

Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

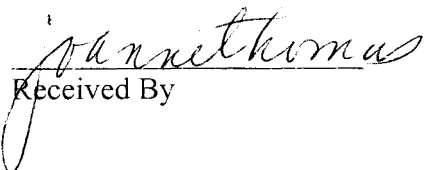
FROM: Alberto P. Bastida, AICP 
Secretary to the Zoning Commission

DATE: March 10, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on March 19, 2004:

1. Zoning Commission Notice of Proposed Rulemaking for Case No. 01-02


Received By

3-10-04
Date

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 01-02
EXHIBIT NO. 136

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ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.136

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Case No. 01-02
(Text Amendment – Regulation of Antennas, Antenna Towers, and Monopoles)
February 24, 2003

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01), hereby gives notice of the intent to adopt an amendment to the Zoning Regulations (11 DCMR). The proposed rule would add a new Chapter 26 to regulate antennas, antenna towers, and monopoles. In addition, the proposed rule would modify and add definitions to § 199 and make other conforming changes. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

- A. Title 11 DCMR (Zoning), is by adding a new Chapter 26, Regulations of Antennas, Antenna Towers, and Monopoles, to read as follows.

CHAPTER 26 REGULATIONS OF ANTENNAS, ANTENNA TOWERS, AND MONOPOLES

2600 PURPOSE

- 2600.1 The purposes of the regulation of antennas, antenna towers and monopoles as a particular type of structure shall be as follows:
- (a) The Zoning Commission has determined that certain antennas, antenna towers and monopoles because of their size, shape, design, construction or location, may affect the welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C., and its role as the Nation's Capital;
 - (b) The zoning regulations therefore regulate the size, height, construction, design and location of antennas, antenna towers and monopoles which have the greatest potential for adverse impact on the impact on the health, safety and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital and the national monuments; and
 - (c) The principal types of antennas, antenna towers and monopoles regulated are those that, because of their shape, size or quantity, potentially have the greatest

visual impact and include, by example, large satellite earth station antennas, certain microwave terrestrial antennas, monopoles, and antenna towers.

- 2600.2 Consistent with these purposes, the construction of new towers or monopoles shall only be permitted subject to certain placement and construction standards.

2601 CERTIFICATION OF FCC COMPLIANCE FOR TRANSMITTING ANTENNAS.

- 2601.1 No application for a building permit for a transmitting antenna may be considered completed unless it is accompanied by a certification evidencing that the proposed transmitting antenna will comply with the radio frequency (RF) radiation guidelines adopted by the federal communications commission and the health and safety regulations adopted by the occupational safety and health administration.

- 2601.2 The certification shall be signed by a licensed engineer qualified in RF engineering and shall include the following required information:

- a) The maximum radio frequency (RF) radiation to be generated by the proposed antenna or antennas;
- b) The means used to determine the RF levels;
- c) The exact legal name, address of principal place of business and telephone number of the applicant, certifying engineer and property owner; and
- d) A site plan, and roof plan if applicable, drawn to scale showing the location of the proposed antennas and all existing antennas on the site, roof, tower or monopole.

2602 MATTER OF RIGHT ANTENNAS

- 2602.1 All antennas that comply with the applicable provisions of this chapter shall be permitted as a matter of right in all zone districts, except broadcast antennas, which shall not be permitted in residence districts (R).
- 2602.2 No signs of any kind, including advertisements, may be placed on any antenna, unless necessary for the safety of the public.

2603 GROUND MOUNTED ANTENNAS

- 2603.1 All ground mounted antennas, except those regulated by § 2606 or exempted by § 2607, shall comply with the following conditions:

- (a) In any Residence (R), Special Purpose (SP), Mixed Use (CR) or Waterfront (W) zone district only one antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;
- (b) In any Commercial (C) or Industrial (CM or M) zone district an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground on which it is located;
- (c) The antenna shall be located in either the rear yard or the side yard of the principal building on the lot, except that in the case of a corner lot no antenna may be located in the yard between the principal building structure and a street;
- (d) Each part of the antenna shall be removed from all lot lines by a minimum distance of ten feet (10 ft.);
- (e) Each antenna installation shall be located or screened such that its visibility is minimized to the greatest practical extent from any:
 - (1) Public park that is within the Central Employment Area;
 - (2) Street that the lot abuts;
 - (3) Public spaces,
 - (4) Navigable waterways,
 - (5) Historic landmarks; or
 - (6) National monuments;
- (f) The antenna, to the greatest practical extent, shall be constructed of materials and colors that blend with the surroundings; and
- (g) The antenna installation shall be as small as is practical for its intended use.

2603.2 The term “ground” as used in subsections 2603.2 (a) and (b) does not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade and at-grade patios.

2603.3 A proposed ground mounted antenna that does not comply with the above requirements or numeric limit may be permitted through the special exception process set forth in § 2612.

2604 ROOF-MOUNTED ANTENNAS

2604.1 All roof-mounted antennas, except those regulated by § 2606 or exempted by § 2607, shall comply with the following conditions:

- (a) Each part of an antenna shall be removed from each edge of the roof a minimum distance equal to its total mounted height above the roof;
- (b) An antenna may not exceed a total mounted height of twelve (12) feet above the roof;
- (c) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest practical extent;
- (d) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent;
- (e) Antennas mounted on roofs with outdoor recreation space shall be secured from unauthorized access for a minimum distance of ten (10) feet, by a fence or screen at least five (5) feet in height; and
- (f) Any related equipment cabinet or shelter shall be:
 - (1) Constructed of materials and colors that blend with the building or penthouses; and
 - (2) Located to reduce its visibility from public space to the greatest practical extent.

2604.2 A proposed roof-mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in § 2612.

2605 BUILDING-MOUNTED ANTENNAS

2605.1 All building mounted antennas, except those regulated by § 2606 or exempted by § 2607, shall comply with the following conditions:

- (a) The top of the antenna shall not extend above the top of the wall, or roof of the building or structure to which it is mounted;
- (b) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest practical extent;

- (c) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent or shall be screened and/or painted to blend with the surface to which the antenna is attached;
- (d) A building-mounted antenna placed on a roof structure with a rooftop outdoor recreation space shall be secured from unauthorized access for a minimum vertical distance of ten (10) feet, and
- (e) Any related equipment cabinet or shelter shall be:
 - (1) Constructed of materials and colors that blend with the building or penthouses; and
 - (2) Located to reduce its visibility from public space to the greatest practical extent.

2605.2 A proposed building mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in § 2612.

2606 ANTENNAS LOCATED IN STEALTH STRUCTURES

2606.1 Antennas located in stealth structures may be permitted provided the following conditions are met:

- (a) The proposed stealth design provides adequate screening of the antennas;
- (b) The proposed structure is not out of scale with the subject property taking into account the size, setbacks, topography and underlying use of the property;
- (c) The primary use of the subject property is not single-family residential or a community based residential facility;
- (d) The ground equipment of the proposed antenna be landscaped, fenced or otherwise screened;
- (e) The diameter of a stealth flag pole shall, not exceed thirty (30) inches at its base; and
- (f) The height of a ground-mounted stealth structure shall be permitted, by right, to a height of eighty feet (80 ft.) in all residential zone districts and 120 feet in all other zone districts.

2606.2 Any proposed antenna to be located in a stealth structure that does not comply with the above requirements may be permitted through the special exception process set forth in § 2612.

2607 EXEMPTED ANTENNAS

2607.1 The requirements of §§ 2603 through 2606 shall not apply to any antenna that is:

- (a) Entirely enclosed within a building but is not the primary use within the building;
- (b) Entirely enclosed on all sides by a roof structure, penthouse or an extension of penthouse walls; this subsection shall not be interpreted to permit penthouses or roof structures in excess of the height limitations for roof structures;
- (c) Located entirely behind and no taller than the parapet walls; or
- (d) No taller than eighteen inches (18 in.) in height and necessary for the implementation of expanded 911 or emergency communications.

2607.2 For the purposes of § 2607.1 penthouse and parapet walls may include an opaque membrane covering a port in front of the antenna that screens the antenna, blends with the wall and allows the antenna to operate.

2607.3 The requirements of §§ 2603 through 2606 shall not apply to the following classes of antennas. The number to the right indicates the maximum number of antennas within a class that may be placed on a building or located on a lot, as is applicable:

Residential type uhf/vhf television and frequency modulation (fm) radio receiving Yagi antenna located on the roof of a principal building, not to exceed eight feet (8 ft.) horizontally.	2
Whip antennas not exceeding two and one-half inches (2 1/2 in.) in diameter, with a mounted dimension no longer than twelve feet (12 ft.) in any direction, and located on a principal building,	2 (Except that there shall be no numeric limit on the number whip antennas that are dedicated to the provision of emergency services to the District of Columbia.)
Residential type super high frequency antenna located on the roof of a principal building, not to exceed three feet (3 ft.) in any dimension, excluding the support element.	1
Dish antenna located on the roof of a principal building with a diameter of no	1

more than four feet (4 ft.), not taller than eight feet (8 ft.) as measured from the roof surface on which it is mounted, and set back from the edge of the roof a distance at least equal to its height above the roof. The principal building shall have a height of no less than twenty-five (25) feet.

Whip antenna mounted on a vehicle on private property.

1

- 2607.4 A proposed antenna which does not comply with the above requirements or numeric limitation set forth in § 2607.3 may be permitted subject to the requirements of §§ 2603 through 2606.

2608 ANTENNA MOUNTED ON ANTENNA TOWERS AND MONOPOLES

- 2608.1 Antennas may be mounted as a matter of right on an antenna tower or monopole that:

- (a) Is located in a General Industry (M) Zone District;
- (b) Was approved by and constructed in accordance with an order of the Board of Zoning Adjustment, or
- (c) Was constructed in accordance with a building permit issued prior to [the effective date of this amendment].

- 2608.2 An antenna shall not be mounted on an antenna tower or monopole if, as a result of its installation:

- (a) The size of the antenna tower or monopole is increased; or
- (b) The appearance of the antenna tower or monopole is changed in a manner that adversely impacts the surrounding area.

- 2608.3 A transmitting antenna shall not be placed lower than fifty (50) feet above the base of the antenna tower or monopole.

- 2608.4 An antenna proposed to be mounted on an antenna tower or monopole that does not comply with the above requirements may be permitted through the special exception process set forth in § 2612.

2609 ANTENNA TOWERS AND MONOPOLE IN GENERAL INDUSTRY DISTRICTS (M) (MATTER OF RIGHT)

- 2609.1 An antenna tower or monopole, either alone or in conjunction with a studio or in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment, shall be permitted in General Industry zone districts (M) as a matter-of-right; provided, the antenna tower or monopole complies with the conditions set forth in this section.
- 2609.2 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.
- 2609.3 Except as provided above, each part of an antenna tower or monopole shall be removed from each lot line a minimum distance equal to the greater of Twenty (20) feet; or a distance of at least one-third (1/3) of the total mounted height;
- 2609.4 The height of an antenna tower or monopole shall not exceed the maximum height permitted for structures plus thirty (30) feet as a matter of right. Any antenna tower or monopole in excess of this height may be permitted if approved by the Board of Zoning Adjustment subject to the conditions of the § 2612, subject to 2609.5.
- 2609.5 Any antenna tower or monopole with a height in excess of that permitted by the act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.
- 2609.6 A written statement shall be provided agreeing to design the proposed antenna tower or monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s) or the owner.
- 2609.7 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter, unless necessary for the safety of the public.

2610 ANTENNA TOWERS AND MONOPOLES AS PART OF A CAMPUS PLAN

- 2610.1 An antenna tower or monopole may be permitted, subject to and as a part of an approved campus plan as may be required in any zone district, subject to the special exception standards of 2612.1 and 2612.2.
- 2610.2 No advertising, special art or campus identification may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter.

2611 OFFICE OF PLANNING REPORT

- 2611.1 The Zoning Administrator shall not take final action on an application to permit an antenna tower, a monopole, or an antenna not exempted by § 2607 until a report is received from the Office of Planning or thirty (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first.
- 2611.2 The director of the Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in 2611.1, but in no event shall the review period exceed sixty (60) days.
- 2611.3 The report of the Office of Planning shall provide information sufficient to enable the Zoning Administrator to determine whether the antenna complies with the applicable requirements of this chapter.

