

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 721-A
Z. C. Case No. 91-10 (I)
(R-5 Text Amendments)
September 12, 1994

Case No. 91-10 was an initiative of the Zoning Commission for the District of Columbia to consider and adopt appropriate amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The amendments created and mapped a new R-5-C zone district with height and density standards between those of the previously existing R-5-B and R-5-D zone districts.

The R-5 amendments established a zone district that is more representative of a medium density residential land use category, and required that previously existing provisions for the R-5-C zone district become those for the R-5-D zone district and that those for the previously existing R-5-D zone district become those for the newly designated R-5-E zone district. The purpose of the amendments is to help eliminate inconsistencies with and to implement land use and development policies of the Comprehensive Plan.

Z.C. Order No. 721 in Z.C. Case No. 91-10 was adopted by the Commission on October 19, 1992, and became final and effective upon publication in the D.C. Register on November 13, 1992 (39 DCR 8305).

At its public meeting of April 12, 1993, the Zoning Commission considered recommendations presented by the Director of the Office of Zoning (OZ) and contained in an OZ memorandum dated March 22, 1993, regarding an inadvertent omission of references to the new R-5 provisions in Chapter 10 of 11 DCMR.

At its public meeting of December 13, 1993, the Zoning Commission considered recommendations presented by the OZ in a memorandum dated November 15, 1993, regarding an inadvertent omission of a reference to the new R-5 provisions in Chapter 2, Subsection 210.3 of 11 DCMR.

The Office of Zoning in both memoranda stated the following:

By Z.C. Order No. 721 dated October 19, 1992, the Zoning Commission adopted amendments to the District of Columbia Municipal Regulations, Title 11, Zoning. The amendments, in part, created a new R-5-C zone district and made conforming

amendments elsewhere in the Zoning Regulations to provide internal consistency.

In its memorandum of March 22, 1993, the OZ noted that neither the notice of proposed rulemaking in Z. C. Case No. 91-10, published in the D.C. Register on September 11, 1992, nor the notice of final rulemaking published on November 13, 1992 contained any reference to amending the text of Chapter 10 (Mixed Use Diplomatic District) of the Zoning Regulations. The Office of Zoning made the same observation in its memorandum of November 15, 1993 about the omission of references to amending Subsection 210.3 of Chapter 2 of the Zoning Regulations. In each case, the OZ stated that failure to include the references was an inadvertent omission.

The Office of Zoning in both its March 22, 1993 and November 15, 1993 memoranda stated the following:

The Office of Zoning (OZ) believes that the Zoning Commission clearly intended to reclassify all R-5-C and R-5-D zone districts to R-5-D and R-5-E, respectively. OZ further believes that adequate notice to reclassify those zone districts was given in the notice of public hearing.

In its March 22, 1993 memorandum, the OZ requested the Zoning Commission to take proposed action to allow correction of the inadvertent omission in Chapter 10 by approving the following:

1. Amend Subsection 1000.6 by deleting the phrase "R-5-C, R-5-D", and inserting in its place the phrase "R-5-D, R-5-E",
2. Amend Subsection 1002.1 by deleting the phrase "R-5-C, R-5-E," and inserting in its place the phrase "R-5-D, R-5-E," and by deleting the phrase "or R-5-B" and inserting in its place the phrase "R-5-B, or R-5-C".

In its November 15, 1993 memorandum, the OZ requested the Zoning Commission to take proposed action to allow correction of the inadvertent omission in Chapter 2, Subsection 210.3 by approving the following:

1. Amend Subsection 210.3 by deleting the phrase "R-5-C", and inserting "R-5-D".

At its public meeting of April 12, 1993, the Zoning Commission took proposed action to correct the inadvertent omissions in Chapter 10 as recommended by OZ; and at its public meeting of December 13, 1993, the Commission took proposed action to correct the inadvertent omission in Chapter 2, Subsection 210.3 as recommended

ZONING COMMISSION ORDER NO. 721-A
CASE NO. 91-10(I)
PAGE NO. 3

by OZ. The Commission determined that the omission of references to the new R-5 provisions in Chapter 10 and Chapter 2 of the Zoning Regulations was an inadvertent omission.

The Commission believes that corrections to the Zoning Regulations, by referencing the new R-5 provisions in Chapter 10 and Chapter 2 are appropriate, and that the notice of public hearing provided adequate notice to allow the corrections.

The Commission further believes that its proposed decision to correct the omission of references to the new R-5 provisions in Chapter 10 and Chapter 2 of the Zoning Regulations is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

A notice of proposed rulemaking was published in the District of Columbia Register on July 22, 1994 (41 DCR 4947). As a result of the publication of that notice, the Zoning Commission received no comments from interested persons or entities.

The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The Executive Director of NCPC by report dated August 29, 1994, pursuant to Part III, Paragraph 10 of the National Capital Planning Commission Delegation of Authority, concluded that there is no Federal interest in Z. C. Case No. 91-10(I), and found that the proposed amendments are not inconsistent with the Comprehensive Plan for the National and would not adversely affect the Federal Establish or other Federal interests in the National Capital.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** to amend the text of the Zoning Regulations to include references to the new R-5 provisions in Chapters 2 and 10. The specific amendments are as follows:

1. Amend Subsection 1000.6 by deleting the phrase "R-5-C, R-5-D", and inserting in its place the phrase "R-5-D, R-5-E",
2. Amend Subsection 1002.1 by deleting the phrase "R-5-C, R-5-E," and inserting in its place the phrase "R-5-D, R-5-E," and by deleting the phrase "or R-5-B" and inserting in its place the phrase "R-5-B, or R-5-C".

3. Amend Subsection 210.3 by deleting the phrase "R-5-C", and inserting "R-5-D".

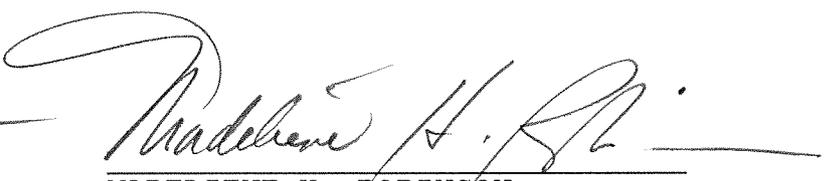
Vote of the Zoning Commission taken at the public meeting on April 12, 1993 to correct inadvertent omissions in Chapter 10: 4-0 (William L. Ensign, Tersh Boasberg, John G. Parsons, and Maybelle Taylor Bennett to correct - Lloyd D. Smith, not present, not voting).

Vote of the Zoning Commission taken at the public meeting on December 13, 1993 to correct inadvertent omissions in Chapter 2: 5-0 (John G. Parsons, Jerrily R. Kress, William L. Ensign, William B. Johnson, and Maybelle Taylor Bennett to correct).

This order was adopted by the Zoning Commission at its public meeting on September 12, 1994 by a vote of 5-0 (Jerrily R. Kress, William B. Johnson, Maybelle Taylor Bennett, and William L. Ensign to adopt - John G. Parsons to adopt by absentee vote).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D. C. Register, that is, on SEP 30 1994.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning