

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Zoning**



**Z.C. CASE NO.: 08-06 (Subtitle J: Production, Distribution & Repair Zones)**

**DEC 21 2010**

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |  |   |
|--|---|
| 1. <i>D.C. Register</i>  | 7. Zoning Administrator (Matthew LeGrant)   |
| 2. All ANC Chairs  | 8. Melinda Bolling, Acting General Counsel<br>DCRA<br>1100 4th Street, S.W.<br>Washington, DC 20024 |
| 3. Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004 | 9. Office of the Attorney General (Alan Bergstein)  |
| 4. All Councilmembers  | 10. MLK Library (30 Copies)   |
| 5. Office of Planning (Harriet Tregoning)  |   |
| 6. DDOT (Karina Ricks)   |   |

ATTESTED BY: \_\_\_\_\_

**Sharon S. Schellin**  
**Secretary to the Zoning Commission**  
**Office of Zoning**

ZONING COMMISSION  
District of Columbia

CASE NO. 08-06

EXHIBIT NO. 113

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**            Thursday, February 24, 2011, @ 6:30 p.m.  
                                 Office of Zoning Hearing Room  
                                 441 4<sup>th</sup> Street, N.W., Suite 220  
                                 Washington, D.C. 20001

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 08-06 (Comprehensive Zoning Regulations Review: Subtitle J: Production, Distribution and Repair Zones)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

This Notice of Public Hearing announces one of several proposed draft zoning text subtitles the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All text presented here reflects previous recommendations to the Commission from the Office of Planning that were the subject of a public hearing held on November 20, 2008 and for which the Commission provided guidance at its regularly scheduled public meeting held January 12, 2009.

This hearing will consider proposed text for a new subtitle in the Zoning Regulations regulating Production, Distribution and Repair (PDR) zones. The new subtitle is intended to replace chapter 8 of the existing Title 11 regulating industrial zones.

The new chapters are based upon a codification of the portion of Title 11 containing the Zoning Regulations and associated administrative rules into 10 subtitles. A description of this codification can be found at [www.dczoningupdate.org/publicnotices.asp](http://www.dczoningupdate.org/publicnotices.asp). The public should assume that the text advertised in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised Title 11 or to significant additions to existing buildings if the additions are constructed pursuant to such permits.

More detailed information, discussion, and analysis for the proposed text can be found in the accompanying report prepared by OP. This document can be viewed at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp).

Italicized terms will be defined. The bracketed citations are to provisions contained in the current Title 11. The provisions will be re-codified and, in all likelihood rephrased in the revised Title 11.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

**Create new Subtitle J:**

**Subtitle J Regulations for Production, Distribution, and Repair Zones**

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## **CHAPTER 1 INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONE REGULATIONS**

### **100 INTRODUCTION TO PDR LAND USE SUBTITLE**

100.1 The purpose of this subtitle is to:

- (a) Provide regulations for the use of land and structures and the erection and modification of structures in areas:
  - (1) Characterized by a mix of uses with a strong production, distribution, and repair use orientation;
  - (2) Representing varied commercial and retail building types for both intensity and height; and
  - (3) Subject to sustained truck traffic and loading and unloading operations; and
- (b) Provide regulatory tools necessary to implement the District's Comprehensive Plan action items and policies such as:
  - (1) Retain an adequate supply of PDR-zoned land in order to accommodate the production, warehousing, distribution, light and heavy industrial, and research and development activities which sustain the local economy, support municipal services, and provide employment opportunities for District residents;
  - (2) Protect active and viable PDR uses while allowing compatible office and retail uses and development;

- (3) Avoid encroachment by non-PDR uses which could impair existing PDR activities;
- (4) Mitigate any adverse impacts created by PDR uses through a variety of measures, including buffering and performance standards, in order to avoid land use conflicts; and
- (5) Improve edge conditions where PDR *zones* abut residential *zones*.

100.2 To determine which regulations within this title are applicable to a particular PDR *zone*, refer to Chapter 2 of this subtitle: Zone Reference Tables.

## **101 RELATIONSHIP TO GENERAL SUBTITLES**

101.1 This subtitle is to be read and applied in addition to, and not instead of, the regulations included as a part of:

- (a) Subtitle A, Administration and Procedures;
- (b) Subtitle B, General Regulations; and
- (c) Subtitle C, Review Processes.

