ZONING COMMISSION
District of Columbia
Case 02-28
Exhibit 6

ZONING COMMISSION NOTICE OF FILING
Case No. 02-28
(Text Amendment – Metropolitan Police Department)
August 1, 2002

On July 26, 2002, the Office of Zoning received an application from Holland & Knight, LLP on behalf of the Metropolitan Police Department (the "Applicant" or "MPD"), requesting a text amendment to provisions in the text of Title 11 of the District of Columbia Municipal Regulations to accommodate the various police department facilities in the District of Columbia.

The Applicant proposes amendments to the Zoning Regulations that will:

1. Provide definitions distinguishing a police facility with activities having a citywide focus from a facility with a focus on a smaller sub-area of the city;

2. Establish an MPD local facility as a matter-of-right in any Residential District and, by carry-over, in all SP, C, C-M, and M Districts;

3. Allow expansion of existing local and general facilities in Residential Districts in accordance with the height, area, and bulk requirements of the underlying zone in which the facility is located;

4. Establish an MPD general facility as a matter-of-right in SP and less restrictive districts;

5. Permit all MPD facilities as a matter-of-right in Waterfront Districts;

6. Permit all MPD facilities as a matter-of-right in Mixed Use (CR) Districts;

7. Establish parking requirements for MPD facilities in the ratio of 1 space for every 600 square feet of gross floor area and cellar floor area beyond the first 2,000 square feet in R, C-1, C-2-A, and C-3-A Districts, and 1 space for every 1,800 square feet of gross floor area beyond 2,000 square feet in all other districts; and

8. Permit stacked parking at MPD facilities.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION
District of Columbia
CASE NO.02-28
EXHIBIT NO.6

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday October 17, 2002 @ 6:30 P.M.**
Office of Zoning (Hearing Room)
441 4th Street, N.W., - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 01-02 (Text Amendment – Regulation of Antennas, Antenna Towers, and Monopoles)

THIS CASE IS OF INTEREST TO ALL ADVISORY NEIGHBORHOOD COMMISSIONS:

The Zoning Commission of the District of Columbia hereby gives notice of its intent to hold a public hearing at the above-stated date, time, and place concerning Zoning Commission Case No.01-02.

The purpose of the hearing is to consider a substantial revision of the Zoning Commission's rules governing antennas, antenna towers, and monopoles. The Commission last promulgated rules applicable to these devices and structures on February 24, 1989 (Zoning Commission Order 587). Since that time, there have been significant technological advances that warrant a reexamination of the existing regulatory scheme. To that end, the Zoning Commission held two public roundtables on the subject in February and March 2001. Thereafter, the Zoning Commission encouraged interested groups to meet with the D.C. Office of Planning to begin the process of fashioning new regulations.

The text which follows is an outgrowth of that participatory process. The proposed amendments seek to strike a balance between the need to protect public health and safety while affording the flexibility needed to ensure that adequate telecommunications services are provided to every part of the District. Because of the complexities of the subject matter, the entire regulatory scheme is made part of a single new chapter.

The proposed language to amend the Zoning Regulations is as follows:

Amend 11 DCMR, Zoning as follows:

1. Add the following new chapter 26, Regulation of Antennas, Antenna Towers, and Monopoles.

CHAPTER 26 REGULATION 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 health, 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 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

(c) The principal types of antennas, antenna towers, and monopoles regulated are those that, because of their shape and relatively large mass, 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 matter-of-right construction of new towers or monopoles shall only be permitted as a matter-of-right in the General Industry Districts (M) and only as a special exception in the C-2, C-3, C-4, CR, SP, W, and CM zone districts and may be approved only when no other mounting option is available.

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 radiofrequency (RF) radiation guidelines adopted by the federal communications commission and the health and safety regulations adopted by the occupational safety and health administration (OSHA).

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

(a) The radiofrequency (RF) radiation to be generated by the proposed antenna(s);

(b) The cumulative RF radiation generated by all other antennas at the proposed site and within two hundred (200) feet;

(c) The maximum potential cumulative RF radiation that could be generated by all antennas at the proposed site;

(d) The means used to determine the RF levels;

(e) The applicable legal citations relevant to the RF levels and antenna type;

(f) The date, time, and location that any field measurements were taken;

(g) The exact legal name, address of principle place of business, and telephone number of the certifying engineer;

(h) The exact legal name, address of principal place of business, and telephone number of the applicant and property owner;

(i) The exact legal name, address or principle place of business, and telephone number of the person to whom correspondence is to be sent; and

(j) A site plan and roof plan, if appropriate, drawn to scale showing the location of the proposed antenna(s) 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 mater-of-right in all zone districts, except broadcast antennas, which shall not be permitted in residential districts (R).

2603 GROUND-MOUNTED ANTENNAS

2603.1 Except for those antennas exempted by § 2606, ground-mounted antennas shall comply with the following conditions:

(a) No more than one ground-mounted antenna may be installed on any lot, nor may any ground-mounted antenna be installed on any lot on which there is an existing antenna tower or monopole;

(b) The antenna may not exceed a mounted height of twelve (12) feet at its highest point above the ground in any residential (R), special purpose (SP), mixed use (CR), or waterfront (W) zone district;

(c) The antenna may not exceed a mounted height of twenty (20) feet at its highest point above the ground in any commercial (C) or industrial (CM or M) zone district;

(d) The antenna shall be located in either the rear yard or the side yard of the principal building on the lot;

(e) Each part of the antenna shall be removed from all lot lines by a minimum distance of ten (10) feet;

(f) The antenna location shall be secured from unauthorized access for a minimum distance of twenty-five (25) feet by a fence or screen at least five (5) feet in height;

(g) The antenna shall not be visible from any public park that is within the Central Employment Area or from any street that the lot abuts;

(h) The antenna, to the maximum practical extent, shall be constructed of materials and colors that blend with the surroundings;

(i) The installation shall include screening treatments necessary to ensure compliance with paragraph (g) of this subsection, and, to the maximum practical extent, to reduce the adverse impact of the antenna as viewed from adjacent property; and

(j) The antenna installation shall be as small as is practical for its intended use.

2603.2 A ground-mounted antenna, which does not comply with the above requirements, may be permitted through the special exception process set forth in § 2610.

2604 ANTENNAS PLACED ON A ROOF

2604.1 Except for those antennas exempted by § 2606, antennas placed on a roof of a building shall comply with the following conditions:

(a) Each part of an antenna shall be removed from all edges of the roof a minimum distance equal to its total mounted height above the ground;

(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 to minimize, to the greatest practicable extent, the view of the antenna from:

(1) Adjacent streets,

(2) Any public park or public open space within one-quarter mile; and

(3) Any landmarked structure or site within one-quarter mile.

(d) An antenna shall be constructed of materials and colors that blend with the surroundings to the maximum practical extent;

(e) Antennas placed on a roof that has outdoor recreation space shall be subject to the following:

(1) The antenna location shall be secured from unauthorized access for a minimum distance of twenty-five (25) feet, by a fence or screen at least five (5) feet in height; and

(2) Transmitting antennas shall be oriented such that transmission is not directed at the recreation space.

(f) An antenna on any lot adjacent to a navigable waterway shall be placed such that its visibility from the navigable waterways is minimized to the greatest practicable extent;

(g) 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 practicable extent.

2604.2 An antenna proposed to be placed on a roof which does not comply with the above requirements may be permitted through the special exception process set forth in § 2610.

2605 BUILDING-MOUNTED ANTENNAS

2605.1 Except for those antennas exempted by § 2606, building-mounted antennas shall comply with the following conditions:

(a) The top of the antenna shall not extend above the roof of the wall, building, or structure to which it is mounted;

(b) Each antenna installation shall be located or screened to minimize, to the greatest practicable extent, the view of the antenna from the following:

(1) Adjacent streets;

(2) Any public park or public open space within one-quarter mile; and

(3) Any landmarked structure or site within one-quarter mile.

(c) An antenna shall be constructed of materials and colors that blend with the surroundings to the maximum practical extent;

(d) Building-mounted antennas placed on a roof structure of a building with rooftop outdoor recreation space shall be subject to the following:

(1) The antenna location shall be secured from unauthorized access for a minimum vertical distance of ten (10) feet; and

(2) Transmitting antennas shall be oriented such that transmission is not directed at the recreation space.

(e) Antenna on any lot adjacent to a navigable waterway shall be placed such that its visibility from the navigable waterways is minimized to the greatest practicable extent;

(f) To avoid off-site reception interference, a transmission antenna shall not be directed into any adjacent building window;

(g) 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 practicable extent.

(h) Building-mounted antennas shall be screened and/or painted to blend with the surface face to which they are attached.

2605.2 A building-mounted antenna, which does not comply with the above requirements, may be permitted through the special exception process set forth in § 2610.

2606 EXEMPTED ANTENNAS

2606.1 The requirements of §§ 2603 through 2605 shall not apply to any antenna that is:

(a) Entirely enclosed on all sides within a building, or by the penthouse walls or extensions of the penthouse walls, and which is not the primary use within the building;

(b) Located entirely behind and no taller than the parapet walls; or

(c) No taller than eighteen (18) inches in height and necessary for the implementation of expanded 911 or emergency communications.

2606.2 For the purposes of § 2602.1, penthouse and parapet walls may include an opaque membrane covering a port in front of the antenna.

2606.3 The requirements of §§ 2603 through 2605 shall not apply to the following classes of antennas (the number to the right indicates the maximum number of antennas within a class which 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 not to exceed eight (8) feet horizontally	2

Whip antennas not exceeding two and one-half (2.5) inches in diameter, with a mounted dimension no longer than twelve (12) feet in any direction, and located on a principal building	2
Residential type super high frequency antenna, not to exceed three (3) feet in any dimension, excluding the support element	1
Dish antenna with a diameter of no more than four (4) feet, not taller than eight (8)feet, located on the roof of a principal building, 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	1
Whip antenna mounted on a vehicle on private property	1

2606.4 An antenna which does not comply with the above requirements or numeric limitation set forth in § 2606.2 may be permitted subject to the requirements of §§ 2603 through 2605.

2607 ANTENNA ADDITIONS TO EXISTING ANTENNA TOWERS AND MONOPOLES

2607.1 An addition of an antenna to an existing antenna tower or monopole shall be permitted as a matter-of-right; provided, the following conditions are met:

(a) The size of the antenna tower or monopole is not increased;

(b) The appearance of the antenna tower or monopole is not changed in a manner which causes an adverse impact on the surrounding area; and

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

2608 ANTENNA TOWERS AND MONOPOLES IN GENERAL INDUSTRY DISTRICTS (M) (MATTER-OF-RIGHT)

2608.1 An antenna tower or monopole 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 (M) zone districts as a matter-of-right; provided, the antenna tower or monopole complies with the following conditions:

(a) 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;

(b) 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 the following:

(1) Twenty (20) feet; or

(2) A distance of at least one-third (1/3) of the total mounted height.

(c) 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;

(d) Any antenna tower or monopole with a height in excess of (c) above may be permitted, if approved by the Board of Zoning Adjustment, subject to the conditions of the § 2610;

(e) 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;

(f) No antenna tower or monopole may be located on any lot on which there is a ground-mounted antenna;

(g) A written statement shall be provided agreeing to design and make the antenna tower available on a commercial basis to the extent technically feasible for co-location by any telecommunications service provider; and

(h) A written statement shall be provided agreeing to design the monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for co-location by any telecommunications service

provider if unused by the initial telecommunications service provider(s) or the owner.

2609 OFFICE OF PLANNING REPORT

2609.1 The Zoning Administrator shall not take final action on an application to permit an antenna tower a monopole, or an antenna not exempted by § 2606, until a report is received from the D.C. Office of Planning or thirty (30) days have passed since the application was submitted to the Office of Planning, whichever occurs first.

2609.2 The D.C. Office of Planning and the Zoning Administrator may agree to shorten or lengthen the time period indicated in § 2609.1, but in no event shall the review period exceed 60 days.

2609.3 The report of the D.C. Office of Planning shall provide information sufficient to enable the Zoning Administer to determine whether the antenna complies with the applicable requirements of this chapter.

2610 ANTENNAS SUBJECT TO BZA APPROVAL

2610.1 An application for special exception approval pursuant to §§ 2603.2, 2604.2, 2605.2, 2606.3, and 2613.2 for a non-complying antenna 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;

(c) A map indicating the location of any other antennas and facility sites providing service by the applicant within a two (2) mile radius of the proposed antenna site, with identified heights above-grade;

(d) A site and roof plan showing all structures and antennas on site;

(e) Elevation drawings of the structure and proposed antennas from all 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; and

(h) Other information as may be necessary for impact assessment of the antenna.

2610.2 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 inoperable, non-conforming, or unauthorized antenna.

2611 ANTENNA TOWERS AND MONOPOLES SUBJECT TO BZA APPROVAL

2611.1 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 § 2611.3.

2611.2 An antenna tower 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 § 2611.3.

2611.3 An antenna tower or monopole 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, if the Board of Zoning Adjustment considers it appropriate in furthering the objectives of the mixed use districts; and

(e) W, waterfront districts, if the Board of Zoning Adjustment considers it appropriate in furthering the objectives of the waterfront districts.

2611.4 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 co-location 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 practicable extent.

2611.5 The location, height, and other characteristics of an antenna tower or monopole shall not:

(a) Adversely affect the use of neighboring property;

(b) Adversely affect the present character and future development of neighboring property; or

(c) Exceed that which is necessary to render satisfactory service to its service area.

2611.6 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.

2611.7 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.

2611.8 Each part of an antenna tower or monopole shall be removed from all lot lines the greater of the following:

(a) Twenty (20) feet; or

(b) A distance of at least one-third of the total constructed height.

2611.9 The Board of Zoning Adjustment shall submit the application to the D.C. Office of Planning for review and report.

2611.10 In addition to meeting the requirements of § 3104, the applicant shall have the burden of demonstrating the following:

(a) The need for the proposed location;

(b) The necessity of the proposed height;

(c) That no other mounting option is available; and

(d) Full compliance with both cumulative site and individual antenna RF emission levels as established by the FCC.

2611.11 The applicant shall provide written and/or graphic documentation of the following:

(a) The area to be served by new antenna tower or monopole;

(b) The area being inadequately served;

(c) The location of any other antennas and facility sites providing service by the applicant;

(d) Other towers or monopoles within a two (2) mile radius of the proposed site;

(e) An explanation of why the applicant cannot co-locate on an existing tower or monopole;

(f) A commitment to permit the co-location by other service providers on an antenna tower;

(g) A commitment to permit the co-location of at least three (3) antenna arrays on a monopole;

(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 as they presently exist;

(j) The proposed appearance of the tower or monopole, including exterior finish; and

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

2611.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment 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 non-conforming, inoperable, or unauthorized antenna.

2612 NON-CONFORMING ANTENNAS

2612.1 A non-conforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.

2612.2 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 removed no later than one (1) year after the non-conforming antenna stops functioning;

(c) Within three (3) months after the non-conforming 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; and

(d) If the owner or occupant elects to install an immediate replacement antenna, 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 longer term replacement.

2613 EQUIPMENT CABINET OR SHELTER

2613.1 If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(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; and

(c) It shall not exceed eighteen (18) feet six (6) inches in height above the roof upon which it is located.

2613.2 An antenna equipment cabinet or shelter, which does not comply with the above requirements, may be permitted through the special exception process set forth in § 2610.

2. Amend §199.1 to modify and add the following definitions as indicated (new language shown in bolded and underline text and deleted text in shown in strikethrough):

199 DEFINITIONS

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.

Antenna placed on a roof - 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.

FCC – Federal Communications Commission

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.

Radiofrequency electromagnetic field – the presence of electromagnetic energy at a given location that can be described in terms of the electric and/or magnetic field strength at that location.

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

Stealth structure - a structure used or designed to enclose and screen from view antennas. Such structures may include, but are not limited to flag poles, tree poles, and bell towers but not light standards.

Telecommunication service provider – any entity providing telecommunications services.

3. Make the following conforming amendments to Title 11:

CHAPTER 2 RESIDENCE DISTRICT USE REGULATIONS

Delete existing §§ 201.2 through 201.7 in their entirety.

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.**

Delete existing § 211, Antenna, Commercial Broadcast (R-1) in its entirety.

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

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.**

CHAPTER 5 SPECIAL PURPOSE DISTRICTS

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.**

Delete existing § 514, Antenna, Commercial Broadcast (SP) in its entirety.

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

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 section otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

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.**

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.**

Renumber the existing § 535.4 to § 535.5

CHAPTER 6 MIXED USE DISTRICT (CR):

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.**

Amend §617.1 to read as follows:

617 ANTENNA TOWER AND MONOPOLE (CR)

617.1 **If considered 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.**

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 section otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

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.**

CHAPTER 7 COMMERCIAL DISTRICT (C):

701 USES AS A MATTER-OF-RIGHT (C-1)

Delete § 701.6 (g).

Delete §§ 701.7 through 701.9 in their entirety.

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;**

Delete §§ 741.6 and 741.7 in their entirety.

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 section otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

CHAPTER 8 INDUSTRIAL DISTRICT (C):

Amend § 840.2 to read as follows:

840 HEIGHT

840.2 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 section otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews.**

CHAPTER 9 WATERFRONT DISTRICTS

Amend § 901.1 (u) to read as follows:

901 USES AS A MATTER-OF- RIGHT (W)

901.1 (u) Antenna, subject to the standards and procedure which apply to the particular class of antenna pursuant ~~**to §201.2 through 201.7**~~ **chapter 26 of this title.**

Amend § 914.1 to read as follows:

914 ANTENNA TOWER AND MONOPOLE (W)

914.1 If considered appropriate in furthering the objectives of the waterfront districts, an **antenna tower or monopole** shall be permitted as a special exception in the W districts, 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.**

Amend § 930.3 to read as follows:

930 HEIGHT

930.3 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 section otherwise authorizes. **This section shall not be interpreted to bypass otherwise required special exception reviews or mayoral approvals.**

Delete §§ 2001.11 and 2001.12 in their entirety.

Delete § 2503.5.

5. The following language is advertised in the alternative:

2606 STEALTH STRUCTURE

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

(a) There may be no more than one (1) stealth structure on any one lot;

(b) There shall be no other stealth structures within a radius of one thousand (1,000)feet of the proposed stealth structure;

(c) The proposed stealth design provides adequate screening of the antennas;

(d) The proposed stealth structure is not out of scale with the subject property taking into account the size, set-backs, topography, and underlying use of the property;

(e) The primary use of the subject property is not single-family residential;

(f) The ground equipment of the proposed facility be landscaped, fenced, or otherwise screened;

(e) The height of a stealth structure shall be permitted as a matter-of-right to the prescribed height of the zone in which the structure is proposed or as may otherwise be permitted in this title; and

(f) The diameter of a stealth flagpole shall not exceed thirty (30) inches at its base.

2606.2 The Zoning Administrator may require that an independent engineer certificate be submitted to demonstrate that the facility is in compliance with all applicable building and safety requirements;

2606.3 Any proposed stealth structure, which is determined by the Zoning Administrator not to comply with the standards of § 2606.1, shall be referred to the Board of Zoning Adjustment for review as a special exception subject to §§ 2610 and 3104.

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.

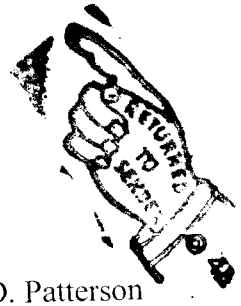
Information should be forwarded to the Secretary to the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, PETER G. MAY, AND JAMES H. HANNAHAM ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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