walter B. Lewis, John G. Parsons, and Theodore F. Mariani, to adopt - Commissioner Ruby B. McZier, not voting not having heard the case and Commissioner George M. White, not present, not voting.

In accordance with Section 3.6 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendments to the Zoning Regulations are effective on

19 OCT 1979