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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTIONS TO NOTICE OF FINAL RULEMAKING
Z.C. Case No. 02-42
(Text Amendments – 11 DCMR)
(Waterfront Open Space Recreation Zone district)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); hereby makes the following technical corrections to a Notice of Final Rulemaking published on April 2, 2004 at 51 DCR 3440. After the rule took effect, the Commission became aware that the rule included a section in Chapter 9 of DCMR Title 11 that was also used in another recent rulemaking. These corrections make the necessary codification and text changes needed to eliminate the conflict. No change has been made to the substance of the text.

These corrections to the final rulemaking are effective upon publication in the *D.C. Register*. Only those portions of the final rules that require correction are repeated. The remaining portions of the final rule remain in place.

Title 11 DCMR is amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined:

A. **Chapter 9, WATERFRONT DISTRICTS,** is amended as follows:

1. Section **900, GENERAL PROVISIONS: WATERFRONT DISTRICTS** is amended to read as follows:

(a) Subsection 900.7 is amended to read as follows:

900.7 Except as provided in chapter 21 of this title, in the Waterfront Districts, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except as specified in §§ 901, 902, and 906 through **925.** ~~922.~~

2. Section **902, PROHIBITED USES (W),** is amended to read as follows:

(a) Subsection 902.1(l) is amended to read as follows:

(l) Parking lot, other than as permitted by special exception I the W-0 District in § **926;** ~~923;~~

3. Section **905, PLANNING OFFICE REVIEW (W),** is amended to read as follows:

(a) Subsection 905.1 is amended to read as follows:

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905.1 Wherever §§ 906 through **926** ~~923~~ require referral of an application to the D.C. Office of Planning for coordination, review, and report, the report shall reflect consideration of the following:

...

(b) Subsection 905.2 is amended to read as follows:

905.2 Whenever the Office of Planning refers an application to the D.C. Department of Transportation under §§ 906 through **926** ~~923~~ the report shall reflect consideration of the following transportation and environmental matters:

...

4. Section 917 will remain **POLICE DEPARTMENT GENERAL FACILITY.**

5. Sections 918 and 919 **WILL BE RESERVED.**

6. Duplicate Section 917, **USES SUBJECT TO SPECIAL EXCEPTION (W-0) - GENERAL PROVISIONS,** will be renumbered **§ 920**.

(a) Subsection 917.1 is renumbered **§ 920.1** and is amended to read as follows:

920.1 The uses described in §§ **921** ~~918~~ through **925** ~~922~~ are permitted if approved as
special exceptions in the W-0 District.

(b) Subsection 917.2 is renumbered **§ 920.2** and is amended to read as follows:

920.2 Except as provided in § **920.3,** ~~917.3,~~ applications for special exceptions within the W-0 District shall be heard by the Board of Zoning Adjustment.

(c) Subsection 917.3 is renumbered **§ 920.3.**

(d) Subsection 917.4 is renumbered **§ 920.4.**

(e) Subsection 917.5 is renumbered **§ 920.5.**

7. Section 918, **BOATHOUSE (W-0),** is renumbered **§ 921.**

(a) Subsection 918.1 is renumbered **§ 921.1.**

(b) Subsection 918.2 is renumbered **§ 921.2** and is amended to read as follows:

921.2 In addition to demonstrating that the boathouse meets the criteria for special exceptions set forth in §§ **927** ~~924~~ and 3104 of this Title, the applicant shall further demonstrate that the boathouse and associated structures:

...

(c) Subsection 918.3 is renumbered **§ 921.3**.

(d) Subsection 918.4 is renumbered **§ 921.4** and is amended to read as follows:

921.4 A boathouse may include rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, one caretaker's residence pursuant to § **924,** ~~921,~~ rowing tank, dock, and related functions.

(e) Subsection 918.5 is renumbered **§ 921.5** and is amended to read as follows:

921.5 ~~921.5~~ Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 - Off-Street Parking Requirements, except as may be permitted in accordance with the provisions of § **926.** ~~923.~~

8. Section 919, **MARINA (W-0)**, is renumbered **§ 922**.

(a) Subsection 919.1 is renumbered **§ 922.1** and is amended to read as follows:

922.1 ~~922.1~~ If appropriate in furthering the objectives of the Waterfront District, a marina shall be permitted as a special exception in the W-0 District, provided that the applicant demonstrates that the proposed use meets the special exception criteria set forth in §§ **927** ~~924~~ and 3104 of this Title.

(b) Subsection 919.2 is renumbered **§ 922.2**.

(c) Subsection 919.3 is renumbered **§ 922.3** and is amended to read as follows:

922.3 Floating homes shall be permitted within a permitted marina provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the marina. This percentage may be increased by special exception, subject to the provisions of § **927.** ~~924.~~

(d) Subsection 919.4 is renumbered **§ 922.4**.

(e) Subsection 919.5 is renumbered **§ 922.5** and is amended to read as follows:

922.5 Off-street parking spaces for a marina and each floating home permitted shall be provided in the amount and manner specified in Chapter 21 - Off-Street Parking Requirements, except as may be permitted in accordance with the provisions of § **926.** ~~923.~~

9. Section 920, **YACHT CLUB (W-0)**, is renumbered **§ 923**.

(a) Subsection 920.1 is renumbered **§ 923.1**.