2612 ANTENNAS SUBJECT TO BZA APPROVAL - GENERAL

- 2612.1 An application for special exception approval shall include the following written and graphic documentation:
- (a) A map of area to be served by the new antenna;
 - (b) A map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;
 - (c) A map indicating the location of any other antennas and related facility sites providing service by the applicant, and any antenna tower or monopole of any provider, within a two mile radius, including public space, of the proposed antenna site, with identified heights above grade;
 - (d) A site, and roof plan if applicable, showing all structures and antennas on site;
 - (e) Elevation drawings of the structure and proposed antennas from all four directions;
 - (f) A picture of the proposed antenna;
 - (g) The total mounted height of the antenna relative to the tops of surrounding trees as they presently exist within one-quarter (1/4) mile of the proposed location; and
 - (h) Other information as may be necessary for impact assessment of the antenna.

2612.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board may impose conditions pertaining to screening, buffering, lighting or other matter necessary to protect adjacent and nearby property and may require the removal of any on-site non-conforming, inoperable or unauthorized antenna.

2613 ANTENNA TOWERS AND MONOPOLES SUBJECT TO BZA APPROVAL

2613.1 A monopole shall be permitted if approved by the Board of Zoning Adjustment in accordance with § 3104 of this title, subject to the provisions of this section, in the zone districts specified in § 2613.2.

2613.2 A monopole may be permitted as a special exception use in the following zone districts:

- (a) R, residence districts;
- (b) C-1 through C-4 commercial districts;
- (c) SP, special purpose districts;
- (d) CM, commercial-light manufacturing districts;
- (e) CR, mixed-use district; and
- (f) W, waterfront district.

2613.3 An antenna tower, either alone or in conjunction with a studio, or the erection, alteration, or use of buildings for transmission or reception equipment on the same lot, shall be permitted if approved by the Board of Zoning Adjustment in accordance with § 3104 of this title and subject to the provisions of this section, in the zone districts specified in § 2613.4.

2613.4 An antenna tower may be permitted as a special exception use in the following zone districts:

- (a) C-2 through C-4 commercial districts;
- (b) SP, special purpose districts;
- (c) CM, commercial-light manufacturing districts;
- (d) CR, mixed use district; and
- (e) W, waterfront districts.

2613.5 The location, height and other characteristics of an antenna tower or monopole shall be:

- (a) Consistent with the purpose of this chapter;
- (b) Designed and available for collocation by other service providers;
- (c) Located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the antenna tower or monopole; and
- (d) Designed and constructed to preserve existing trees to the greatest practical extent.

2613.6 If an applicant is unable to meet the requirements of § 3104, the BZA may nevertheless grant the application if the applicant demonstrates that:

- (a) There is a significant gap in wireless service;
- (b) The proposed antenna tower or monopole will fill this gap;
- (c) No other mounting options are available;
- (d) The site is the only location from which the gap can be filled or, if other sites are available, the antenna tower or monopole at the proposed location will generate the least adverse impacts;
- (e) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;
- (f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and
- (g) That its proposed antenna tower and monopole, even when supporting all possible collocators, will be in full compliance with Federal Communication Commission cumulative and individual RF emission levels.

2613.7 Any antenna tower or monopole with a proposed height in excess of that permitted by the act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

- 2613.8 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.
- 2613.9 Each part of an antenna tower or monopole shall be removed from each lot line the greater of the following:
- (a) Twenty (20) feet; or
 - (b) A distance of at least one-third of the total constructed height.
- 2613.10 The Board shall submit the application to the D.C. Office of Planning for review and report.
- 2613.11 The applicant shall provide written and/or graphic documentation of the following:
- (a) The area to be served by the proposed new antenna tower or monopole;
 - (b) The area being inadequately served;
 - (c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two mile radius, including public space, of the proposed site;
 - (d) Other towers or monopoles within a two-mile radius of the proposed site with identified heights above grade;
 - (e) An explanation of why the applicant cannot collocate on an existing tower or monopole;
 - (f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;
 - (g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s).
 - (h) The topographic conditions of the area to be served;
 - (i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile radius of the proposed site as they presently exist;
 - (j) The proposed appearance of the antenna tower or monopole, including exterior finish;

(k) A maintenance plan explaining how the property manager will control ice build-up, falling ice and potential falling debris; the plan should also address how inoperative antennas will be removed; and

(l) Other information as may be necessary for impact assessment of the antenna tower or monopole.

