Ex 51 (cont'd)

# District of Columbia Zoning Commission

## NOTICE OF PUBLIC HEARING

**TIME AND PLACE:** Monday, April 20, 1987 @ 1:30 P.M., and, if necessary, continued on Thursday, April 23, 1987 @ 7:00 P.M. and Monday, April 27, 1987 @ 1:30 P.M., District Building, 1350 Pennsylvania Avenue, N.W., room 9, Washington, D.C. 20004.

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

Case No. 86-29 (Zoning Commission, sponsor)

THIS CASE IS OF INTEREST TO ALL ADVISORY NEIGHBORHOOD COMMISSIONS

The Zoning Commission for the District of Columbia initiated action to consider proposed amendments to the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The proposed amendments affect those provisions of the Zoning Regulations regarding the treatment and the regulation of "Home Occupations" and various accessory uses.

The Commission will consider the included proposal and/or any modification thereto. In that regard, the Commission will also consider, but not be limited to, testimony that addresses the number of different home occupations to be permitted at any one location, whether a "Bed and Breakfast" facility or any other home occupation should be required to be operated by an owner/occupant, what parking standards, if any, should be applied, the need to clarify the meaning of the term "home", and signage restrictions.

Subsequent to the publication of this notice, the Zoning Commission intends to publish a notice of proposed rulemaking and will solicit written comments thereto. The specific proposed amendments, as advertised for this public hearing, are as follows:

1. Delete Subsections 202.1 through 202.4(b).

2. Renumber existing Subsections 202.4(c) and 202.4(d) to become the new Subsections 202.1 and 202.2, respectively.

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
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Exhibit No. 16

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3. Renumber existing Section 203 to become the new Section 204.

4. Add a new Section 203 to read as follows:

203 HOME OCCUPATIONS (R-1)

203.1 The purpose of the home occupation provisions is to permit home occupations as accessory uses, provided that they are compatible with the neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations while permitting residents of the community the opportunity to use the home as a workplace and source of livelihood under restrictive conditions. A home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the requirements of this section.

203.2 A home occupation must comply with all of the codes and ordinances of the District of Columbia, and the following general conditions and requirements:

(a) A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than forty (40%) percent of the floor area of the dwelling unit may be used in connection with a home occupation, including any space used for storage of materials and products. The floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space. No more than 300 square feet of an accessory building may be utilized and shall be counted, if utilized, in the base floor area and the maximum percentage of floor area permitted.

(b) No persons other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents employed at the subject home shall not exceed two (2).

(c) No alteration of the residential appearance

of the subject home shall occur, including creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business.

(d) There shall be no outside operations, outside storage, or display of materials or products.

(e) The home occupation shall not displace nor impede the use of required parking spaces, including any business storage in required garage parking areas.

(f) No mechanical equipment is to be utilized, except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. No equipment or process shall be used which creates visual or audible electrical interference in radio or television receivers outside the subject home, or causes fluctuations in line voltage outside the subject home.

(g) The use shall produce no noise, obnoxious odors, vibrations, glare, nor fumes detectable to normal sensory perception outside the subject home.

(h) Not more than two (2) vehicles, and no commercially licensed vehicle shall be utilized in the business.

(i) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence; in any case not more than five (5) business visitors per day and not more than two (2) deliveries of products or materials per week shall be permitted.

(j) No sale of products, other than telephone sales, shall be permitted at the subject home, except that two (2) sale parties for the purpose of soliciting orders or sales may be held annually; each event at the subject home not to exceed twenty (20) persons.

(k) The exterior of the subject home may have only one (1) non-illuminated, flush-mounted sign, not exceeding 144 square inches in area and indicating only the name of the occupant and the type of occupation.

(l) An applicant for a home occupation shall

obtain an occupational license if required by District of Columbia Code.

203.3 A home occupation is permitted only by means of a Home Occupation Permit or as a special exception approved by the Board of Zoning Adjustment. A Home Occupation Permit is a permit issued for a home occupation without a public hearing. Both types of permit granted by these provisions are granted to a designated person or persons residing at a residential address. No such permit is transferable from person to person or from address to address.

203.4 The following uses shall be allowed as home occupations, provided that the conditions specified in Subsection 203.2 are met at the establishment of the home occupation and on a continuing basis, as authorized by a Home Occupation Permit:

(a) Tutoring of not more than three (3) students at any one time, except that tutoring of music students shall be limited to one (1) at a time, without amplification of instruments, and solely within the subject home.

(b) Child Development Home.

(c) A maximum of two (2) roomers or boarders in the subject home.

(d) Dressmaking, sewing and tailoring.

(e) Painting, sculpturing, writing, composing, or other fine arts occupations practiced by individuals in home studios, with the allowance that up to sixty (60%) percent of the floor area of the dwelling unit may be devoted to the studio.

(f) Home crafts, such as model-making, rug weaving, lapidary work, and cabinet making.

(g) Home cooking and preserving.

(h) Caterer, provided that no more than two (2) meals per week, serving no more than twenty (20) persons each, shall be prepared at the subject home and shall be served elsewhere.

(i) Telephone answering service and telephone sales.

(j) Computer programming.

(k) Typing or word processing service.

(l) Mail order business, provided that no retail sales shall occur at the subject home.

(m) Home office of a professional person, scientist, clergyman, inventor, or academician, provided that consultations with clients, colleagues, employees, students or other affected persons shall not occur at the subject home.

(n) Office of a salesman, including real estate agent, or manufacturer's representative, provided that no customers visit the subject home and the only business transactions occurring at the subject home are by telephone.

(o) Office of a physician or dentist, with the allowance that one (1) person not residing at the subject home may be employed so long as that person is not a physician or dentist.

(p) Bed and Breakfast facility, offering rooms and breakfast to guests on a daily basis, provided that the following requirements shall be met:

(1) Breakfast is the only meal served and is served only to overnight guests;

(2) The maximum number of sleeping rooms in the facility is two (2), except that by special exception pursuant to Subsection 203.6(b), the number of sleeping rooms may be increased to four(4);

(3) One (1) parking space, in addition to the required parking for the dwelling unit, shall be provided for each sleeping room devoted to guest use;

(4) No cooking facilities shall be permitted in any of the rented rooms; and

(5) The rooms shall be rented out less than 100 nights in a 12-month period, and no stay shall exceed fourteen (14) days.

203.5 The following uses are considered inherently

unsuited to be practiced as home occupations and are accordingly prohibited:

(a) Any retail service or other use specified in Subsections 701.1, 701.4, 721.2, 721.3, 741.2, 741.3, 751.2(b), and 801.6; and

(b) Any use prohibited in Subsection 902.1.

203.6 Home occupations not specifically permitted or prohibited in this section may be permitted as special exceptions by the Board of Zoning Adjustment, provided that the following requirements shall be met:

(a) The proposed use and conditions related to its operation and the subject home shall comply with the requirements of Subsection 203.2;

(b) An applicant for a home occupation which is specifically permitted by Subsection 203.3 may request of the Board a modification of no more than two (2) of the conditions enumerated in Subsection 203.2, provided that the intent of the Home Occupation provisions is complied with. In no case shall more than one (1) person who is not a resident of the subject home be permitted as an employee of the home occupation, and that person shall not be a co-practitioner of the profession;

(c) Any request to modify more than two (2) of the requirements found in Subsection 203.2 shall be deemed a request for a use variance. However, persons with demonstrated physical handicaps may be permitted special consideration by the Board, and requests for more than two (2) modifications of the Home Occupation requirements in this instance shall be considered as special exceptions governed by this Subsection; and

(d) In considering requests for approval under this Subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it shall deem necessary to protect adjacent and nearby properties consistent with the purposes of the Home Occupation provisions.

Proposed amendments to the text of the Zoning Regulations of the District of Columbia, pursuant to the Zoning Act (Act of

June 20, 1938, 52 Stat. 797, as amended, Section 5-413 et seq., D.C. Code, 1981 Ed.).

The public hearing on this case will be conducted in accordance with the provisions of Section 3021 of the DCMR, Title 11, Zoning. Pursuant to that section, the Commission will impose time limitations on testimony presented to it at this public hearing.

All individuals, organizations or associations wishing to testify in this case should file their intention to testify in writing with the Executive Director of the Zoning Secretariat by April 10, 1987. Written statements, in lieu of a personal appearance or oral presentation, may be submitted for inclusion in the record.

Information should be forward to the Executive Director, Office of the Zoning Secretariat, Room 11, District Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Please include the number of the particular case and your daytime telephone number. FOR FURTHER INFORMATION, YOU MAY CONTACT THE ZONING SECRETARIAT AT 727-6311.

GEORGE M. WHITE, JOHN G. PARSONS, LINDSLEY WILLIAMS, MAYBELLE T. BENNETT AND PATRICIA N. MATHEWS -------- ZONING COMMISSION OF THE DISTRICT OF COLUMBIA, BY EDWARD L. CURRY, ACTING EXECUTIVE DIRECTOR, ZONING SECRETARIAT.

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