(b) Subsection 920.2 is renumbered **§ 923.2** and is amended to read as follows:

923.2 In addition to demonstrating that the yacht club meets the criteria for special exceptions set forth in §§ **927** ~~924~~ and 3104 of this Title, the applicant shall further demonstrate that the yacht club and associated facilities:

…~~924.~~

(c) Subsection 920.3 is renumbered **§ 923.3** and is amended to read as follows:

923.3 Floating homes shall be permitted within a permitted yacht club provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the yacht club. This percentage may be increased by special exception, subject to the provisions of § **927.** ~~924.~~

(d) Subsection 920.4 is renumbered **§ 923.4**.

(e) Subsection 920.5 is renumbered **§ 923.5** and is amended to read as follows:

923.5 Off-street parking spaces for a yacht club and each floating home shall be provided in the amount and manner specified in Chapter 21 - Off-Street Parking Requirements, except as may be permitted in accordance with the provisions of § 926. ~~923.~~

10. Section 921, **CARETAKER'S RESIDENCE (W-0)**, is renumbered **§ 924**.

(a) Subsection 921.1 is renumbered **§ 924.1**.

(b) Subsection 921.2 is renumbered **§ 924.2** and is amended to read as follows:

924.2 In addition to demonstrating that the caretaker's residence meets the criteria for special exceptions set forth in §§ **927** ~~924~~ and 3104 of this

Title, the applicant shall further demonstrate that the residence is clearly secondary in design, location, and size to the principal use of the building.

(c) Subsection 921.3 is renumbered **§ 924.3**.

(d) Subsection 921.4 is renumbered **§ 924.4**.

(e) Subsection 921.5 is renumbered **§ 924.5**.

11. Section 922, **ADDITIONAL SPECIAL EXCEPTION USES (W-0)**, is renumbered **§ 925**.

(a) Subsection 922.1 is renumbered **§ 925.1** and is amended to read as follows:

925.1 In addition to the uses set forth in §§ **921** ~~918~~ through **924** ~~921~~ of this Chapter, the
following uses shall also be permitted as special exceptions in the W-0 District if appropriate in furthering the objectives of the Waterfront District; Provided that the applicant shall demonstrate that the proposed use meets the special exception criteria set forth in §§ **927** ~~924~~ and 3104 of this Title:

...

(s) Floating home, only within a permitted marina or yacht club and subject to the provisions § **922.3**; ~~919.3;~~

...

12. Section 923, **PARKING SPACES (W-0)**, is renumbered **§ 926**.

(a) Subsection 923.1 is renumbered **§ 926.1**.

(b) Subsection 923.2 is renumbered **§ 926.2**.

(c) Subsection 923.3 is renumbered **§ 926.3**.

13. Section 924, **SPECIAL EXCEPTION REVIEW CRITERIA (W-0)**, is renumbered **§ 927**.

(a) Subsection 924.1 is renumbered **§ 927.1**.

14. Section 925, **SPECIAL EXCEPTION APPLICATION REQUIREMENTS (W-0)**, is renumbered **§ 928**.

(a) Subsection 925.1 is renumbered **§ 928.1**.

(b) Subsection 925.2 is renumbered **§ 928.2**.

(c) Subsection 925.3 is renumbered **§ 928.3**.

(d) Subsection 925.4 is renumbered **§ 928.4**.

15. Section 926, **REFERRAL OF SPECIAL EXCEPTION APPLICATIONS (W-0)**, is renumbered **§ 929**.

(a) Subsection 926.1 is renumbered **§ 929.1**.

(b) Subsection 926.2 is renumbered **§ 929.2**.

16. Subsection 937.3 is amended to read as follows:

937.3 A special exception may be granted in accordance with the criteria of §§ **927** ~~924~~ and 3104, for any proposed waterfront setback of greater than twenty (20) feet and less than one hundred (100) feet.

B. **Chapter 21, OFF-STREET PARKING REQUIREMENTS**, is amended to read as follows:

1. Subsection 2116.1 is amended to read as follows:

2116.1 Except as provided in §§ 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, **926,** ~~923,~~ 2116.5, and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

C. **Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, SPECIAL EXCEPTIONS**, is amended as follows:

1. Section 3104 is amended by making the following modifications to its table:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Boathouse	W-0 District	§ **921** ~~918~~
Caretaker's Residence	W-0	§ **924** ~~921~~
Floating Home	W-0 District	§§ **922.3 and 923.3** ~~919.3 and 920.3~~
Marina	W-0 District	§ **922** ~~919~~
Parking spaces - location of accessory spaces	Any District	§§ 214, 510, 708, 730, 743.2(d), 751.1(c), 761.2,

		803.1, 824, **926.1**, ~~923.1,~~ and 2116.5 - 2116.9
Parking spaces - reduction or elimination for boathouses	W-0 District	§ **926.3** ~~923.3~~
Retail, service, arts, and cultural uses as specified	W-0 District	§ **925** ~~922~~
Yacht Club	W-0 District	§ **923** ~~920~~