2613.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board may impose conditions relating to operation, location, screening, co-location or other requirements as it shall deem necessary to protect adjacent and nearby property, neighborhood character, and the image of the city as the nation's capital, consistent with the general purpose and intent of this chapter and may require the removal of any on-site inoperable or unauthorized antenna as a condition to the approval.

2613.13 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter, unless necessary for the safety of the public.

2614 NON-CONFORMING ANTENNAS

2614.1 A non-conforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.

2614.2 If a non-conforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:

(a) A permanent replacement antenna cannot be installed as a matter-of-right;

(b) The temporary installation shall be permitted for one (1) year; and

(c) The cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a conforming replacement.

2614.3 Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply for a special exception to install a longer term replacement

2614.4 An antenna that was legally permitted prior to the date of adoption of this chapter shall be considered a conforming antenna.

2614.5 This section does not apply to antenna towers, monopoles or antenna support structures.

2615 EQUIPMENT CABINET OR SHELTER

- 2615.1 If an antenna equipment cabinet or shelter is provided on the ground, it shall be subject to the following:
- (a) It shall be regulated as an accessory building subject to any applicable criteria within each zone district, and
 - (b) It shall harmonize with the main structure in architectural character, material and color.
- 2615.2 If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged subject to the following:
- (a) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
 - (b) It shall harmonize with the main structure in architectural character, material, and color;
 - (c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located; and
 - (d) It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other roof structure or penthouse.
- 2615.3 The Board of Zoning Adjustment may waive one or more of the requirements of § 2615.2 for good cause shown in accordance with section 3104.

2616 REMOVAL OF ANTENNAS, ANTENNA TOWERS MONOPOLES AND RELATED EQUIPMENT

- 2616.1 Antennas, antenna towers, monopoles, equipment cabinets or equipment shelters shall be removed at the expense of the property owner if they have not been used for a period of one year. A one-year extension may be granted by the Board of Zoning Adjustment to this requirement for good cause shown.

B. The following additional conforming amendments are proposed/ New language is shown in bold (except that existing bold text is retained). Deleted text is shown in strikethrough.

1. CHAPTER 1. THE ZONING REGULATIONS.

Amend § 199.1 to modify and add the following definitions:. New definitions are to be inserted in alphabetical order.

Antenna – A device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, ~~and any tower and immediately related support and stabilizing elements,~~ and rotating or other directional mechanism.

Antenna, commercial broadcast - an antenna used for television and commercial radio broadcasting ~~by a profit or non-profit entity.~~ The transmitting **broadcast** antenna may be affixed to a tower or to the top of a building. ~~In amplitude modulation (AM) radio service, the tower also acts as the antenna.~~

Antenna, dish - a bowl-shaped device for the reception and/or transmission OF communication signals in a specific directional pattern.

Roof-mounted antenna - any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building mounted antenna.

Antenna tower - a lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter.

Building-mounted antenna - any antenna and its necessary support structure, not including a tower or monopole, that is attached to the walls of, or integrated into a building, church steeple, cooling tower, elevator bulkhead, parapet, penthouse, fire tower, tank, water tower, or other similar structure.

Co-location - the use of a single mount, tower, monopole, or site by more than one antenna or telecommunications service provider.

Equipment cabinet or shelter - an enclosure housing only equipment related to the operation of an antenna located at the site and connected to the antenna by cable.

Monopole - a single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter.

Mount- the necessary support structure to which an antenna is attached, not including antenna towers or monopoles.

Radio frequency radiation (RF radiation) - the propagation of energy through space in the form of waves or particles.

Stealth structure - a free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such

structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements

Telecommunications service provider – any entity providing telecommunications services.