101.2 Where there are any modifications to the regulations of Subtitle B or Subtitle C, they shall be specified as a part of this subtitle.

101.3 Where there is a conflict between this subtitle and the regulations of Subtitle B and Subtitle C regarding the same regulatory topic, this subtitle shall apply.

101.4 Any changes to the regulations regarding PDR *zones* shall be in accordance with the regulations of Subtitle A, Administration and Procedures.

## **CHAPTER 2 ZONE REFERENCE TABLES FOR PDR ZONES**

### **200 INTRODUCTION TO ZONE REFERENCE TABLES FOR PDR ZONES**

200.1 The chapter is intended to be the primary reference point for all zoning regulations applicable to Production Distribution and Repair (PDR) *zones*.

200.2 The *zone reference table* in J § 201 identifies references to all zoning regulations that apply to each PDR *zone*.

- 200.3 References included within the *zone reference table* may refer to Subtitle J or Subtitle B. A reference to Subtitle B indicates that only general regulations of a regulatory topic are applicable to a *zone*.
- 200.4 Where a reference is made to regulations within Subtitle J, the general regulations of Subtitle B associated with the regulatory topic still apply.
- 200.5 Where a reference is made to a specific section or subsection within the regulations for PDR *zones*, the general regulations of the chapter containing the reference also apply.
- 200.6 All *zone* codes that begin with a letter “P” are PDR *zones*.

## **201 ZONE REFERENCE TABLES FOR PDR ZONES**

- 201.1 The table below identifies references to all zoning regulations applicable to PDR *zones*:

REGULATORY TOPICS	ZONES					
	P-1-A-1	P-2-A-1	P-3-A-1	P-4-B-1	P-5-C-1	P-6-C-1
Zone Purpose	J § 301.2	J § 301.2	J § 301.2	J § 301.2	J § 301.3	J § 301.3
Development Regulations	J § 402.1	J § 402.2	J § 402.3	J § 402.4	J § 402.5	J § 402.6
Use Permissions	J § 502.1	J § 502.1	J § 502.1	J § 502.1	J § 502.1	J § 502.1
Zone to Zone Transition	J § 601.3	J § 601.3	J § 601.3	J § 601.3	J § 601.3	J § 601.3
Parking	J Ch. 7	J Ch. 7	J Ch. 7	J Ch. 7	J Ch. 7	J Ch. 7
Bicycle Parking	B Ch. 16	B Ch. 16	B Ch. 16	B Ch. 16	B Ch. 16	B Ch. 16
Loading	B Ch. 17	B Ch. 17	B Ch. 17	B Ch. 17	B Ch. 17	B Ch. 17

## **CHAPTER 3 ZONE PURPOSES FOR PDR ZONES**

### **300 INTRODUCTION TO ZONE PURPOSES FOR PDR ZONES**

- 300.1 This chapter includes all purpose statements for Production, Distribution and Repair (PDR) *zones*.
- 300.2 *Zone* purpose statements are intended to:
- (a) Ensure the appropriate application of PDR *zones* to different geographic areas within the District;

- (b) Provide guidance for the application and amendment of regulations in PDR *zones*; and
- (c) Provide guidance for the interpretation of regulations applied in PDR *zones*.

300.3 The zone *reference table* included as a part of J § 201 provides a subsection reference to corresponding *zone* purposes included as a part of J § 301.

### 301 ZONE PURPOSES FOR PDR ZONES

301.1 This section identifies all *zone purposes* applicable to PDR *zones*. Each subsection identifies a different *zone* or *zones* and associated purpose statements.

301.2 The P-1-A-1, P-2-A-1, P-3-A-1 and P-4-B-1 *zones* are intended to:

- (a) Provide sites for commercial and PDR activities potentially employing a large workforce and requiring heavy machinery.
- (b) Allow existing PDR businesses to remain and expand;
- (c) Provide a varying schedule for both height and intensity controls, and an allowance for non-PDR uses;
- (d) Restrict new residential uses;
- (e) Encourage a scale of development and a mixture of building and land uses as generally recommended by the Comprehensive Plan;
- (f) Minimize any adverse effect from PDR activities on any nearby and more restrictive districts through a variety of measures, including buffering and performance standards; and
- (g) Encourage the retention of existing commercial and light manufacturing uses and allow new uses of that type under special controls designed to protect the quality of life and neighborhood character of adjacent residential neighborhoods.

301.3 The P-5-C-1 and P-6-C-1 *zones* are intended to:

- (a) Provide areas suitable for development as heavy PDR sites;

- (b) Protect PDR developments from the intrusion of non-PDR uses that impede the full utilization of properly located PDR uses;
- (c) Restrict new residential uses; and
- (d) Permit any PDR or commercial use conforming with District of Columbia environmental protection laws.

#### CHAPTER 4 DEVELOPMENT STANDARDS FOR PDR ZONES

### 400 INTRODUCTION TO DEVELOPMENT STANDARDS FOR PDR ZONES

400.1 The purpose of this chapter is to:

- (a) Apply development standards and associated standards to Production, Distribution and Repair (PDR) *zones* that regulate:
  - (1) The height of *buildings*;
  - (2) The intensity of development;
  - (3) The mixture of uses;
  - (4) The environmental performance of development; and
- (b) Apply rules of measurement and conditions to *zone*-specific development standards.

400.2 Development standards in PDR *zones* are intended to:

- (a) Encourage and retain production, warehousing, distribution, light and heavy industrial, and research and development uses, while also accommodating limited growth of non-PDR uses;
- (b) Ensure that the height and bulk requirements for PDR *zones* result in development compatible with adjacent residential neighborhoods; and
- (c) Require development to meet environmental performance standards.

400.3 Development standards for PDR *zones* are included as a part of this subtitle and Subtitle B. The development standards included as a part of Subtitle B, apply to all *zones* universally. The development standards for PDR *zones* included as a part of this subtitle are *zone*-specific.



400.4 Refer to the *zone reference table* included as a part of Chapter 2, of this subtitle, to determine the applicable *development standards table*; or identify the subsection within J § 402 which refers to the PDR *zone* of interest.

**401 USING DEVELOPMENT STANDARDS TABLES FOR PDR ZONES**

401.1 Section J §402 provides a series of *development standards tables*. Each *development standards table* reflects a package of development standards that:

- (a) Identify development regulatory topics;
- (b) Prescribe development standards; and
- (c) Provide references to rules of measurement and conditions applicable to *zones*; and
- (d) Provide chapter references to general regulations applicable to a regulatory topic.

401.2 The Regulatory Topic column of the table refers to the subjects that are regulated within the *zone*.

401.3 The Standard or Permission column provides standards or permissions applicable to a regulatory topic. The standard or permission identified may correspond to additional regulations regarding rules of measurement or conditions that are referenced through the Measuring Rules or Conditions columns.

401.4 The Zone Measuring Rules and Zone Conditions columns provide references to rules of measurement and conditions that apply to the *zone* or *zones* that reference the *development standards table*. Where no reference is provided, rules of measurement or conditions specific to a *zone* are not applicable.

401.5 The Subtitle B General Regulations column provides references to the corresponding general regulations chapter applicable to a regulatory subject. These chapters are included as a part of Subtitle B, General Regulations. The regulations included within the referenced chapter always apply in addition to any rules of measurement or conditions applicable to a *zone*.

**402 TABLES OF DEVELOPMENT STANDARDS FOR PDR ZONES**

402.1 The following *development standards table* applies to zones beginning with “P-1”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	40 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	3.5	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	3.5	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	2.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

402.2 The following *development standards table* applies to zones beginning with “P-2”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	40 FT.	-	J § 403.2	CHAPTER 4
MAXIMUM TOTAL FAR	3.5	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	3.5	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	2.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

402.3 The following *development standards table* applies to zones beginning with “P-3”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	60 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	4.5	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	4.5	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	3.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

402.4 The following *development standards table* applies to zones beginning with “P-4”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	4.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

402.5 The following *development standards table* applies to zones beginning with “P-5”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	1.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

402.6 The following *development standards table* applies to zones beginning with “P-6”:

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	J § 403.3	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	1.0	-	-	
GREEN AREA RATIO	0.2	-	-	CHAPTER 13

#### 403 HEIGHT CONDITIONS IN SPECIFIC PDR ZONES

403.1 This section includes specific conditions for height applicable to certain PDR zones. The subsections included within this section are intended to stand alone and do not relate to one another. Each of the subsections that follow only applies

to a PDR *zone* if one of the tables included in J § 402 references both that subsection and the *zone*.

403.2 If a *zone* is subject to this subsection, roof structures listed under B § 403.1 (f) through (k) shall not exceed ten feet (10 ft.) in height above the roof upon which they are located.

403.3 If a *zone* is subject to this subsection, no building may exceed sixty-five feet (65 ft.) in height unless the Zoning Commission approves the building's design in accordance with the review procedure set forth C § XXX.X. The Applicant for a design review shall demonstrate that the building would provide special architectural features, roof parapet detailing, and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

#### **404 FAR FOR SELECTED USES IN PDR ZONES**

404.1 The following use categories may achieve the maximum FAR for selected uses as indicated in the applicable table in J § 402:

- (a) Basic Utilities;
- (b) Large Scale Government;
- (c) Production, Distribution & Repair; and
- (d) Waste-related Services.

All use categories not listed in this subsection are subject to the maximum FAR for all other uses as indicated in the applicable table in J § 402.

### **CHAPTER 5 USE CATEGORIES REGULATIONS IN PDR ZONES**

#### **500 INTRODUCTION TO USE CATEGORIES IN PDR ZONES**

500.1 The purpose of this chapter is to provide *zone*-specific regulation of uses in Production, Distribution and Repair (PDR) *zones*.

500.2 The purpose of regulating use categories in PDR *zones* is to:

- (a) Encourage the retention and introduction of PDR uses while also permitting some development of non-PDR uses; and

- (b) Restrict new residential uses.

500.3 This chapter contains *zone*-specific information about the regulation of *use categories*. Contained within this chapter are *use category* permissions, conditions and exceptions specific to PDR *zones*.

500.4 Subtitle B, Chapter 2 contains general guidance about the regulation of *use categories*, definitions of *use categories*, how *use categories* are determined, and rules for how *use categories* should be codified within Land Use Subtitles.

## **501 USING PERMISSION TABLES FOR USE CATEGORIES IN PDR ZONES**

501.1 The purpose of this section is to provide guidance on how to determine:

- (a) *Use categories* permitted within a *zone* and any conditions on those *uses*;
- (b) *Use categories* that are permitted only by special exception, and any conditions of compliance necessary to be permitted; and
- (c) *Use categories* that are permitted only as *accessory uses*, and any conditions on those *uses*.

501.2 Applicable permissions shall be regulated and presented in the *use category* permission table as follows:

- (a) Each cell in the *use category* permission table contains a letter representing the *use category* permission within that specific *zone*, subject to compliance with all other applicable regulations in Title 11.
- (b) Each cell in the *use category* permission table may also contain a reference to the applicable section of Title 11 which contains additional conditions or criteria related to the permission.
- (c) Further information on using the use permissions table is located in Subtitle B, Chapter 2.

## **502 PERMISSION TABLES FOR USE CATEGORIES IN PDR ZONES**

502.1 The table below identifies use permissions and references to regulations applicable to PDR *zones*:

USE CATEGORIES	P-1-A-1 P-2-A-1 P-3-A-1	P-4-B-1	P-5-C-1 P-6-C-1
<i>Agriculture</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Animal Sales, Care, and Boarding</i>	<i>C (J § 503.2)</i>	<i>C (J § 503.2)</i>	<i>C (J § 503.2)</i>
<i>Antennas</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Arts Design and Creation</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Basic Utilities</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Chancery</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>Community-based Institutional Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Daytime Care</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Education</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Emergency Shelter</i>	<i>S (J § 504.3)</i>	<i>N</i>	<i>N</i>
<i>Entertainment, Assembly, and Performing Arts</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Firearm Sales</i>	<i>C (J § 503.3)</i>	<i>C (J § 503.3)</i>	<i>C (J § 503.3)</i>
<i>Food and Alcohol Services</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Government, Large Scale</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Government, Local</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Health Care</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Institutional</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Lodging</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Marine</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Motor Vehicle-related</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Office</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Parking, Commercial</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Parks and Recreation</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Production, Distribution, and Repair</i>	<i>C (J § 503.4)</i>	<i>C (J § 503.4)</i>	<i>C (J § 503.5)</i>
<i>Residential</i>	<i>A (J § 505.2)</i>	<i>A (J § 505.2)</i>	<i>A (J § 505.2)</i>
<i>Retail</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Sexually-oriented Business Establishment</i>	<i>C (J § 503.6)</i>	<i>C (J § 503.6)</i>	<i>C (J § 503.6)</i>
<i>Transportation Infrastructure</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Waste-related Services</i>	<i>S (J § 504.5)</i>	<i>S (J § 504.5)</i>	<i>S (J § 504.5)</i>
<b>Legend (see B § 201 for detailed instructions on using this chart)</b>			
<i>P</i> = Permitted Use Category		<i>S</i> = Permitted by Special Exception	
<i>N</i> = Not Permitted Use Category		<i>A</i> = Permitted only as an Accessory Use	
<i>C</i> = Permitted by Condition			

**503 CONDITIONS FOR USES PERMITTED BY CONDITION IN PDR ZONES**

503.1 This section includes conditions that shall be applied to *use categories* permitted by condition. Each subsection:

- (a) Fully expresses the applicable condition; and
- (b) Only applies to a *zone* if referenced in a permission table in J § 502.

503.2 *Animal Sales, Care and Boarding uses* are permitted as a matter of right if located a minimum of two hundred feet (200 ft.) from an existing *residential use* or *residential zone*. *Animal Sales, Care, and Boarding uses* not meeting the above condition may be permitted by special exception. Relief from this condition may be granted by special exception; refer to J § 504.2 for special exception criteria.

503.3 *Firearm Sales uses* are permitted as a matter of right if located a minimum of three hundred feet (300 ft.) of a *residential zone*, Institutional use, or Parks and Open Space use.

503.4 *Production, Distribution, and Repair uses* are permitted as a matter of right upon compliance with the following list of conditions:

- (a) No manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt; and
- (b) No recycling facilities.

*Production, Distribution, and Repair uses* not meeting the above conditions may be permitted by special exception. Refer to J § 504.4 for special exception criteria.

503.5 *Production, Distribution, and Repair uses* are permitted as a matter of right upon compliance with the following list of conditions:

- (a) No manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt; and
- (b) If any recycling is done on site:
  - (1) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking, or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of an existing *residential use* or *residential zone*;



- (2) There shall be no truck access or queuing to the site adjacent to any *residential zone*;
- (3) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. Any side of the facility facing a public right-of-way or *residential zone* shall be also be landscaped;
- (4) The site shall be maintained free of litter, trash, debris, and any other non-recyclable materials;
- (5) The facility shall provide on-site parking and queuing, as follows:
  - Space shall be provided on-site to park each commercial vehicle operated by the facility;
  - One (1) employee parking space shall be provided for each commercial vehicle operated by the facility; and
  - If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand;
- (6) No parking, queuing, or standing of trucks will be permitted on residential streets;
- (7) All storage of waste or recycled materials shall:
  - Be contained in sturdy containers or enclosures that are fully covered, secured, and maintained in good condition and approved by the Fire and Emergency Medical Services Department; and
  - Not be located outside the facility structures so that it is visible above the height of a required fence or wall; and
- (8) If the facility is located within five hundred feet (500 ft.) of a *residential zone*:
  - It shall not be in operation between 7:00 p.m. and 7:00 a.m. or any time on Sunday. Hours of operation shall include the arrival and departure of trucks and delivery and removal of materials and equipment; and

The facility shall be administered by on-site personnel during the hours the facility is open.

*Production, Distribution, and Repair uses* not meeting the above conditions may be permitted by special exception. Refer to J § 504.4 for special exception criteria.

503.6 *Sexually-oriented Business Establishment uses* are permitted as a matter of right if located a minimum of two hundred feet (200 ft.) from a *residential zone*.

#### **504 CONDITIONS FOR SPECIAL EXCEPTION USES IN PDR ZONES**

504.1 This section includes conditions that must be satisfied by an Applicant, through application to the Board of Zoning Adjustment, to establish a use permitted in PDR zones through special exception. Each subsection:

- (a) Fully expresses the applicable conditions; and
- (b) Only applies to a *zone* if referenced in a permission table in J § 502 or through another subsection within this Title.

504.2 *Animal Sales, Care, and Boarding uses* not meeting the conditions J § 503.2 may be approved by the Board of Zoning Adjustment, subject to the following conditions in addition to the general special exception criteria of Section C § XXX:

- (a) The property shall not abut a *residential zone* or property;
- (b) The applicant shall demonstrate that any external yard or facility:
  - (1) Is fenced off for the safe confinement of the animals; and
  - (2) Is located entirely on private property.
- (c) All animal waste shall be kept in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;
- (d) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system; and
- (e) The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and

fencing; waste storage and removal (including frequency); the species and/or number and/or breeds of animals.

504.3 *Emergency Shelters* may be approved by the Board of Zoning Adjustment, subject to the following conditions in addition to the general special exception criteria of Section C § XXX:

- (a) There shall be a maximum limit of three hundred (300) persons, not including resident supervisors or staff and their families, provided that for facilities over one hundred and fifty (150) persons the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- (b) There shall be no other property containing an *Emergency Shelter* use for five (5) or more persons in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property; and
- (c) The use shall not be located within one thousand feet (1,000 ft.) of a *Waste-Related Services use*.

504.4 *Production, Distribution, and Repair uses* not meeting the conditions of J § 503.4 may be approved by the Board of Zoning Adjustment, subject to the following conditions in addition to the general special exception criteria of Section C § XXX:

- (a) If the use involves manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt:
  - (1) No portion of the facility, including the land used by such facility, shall be located within two hundred feet (200 ft.) of a *Residential, Parks and Open Space, Retail, Office, Institutional, or Local Government use*;
  - (2) There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are a *Residential use*;
  - (3) No truck dumping or picking up concrete or asphalt or related materials shall park, stand, or queue for the facility along any

public *right-of-way* and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;

- (4) Any facility located within five hundred feet (500 ft.) of a *residential zone* shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks;
- (5) The facility shall be enclosed on all sides by an opaque screen, fence, or wall at least ten feet (10 ft.) in height. The use of barbed wire or razor wire that is visible from *residential zones* or public space is prohibited;
- (6) The side of the facility facing public space, *Residential, Parks and Open Space, Retail, Office, Institutional, or Local Government* uses shall contain a landscaped area of evergreen trees measuring a minimum of eight feet (8 ft.) in height which shall be maintained in a healthy growing condition;
- (7) The application shall contain:
  - A site plan showing the layout of the proposed facility, including fences and screens, street access, parking, and queuing areas;
  - A landscape plan showing the planting locations and soil preparation techniques;
  - A lighting plan showing the proposed lighting locations, illumination spread, and noting the proposed height and wattage of the lighting fixtures;
  - A traffic study which indicates truck routes to and from the facility on streets abutting residential neighborhoods, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and
  - A description of the facility's methods and specifications for the control of odor, dust, smoke and other air pollutants, and noise; and

(8) The Office of Zoning shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Public Works, Transportation, and Health, the Soil Resources Branch of the Department of Consumer and Regulatory Affairs and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

(b) If the use involves recycling on-site, it shall meet the conditions of J § 503.5(b).

504.5 *Waste-related Services uses* may be approved by the Board of Zoning Adjustment, subject to the following conditions in addition to the general special exception criteria of Section C § XXX:

(a) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents and other disease vectors, dust, litter, fire hazards, decomposition gases, wastewater, vehicle and other pollution, and other hazards or objectionable conditions;

(b) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present; and

(c) The facility shall provide on-site parking and queuing as follows:

(1) Space shall be provided on-site to park each commercial vehicle operated by the facility;

(2) One (1) employee parking space shall be provided for each commercial vehicle lawfully parked on the site after operating hours; and

(3) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand.

(d) The location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;

- (e) The facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way. Additional parking, truck maneuvering, or queuing space may be required by the Board after considering the applicant's analysis of such needs and the reports of the D.C. Department of Transportation and the Office of Planning;
- (f) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation shall be located within three hundred feet (300 ft.) of a property in a *residential zone* or located within fifty feet (50 ft.) of any adjacent property used as a *Parks and Open Space, Retail, Office, Institutional, or Local Government* use;
- (g) There shall be no truck access, parking, standing or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are *Residential use*;
- (h) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia unless the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically, or physically feasible;
- (i) The applicant shall provide credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:
  - (1) An indication of the site and description of land uses within one-quarter (1/4) of a mile of the site;
  - (2) A site plan showing the layout of the proposed facility, including main buildings, fences and screens, access to rail if available, street access, parking and queuing areas, and a functional diagram indicating the proposed use of the site;
  - (3) An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;

- (4) A plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;
- (5) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not abut residential neighborhoods along the way; and
- (6) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (formerly codified at D.C. Code §§ 6-3451 to 3463 (1999 Supp.)));

**505 CONDITIONS FOR ACCESSORY USES IN PDR ZONES**

505.1 This section identifies lists of conditions that shall be applied to *use categories* permitted as *accessory uses* only. Each subsection:

- (a) Fully expresses the applicable conditions; and
- (b) Only applies to a *zone* if referenced in a permission table in J § 502 or through another subsection within this Title.

505.2 *Residential uses* are permitted as a matter of right only as an *accessory use*; provided their conformance with the following list of conditions:

- (a) No more than one apartment may be accessory to any single building or use.
- (b) An accessory apartment shall be used for either:
  - (1) Housing a person employed on the premises; or
  - (2) Housing integrated with and accessory to an artist studio, provided that occupancy of the apartment shall be limited to the artist using the studio portion of the premises and the family of the artist.

## CHAPTER 6 TRANSITION REGULATIONS FOR PDR ZONES

### 600 INTRODUCTION TO TRANSITION REGULATIONS FOR PDR ZONES

- 600.1 The purpose of this chapter is to apply *transition regulations* to specific Production, Distribution and Repair (PDR) *zones*.
- 600.2 The purpose of *transition regulations* in PDR *zones* is to minimize potentially negative impacts of investment in PDR *uses* on adjacent *residential zones*.
- 600.3 *Transition regulations* minimize potential negative impacts on *residential zones* by controlling the physical relationship of buildings and site improvements in PDR *zones*, relative to the *zone boundary line* that divides the *zones*.
- 600.4 The general regulations regarding *transition regulations* are located in Subtitle B, Chapter 12. These general regulations apply in addition to, and not instead of the regulations of this chapter.
- 600.5 A reference to this chapter in a PDR *zone reference table* or the identification of a *zone* in the table included as a part of J § 601.3 establishes the applicability of *transition regulations*.

### 601 REFERENCE TABLE FOR PDR ZONES TRANSITION REGULATIONS

- 601.1 This section provides a table that identifies *transition regulations* applicable to PDR *zones*. These regulations are identified by reference based on the subject *zone* and the *lot's* context at a *zone* boundary line.
- 601.2 The requirements apply when any *lot* or portion of a *lot* directly abuts a *residential zone*. If a *lot* abuts a *residential zone* or *zones* in more than one way, zone to zone transition requirements apply to each context; i.e., if a portion of a *lot* abuts a *residential zone* that is separated by an *alley* and another portion of the *lot* abuts a *residential zone* that is separated by a *street*, *transition regulations* will be applied separately to each context.



601.3 The following table provides references to *transition regulations* applicable to *lots* in certain PDR *zones*.

ZONE	NO ALLEY OR STREET	ABUTTING ALLEY	ABUTTING STREET
P-1-A-1	J § 602.2	J § 602.3	J § 602.4
P-2-A-1	J § 602.2	J § 602.3	J § 602.4
P-3-A-1	J § 602.2	J § 602.3	J § 602.4
P-4-B-1	J § 602.2	J § 602.3	J § 602.4
P-5-C-1	J § 602.2	J § 602.3	J § 602.4
P-6-C-1	J § 602.2	J § 602.3	J § 602.4

## 602 TRANSITION REGULATIONS FOR PDR ZONES

602.1 This section includes *transition regulations* applicable to certain PDR *zones*. Each subsection:

- (a) Fully expresses an applicable *transition regulation*; and
- (b) Only applies to a *zone* if referenced in the reference table included as a part of J § 601.3.

602.2 Where a *lot*, or a portion of a *lot*, directly abuts a *residential zone*, the following *transition regulations* shall be complied with:

- (a) A *setback* of twenty five feet (25 ft.) shall be provided from each *lot line* that is directly abutting a *lot* in a *residential zone*. The *setback* shall be a vertical plane, parallel to the subject *lot line*.
- (b) The *setback* area shall not be used for parking, loading, or accessory uses, but shall be landscaped with evergreen trees, provided:
  - (1) The trees shall be maintained in a healthy growing condition;
  - (2) The trees shall be a minimum of six feet (6 ft.) to eight feet (8 ft.) high when planted; and
  - (3) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application.

- (c) A form of *screening* shall be erected between the residential and PDR *lots*, and shall be located along the required *setback* identified in paragraph (a) above. The *screening* shall be either:
  - (1) A solid wood or board on board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height;
  - (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
  - (3) A *building façade*.

[INSERT GRAPHIC APPLYING TO THE ENTIRE SUBSECTION]

602.3

Where a *lot*, or a portion of a *lot*, abuts an *alley* that serves as the *zone boundary line* that separates the subject PDR *zone* from a *residential zone*, the following *transition regulations* shall be complied with:

- (a) A *building* must be *setback* fifteen feet (15 ft.) from each *lot line* that is abutting an *alley* that serves as the *zone boundary line*. The *setback* shall be a vertical plane, parallel to the subject *lot line*.
- (b) The *setback* area shall not be used for parking, loading, or accessory uses, but shall be landscaped with evergreen trees, provided:
  - (1) The trees shall be maintained in a healthy growing condition;
  - (2) The trees shall be a minimum of six feet (6 ft.) to eight feet (8 ft.) high when planted; and
  - (3) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application.
- (c) A form of *screening* shall be erected between the residential and PDR *lots*, and shall be located along the *lot line* adjacent to the *alley*. The *screening* shall be either:
  - (1) A solid wood or board on board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height;
  - (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
  - (3) A *building façade*.

[INSERT GRAPHIC APPLYING TO THE ENTIRE SUBSECTION]

602.4 Where a *lot*, or a portion of a *lot*, abuts a *street* that serves as the *zone boundary line* that separates the subject PDR *zone* from a Residential *zone*, the following *transition regulations* shall be complied with:

- (a) A *setback* of fifteen feet (15 ft.), from each *lot line* that is abutting a *street* that serves as the *zone boundary line*, must be provided. The *setback* shall be a vertical plane, parallel to the subject *lot line*.
- (b) The *setback* area shall not be used for parking, loading, or accessory uses, but shall be landscaped with evergreen trees, provided:
  - (1) The trees shall be maintained in a healthy growing condition;
  - (2) The trees shall be a minimum of six feet (6 ft.) to eight feet (8 ft.) high when planted; and
  - (3) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.
- (c) A form of *screening* shall be erected between the residential and PDR lots, and shall be located along the required *setback* identified in paragraph (a) above. The *screening* shall be either:
  - (1) A solid wood or board on board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height;
  - (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
  - (3) A *building façade*.

[INSERT GRAPHIC APPLYING TO THE ENTIRE SUBSECTION]

## **CHAPTER 7 PARKING REGULATIONS FOR PDR ZONES**

### **700 INTRODUCTION TO PARKING REGULATIONS FOR PDR ZONES**

700.1 The purpose of this chapter is to:

- (a) Provide parking regulations for Production, Distribution and Repair (PDR) zones; and
- (b) Reserve space in Subtitle J for any future parking regulations that may be necessary.

700.2 General parking regulations are located in Subtitle B, Chapter 15.

### **701 PARKING STANDARDS FOR PDR ZONES**

701.1 There are no minimum parking requirements for uses in PDR zones.

701.2 Refer to B §1503 for maximum parking limits in PDR zones.

### **702 SPECIFIC CONDITIONS FOR PARKING IN PDR ZONES**

702.1 There are no specific conditions for parking in PDR zones.

## **PROCEDURES**

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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