2. CHAPTER 2 RESIDENCE DISTRICT USE REGULATIONS

- a. Add the following new § 201.2 to read:

201 USES AS A MATTER OF RIGHT (R)

201.2 **Antenna, subject to the standards and procedures which apply to the particular class of antenna or its location pursuant to chapter 26 of this title.**

- b. Delete existing § 211, Antenna, Commercial Broadcast (R-1) in its entirety.
- c. Delete existing § 212, Antenna, Other Than Commercial Broadcast Antenna (R-1) in its entirety.

3. CHAPTER 4 RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS

Amend § 411.15 to read as follows:

411.15 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure. **Antenna equipment cabinets and antenna equipment shelters shall be regulated by Chapter 26 of this title.**

4. CHAPTER 5 SPECIAL PURPOSE DISTRICTS

- a. Add the following new § 501.1 (i):

501 USES AS A MATTER OF RIGHT (SP)

501.1 (i) **Antenna, subject to the standards and procedure which apply pursuant chapter 26 of this title.**

- b. Delete existing § 514, Antenna, Commercial Broadcast (SP) in its entirety.
- c. Delete existing § 515, Antenna, Other Than Commercial Broadcast Antenna (SP) in its entirety.

d. Amend § 530 to read as follows:

530 HEIGHT

530.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, antenna, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

e. Add the following new § 535.12

534 REAR YARDS (SP)

534.12 Antennas, antenna towers and monopoles shall comply with the side yard requirements as specified in chapter 26.

f. Add the following new § 535.4:

535 SIDE YARDS (SP)

535.4 Antennas, antenna towers and monopoles shall comply with the side yard requirements as specified in chapter 26.

g. Renumber the existing 535.4 to 535.5

5. CHAPTER 6 MIXED USE DISTRICT (CR)

a. Amend § 601.1 to read as follows:

601 USES AS A MATTER OF RIGHT (CR)

601.1 (s) Antenna, subject to the standards and procedures which apply to the particular class of antenna pursuant to ~~§§ 201.1 through 201.7~~ **chapter 26 of this title.**

b. Amend § 617.1 to read as follows:

617 ANTENNA TOWER AND MONOPOLE (CR)

617.1 **If the Board considers that it is appropriate in furthering the objectives of the mixed use districts an antenna tower or monopole shall be permitted as a special exception in the CR district, if approved by the Board of Zoning Adjustment subject to the standards and procedures which apply to the particular class of antenna under ~~§§ 211 or 212~~ as specified in chapter 26 of this title.**

c. Amend §630.3 to read as follows:

630 HEIGHT

630.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

d. Amend § 637.1 to read as follows:

637 SIDE YARDS (CR)

637.1 No side yard shall be required for any structure located in a CR district, **except as may be otherwise established for ground mounted antennas.**

6. CHAPTER 7 COMMERCIAL DISTRICT (C):

a. Delete § 701.6 (g).

b. Delete § 701.7 through 701.9 in their entirety.

c. Amend § 721.2 (t) to read as follows:

721 USES AS A MATTER OF RIGHT (C-2)

721.2 (t) Radio or television broadcasting studio ~~and antenna tower in conjunction with the studio~~ **not including antenna tower or monopole;**

d. Delete § 741.6 and 741.7 in their entirety.

e. Amend § 770.3 to read as follows:

770 HEIGHT

770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Alberto P. Bastida, Office of Zoning, 441 4th Street, N.W., Washington D.C. 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.

MARCH 10 PM 3:04

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: ALBERTO BASTIDA

DATE AND TIME RECEIVED

Office of Documents use only

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: (202) 727-6311

TITLE AND DESCRIPTION OF RULES: Case No. 01-02 (Text Amendment – Regulation of Antennas, Antenna Towers, and Monopoles).

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Add new Chapter 25.

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE:

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: MARCH 10, 2004

SIGNED: *Allen Byrd for*

PHONE: (202) 442-9777

☒ FINAL	☐ CONDITIONAL	NAME: ROBERT SPAGNOLETTI	TITLE: CORPORATION COUNSEL
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PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
 Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules.

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 2/24/03

APPROVAL OF ATTEST: *Alberto Bastida*
 Secretary to the Zoning Commission
 TITLE: Commission PHONE: (202) 727-0330

Office of Documents use only:

THIS NOTICE PUBLISHED AT:

VOL:

DCR:

DATE: