

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 08-06-A**  
**Z.C. Case No. 08-06**  
**(Comprehensive Zoning Regulations Rewrite: Chapter B-2 Use Category Regulations)**  
**February 7, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.), hereby gives notice that it took final rulemaking action to adopt amendments to Title 11 of the District of Columbia Municipal Regulations (“Title 11”). The amendment would establish a new use category system of classification to be used to control uses in individual zones. Once these amendments become effective, and provided the Commission makes no further changes in the Chapter prior to its effective date, uses will be divided into 29 categories that will be separately regulated in each zone.

This new chapter will be part of a revised Title 11. The Commission has already approved a codification format that would divide the revised Title 11 into 10 subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The proposed chapter that is the subject of this notice would be included within a new Subtitle B entitled “General Regulations.”

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of 10 subtitles and issued final orders for all approved text. At that point the Office of Planning (“OP”), the Office of the Attorney General (“OAG”), and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the Commission. The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a citywide Taskforce. Since then, OP has organized 19 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has been working with OAG to draft zoning language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

For this amendment, the Commission was presented with a proposal to consolidate the existing 650 distinct uses into a far more limited set of use categories as part of the guidance proceeding advertised as Case No. 08-06-5 (Comprehensive Zoning Regulations Rewrite: Commercial Zones: Mapping and Use Principles). A public hearing on the subject was held on October 23, 2008. At its regularly scheduled public meeting of December 8, 2008, the Commission reviewed a decision worksheet provided by OP. As to the issue of use classification, the Commission was presented with the following options:

#### **Consolidation of use lists**

##### **OPTION ONE (OP Recommendation)**

- Consolidate existing lists of uses throughout the code into limited set of use categories.

##### **OPTION TWO**

- Update existing lists of uses. Continue to regulate use by lists of permitted uses

The Commission chose Option One.

For the next two years, the OP continued to work with the working group assigned to this topic to compile a final list of consolidated uses and to formulate a definition for each.

A final list of the uses, their definitions, and associated regulations were presented to the Commission through OP Report dated August 12, 2010. Notice of a public hearing on the proposed text was advertised in the August 6, 2010 edition of the *D.C. Register* based upon the Commission's prior decision to waive the setdown process for hearings under this docket. At a special public meeting held September 2, 2010, the Commission rescinded the waiver, voted to set down the case for hearing for September 20, 2010, and confirmed the continued validity of the public hearing notice. A second notice of public hearing was published in the *D.C. Register* on September 10, 2010 to narrow the scope of proposed height rules that were also be the topic of the hearing, but which will be discussed in a separate order.

Pursuant to § 13 (of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) notice was given to all Advisory Neighborhood Commissions ("ANCs"). No ANC reports were received on the subject of uses.

The public hearing took place as scheduled on September 20, 2010 and the matter came before the Commission for proposed action on November 8, 2010, at which time it voted to refer the text to the National Capital Planning Commission ("NCPC") for review pursuant to § 492 of the

District Charter and to authorize the publication of a notice of proposed rulemaking in the *D.C. Register* (“DCR”).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 3, 2010, at 57 DCR 11621. No comments were received.

NCPC, through a delegated action dated January 6, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit No. 117.)

At a properly noticed public meeting held on February 7, 2011, the Commission took final action to adopt the text amendments, but to delay publication of a notice of final rulemaking until the text has been finalized and conformed to all other text that will comprise the revised Zoning Regulations adopted under this docket. The Commission made one change to the definition for the use classification “lodging”. The Commission decided to strike the word “lodging” within the definition and to substitute the phrase “temporary housing”.

The following new Chapter 2, **USE CATEGORY REGULATIONS**, shall be included within a proposed Subtitle B, **GENERAL REGULATIONS**, of a revised Title 11 DCMR:

## **CHAPTER 2 USE CATEGORY REGULATIONS**

- 200      Introduction to Use Regulation**
- 201      Relationship to Land Use Subtitles**
- 202      Rules for Determining Use Categories**
- 203      Applicability of Multiple Uses**
- 204      Accessory Uses**
- 205      Temporary Uses**
- 206      Definitions of Use Categories**

### **200      INTRODUCTION TO USE REGULATION**

- 200.1      This chapter provides general *use* regulations that apply regardless of *zone*.
- 200.2      The purpose of *use* regulations is to:
  - (a)      Ensure an efficient mix, concentration, and separation of uses;
  - (b)      Provide for a systemic method of permission; and
  - (c)      Effectively balance the competing demands for land.

200.3 The purpose of this chapter is to:

- (a) Organize and regulate uses into categories based on common functional, activity, or physical characteristics;
- (b) Establish rules for assigning and codifying use categories;
- (c) Provide clear guidance to property owners and administrative officials;
- (d) Establish a use system that remains current and is easily updated and minimizes excessive amendments; and
- (e) Establish regulations for the operation of temporary uses.

## **201 RELATIONSHIP TO LAND USE SUBTITLES**

201.1 In addition to the general regulations of this subtitle each land use subtitle shall include a *use categories* regulations chapter containing *use categories* regulations specific to that subtitle, including tables identifying *use* requirements, permissions, conditions, and exceptions specific to each zone.

201.2 Use permissions shall be codified and presented in the appropriate *use category* permission table as follows:

- (a) Each cell in the *use category* permission table shall contain a letter representing the *use category* permission within a specific zone:
  - (1) “P” indicates *uses* that are permitted by-right in the applicable *zone*;
  - (2) “N” indicates uses that are prohibited in the applicable zone;
  - (3) “C” indicates uses that are permitted in the applicable zone only when the use complies with listed conditions;
  - (4) “S” indicates uses that are permitted only upon Board of Zoning Adjustment approval of a special exception; and
  - (5) “A” indicates *uses* that are permitted only as an accessory to a permitted principal use.
- (b) Conditions and special exception criteria shall be indicated within the table by a code reference number within the relevant cell for the use; and

(c) Corresponding lists of conditions and special exception criteria shall be located in the *permitted use by condition*, *special exception use*, or *accessory use* conditions sections.

## 202 RULES FOR DETERMINING USE CATEGORIES

202.1 *Use categories* describe activities being performed on-site. They are groups of uses that have similar activities, functions, physical characteristics, impacts, or operational behaviors.

202.2 All individual uses shall be included in at least one (1) *use category*, and may be included in multiple *use categories*. On-site and off-site activities may cause a use to be included in more than one (1) category.

202.3 Uses may have one (1) or more *accessory uses*. Buildings or lots with more than one (1) *principal use* are addressed in B § 203. *Accessory uses* are addressed in B § 204.

202.4 *Descriptions of use categories* shall include a definition, examples, and potential exceptions:

(a) Definitions are composed of a series of characteristics that include similar activities, functions, physical characteristics, impacts, or operational behaviors;

(b) Examples and exceptions are provided to illustrate typical uses within a category, give clarity to the definitions, and assist in determination of an appropriate categorization of a use; they are not intended to be comprehensive lists of *uses*;

(c) The following applies to examples:

(1) They may include *uses* which may be particularly difficult to classify;

(2) They are included based on their operational or functional similarities, or common meanings of terms, they are not included based on business name alone; and

(3) Where a term is not defined by the regulations, it will have the meanings given in *Webster's Unabridged Dictionary*; and

(d) Definitions should be applied as the sum of their components, using the content of definitions, examples, and exceptions to determine the use category, rather than an individual subsection alone.

202.5 The Zoning Administrator shall determine a use to be within the *use category*, or categories, whose definition is most consistent with the activities, functions, physical characteristics, and impacts of the use.

202.6 The following items may be considered by the Zoning Administrator when determining what *use category* a use is within, and whether the activities constitute a *use*:

- (a) The description of the activities in relationship to the definition of each *use category*;
- (b) Similarities in function to the examples given in the definition of each *use category*, based on:
  - (1) The relative amount of site or floor space and equipment devoted to the activity;
  - (2) Relative amounts of sales from each activity;
  - (3) The customer type for each activity;
  - (4) The relative number of employees in each activity;
  - (5) Hours of operation;
  - (6) Building and site arrangement;
  - (7) Number and type of vehicles used;
  - (8) The relative number of vehicle trips generated by the activity; or
  - (9) How the *use* advertises itself; and
- (c) Exceptions which are explicitly excluded from the definition of the use category.

202.7 Uses shall be considered to remain within the same *use category* as long as the activities, functions, physical characteristics, and impacts of the occupancy remain consistent with the *use category*'s definition. If a use changes the activities, functions, physical characteristics, and impacts of the occupancy to a degree that is inconsistent with the *use category*'s definition, the property owner shall apply for a new certificate of occupancy that either changes or adds to the *use categories* applicable to that occupancy.

## **203           APPLICABILITY OF MULTIPLE USES**

203.1       When multiple *uses* within a building fall within different *use categories*, each *use* is classified in the applicable category and is subject to the regulations for that category.

203.2       If a *use* is determined to fall into multiple *use categories*, the use is subject to the regulations for all applicable use categories.

203.3       If there are conflicting conditions or criteria on *uses* in multiple *use categories*, the most stringent conditions must be met.

## **204           ACCESSORY USES**

204.1       A use in any *use category* can also be determined to meet the definition of an *accessory use*.

204.2       An *accessory use* is a use that meets the following criteria:

- (a)       A use that is subordinate in area, extent, and purpose to the principal use; and
- (b)       Serves a purpose clearly incidental to and customarily associated with a principal use.

204.3       Any use allowed as a permitted use shall be allowed as an *accessory use*. Any use allowed as a conditional use shall be allowed as an accessory use subject to all conditions.

204.4       The following are requirements on *accessory uses*:

- (a)       *Accessory uses* shall be allowed only when associated with permitted or conditionally permitted uses;
- (b)       The *use* shall occupy no more than fifteen percent (15%) of the gross floor area of the building in which it is located; and
- (c)       The *use* will meet all of the conditions of the appropriate *use category*.

## **205           TEMPORARY USES**

205.1       A use in any *use category* can also be determined to meet the definition of a *temporary use*.

205.2       A *temporary use* is a use that meets the following criteria:

- (a) Any *use* established for a fixed period of time with the intent that such use will expire automatically unless permission to conduct the *use* is renewed; and
- (b) *Examples* may typically include but are not limited to circus, or farmers' market.

205.3 The following are requirements on temporary uses:

- (a) The *time* period of the allowance of the *use* shall be determined by the Certificate of Occupancy; and
- (b) No *permanent* structures may be erected for a temporary use, although existing permanent structures may be used.

## **206 DEFINITIONS OF USE CATEGORIES**

206.1 This section provides the definitions of *use categories* which govern the regulation of *uses* in all *zones*.

206.2 *Agriculture*

- (a) Definition: Any *use* involving the on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry; and
- (b) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, horticultural nursery, or community garden.

206.3 *Animal Sales, Care, and Boarding*

- (a) Definition: Any *use* involving the on-site sale, medical care, or short term boarding of animals for a fee. These *uses* may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking; and
- (b) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter.

206.4

*Antennas*

- (a) Definition: Any *structure* involving conducting, transmitting, or receiving communication signals. This *use category* encompasses the portions of the *structure* responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional mechanisms;
- (b) Examples include, but are not limited to: commercial broadcast antenna, terrestrial microwave dish, satellite earth station, whip, or yagi antennas; and
- (c) Exceptions: The regulation of this *use* does not include antennas constructed on, or affixed to buildings, penthouses, or other rooftop *structures*. The form and location of antenna *uses* are further regulated in B § XXX.

206.5

*Arts Design and Creation*

- (a) Definition: Any *use* involving the on-site design and creation of visual, auditory, or performance art. This *use* may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts;
- (b) Examples include, but are not limited to: artist studio, photographic studio, recording studio, radio, or broadcasting studio; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment*.

206.6

*Basic Utilities*

- (a) Definition: Any *use* involving the commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, or telecommunication-related information. This *use* commonly takes the form of infrastructure services which are provided city-wide. This *use* may include methods and facilities for renewable energy generation;
- (b) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, or utility pumping station; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Antennas* or *Waste-related Services*.

206.7        *Chancery*

- (a)     Definition: The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes;
- (b)     Examples include, but are not limited to: chancery or embassy; and
- (c)     Exceptions: This term does not include *uses* which more precisely meet the definition of Residential, such as an ambassador's residence.

206.8        *Commercial Parking*

- (a)     Definition: Any *use* involving the on-site short or long-term storage of motor vehicles, when such storage is made available to the public for a fee. *Commercial parking uses* may occur in a variety of formats on surface lots or within *structures*. *Commercial parking uses* may be operated by private commercial or public entities. Separate standards that delineate the form, size, and number of parking spaces allowed as *accessory uses* to other use categories can be found in General Subtitle B § XXX;
- (b)     Examples include, but are not limited to: public parking lot or public parking garage; and
- (c)     Exceptions: This term does not include rental of private parking to a car-share company.

206.9        *Community-based Institutional Facility*

- (a)     Definition: Any *use* providing monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; been assigned to the facility; or are being detained by the government, other than as a condition of probation;
- (b)     Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities; and
- (c)     Exceptions: This term does not include *uses* which more precisely meet the definition of *Emergency Shelter*.

206.10       *Daytime Care*

- (a)     Definition: Any *use* involving the non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not

related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day;

- (b) Examples include, but are not limited to: child care centers and programs, pre-schools, nursery schools, before-and-after school programs, or elder care centers and programs; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Health Care*, or *Parks and Recreation*. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a Certificate of Occupancy.

206.11

*Education*

- (a) Definition: Any *use* including education and academic institutions at the elementary, middle, junior high, or high school level that provide District or state mandated basic education or educational uses of higher learning which offer courses of general or specialized study leading to a degree. These *uses* may include accessory play areas, dormitories, cafeterias, recreational, or sports facilities;
- (b) Examples include, but are not limited to: private schools, public schools, charter schools, colleges, community colleges, universities, or boarding schools; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Daytime Care*.

206.12

*Emergency Shelter*

- (a) Definition: Any *use* providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals. Emergency Shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance; and
- (b) Exceptions: This term does not include *uses* which more precisely meet the definition of *Residential*.

206.13

*Entertainment, Assembly, and Performing Arts*

- (a) Definition: Any *use* involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in

active leisure activities. These *uses* may be characterized by activities and structures that draw large numbers of people to specific events or shows;

- (b) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, or stadium; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation*.

**206.14      *Firearm Sales***

- (a) Definition: Any *use* engaged in the on-site sale, lease, or purchase of firearms or ammunition. A firearm is defined as a gun, pistol, or any other weapon capable of firing a projectile and using an explosive charge as a propellant. This *use category* has been established to identify those *uses* which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other *uses* of land; and
- (b) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.

**206.15      *Food and Alcohol Services***

- (a) Definition: Any *use* involving the sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for immediate consumption on or off the premises;
- (b) Examples include, but are not limited to: prepared food shop, café, delicatessen, restaurant, fast food establishment, bar, nightclub, ice cream parlor, or coffee shop; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Sexually-based Business Establishment*.

**206.16      *Health Care***

- (a) Definition: Any *use* involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans. These facilities may provide medical or surgical care to patients or offer overnight care;
- (b) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices; and

(c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Community-based Institutional Facility* or *Emergency Shelter*.

206.17 *Institutional*

(a) Definition: Any non-governmental *use* involving the public assembly of people or provision of services for social, cultural, or religious purposes. These *uses* may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community;

(b) Examples include, but are not limited to: private clubs, private libraries, non-profit social service providers, or religious facilities; and

(c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation*.

206.18 *Lodging*

(a) Definition: Any *use* providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any *use* where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests. These *uses* differ from the *Residential use category* because of the short tenure of residence;

(b) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments; and

(c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Emergency Shelter*.

206.19 *Local Government*

(a) Definition: Any *use* involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas;

(b) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations; and

(c) Exceptions: This term does not include large-scale government uses with a regional or larger service area or *uses* which more precisely meet the

definition of *Emergency Shelter, Parks and Recreation, or Motor Vehicle-related*.

206.20      *Marine*

- (a)    Definition: Any *use* in which proximity to the waterfront constitutes an integral aspect of its function; or *uses* which depend upon access to the water for their effectuality. This *use category* includes activities associated with water and marine-based travel, movement, storage, and related activities;
- (b)    Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, or water facilities; and
- (c)    Exceptions: This term does not include *uses* which more precisely meet the definition of *Motor Vehicle-related*.

206.21      *Motor Vehicle-related*

- (a)    Definition: Any *use* engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These *uses* include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles;
- (b)    Examples include, but are not limited to: gas service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales; and
- (c)    Exceptions: This term does not include *uses* which more precisely meet the definition of *Motor-Vehicle Parking*.

206.22      *Office*

- (a)    Definition: Any *use* engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. These *uses* are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. *Office uses* may have infrequent contact with the public, and when applicable, perform service activities off-site;
- (b)    Examples include, but are not limited to: real estate agent, attorney, accountant, advertising agency, stockbroker, or laboratory; and
- (c)    Exceptions: This term does not include *uses* which more precisely meet the definition of *Health Care; Education; Local Government; Retail; Production, Distribution, and Repair; or Chancery*.

206.23 *Parks and Recreation*

- (a) Definition: Any *use* involving publicly accessible passive or active open space or recreation spaces available to the public. This term includes any area, structure, or facility under the jurisdiction of a public agency that is used for community recreation activities. These *uses* may consist of public plazas or mostly vegetated landscaping, outdoor recreation, community gardens. *Parks and Recreation* facilities may include accessory kitchen facilities;
- (b) Examples include, but are not limited to:
  - (1) Activities such as picnicking, boating, fishing, bicycling, tennis, or swimming;
  - (2) Classes and services relating to health and wellness, culture, arts and crafts, or education;
  - (3) *Structures* or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Entertainment, Assembly, and Performing Arts, Arts Design and Creation, Health Care, or Service*.

206.24 *Production, Distribution, and Repair*

- (a) Definition: Any *use* involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application. *Uses* may include firms that provide centralized services or logistics for retail uses. These *uses* typically have little contact with the public;
- (b) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, ground shipping facility, or wholesale sales; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Retail, Service or Waste-related Services*.

206.25 *Residential*

- (a) Definition: Any *use* offering habitation to one (1) or more *households* on a continuous basis of at least thirty (30) days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use category also includes residential facilities which provide housing and supervision for persons with disabilities. This may include twenty-four (24) hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services;
- (b) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Accommodation*, *Education*, or *Community-based Institutional Facility*.

206.26 *Retail*

- (a) Definition: Any use engaging primarily in the on-site buying or selling of goods, wares, or merchandise directly to the consumer or persons without a resale license. These *uses* include goods commonly sold to individuals in small quantities for their direct use. These *uses* may have moderate to frequent contact with the public;
- (b) Examples include, but are not limited to: antique shop, drugstore, card shop, grocery store, jewelry store, fabric store, or bicycle shop; and
- (c) Exceptions: This term does not include wholesale goods commonly sold to businesses in bulk or *uses* which more precisely meet the definition of *Arts Design and Creation*, *Automobile-related*, *Firearm Sales*, *Marine, Production, Distribution, and Repair*, or *Sexually-based Business*.

206.27 *Service*

- (a) Definition: Any *use* engaging primarily in the on-site buying, selling, or renting of work performed for a fee by a person or machine that does not, in itself, result in a tangible commodity. These *uses* may provide personal services or provide small-scale product repair or services for consumer and business goods on-site. These *uses* may have moderate to frequent

contact with the public. *Service uses* which provide services off-site are typically *Office uses*;

- (b) Examples include, but are not limited to: bank, appliance repair, travel agency, fitness center, yoga studio, tailor shop, or parcel delivery service; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Food and Alcohol Services, Entertainment, Assembly, and Performing Arts, Local Government, Parks and Recreation, Animal Care and Boarding, Motor Vehicle-related, Accommodation, Daytime Care Facility, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services*.

206.28 *Sexually-based Business Establishment*

- (a) Definition: Any *use* involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast. This *use category* has been established to identify those *uses* which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land; and
- (b) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

206.29 *Transportation Infrastructure*

- (a) Definition: Any *use* involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These *uses* may include land or facilities for the movement or storage of transportation system components;
- (b) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets; and
- (c) Exceptions: This term does not include *uses* which more precisely meet the definition of *Basic Utilities*.

206.30        *Waste-related Services*

- (a)    Definition: Any *use* involving the collection, transportation, recycling, or elimination of trash or other refuse. Disposal or processing may be on-site or transfer to another location. This term may include the collection of sanitary wastes or *uses* that produce goods or energy from wastes; and
- (b)    Examples include, but are not limited to: solid waste handling facility or non-intensive recycling facility.

On November 8, 2010, upon a motion made by Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, Peter G. May, and Michael G. Turnbull and Peter G. May to approve).

On February 7, 2011, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; Greg M. Selfridge to approve by absentee ballot).





**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 08-06-B**  
**Z.C. Case No. 08-06**  
**(Comprehensive Zoning Regulations Review: Chapter B-4 Height)**  
**February 7, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.), hereby gives notice that it took final rulemaking action to adopt amendments to Title 11 of the District of Columbia Municipal Regulations (“Title 11”). The amendments create a new chapter that consolidates and restates all of the existing provisions within Title 11 that concern the height of buildings and structures. More detailed information, discussion, and analysis for the proposed text can be found by clicking on “Setdown Report for Height and Use” at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp).

This new chapter will be part of a revised Title 11. The Commission has already approved a codification format that would divide the revised Title 11 into 10 subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The adopted Chapter 4 will be included within a new Subtitle B entitled “General Regulations.”

As noted in adopted § 400.3:

In addition to the height limitations of the Zoning Regulations, all buildings are also subject to and shall conform with the limitations of the Act to Regulate Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (“Height Act”). The regulatory interpretation of, and rules pertaining to, the Height Act adopted by the District Department of Consumer and Regulatory Affairs (“DCRA”) are located in Subtitle M.

As of the date that these amendments were adopted, DCRA had not yet proposed these rules or confirmed that the rules will be codified in the proposed subtitle. The Commission has requested the Office of the Attorney General (“OAG”) and the Office of Planning (“OP) to continue to work with DCRA towards the formal adoption of Height Act interpretations through rulemaking.

One area in which the Zoning Regulations and the Height Act should conform is the general measurement of height. Adopted § 402 sets out the rules for making such measurement and states at the outset in adopted § 402.1 that “unless otherwise stated, the rules of this section are identical to DCRA rules for the measurement of building height under the Height Act, which appear in Subtitle M.” The Commission has been apprised that the Zoning Administrator has reviewed § 402, as proposed, and expressed his agreement with its applicable principles.

The Commission will not issue a notice of final rulemaking at this time, but will wait until it has reviewed all portions of the 10 subtitles and issued final orders for all approved text. At that point OP, OAG, and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the

Commission. The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a citywide Taskforce. Since then, OP has organized 19 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has worked with OAG to draft zoning language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

In this case, a notice of public hearing containing policy recommendations regarding the regulation of height within the Zoning Regulations was published in the *D.C. Register*. The public hearing was advertised for and held on September 25, 2008. A guidance meeting scheduled for February 5, 2009 was deferred in order for OP and OAG to work with the Zoning Administrator to develop a unified set of height interpretations.

For the next 18 months, OP continued to work with the working group on this subject matter to draft text that comported with its understanding of the Zoning Administrator's views. Notice of a public hearing on the proposed text was advertised in the August 6, 2010 edition of the *D.C. Register* based upon the Commission's prior decision to waive the setdown process for hearings under this docket. At a special public meeting held September 2, 2010, the Commission rescinded the waiver, voted to setdown the case for hearing for September 20, 2010, and confirmed the continued validity of the public hearing notice. However, the Commission decided to remove those portions of the text that dealt exclusively with Height Act interpretations, concluding that the Zoning Administrator had exclusive jurisdiction in that area. The Commission expressed its preference that such rules as DCRA might adopt should be within the proposed Subtitle M.

A second notice of public hearing was published in the *D.C. Register* on September 10, 2010 that reflected the narrower scope of proposed height rules.

Pursuant to § 13 (d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) notice was given to all Advisory

Neighborhood Commissions (“ANCs”). The reports received, and the Commission’s response, will be discussed later in this Order.

The public hearing took place as scheduled on September 20, 2010 and the matter came before the Commission for proposed action on November 8, 2010, at which time it voted to refer the text to the National Capital Planning Commission (“NCPC”) for review pursuant to § 492 of the District Charter and to authorize the publication of a notice of proposed rulemaking in the *D.C. Register*.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 3, 2010, at 57 DCR 11637. No comments were received.

NCPC, through a delegated action dated January 6, 2011, noted that the proposed text amendments would not adversely affect the federal interest if the following changes were made:

1. Reflect in § 404 that the Height Act does not provide a mechanism for relief to be granted by the Board of Zoning Adjustment from the Height Act provisions for maximum building heights.
2. Add “...public or private street...” at the end of the sentence in § 402.2.
3. Add “...the height of a building shall not be measured from the human-constructed elevation, but shall be measured...” in § 402.4.

As to the first request, § 404 would authorize the Board of Zoning Adjustment to grant special exception relief from setback and other requirements that apply to roof structures permitted to exceed the maximum zoning height. The Height Act does not allow for similar relief from its setback requirement applicable to certain structures granted height waivers. The Commission does not believe it necessary to make this point in the Zoning Regulations. NCPC may wish to explore with DCRA whether the contemplated Height Act regulations could be a suitable place to state the restriction.

NCPC’s second comment would accomplish the following change to the second sentence of § 402.2.

Where no *street frontage* exists, the height of a *building* shall be measured from its midpoint along its façade nearest to a public or private street.

The Commission notes that the Height Act uses the term “street” with no qualifier and in the Zoning Regulations the term “street” is defined as “a public highway designated as a street, avenue, or road on the records of the Surveyor of the District of Columbia.” This reflects the long-standing practice of measuring height only from public streets. NCPC has furnished no analysis of the impact of allowing private streets to be used for this purpose as well, and this

Commission is concerned that the consequences of doing so would be unpredictable and potentially adverse.

The third requested revision would make the following modification to the introductory language of § 402.4 as follows:

When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a *building shall not be measured from the human-constructed elevation*, but shall be measured using the first of the following four methods that is applicable to the site:

The NCPC staff report indicates that the insertion of the bolded and underlined text would strengthen the provision. However, the phrase could be interpreted as precluding height measurement from an artificial elevation in all instances. This would directly conflict with § 402.4(a), which specifically allows height to be measured at a human-constructed elevation if permitted in a specific zone. The Commission appreciates NCPC's drafting recommendation, but concludes that including the provision would result in the potential for misinterpretation.

In addition to the comments received from NCPC, the Commission received reports from ANC 6A, dated September 15, 2010; ANC 6B, dated September 22, 2010; and ANC 6C, dated September 13, 2010. ANCs 6A and 6C shared a common concern about what was advertised as § 402.4 (c), but which is now § 402.4(b). As just discussed in the context of NCPC's concerns, § 402.4 provides rules for determining height when there is an artificial elevation. As revised from the notice of public hearing, the provision now indicates the order in which the rules apply, and thereby addresses one of ANC 6A's concerns.

The second rule, as stated in (b), is to use "an elevation for the site that was determined prior to the effective date of this section by the Zoning Administrator, or the Redevelopment Land Agency, its predecessors or successors". ANC 6C was concerned that this would permit future Zoning Administrators to change these measuring points without public comment. The Commission notes that the rule clearly allows only the use of determinations made prior to the effective date of the section. ANC 6A views these 20-year-old determinations as obsolete. The Commission is sympathetic with this position, but cannot ignore the fact that buildings and structures were built under the authority of these decisions and that to disavow them would create unacceptable nonconformities that are unlikely to be replaced by new building constructed under possibly stricter rules.

ANC 6A also views what is now § 402.4(a) as arbitrary, because it permits the Commission to establish the measuring point for an artificial elevation on a zone-by-zone basis. However, ZRR represents a rejection of one-size-fits-all zoning in favor of neighborhood focused zoning controls. When a neighborhood includes property constructed at an artificial elevation, the Commission must and will judge height limitations based upon what is best for that area.

Lastly, ANC 6B stated its concerns with respect to what constitutes a cellar or a story. Adopted § 401.4 provides that “Zone height limits shall be stated in terms of feet.” Therefore, concerns over what is a story, which in some circumstances depended upon whether a lower level was a basement or cellar, will no longer be relevant to the future measurement of height once these rules take effect. The ANC was also concerned about the inconsistent use of the phrases “building face” and “building façade.” The Commission notes that the latter phrase does not appear in the adopted text, but requests that OP determine whether there is a need to use both terms and, if so, formulate definitions that differentiate their meaning.

Having recognized each ANC as the source of its recommendation, and articulated why it did or did not find the advice persuasive, the Commission has given ANCs 6A, 6B, and 6C the great weight to which they are entitled by law.

At a properly noticed public meeting held on February 7, 2011, the Commission took final action to adopt the text amendments, but to delay publication of a notice of final rulemaking until the text has been finalized and conformed to all other text that will comprise the revised Zoning Regulations adopted under this docket.

The following new Chapter 4, **HEIGHT**, is adopted for inclusion within a proposed Subtitle B, **GENERAL REGULATIONS**, of a revised Title 11 DCMR:

## **CHAPTER 4 HEIGHT**

- 400      Introduction to Height Regulation Chapter**
- 401      Relationship to the Land Use Subtitles**
- 402      General Rules of Measurement**
- 403      Height Limit Exceptions**
- 404      Height Special Exception Standards**

### **400      INTRODUCTION TO HEIGHT REGULATION CHAPTER**

**400.1**      This chapter provides height regulations for the District. The provisions of this chapter apply to all zones.

**400.2**      The intent of regulating height is to:

- (a)      Promote successful transitions between areas of differing density;
- (b)      Ensure adequate light and air to neighboring properties and zones; and
- (c)      Provide vertical control to accommodate appropriate density and good design.

400.3 In addition to the height limitations of the Zoning Regulations, all buildings are also subject to and shall conform with the limitations of *the Height Act*. The regulatory interpretation of, and rules pertaining to, the Height Act adopted by the District Department of Consumer and Regulatory Affairs (“DCRA”) are located in Subtitle M.<sup>1</sup>

## **401 RELATIONSHIP TO THE LAND USE SUBTITLES**

401.1 In addition to the general regulations of this subtitle, each land use subtitle shall include a height regulations chapter containing height regulations specific to the zones within that subtitle, including tables identifying zone-specific height maximums, conditions, and exceptions.

401.2 Zone height limitations shall be codified and presented in the development standards table within each land use subtitle.

401.3 Where the maximum height permitted within a zone differs from the maximum height permitted by the Height Act, the more restrictive maximum height shall apply.

401.4 *Zone* height limits shall be stated in terms of feet, and shall be evenly divisible by five (5).

401.5 The height limits in each zone district apply to structures located in the public space included within the zone district’s boundary.

## **402 GENERAL RULES OF MEASUREMENT**

402.1 This section provides rules of measurement for the purpose of determining compliance with zone height limitations. Unless otherwise stated, the rules of this section are identical to DCRA rules for the measurement of building height under the Height Act, which appear in Subtitle M.

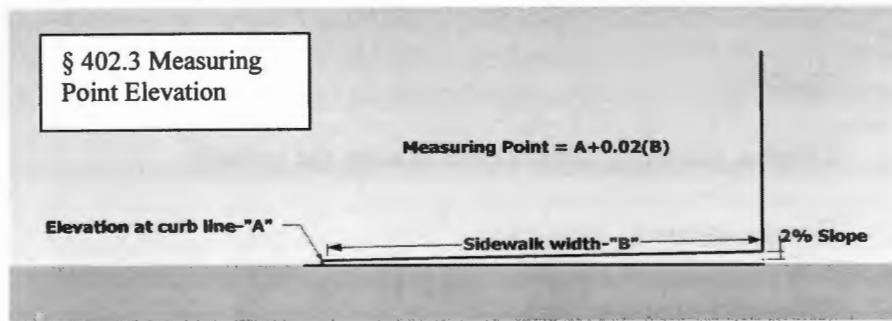
402.2 The height of a *building* shall be measured from its midpoint along any abutting *street frontage*. Where no *street frontage* exists, the height of a *building* shall be measured from its midpoint along its façade nearest to a public street.

402.3 The measuring point for determining height shall be the elevation at the midpoint of the adjacent curb except as provided in § 402.4, plus a two percent (2%) gradient between the curb and the property line, up to a maximum height

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<sup>1</sup> DCRA has not yet proposed such rules or determined where in the DCMR they would be codified.

difference of twelve inches (12 in.). When an adjacent curb does not exist, the elevation for the measuring point shall be the elevation at the property line midpoint, where the street right of way meets the property line.



402.4 When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a *building* shall be measured using the first of the following four methods that is applicable to the site:

- (a) An elevation or means of determination established for a specific zone elsewhere in this title.
- (b) An elevation for the site that was determined prior to the effective date of this section by the Zoning Administrator, or the Redevelopment Land Agency, its predecessors or successors;
- (c) A *street frontage* of the building not affected by the artificial elevation; or
- (d) A level determined by the Zoning Administrator to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

402.5 One- and two-family dwellings, and any building setback from all lot lines by a distance at least equal to its own height, shall be measured from the ground level at the midpoint of the building face closest to the nearest public right of way.

402.6 *Building* height shall be measured to the top of the roof including any parapet or balustrade on exterior walls, or any other continuation of the exterior walls. For purposes of calculating the *zone*-specific height, a parapet or balustrade of up to four feet (4 ft.) may be excluded from the height measurement. This exclusion does not apply in calculating maximum height under the Height Act.

## 403 HEIGHT LIMIT EXCEPTIONS

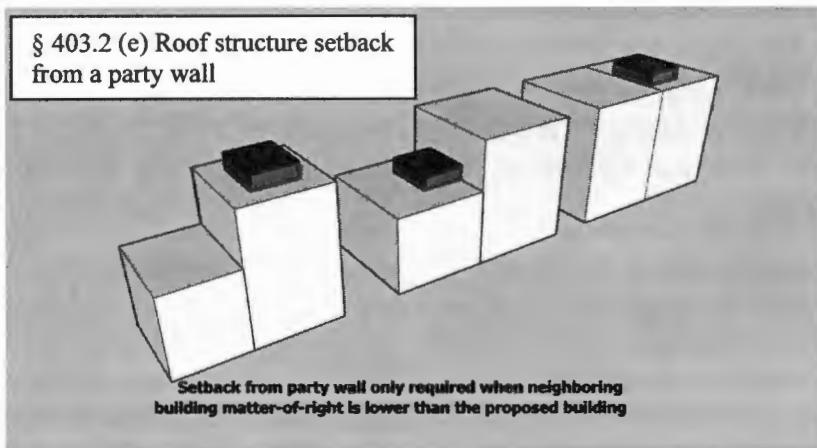
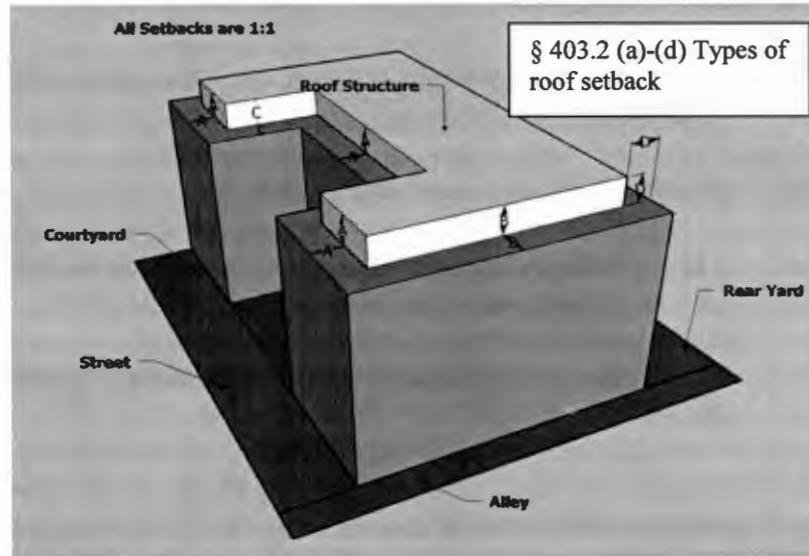
403.1 The following *structures* may be built above the zone height limitations, subject to the conditions of this section and the Height Act:

- (a) Spires;
- (b) Towers, including towers erected from the ground;
- (c) Domes, minarets, pinnacles;
- (d) Chimneys or smokestacks;
- (e) Skylights;
- (f) Antennas;
- (g) Penthouses fully or partially enclosing utilitarian features, including, but not limited to, mechanical equipment and its housing, elevators, and stairwells;
- (h) Building appurtenances dedicated to safety, including safety railings;
- (i) *Pergolas* and similar architectural embellishments;
- (j) Building components or appurtenances dedicated to the environmental sustainability of the building; and
- (k) Penthouses fully or partially enclosing accessory amenity features, such as communal recreation space, and structures accessory to outdoor recreation space.

403.2 A *structure* listed under § 403.1 (g) through (k) must be *set back* greater than or equal to its height above the roof on which it is situated from:

- (a) Any wall facing a public street;
- (b) Any wall facing a public alley;
- (c) Any wall facing a *courtyard* open to a public street;

- (d) Any wall that maintains a *setback* from and faces a lot line; or
- (e) Any wall that abuts a lot line and that is taller than the greater of the adjacent property's existing or matter-of-right height.



403.3 *Structures* listed under § 403.1 (f) through (k) shall not rise more than twenty feet (20 ft.) above the roof.

403.4 Space enclosed by walls on a roof is limited to forty percent (40%) of the *building*'s total footprint.

## **404            HEIGHT SPECIAL EXCEPTION STANDARDS**

404.1            The Board may grant, by special exception, relief from §§ 403.2 (b) through (e) or 403.4 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that granting the relief would not:

- (a)        Be incompatible with the purpose and intent of height regulations listed in § 400.2; or
- (b)        Result in adverse impact on:
  - (1)        Existing solar or wind power generation facilities in the immediate vicinity; or
  - (2)        The visual character of the surrounding neighborhood.

On November 8, 2010, upon a motion made by Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, Peter G. May, and Michael G. Turnbull and Peter G. May to approve).

On February 7, 2011, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; Greg M. Selfridge to approve by absentee ballot).





**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**ZONING COMMISSION ORDER NO. 08-06-C**

**Z.C. Case No 08-06**

**(Comprehensive Zoning Regulations Rewrite: Chapters B-15, General Parking Regulations; B-16, Bicycle Parking Regulations; and B-17, Loading Regulations)**

**April 25, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice that it took final rulemaking action to adopt amendments to title 11 of the District of Columbia Municipal Regulations (“title 11”). Once effective, the amendments will change the Zoning Regulations in relation to the regulation of motor vehicle parking, bicycle parking, and loading. The proposed parking chapter provides general rules for the provision of parking spaces. Since the number of minimum parking spaces required will vary by zone, the actual number of required spaces will be determined in future proceedings under this docket. The adoption of these regulations will not add, change, reduce, or eliminate existing parking minimums. The loading and bicycle parking chapters contain both general requirements and a table of the number of spaces required since those requirements will not vary by zone.

More detailed information, discussion, and analysis for the proposed text can be found in the following documents, which may be accessed at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp):

**Setdown Report - Parking and Loading (w-attachments)** – Office of Planning (“OP”) Report outlining proposed updates to parking and loading regulations and why those changes are being proposed; and

**Hearing Report - Parking, Bike Parking, and Loading** – OP's hearing report on the proposed parking, bike parking, and loading chapters.

These new chapters would be part of a revised title 11. The Commission has already approved a codification format that would divide the revised title 11 into ten (10) subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The proposed chapters that are the subject of this notice would be included within a new subtitle B entitled “General Regulations.”

As will be clarified as part of the revised title 11, the text approved in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised title.

Italicized terms will be defined. The bracketed citations are to provisions contained in the current title 11. The provision will be re-codified and, in all likelihood rephrased in the revised title 11. The version of this chapter that will appear in a notice of final rulemaking will contain the correct citations.

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of the ten (10) subtitles and issued final orders for all approved text. At that point OP, the Office of the Attorney General (“OAG”), and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the Commission. The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a citywide Taskforce. Since then, OP has organized 19 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has been working with OAG to draft zoning language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

These three subject matters were originally presented to the Commission in two separate proceedings. Recommendations for motor vehicle and bicycle parking were the subject of Z.C. Case No. 08-06-2 (Comprehensive Zoning Regulations Rewrite: Parking). Loading recommendations were included in Z.C. Case No. 08-06-3 (Comprehensive Zoning Regulations Rewrite: Loading). The notice of public hearing included conceptual text that outlined the provision of minimum and maximum parking space requirements for new developments. In addition, the proposal set forth size requirements for spaces and aisles, as well as the maintenance, location, and access regulations for all parking areas. The proposal included requirements for bicycle parking and showering/changing facilities. In contrast, the public hearing notice for loading set forth a series of general recommendations for changes to the existing loading requirements.

The public hearing on the parking recommendations was held July 31, 2008 and the Commission provided general guidance at its public meeting held October 16<sup>th</sup>. The hearing for the loading recommendations was held September 4, 2008 and the Commission provided guidance on November 10<sup>th</sup>.

Although the specific and general requirements for parking had been consolidated in order to receive combined guidance from the Commission, the two subject areas were separated for the

purpose of formulating text. The specific text for parking requirements would be contained within each land use title, while the general requirements for parking was to be codified as part of a new subtitle B entitled “General Regulations.” The subtitle would also include general and specific requirements for bicycle parking and loading. Given the interrelationship between parking and loading, OP decided to present the three chapters together, which was accomplished through its setdown report dated September 3, 2010.

The Commission, at its regularly scheduled meeting of September 16, 2010, voted to set down the three chapters for hearings. The Commission authorized the advertisement of alternative maximum parking limits and alternative special exception provisions that either authorized the grant of full and partial relief from applicable minimum parking space requirements or limited the relief to 50% of the spaces required.

A public hearing on the advertised text was held on November 15, 2010.

In response to the testimony received during the hearing, OP, through a Supplemental Report dated December 21, 2010, provided the Commission with a spreadsheet reflecting all public comment and questions concerning the proposed text, OP’s response to those comments and questions, and any proposed text changes OP felt was warranted.

At its regularly scheduled meeting of January 10, 2011, the Commission considered OP’s recommendations and adopted several while also making clarifying changes of its own. The Commission also addressed the two concepts that were advertised in the alternative. As to the maximum parking requirements that are the subject of § 1503, the Commission agreed with OP that the specific number of maximum parking spaces should be determined at a future proceeding. The Commission also agreed that the parking maximums should be stated separately for transit oriented zones and for the rest of the District. This was accomplished by creating §§ 1503.1 and 1503.2.

As to the issue of parking relief, the Commission decided to permit the BZA to grant full or partial relief from applicable minimum parking requirements. This authority and the criteria that must be satisfied are stated in § 1513.3. However, the Commission requested text establishing proportionality between the relief granted and the basis for the reduction, when the reduction was based upon either the physical inability to provide the spaces or because the use or structure would generate less parking demand than the minimum number of spaces required. This proportionality rule is stated at § 1513.4. A similar proportionality requirement is mandated at § 1608.5 for granting full or partial reductions to the number of required long-term or short-term bicycle parking spaces.

At the conclusion of its discussion, the Commission voted to refer the revised text to the National Capital Planning Commission (“NCPC”) for review pursuant to § 492 of the District Charter and to authorize the publication of a notice of proposed rulemaking in the *D.C. Register* (“DCR”).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 11, 2011, at 58 DCR 1291. Comments were received from the Friendship Neighborhood Association and from Ms. Jane Waldmann. (Exhibits 133, 134). Both comments objected to the elimination of minimum parking requirements.

NCPC, through action taken at its meeting of February 3, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit 121.)

At a properly noticed public meeting held on March 28, 2011, the Commission considered whether to take final action on the proposed text. The Commission first considered the two comments received in response to the Notice of Proposed Rulemaking and, after hearing from OP, concluded that the concerns expressed over the elimination of existing minimum parking requirements were not germane to the proposed text, which only establishes general rules to be followed when parking minimums exists, but does not itself establish what those minimums are. Any change to existing minimum parking space requirements will be considered as part of the Commission's review of each land use subtitle. In this regard, the Commission requested that should OP propose to eliminate minimum parking in the residential areas of concern to the Friendship Neighborhood Association, OP should explain how doing so is consistent with the applicable Comprehensive Plan policies identified in the Association's comments.

The Chair also expressed his continuing concern over the queuing of trucks servicing solid waste transfer facilities. OAG indicated these concerns are currently addressed in the special exception criteria for this use. Specifically, § 802.4 (f) prohibits:

truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes.

This identical provision appears in proposed § 504.5 (g), which, if adopted, would apply to "waste-related services" as part of the proposed subtitle J, Production, Distribution, and Repair Zones being considered by the Commission as part of this same docket. The Commission has already taken proposed action on this provision.

The Commission then focused its attention on proposed § 1507.6, which specifies minimum distances between a driveway and street intersections, alley openings, and other driveways. These restrictions are intended to mirror the curb cut placement standards of the District Department of Transportation ("DDOT"). The Commission expressed its discomfort at adding a layer of regulations to another agency's standards, particularly where the other agency procedures for granting waivers are far less formal than the special exception process that would be required for obtaining relief from an identical zoning requirement. As a practical matter, no property owner will install a driveway where DDOT forbids a curb cut and there is no independent land use purpose that is achieved through the imposition of identical minimum

distance standards. Final action was therefore continued to allow OP to explore less onerous alternatives including doing away with the proposed restrictions.

By Supplemental Report dated April 18, 2011, OP recommended to the Commission that § 1507.6 be deleted in its entirety, based on an analysis of DDOT's standards and administrative review for curb cuts. OP also proposed alterations to § 1705.2, which had established the same standards for driveways serving loading facilities by referring to § 1507.6. OP also proposed revised text to address a concern regarding the protection of residential property from loading facilities. Finally, in consultation with OAG, OP recommended several minor text changes to correct technical issues and the renumbering of some subsections.

At a properly noticed public meeting held on April 25, 2011, the Commission expressed its agreement with OP's recommendation and text revisions. The Commission then voted to adopt the text amendments as revised, but to delay publication of a notice of final rulemaking until the text has been finalized and conformed to all other text that will comprise the revised Zoning Regulations adopted under this docket.

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) ("ANC Act") requires District agencies when taking certain actions to give great weight to the issues and concerns raised in the written report of the affected Commission. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

By letter dated December 16, 2010, the Chairman of ANC 6D indicated that having met all of the requirements under the ANC Act to take official action, it had voted to support the proposed new chapters. (Exhibit 91.) ANC 6C submitted its report through a letter dated December 7, 2010. (Exhibit 86.) The letter stated that the ANC, having met all procedural requirements, also voted to support adoption of the new chapters, but suggested that bicycle sharing be offered as an alternative to satisfying the requirement to provide car sharing spaces. OP responded to this suggestion in the spreadsheet attached to its Supplemental Report of December 21, 2010, by stating that more analysis is required before it would be in position to support offering such an option. The Commission agrees.

No report was received from any other ANC, except that through a letter dated December 15, 2010, as corrected by letter dated December 16, 2010, ANC 4A indicated that it voted to support the testimony of ANC Commissioner Gail Black (ANC 4A08) given at the Commission's public hearing held thirty days earlier on November 15, 2010. Section 13 (d)(4)(C) of the ANC Act provides that "oral testimony shall be followed as if provided in advance in writing ... when accompanied within 7 days by written documentation approved by the respective Commission, which supports the testimony." D.C. Official Code § 1-309.10 (d)(4)(C). Unfortunately, the ANC's letter was not received within this timeframe. Nevertheless, the Commission notes that

each of Commissioner Black's concerns was addressed by OP in its spreadsheet. The Commission has reviewed these responses and concurs with OP's analysis.

Therefore, for the reasons stated above, and having complied with all procedural and substantive requirements mandated by District law, and having concluded that the proposed text amendment are not inconsistent with the Comprehensive Plan, the Zoning Commission for the District of Columbia takes the following actions:

The following new chapter 15, **GENERAL PARKING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 15 GENERAL PARKING REGULATIONS**

<b>1500</b>	<b>Introduction to General Parking Chapter</b>
<b>1501</b>	<b>Relationship to Land Use Subtitles</b>
<b>1502</b>	<b>Minimum Parking Requirements</b>
<b>1503</b>	<b>Maximum Parking Requirements</b>
<b>1504</b>	<b>Car-share Parking Space Requirements</b>
<b>1505</b>	<b>Rules of Calculation</b>
<b>1506</b>	<b>Location Restrictions</b>
<b>1507</b>	<b>Access Requirements</b>
<b>1508</b>	<b>Size and Layout Requirements</b>
<b>1509</b>	<b>Maintenance Requirements</b>
<b>1510</b>	<b>Landscaping, Screening, and Lighting Requirements for Parking</b>
<b>1511</b>	<b>Drive-through Queuing Lanes</b>
<b>1512</b>	<b>Exceptions from Parking Requirements</b>
<b>1513</b>	<b>Special Exceptions from Parking Requirements</b>

### **1500 INTRODUCTION TO GENERAL PARKING CHAPTER**

1500.1 This chapter provides general parking regulations for motor vehicles that apply regardless of zone.

1500.2 The purpose of this chapter is to:

- (a) Ensure an adequate supply of off-street parking;
- (b) Prevent an over-supply of off-street parking that would contribute to traffic congestion and the inefficient use of land;
- (c) Ensure that parking areas are located, accessed, and designed to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces;

- (d) Ensure that parking areas are safe and accessible; and
- (e) Ensure that parking areas are planted and landscaped to be compatible with their surroundings, and to reduce environmental impacts.

1500.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed parking plan demonstrating full compliance with this title.

1500.4 The Zoning Administrator may, at his or her discretion, request that the District Department of Transportation (“DDOT”) review and make a recommendation regarding any item on the parking plan prior to approving the building permit application.

1500.5 No certificate of occupancy shall be issued unless the parking spaces have been constructed in accordance with the approved parking plans.

## **1501 RELATIONSHIP TO LAND USE SUBTITLES**

1501.1 The parking regulations of this chapter apply to all zones in all land use subtitles. Each land use subtitle also includes a Parking Regulations chapter, containing parking regulations specific to that subtitle.

1501.2 Parking Regulations chapters in land use subtitles may include:

- (a) Parking standards tables, with minimum and maximum parking requirements for each use category in each land use subtitle regardless of permission; and
- (b) Regulations for parking specific to that land use subtitle, including location and access requirements and permission to provide car-share spaces.

1501.3 Additional use-related conditions that impose additional parking requirements may be located in the use permissions chapters of the land use subtitles.

1501.4 Commercial Parking, as defined in B § 206.9, is regulated as a use in each land use subtitle and also subject to the regulations of this chapter and the parking chapter in each land use subtitle.

## **1502 MINIMUM PARKING REQUIREMENTS**

1502.1 The minimum parking requirements set forth in the land use subtitles of this title shall be met when a new building is constructed.

1502.2 An addition to an existing building, or the expansion of a use within a building, triggers additional parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [effective date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1502.3.

1502.3 Additions to *historic resources* shall be required to provide additional parking spaces only for the addition's gross floor area and only where:

- (a) The addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [effective date of amendment]; and
- (b) The resulting requirement is at least four (4) parking spaces.

1502.4 Special exception relief from additional parking requirements for *historic resources* is provided for in § 1513.5.

1502.5 Any expansion, regardless of size, of a use that operates outside of a building shall conform to the applicable parking standards.

1502.6 When a property changes or adds a use category, the following shall apply:

- (a) Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same gross floor area;
- (b) When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided the minimum number of spaces required; and
- (c) Historic resources shall not be required to provide additional *parking spaces* for a change in use without expansion.

1502.7 If the minimum parking requirement for a use exceeds the maximum parking limits of § 1503, the maximum parking limits shall be used.

1502.8 Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

1502.9 When there is more than one (1) use on a lot, the number of *parking spaces* provided must equal the total required for all *uses*. If a single *use* falls into more than one (1) *use category* for which different parking minimums apply, the standard that requires the greater number of *parking spaces* shall apply.

1502.10 When two (2) or more *uses* are located on a single lot or in a single building and the applicable parking standard for such *uses* exempts an initial floor area (for example, the first three thousand square feet (3,000 sq. ft.) of gross floor area), only one (1) exempt floor area may be deducted from the total combined parking requirements for the *uses* and the exempt floor area shall be pro-rated among *uses*.

1502.11 *Required parking spaces* may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. *Required parking spaces* that are shared among more than one (1) use shall be subject to the conditions of § 1502.13 (b) through (d).

1502.12 *Required parking spaces* shall be located either:

- (a) On the same lot as the use or structure they are meant to serve; or
- (b) On another lot, if any portion of that lot is within four hundred feet (400 ft.) of the use or structure that the parking spaces serve, as measured from the nearest lot line.

1502.13 *Required parking spaces* provided in accordance with § 1502.11(b) shall be subject to the following conditions:

- (a) The spaces shall not serve as required parking for any other use during the days and times each use they serve is in operation;
- (b) Unless under common ownership, a written agreement shall remain in effect between the owner of the parking area and the owner of the use for which the parking spaces are required (the “use”), and shall include the obligation set forth in § 1502.13(a);
- (c) The original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use and any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and
- (d) The Zoning Administrator should maintain a file of all written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces.

1502.14 *Required parking spaces* may be used as Commercial Parking when it is permitted as a use category.

1502.15 The number of *required parking spaces* shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence.

1502.16 *Car-share parking spaces* may be counted toward fulfillment of a minimum parking requirement.

### **1503 MAXIMUM PARKING REQUIREMENTS**

1503.1 The following maximums apply to all newly constructed or expanded parking areas, or parking areas expanded in number of parking spaces or land area by twenty-five percent (25%) or more, in zones within subtitles D, E, G, and J; in addition to any parking maximums specified in the land use subtitles:

- (a) No above-grade parking area shall be built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area;
- (b) No parking area shall be built or expanded to have more than [Reserved for parking numbers] parking spaces; and
- (c) No parking area associated with a use or uses shall be built or expanded to have [Reserved for parking numbers].

1503.2 The following maximums apply to all newly constructed or expanded parking areas, or parking areas expanded in number of parking spaces or land area by twenty-five percent (25%) or more, in zones within subtitles F, H, and I; in addition to any parking maximums specified in the land use subtitles:

- (a) No above-grade parking area shall be built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area;
- (b) No parking area shall be built or expanded to have more than [Reserved for parking numbers] parking spaces; and
- (c) No parking area associated with a use or uses shall be built or expanded to have [Reserved for parking numbers].

1503.3 Special exception relief from the parking maximum standards is provided for in § 1513.6.

## 1504 CAR-SHARE PARKING SPACE REQUIREMENTS

1504.1 The intent of this section is to support *car-sharing* as an alternative to individual automobile ownership, thereby reducing traffic congestion and the inefficient use of land for excessive parking, and to create a publicly accessible record of car-share locations. Any new *parking area* with fifty (50) or more parking spaces, whether required or not, shall include *car-share spaces* as follows:

Number of parking spaces to be built	Number of car-share spaces required
50 to 149	No less than 1
150 to 249	No less than 2
250 or more	No less than 3, plus 1 space for each additional 100 spaces.

1504.2 The required *car-share spaces* shall be made available to any *car-share organization* with a valid business license, for purposes of providing *car-share services* for its subscribers.

1504.3 The spaces shall be offered at no cost to any licensed *car-share organization*, unless there is more than one (1) request received for the space, in which case the owner may provide the space to the car share organization that offers the most advantageous terms.

1504.4 Required car-share spaces shall be accessible at all times to subscribers who may or may not be residents or employees of uses on the lot, except as provided in § 1504.5. Reasonable security measures, such as keyless entry devices, may be used.

1504.5 The owner of a building with tenants that are offices of the federal government or contractors with the federal government, and therefore have unusually high security needs, may be exempted from the requirements of § 1504.4 at the discretion of the Zoning Administrator. An owner requesting exemption from § 1504.4 shall provide the Zoning Administrator with an alternative accessibility plan that provides the maximum access to required car-share spaces consistent with the building's security needs.

1504.6 The following information shall be provided to the Zoning Administrator and all *car-sharing organizations* with a valid business license by any property owner of a proposed parking area required to provide *car-share spaces* no later than ten (10) days after the issuance of a building permit:

- (a) Written notice of the number and location of car-share spaces that will be available;

- (b) A floor plan or site plan of the parking area clearly identifying the required car-share spaces;
- (c) The square and lot number, address, property owner contact information; and
- (d) Any other pertinent information as determined by the Zoning Administrator.

1504.7 The property owner may use required *car-share spaces* to provide general *parking spaces*, provided that no licensed *car-sharing organization* provides the property owner with written notice of intent to use the *car-share spaces*.

1504.8 No later than ninety (90) days after receipt of written notice from a licensed *car-sharing organization*, the property owner shall terminate any non car-sharing leases for such spaces and shall make those spaces available to the *car-share organization*.

1504.9 If a required *car-share space* claimed by a *car-share organization* is not used for *car-sharing services* for a period of more than thirty (30) days, the *car-share organization*'s claims to that space shall be void, and may not be reclaimed by the same organization for at least one (1) year. Any such *parking space* may be claimed by a different *car-share organization* or used by the owner as general parking pursuant to § 1504.8.

1504.10 The Zoning Administrator should maintain an online and publicly accessible file of all projects approved with required *car-share parking spaces* containing the information required by § 1504.

**1505 RULES OF CALCULATION**

1505.1 All parking standards shall be calculated on the basis of *gross floor area*, except for Residential uses, for which minimum parking standards shall be calculated based on the number of *dwelling units*.

1505.2 For purposes of calculating off-street parking requirements, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

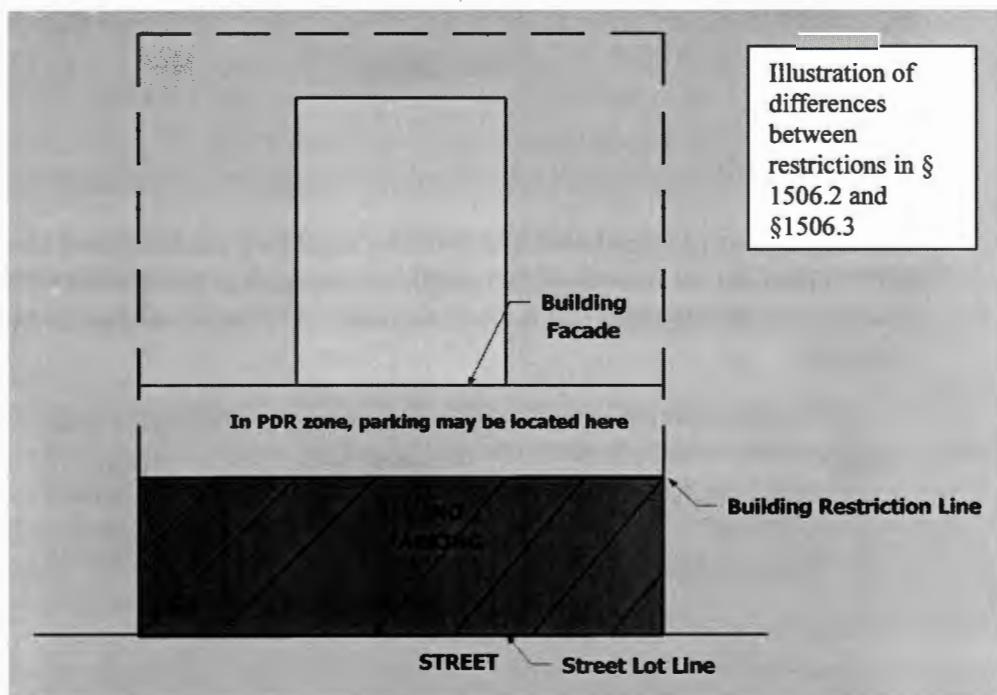
1505.3 Calculations of *parking spaces* that result in a fractional number of one-half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous consecutive whole number.

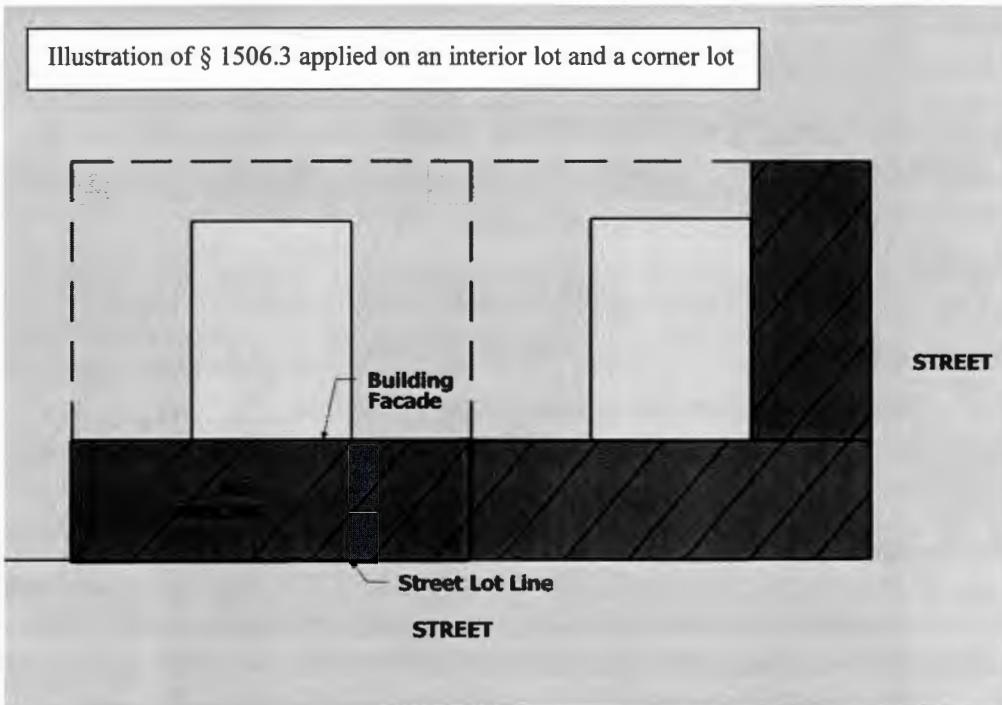
## 1506 LOCATION RESTRICTIONS

1506.1 The intent of this section is to prevent negative impacts on neighboring property from excessive parking, prevent conflicts between vehicles and pedestrians, respect the pedestrian environment, foster good urban design, and provide space for active uses to line parking structures.

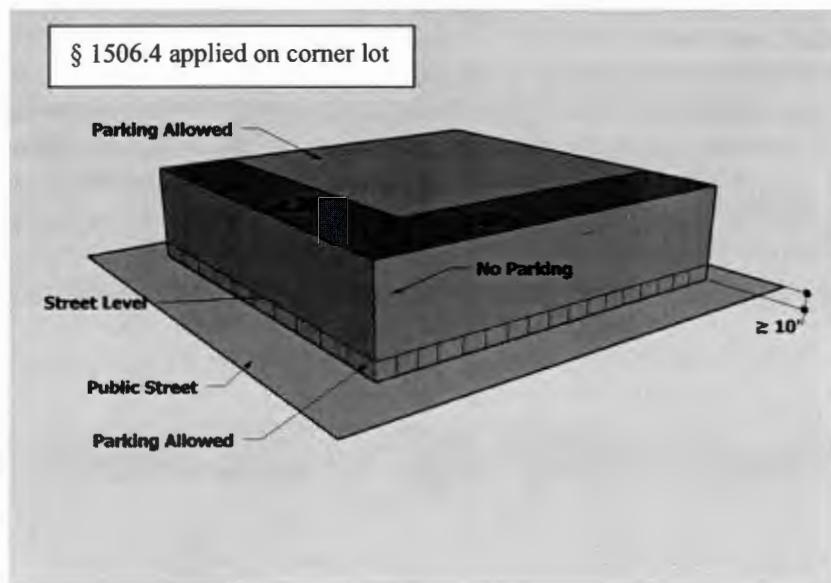
1506.2 *Parking spaces shall not be located between a front setback line or building restriction line and a street lot line.*

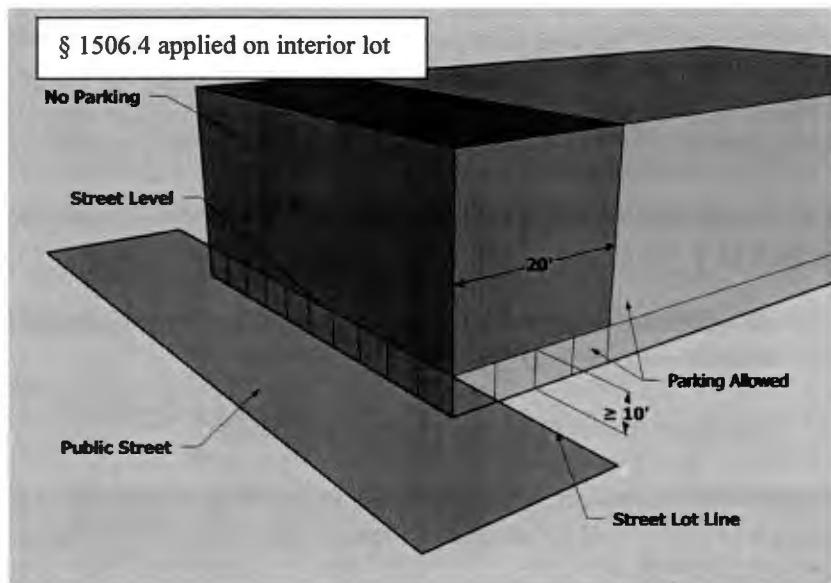
1506.3 *Parking spaces shall not be located between a street lot line and the more restrictive of either a building façade or a line extending from and parallel to a building façade, except in a PDR zone. A building used solely as a parking attendant shelter shall not trigger this restriction.*





1506.4 *Parking spaces* provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the surface of the *parking spaces* is at least ten feet (10 ft.) below-grade, at all points along the building frontage.





## 1507 ACCESS REQUIREMENTS

1507.1 The intent of this section is to ensure that driveways and entrances to parking areas provide safe access and do not degrade the pedestrian environment. This section is not intended to regulate curb cuts in public space, which are separately regulated by DDOT and are subject to separate public space considerations.

1507.2 Approval of a driveway under this title shall not be interpreted to imply permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals and permissions.

1507.3 All *parking spaces*, *driveways*, and entrances that provide access to parking areas, shall conform to the requirements of this section.

1507.4 All *parking spaces*, other than those discussed in § 1507.5, shall be accessible at all times from a *driveway* accessing either:

- An improved street; or
- An improved alley or alley system with a minimum width of ten feet (10 ft.).

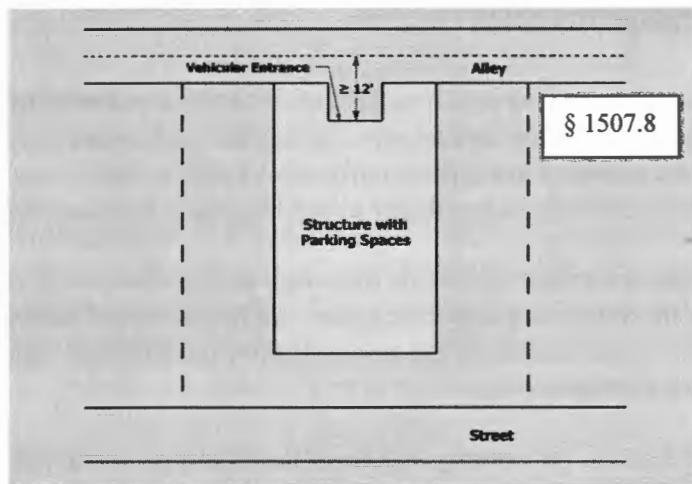
1507.5 *Parking spaces* provided within a *mechanized parking system* need not meet the accessibility requirement of § 1507.4 as long as the *mechanized parking system* does.

1507.6 A *driveway* providing access to *parking spaces* serving a *dwelling* with three (3) or fewer residential units, or that serves only one (1) parking space for any use, shall be at least eight feet (8 ft.) wide; and not more than ten feet (10 ft.) wide. These width requirements apply within twenty feet (20 ft.) of all *street lot lines*.

1507.7 Within twenty feet (20 ft.) of all *street lot lines*, a *driveway* other than as described in § 1507.6 shall be:

- (a) At least twelve feet (12 ft.) wide for one-way traffic or twenty feet (20 ft.) wide for two-way traffic; and
- (b) Not more than twenty-four feet (24 ft.) wide.

1507.8 When *parking spaces* are provided within a building or structure, all vehicular entrances or exits shall be set back at least twelve feet (12 ft.) from the center line of any adjacent alley.



1507.9 Adjacent lots may provide access to *parking spaces* on each lot from a single *driveway*. The width of the *driveway* shall not exceed seven feet (7 ft.) on each lot.

1507.10 A *driveway* that provides access to *parking spaces* shall:

- (a) Have a maximum grade of twelve percent (12%) with a vertical transition at the property line; and
- (b) Be constructed with an all-weather surface that may be permeable.

## 1508 SIZE AND LAYOUT REQUIREMENTS

1508.1 The intent of this section is to ensure that *parking spaces* are adequately sized to allow safe and convenient access, to allow mechanized parking, and to allow flexibility to meet parking needs for smaller motor vehicles.

1508.2 Except as provided in § 1508.3 and § 1512, all *parking spaces* and *parking aisles* shall conform to the dimension requirements of this section.

1508.3 Mechanized *parking systems* are exempted from the requirements of this section.

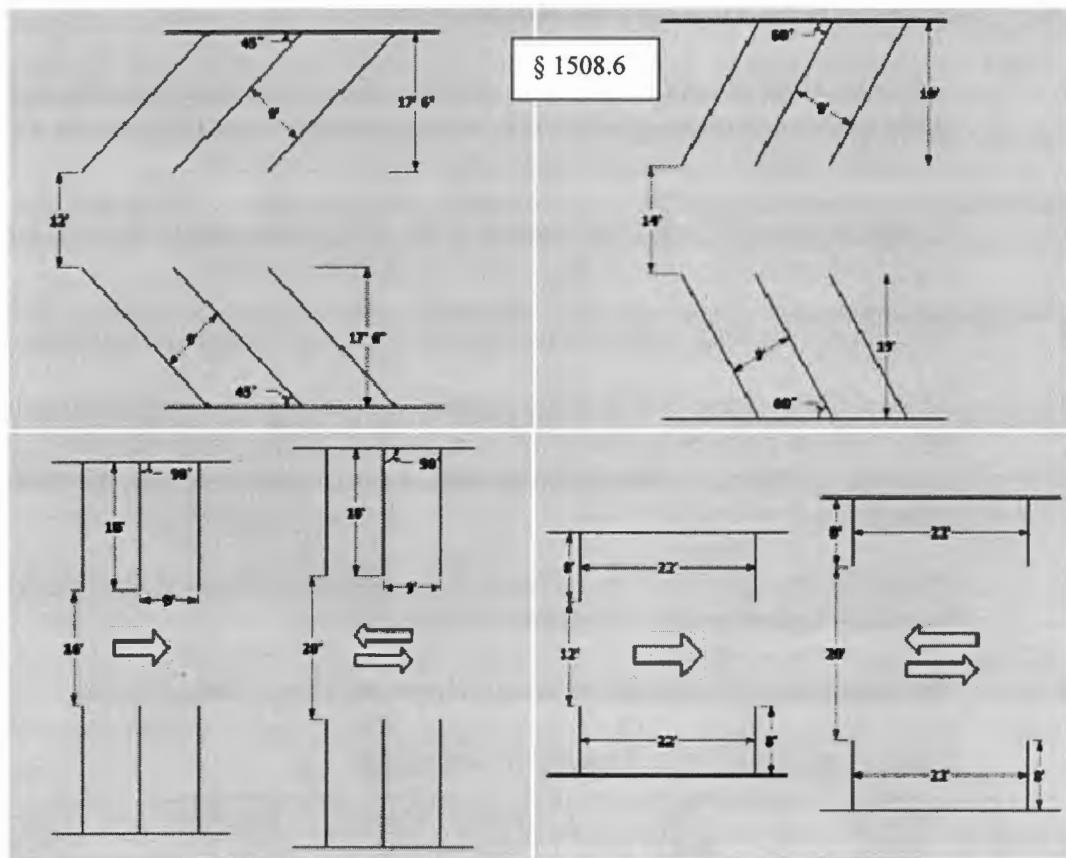
1508.4 At least fifty percent (50%) of the *parking spaces* in any *parking area* must meet the minimum *full-sized parking space* standards, except as provided in § 1508.5. All other spaces must meet the minimum *compact parking space* standards in § 1508.7.

1508.5 *Parking spaces* provided on the same lot as a *historic resource* shall meet the minimum dimensional requirements of § 1508.7.

1508.6 The minimum dimensions for *full-sized parking spaces* and *aisles* are:

**Table I: FULL SIZED PARKING SPACES**

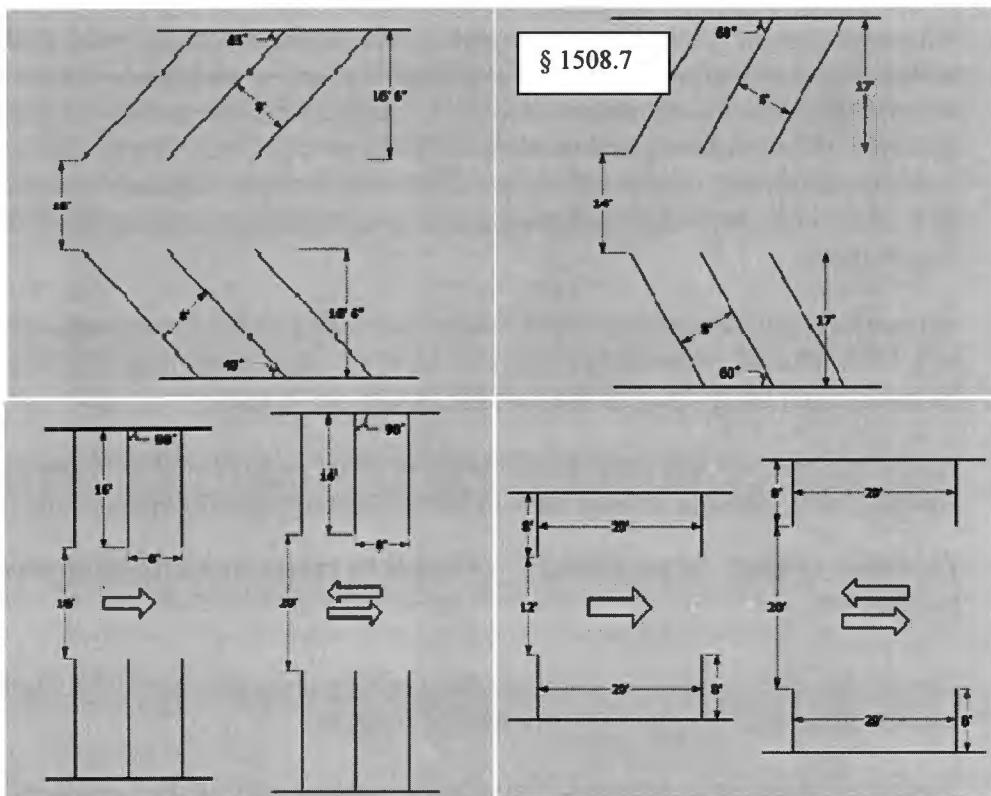
Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Drive Aisle Width (Feet)	Two-Way Drive Aisle Width (Feet)
45°	9	17.5	12.0	N/A
60°	9	19.0	14.0	N/A
90°	9	18.0	16.0	20.0
Parallel	22.0	8.0	12.0	20.0



1508.7 The minimum dimensions for *compact parking spaces* and *aisles* are:

Table II: COMPACT PARKING SPACES

Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Aisle Width (Feet)	Two-Way Aisle Width (Feet)
45°	8	16.5	12.0	N/A
60°	8	17.0	14.0	N/A
90°	8	16.0	16.0	20.0
Parallel	20.0	8.0	12.0	20.0



1508.8 All parking *spaces* and access ways to and from spaces shall have a minimum vertical clearance of six feet, six inches (6 ft., 6 in.).

1508.9 Above grade parking areas shall be designed so that no vehicle shall project over any lot line, front setback line, or *building restriction line*.

1508.10 Except on a lot that only has one (1) or two (2) dwelling units, wheel bumper guards, curbs, guard rails, or screening shall be installed between the property line and the perimeter of the parking area.

1508.11 Except on a lot that only has one (1) or two (2) dwelling units, all parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

**1509 MAINTENANCE REQUIREMENTS**

1509.1 The intent of this section is to ensure that *parking spaces* are constructed durably, that they are maintained over time, and that they do not create health or safety problems.

1509.2 All *parking areas*, including access aisles, driveways, and ramp areas, shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all-weather surfaces include porous (or pervious) concrete, porous asphalt, and mechanically-reinforced grass. Gravel and grass that is not mechanically reinforced are not allowed as surface materials required under this subsection. Areas for landscaping and tree planting are exempt from this requirement.

1509.3 All *parking spaces* shall be clearly striped according to the dimensions specified in § 1508. Durable all-weather materials shall be used for striping. Striping shall be maintained for as long as the parking spaces are in use.

1509.4 A *parking area* serving a use in the Retail or Food and Alcohol Services *use category* shall provide at least one (1) litter receptacle within the parking area.

**1510 LANDSCAPING, SCREENING, AND LIGHTING REQUIREMENTS FOR PARKING**

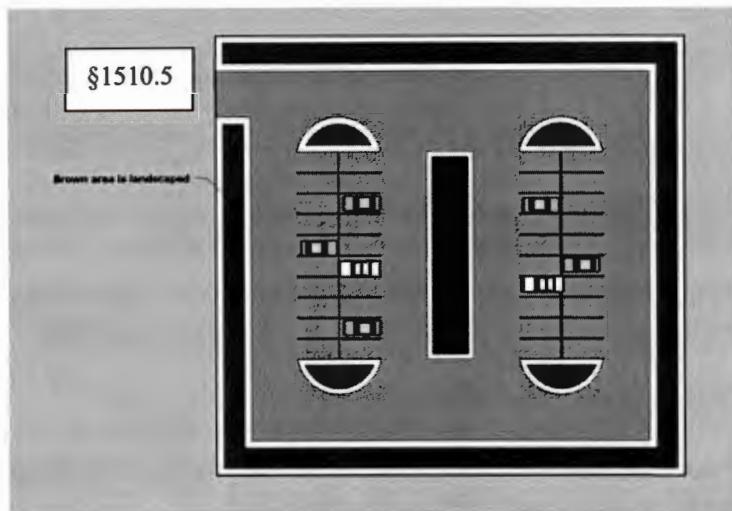
1510.1 The intent of this section is to ensure that parking areas are compatible with their surroundings and to reduce environmental impacts.

1510.2 *Surface parking areas* with ten (10) or more *parking spaces* shall conform to the landscaping, tree canopy cover, screening, and lighting requirements of this section.

1510.3 Landscaped areas planted with trees and shrubs shall cover a minimum of ten percent (10%) of the total area devoted to parking, including *aisles* and *driveways*.

1510.4 The landscaping shall be maintained in a healthy, growing condition. Dead or dying landscaping shall be replaced.

1510.5 All end islands of parking rows and all areas otherwise not used for ingress and egress, *aisles*, and *parking spaces* shall be landscaped.



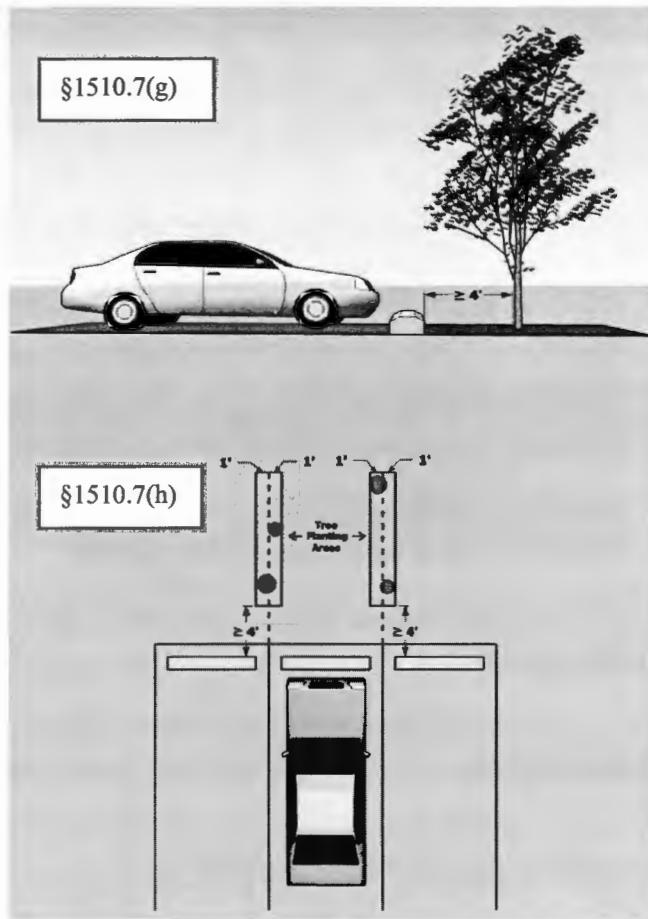
1510.6 Landscaping around the perimeter of the parking area may count toward the area requirement of § 1510.3 up to a distance of six feet (6 ft.) from the pavement.

1510.7 The parking area shall be provided with the equivalent of one (1) *canopy tree* per five (5) *parking spaces* subject to the following requirements:

- (a) Trees of the species listed in Appendix X – “Suggested List of Tree Species for Parking Lot Canopy Requirements” shall be planted with the following conditions:
  - (1) For every tree planted from a list of small species in [Appendix X], a tree from a list of large species in [Appendix X], or a substitute approved by the Urban Forestry Administration (UFA), shall be planted;
  - (2) Species not on the list in Appendix X may be planted if determined by the UFA to be equivalent to species from the list; and
  - (3) The Zoning Administrator may accept any written communication from the UFA as approval of a tree species;
- (b) Trees may be planted in areas that are included in the landscaped areas required by § 1510.3;
- (c) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.);
- (d) New trees or existing trees that are retained shall count toward the tree requirement based on the following table:

	Within perimeter of paved parking area	Outside perimeter of paved parking area and within 10 ft. of pavement edge
2.5 - 6 in. diameter	1.0	0.5
6.1-10 in. diameter	2.0	1.5
More than 10 in. diameter	3.0	3.0

- (e) All trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree;
- (f) Dead or dying trees shall be replaced;
- (g) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops; and
- (h) When tree planting areas are located adjacent to vehicle overhangs, trees shall be planted within one (1) foot of lines extending from the stripes between parking spaces.



1510.8 A surface parking area shall have screening around its entire perimeter, subject to the standards of § 1510.9 and § 1510.10, when the parking area is either:

- (a) Within a zone other than a PDR zone; or
- (b) In a PDR zone and abutting property in a zone in subtitle D (Residential House).

1510.9 The screening required by § 1510.8 shall be either:

- (a) A solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high; or
- (b) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two inches (42 in.) in height when planted.

1510.10 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street. No individual gap may exceed twenty-four feet (24 ft.) in width.

1510.11 Any lighting used to illuminate a parking area or its accessory buildings shall be arranged so that all direct light rays are confined to the surface of the parking area.

## **1511 DRIVE-THROUGH QUEUING LANES**

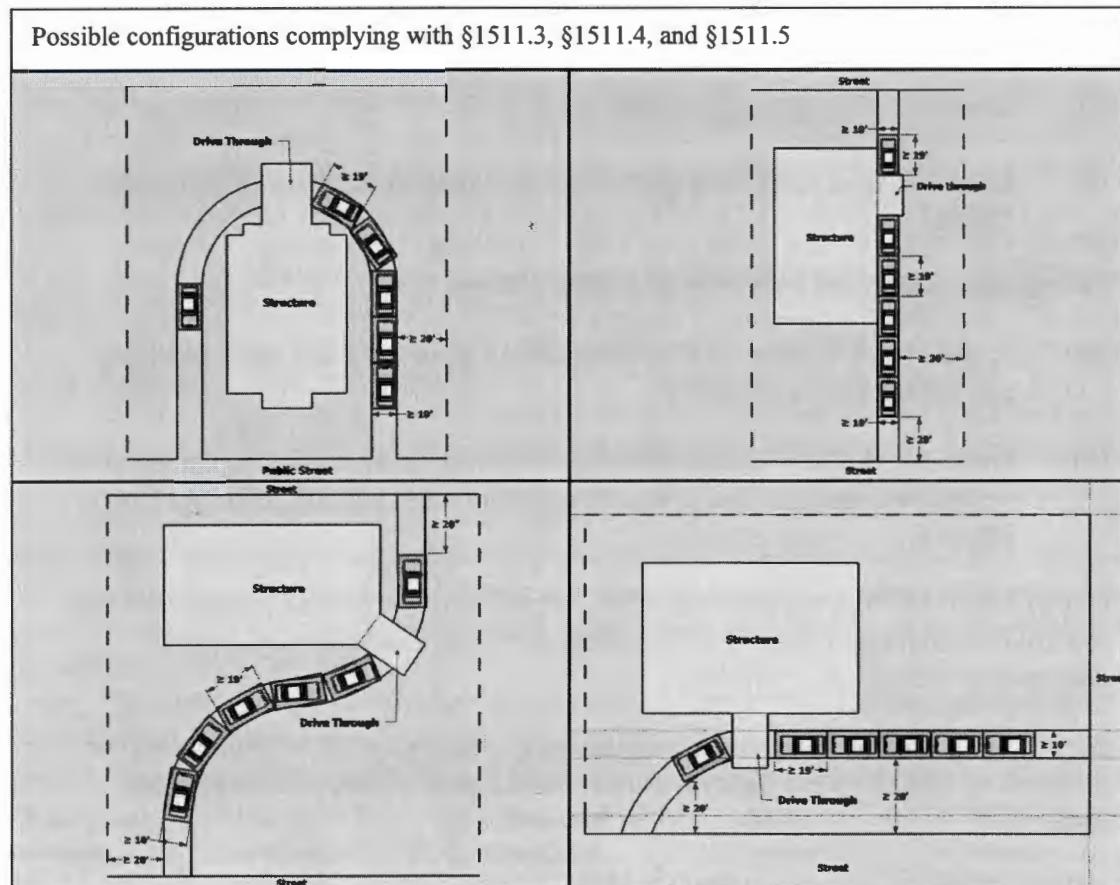
1511.1 The intent of this section is to prevent negative visual impacts or encroachments on the use of public space.

1511.2 A *driveway* serving as a motor vehicle queuing lane shall conform to the standards in this section.

1511.3 The queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.

1511.4 No queuing space may be located within twenty feet (20 ft.) of any street lot line.

1511.5 Each queuing space shall be a minimum of ten feet (10 ft.) in width by nineteen feet (19 ft.) in length and shall constitute an exclusive queuing lane.



1511.6 The queuing lane shall not be the only entry or exit lane on the premises.

1511.7 Any lighting used to illuminate the queuing lane shall be so arranged that all direct light rays are confined to the surface of the queuing lane.

## 1512 EXCEPTIONS FROM PARKING REQUIREMENTS

1512.1 The intent of this section is to allow exceptions from parking requirements under certain conditions, such as when attendant parking is provided.

1512.2 In a Mixed-Use or Downtown zone, the Zoning Administrator shall waive the parking space dimensional, size, design, and striping requirements stated in §§ 1508.4, 1508.5, 1508.6, 1508.7, and 1509 for a *parking area* located within a building if:

- The area devoted to parking is at least twenty-thousand square feet (20,000 sq. ft.);

- (b) A minimum of two hundred eighty-five square feet (285 ft.) of parking area will be provided for each parking space;
- (c) Residential uses will occupy no more than twenty percent (20%) of the gross floor area of the building or structure;
- (d) The *parking area* will be managed from 7:00 a.m. to 7:00 p.m. by employed attendants who park the vehicles using the *parking area*; and
- (e) No individual area where the lesser dimension is less than seven feet (7 ft.) or where the greater dimension is less than fourteen feet (14 ft.), exclusive of column obstructions, shall be used to park motor vehicles.

1512.3

The request for a waiver under § 1512.2 must be accompanied by:

- (a) A parking plan on a medium acceptable to the Zoning Administrator that demonstrates how parking shall be provided if attendant parking is discontinued; and
- (b) A certification by the building owner that the parking area will be operated in conformance with § 1512.4.

1512.4

A *parking area* granted a waiver pursuant to § 1512.2 shall be operated in conformance with the following conditions:

- (a) A permanent sign shall be posted at each entrance in full view of the public that states: "Attendant assisted parking is required by the District of Columbia Zoning Regulations," and that states the hours during which attendant parking is provided;
- (b) The sign shall have a white background, with black lettering that is at least two inches (2 in.) in height;
- (c) All parking areas and spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space;
- (d) Where aisles are provided, they shall meet the design requirements stipulated in § 1508.6 and 1508.7; and
- (e) If attendant parking discontinued, the parking spaces shall thereafter conform to §§ 1508.4, 1508.5, 1508.6, 1508.7, and 1509 and the parking area shall be operated in conformance with the parking plan required by § 1512.3(a). The purpose of the parking plan is to demonstrate that all

unattended parking spaces will meet the size and layout requirements of these subsections, and that any minimum parking requirement will be met.

## **1513 SPECIAL EXCEPTIONS FROM PARKING REQUIREMENTS**

1513.1 This section provides flexibility from parking requirements when providing the number of parking spaces required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for parking, lack of space, or proximity to transit.

1513.2 The Office of Zoning shall refer any application filed for a special exception established by this section to the Office of Planning (OP) and DDOT for review and report.

1513.3 The Board may grant a full or partial reduction in the minimum parking required for a use, subject to the general special exception requirements of [§ 3104], the limitations of § 1513.4, and the applicant's demonstration of any of the following:

- (a) It is physically unable to provide the required parking spaces on the lot or within four hundred feet (400 ft.) or a combination of the two;
- (b) The use or structure is within one-quarter (1/4) mile of a Metrorail station entrance, a streetcar line currently in operation, or a high-frequency bus corridor; or
- (c) The use or structure will generate demand for less parking than the minimum parking standards require, as a result of either:
  - (1) The nature of the use or structure; or
  - (2) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval.

1513.4 A reduction in parking granted under § 1513.3(a) shall only be for the amount that the applicant is physically unable to provide, and a reduction in parking granted under § 1513.3(c) shall be proportionate to the reduction in parking demand demonstrated by the applicant.

1513.5 The Board may grant, by special exception, a full or partial reduction of the minimum parking required for a use or structure if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) The only means by which a motor vehicle could access the lot is from an improved public street; and
- (b) A curb cut permit for the property has been denied by DDOT; or
- (c) Any driveway that could access an improved public street from the property would violate any regulation in this chapter, in the parking provisions of any other subtitle in the Zoning Regulations, or in chapters 6 or 11 of title 24 DCMR.

1513.6 The Board may grant, by special exception, a full or partial reduction of the minimum parking required for an addition to a *historic resource* if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) As a result of the nature or location of the *historic resource*, providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource; and
- (b) At least one (1) of the following applies:
  - (1) The use or structure is within one-quarter (1/4) mile of a Metrorail station entrance, a streetcar line currently in operation, or a high-frequency bus corridor; or
  - (2) The applicant agrees to implement a *transportation demand management program* approved by DDOT.

1513.7 The Board may grant, by *special exception*, an increase in the maximum number of parking spaces or maximum size of parking area allowed under § 1503.3 or the maximum parking standards of a land use subtitle if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that a *transportation demand management plan* approved by DDOT will be implemented. The Board may impose as a condition of its approval of the special exception established by § 1513.6, requirements as to screening, landscaping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property.

1513.8 The Board may grant, by *special exception*, a modification or waiver of the screening requirements of § 1510.8 and 1510.9. In granting a modification or waiver, the Board shall find that the parking area meets the general requirements of [§ 3104], and shall consider:

- (a) The adequacy of protective and screening walls located on adjacent property;
- (b) Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas; and
- (c) Topographic and traffic conditions.

The Board may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.

The following new chapter 16, **BICYCLE PARKING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 16 GENERAL BICYCLE PARKING REGULATIONS**

<b>1600</b>	<b>Introduction to General Bicycle Parking Chapter</b>
<b>1601</b>	<b>Relationship to Land Use Subtitles</b>
<b>1602</b>	<b>General Requirements</b>
<b>1603</b>	<b>Minimum Bicycle Parking Spaces</b>
<b>1604</b>	<b>Rules of Calculation</b>
<b>1605</b>	<b>Short-term Bicycle Parking Space Requirements</b>
<b>1606</b>	<b>Long-term Bicycle Parking Space Requirements</b>
<b>1607</b>	<b>Requirements for Changing Facilities</b>
<b>1608</b>	<b>Special Exceptions from Bicycle Parking Requirements</b>

### **1600 INTRODUCTION TO GENERAL BICYCLE PARKING CHAPTER**

1600.1 This chapter provides general parking regulations for bicycles that apply regardless of zone.

1600.2 The purpose of this chapter is to:

- (a) Ensure an adequate supply of bicycle parking;
- (b) Ensure that bicycle parking facilities are located and designed to maximize convenience and to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces; and
- (c) Ensure that bicycle parking areas are safe and accessible.

1600.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a bicycle parking plan, which shall be depicted on detailed site plans and building plans and demonstrate full compliance with this chapter.

1600.4 The Zoning Administrator may at his discretion, request that the District Department of Transportation (DDOT) review and make a recommendation regarding any item on the bicycle parking plan prior to approving the building permit application.

1600.5 No certificate of occupancy shall be issued unless the bicycle parking spaces have been constructed in accordance with the approved bicycle parking plan.

**1601 RELATIONSHIP TO LAND USE SUBTITLES**

1601.1 The general bicycle parking regulations of this chapter apply to all land use subtitles.

1601.2 Additional use-related conditions that impose additional bicycle parking requirements may be located in the use permissions chapters of the land use subtitles.

**1602 GENERAL REQUIREMENTS**

1602.1 The intent of this section is to ensure that bicycle parking spaces are usable and accessible.

1602.2 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.

1602.3 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.

1602.4 Where required bicycle parking is provided as racks, the racks must meet the following standards:

(a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock if neither wheel is removed from the bicycle;

- (b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;
- (c) Racks shall be placed apart from one another, and any other obstructions, a minimum of thirty inches (30 in.), and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and
- (d) The rack shall be securely anchored.

1602.5 Each required bicycle parking space shall be accessible without moving another bicycle.

### **1603 MINIMUM BICYCLE PARKING SPACES**

1603.1 All residential uses with ten (10) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces according the rules of this chapter and the following table:

<b>Use</b>	<b>Long-Term Spaces</b>	<b>Short-Term Spaces</b>
Accommodation	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Agriculture	None	2 spaces
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Commercial Parking	None	None
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Education	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft. but no less than 2 spaces.	1 space for each 3,500 sq. ft.
Food and Alcohol Services	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Health Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Local Government	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.

Use	Long-Term Spaces	Short-Term Spaces
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential	1 space for each dwelling unit	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

1603.2 Notwithstanding § 1603.1, no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces.

1603.3 The bicycle parking standards of this chapter apply to all newly constructed *buildings*.

1603.4 When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, *historic resources* shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.

1603.5 An addition to an existing building, or the expansion of a use within a building, triggers additional *bicycle parking requirements* only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1603.5.

1603.6 Additions to *historic resources* shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

1603.7 Special exception relief from additional parking requirements for *historic resources* is provided for in § 1608.4 and 1608.6.

1603.8 Any expansion, regardless of size, of a use that operates outside of a building shall conform to applicable bicycle parking standards.

1603.9 Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.

1603.10 When there is more than one (1) use on a lot, the number of bicycle parking spaces provided must equal the total required for all *uses*. If a single *use* falls into more than one (1) *use category* for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

#### **1604 RULES OF CALCULATION**

1604.1 All bicycle parking standards shall be calculated on the basis of *gross floor area*, except for Residential uses, which base bicycle parking standards on the number of *dwelling units*.

1604.2 For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

1604.3 Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one half (0.5) shall be rounded down to the previous consecutive whole number.

#### **1605 SHORT-TERM BICYCLE PARKING SPACE REQUIREMENTS**

1605.1 The intent of this section is to ensure that required *short-term bicycle parking spaces* will be conveniently located and safely accessed.

1605.2 Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must receive approval of a public space application under title 24 DCMR.

1605.3 Required short-term bicycle parking spaces shall be located within fifty feet (50 ft.) of a *primary entrance* to the building they serve.

1605.4 Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface conforming to the requirements of § 1509.2 in the General Parking Chapter.

1605.5 Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 1602.4.

1605.6 An aisle at least five feet (5 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the *right-of-way*.

1605.7 Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

**1606 LONG-TERM BICYCLE PARKING SPACE REQUIREMENTS**

1606.1 The intent of this section is to ensure that required *long-term bicycle parking spaces* are provided for the use of building residents, tenants, and employees.

1606.2 All required *long-term bicycle parking spaces* shall be located within the building of the use requiring them.

1606.3 Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants.

1606.4 Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room.

1606.5 Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier.

1606.6 Where required *long-term bicycle parking* is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors.

1606.7 For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room.

1606.8 Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:

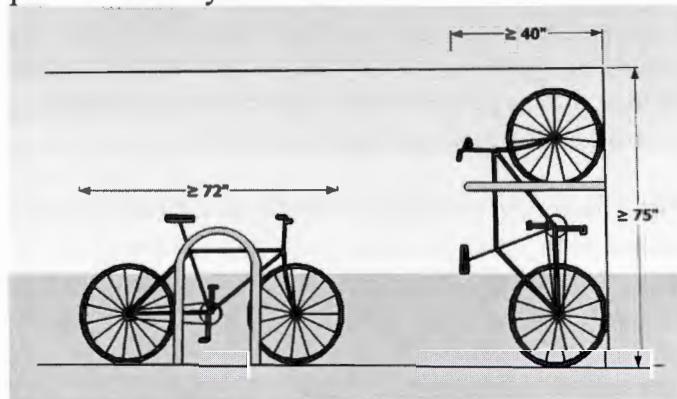
- (a) Twenty-four inches (24 in.) in width at the door end;
- (b) Eight inches (8 in.) in width at the opposite end;
- (c) Seventy-two inches (72 in.) in length; and
- (d) Forty-eight inches (48 in.) in height.

1606.9 Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of forty-eight inches (48 in.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times.

1606.10 A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle space racks shall support the bicycle without the bicycle being suspended.

1606.11 Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

- (a) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or
- (b) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



**1607 REQUIREMENTS FOR CHANGING FACILITIES**

1607.1 The intent of this section is to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses.

1607.2 The requirements of this section shall apply to:

- (a) Newly constructed buildings; and
- (b) Buildings that expand in gross floor area by more than twenty-five percent (25%).

1607.3 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers.

1607.4 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high.

1607.5 Showers and lockers required by this section shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

**1608 SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS**

1608.1 This section provides flexibility from the requirements of this chapter when providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking.

1608.2 The Office of Zoning shall refer any application under this section to the Office of Planning (OP) and DDOT for review and report.

1608.3 The Board may grant, by special exception, a full or partial reduction in the minimum number of long-term bicycle parking spaces required for a use or structure, subject to the general requirements of [§ 3104], the limitations of § 1608.5, and the applicant's demonstration of either of the following:

- (a) All of the required bicycle parking spaces cannot physically be provided on the lot; or
- (b) The use or structure will generate demand for less long-term bicycle parking than the minimum bicycle parking standards require, as a result of either:

- (1) The nature of the use or structure; or
- (2) A *transportation demand management plan* approved by DDOT, the implementation of which shall be a condition of the Board's approval.

1608.4 The Board may grant, by special exception, a full or partial reduction in the minimum number of short-term bicycle parking spaces required for a use or structure if, in addition to meeting the general requirements of [§ 3104], and the limitations of § 1608.5, the applicant demonstrates that:

- (a) All of the required bicycle parking spaces cannot physically be provided on the lot, and that it will be impossible to provide any required bicycle parking spaces on abutting public space;
- (b) The neighborhood or area in which the use or structure is located will generate demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
- (c) A *transportation demand management plan* approved by DDOT, the implementation of which shall be a condition of the Board's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require.

1608.5 A reduction in parking granted under § 1608.3(a) or 1608.4(a) shall only be for the amount that the applicant is physically unable to provide, and a reduction in bicycle parking granted under § 1608.3(b), 1608.4(b), or 1608.4(c) shall be proportionate to the reduction in bicycle parking demand demonstrated by the applicant.

1608.6 The Board may grant, by special exception, a full or partial reduction in the number of minimum bicycle parking spaces required for an addition to a *historic resource* if in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that as a result of the nature or location of the *historic resource*, providing the required bicycle parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the *historic resource*.

1608.7 The Board may grant, by special exception, modifications or waivers to the requirements for showers and changing facilities in § 1607.3, 1607.4, and 1607.5 if in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) The intent of § 1607 is met; and
- (b) Either:
  - (1) The use will not generate the demand for the full number of showers and changing facilities required; or
  - (2) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

The following new chapter 17, **LOADING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 17 GENERAL LOADING REGULATIONS**

**1700 Introduction to General Loading Chapter**

**1701 Relationship to Land Use Subtitles**

**1702 Loading Requirements**

**1703 Rules of Measurement and Interpretation**

**1704 Location Restrictions**

**1705 Access Requirements**

**1706 Size and Layout Requirements**

**1707 Maintenance Requirements**

**1708 Trash Receptacles**

**1709 Screening and Lighting Requirements**

**1710 Special Exceptions from Loading Requirements**

**1700 INTRODUCTION TO GENERAL LOADING CHAPTER**

1700.1 This chapter provides general regulations for loading berths, loading platforms, and service and delivery loading spaces that apply regardless of zone.

1700.2 The purpose of this chapter is to:

- (a) Ensure an adequate supply of off-street loading facilities;
- (b) Prevent on-street loading that would contribute to traffic congestion;

- (c) Ensure that loading facilities are located, accessed, and designed to minimize negative impacts on adjacent properties, urban design, the pedestrian environment, and public spaces;
- (d) Ensure the loading facilities are safe and accessible; and
- (e) Ensure that loading facilities are screened and kept free of any obstructions.

1700.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this title.

1700.4 The Zoning Administrator may at his or her discretion, request that the District Department of Transportation (DDOT) review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.

1700.5 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.

## **1701 RELATIONSHIP TO LAND USE SUBTITLES**

1701.1 The loading regulations of this chapter apply to all land use subtitles.

1701.2 Additional *use*-related conditions may be located in the *use* permissions chapters of the land use subtitles.

## **1702 LOADING REQUIREMENTS**

1702.1 All buildings or structures shall be provided with loading berths and service/delivery spaces according to the regulations of this chapter and the following table:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Agriculture</b>	None	None
<b>Animal Sales, Care and Boarding</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Antennas</b>	None	None

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Arts Design and Creation</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Basic Utilities</b>		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
<b>Chancery</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Commercial Parking</b>	None	None
<b>Community-Based Institutional Facility</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Daytime Care</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Education</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Emergency Shelter</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Entertainment, Assembly, and Performing Arts</b>		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft gross floor area	3	None
<b>Firearm Sales</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Food and Alcohol Services</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Government, Large-Scale</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Government, Local</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Health Care</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Institutional</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Lodging</b>		
10,000 to 50,000 sq. ft gross floor area	1	None
More than 50,000 to 100,000 sq. ft gross floor area	2	None
More than 100,000 to 500,000 sq. ft gross floor area	3	None
More than 500,000 sq. ft gross floor area	4	None
<b>Marine</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Motor Vehicle-related</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Office</b>		
20,000 to 50,000 sq. ft gross floor area	1	1
More than 50,000 to 200,000 sq. ft gross floor area	2	1
More than 200,000 sq. ft gross floor area	3	1
<b>Parks and Recreation</b>		
More than 30,000 sq. ft gross floor area	None	1
<b>Production, Distribution, and Repair</b>		
5,000 to 25,000 sq. ft gross floor area	1	None
More than 25,000 sq. ft gross floor area	2	None
For each 100,000 sq. ft gross floor area more than 50,000 sq. ft	1	None
<b>Residential</b>		
More than 50 dwelling units	1	1
<b>Retail</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Service</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Sexually-oriented Business Est.</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Transportation Infrastructure</b>		
	None	None
<b>Waste-related Services</b>		
5,000 to 25,000 sq. ft gross floor area	1	None
More than 25,000 sq. ft gross floor area	2	None
For each 100,000 sq. ft gross floor area more than 50,000 sq. ft	1	None

1702.2 The loading requirements must be met when a new building or structure is constructed.

1702.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum sizes specified in the schedule in § 1702.1.

1702.4 When a property changes *use* categories or adds a *use* category, the following shall apply:

- (a) Additional loading berths and service spaces shall be required only when the minimum number of *loading spaces* required for the new *use category* exceeds the number of spaces required for the prior *use category* that occupied the same floor area;
- (b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and
- (c) *Historic resources* shall not be required to provide additional loading for a change in use without expansion.

1702.5 An addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking

requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1702.6.

1702.6 Additions to *historic resources* shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

1702.7 Each loading berth, whether required or not, shall be accompanied by one (1) adjacent loading platform that meets the requirements of § 1706.4.

1702.8 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.

## **1703 RULES OF MEASUREMENT AND INTERPRETATION**

1703.1 The intent of this section is to provide rules of measurement and interpretation that will be used to meet loading requirements, standards, and conditions.

1703.2 When two (2) or more non-residential uses in the same *use* category share a building or structure, all of the uses in the same *use* category shall be added together to derive the total gross floor area, or other unit of measurement in the table in § 1702.1, to determine the required number of berths and spaces for that use category.

1703.3 When two (2) or more uses in different *use* categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the *use* category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area.

1703.4 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

1703.5 For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

**1704 LOCATION RESTRICTIONS**

1704.1 The intent of this section is to ensure that loading facilities:

- (a) Are located conveniently to the uses they serve;
- (b) Do not interfere with the functioning of other uses;
- (c) Are compatible with their surroundings;
- (d) Generally result in loading at rear entrances to buildings, rather than front entrances; and
- (e) Do not create conflicts with the pedestrian environment or vehicular and bicycle traffic.

1704.2 Except as provided in this section, all loading berths and service/delivery loading spaces shall be located as follows:

- (a) Within the building or structure the berths or spaces are designed to serve;
- (b) Within the rear yard of the building they are intended to serve; or
- (c) Within a side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to a [subtitle D, E, or F zone], the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.

1704.3 Loading facilities in PDR zones are not subject to the requirements of § 1704.2; however, loading facilities located in a side yard on a lot that is within or adjacent to a [subtitle D, E, or F zone] shall be at least six feet (6 ft.) from any side lot line.

1704.4 All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure.

1704.5 All uses in the building shall have direct access to required loading platforms or access through a common interior space or corridor.

1704.6 All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line.

1704.7 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

- (a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in § 1702.1; and
- (b) A binding covenant that is acceptable to the Zoning Administrator, ensuring the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by § 1702.1.

## **1705 ACCESS REQUIREMENTS**

- 1705.1 The intent of this section is to ensure that loading facilities are safe and accessible, and that driveways do not conflict with the pedestrian environment or with vehicular and bicycle traffic.
- 1705.2 All loading berths and service/delivery loading spaces shall be accessible at all times from a driveway meeting the requirements of § B 1507.4 and § 1507.7.
- 1705.3 A driveway or access aisle leading to a loading berth or service/delivery loading space shall have a minimum width of twelve feet (12 ft.), a maximum width of twenty-four feet (24 ft.), and a maximum slope of twelve percent (12%).
- 1705.4 No driveway providing access to a loading berth or service/delivery loading space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection.
- 1705.5 A loading berth or service/delivery loading space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

## **1706 SIZE AND LAYOUT REQUIREMENTS**

- 1706.1 The intent of this section is to ensure that loading facilities are adequately sized and capable of performing their intended functions.
- 1706.2 All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty feet (30 ft.) and have a minimum vertical clearance of fourteen feet (14 ft.).

1706.3 All service/delivery loading spaces shall be a minimum of twenty feet (20 ft.) deep and ten feet (10 ft.) wide and have a minimum vertical clearance of ten feet (10 ft.).

1706.4 All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:

- (a) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;
- (b) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;
- (c) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and
- (d) A loading platform floor shall consist of one (1) horizontal level.

1706.5 The dimensions specified in this section for service/delivery spaces and loading berths are exclusive of access aisles, maneuvering space, and loading platforms.

**1707 MAINTENANCE REQUIREMENTS**

1707.1 The intent of this section is to ensure that facilities are maintained over time and are safe and clean.

1707.2 All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface.

1707.3 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.

1707.4 Each service/delivery space shall be clearly marked “For Service and Delivery Vehicles Only” and used exclusively for such vehicles.

1707.5 All parts of the loading berth or service/delivery space including access aisles, driveways, and maneuvering areas shall be kept free of refuse, debris, and other obstructions of any kind.

**1708 TRASH RECEPTACLES**

1708.1 The intent of this section is to ensure that facilities for trash collection are provided and clearly shown on building plans.

1708.2 Buildings requiring loading must have at least one (1) trash room within the building and within or immediately adjacent to the loading area, or within an accessory building immediately adjacent to the loading area.

1708.3 All new development over two thousand square feet (2,000 sq. ft.) of gross floor area other than one- or two-family structures must clearly show the area for the building's trash receptacles on the building plans.

1708.4 Trash receptacles external to a building shall be screened and/or covered.

**1709 SCREENING AND LIGHTING REQUIREMENTS**

1709.1 The intent of this section is to ensure that facilities are compatible with their surroundings.

1709.2 When loading berths or service/delivery spaces are not enclosed within a building, the loading area shall have screening around its entire perimeter, subject to the standards of § 1709.4 and 1709.5, when the loading area is either:

- Within a zone other than a PDR zone; or
- In a PDR zone and abutting property in a zone in subtitle D (Residential).

1709.3 Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).

1709.4 The screening required by § 1709.2 shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 in.) high. The wall shall harmonize with the main structure in architectural character, material, and color.

1709.5 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street. No individual gap may exceed twenty feet (20 ft.) in width.

1709.6 Any lighting used to illuminate a loading berth, loading platform, or service/delivery loading space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.

**1710 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS**

1710.1 This section provides flexibility from the loading requirements when providing the number of spaces required is impractical or contrary to other District regulations.

1710.2 The Office of Zoning shall refer any application under this section to the Office of Planning (OP) and DDOT for review and report.

1710.3 The Board may grant, by special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by § 1702.1 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in chapters 6 or 11 of title 24 DCMR; or
- (b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

1710.4 The Board may grant, by special exception, a waiver of the access requirements of § 1705.2 and 1705.3 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) The lot has unusual topography, grades, shape, size, or dimensions; or
- (b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

1710.5 The Board may grant, by special exception, modifications, or waivers of the screening requirements of §1709 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or
- (b) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board to be worthy of protection or to provide equal screening benefits.

1710.6 When granting a special exception under this section, the Board may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management, or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

On January 10, 2011, upon the motion of Chairman Hood, as seconded by Vice Chairman Schlater, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On April 25, 2011, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull; the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on July 8, 2011.





**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 08-06-D**

**Z.C. Case No 08-06**

**(Comprehensive Zoning Regulations Rewrite: Subtitle J: Production, Distribution, and  
Repair Zones)**  
**May 23, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice that it took final rulemaking action to adopt a new subtitle J regulating Production, Distribution, and Repair (PDR) zones. The new subtitle will replace chapter 8 of the existing title 11 DCMR regulating industrial uses.

More detailed information, discussion, and analysis for the proposed text can be found in the Office of Planning (“OP”) reports accessible under the heading “Subtitle J: PDR Zones - Draft Text” at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp).

This new subtitle would be a part of a revised title 11. The Commission has already approved a codification format that would divide the revised title 11 into ten subtitles. A detailed explanation can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp).

As will be clarified as part of the revised title 11, the text approved in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised title.

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

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of the ten (10) subtitles and issued final orders for all approved text. At that point the Office of Planning (“OP”), the Office of the Attorney General (“OAG”), and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the Commission.

During this same time, the Commission will advertise a new zoning map based upon the conversion tables provided by OP for each land use subtitle. The conversion table applicable to the new PDR zones is as follows:

<b><u>Existing Industrial Zone</u></b>	<b><u>Proposed PDR Zone</u></b>
C-M-1	P-1-A-1
C-M-1/FT	P-1-A-1
C-M-1/LO	P-1-A-1
C-M-1/CAP	P-2-A-1
C-M-2	P-3-A-1
C-M-3	P-4-B-1

M  
M/FT

**P-5-C-1**  
**P-6-C-1**

In the new zone naming system, “P” refers to the PDR subtitle; meaning that these are Production, Distribution, and Repair zones. The number refers to a development standards table. Where the number is the same, all of the development standards (FAR, height, etc.) are the same. The third letter refers to a column in the use permissions table. Where this letter is the same, the same use permissions apply. The fourth digit in the existing PDR zones is always a “1” because the same buffering standards are being applied to each zone. Future changes to buffering standards in any single PDR zone would change this digit to a “2”.

The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and new Zoning Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a citywide Taskforce. Since then, OP has organized 19 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has been working with OAG to draft zoning language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

The public hearing on the recommendations concerning industrial zones was held November 20, 2008 and the Commission provided general guidance at its public meeting held January 12, 2009.

By report dated November 19, 2010, OP requested that the Commission set down the text of a proposed new Subtitle J for public hearing. The Commission, at its regularly scheduled meeting of November 29, 2010, voted to set down the new subtitle for hearing.

Through its hearing report dated February 14, 2011, OP provided further explanation of the proposed text. (Exhibit 122.) The OP report noted that the advertised text mistakenly listed chanceries as prohibited uses. OP provided revised text that permitted chanceries as a matter of right in all PDR zones.

A public hearing on the text was held and completed on February 24, 2011. At the public hearing, questions were raised about the possible disproportionate cost of applying the proposed Green Area Ratio (“GAR”) requirement of 0.2 to PDR uses, specifically warehouses. The Commission requested that OP examine and respond to these concerns as well as the parking concerns expressed by Ms. Alma Gates, on behalf of the Committee of 100. At the request of Ms. Gates, the Commission held the record open until March 10<sup>th</sup> to receive any additional comments from the public. OP was given until March 17<sup>th</sup> to provide a supplemental report.

Through a letter dated March 10, 2011, Christopher Collins, Esq. of the law firm of Holland & Knight LLP responded to questions posed by the Commission. (Exhibit 132.) Mr. Collins indicated that the typical warehouse roof is designed to have a live load for snow that averages 30 pounds per square foot (“psf”). Installation of an extensive green roof with four inches of vegetation would add approximately 28 psf of load. Use of an intensive vegetated roof would require additional structural support. According to Mr. Collins, this would translate to additional costs of \$15 to \$20 per square foot. In response to the Commission’s question whether this cost could be ameliorated through the construction of additional levels, Mr. Collins attached a letter from Mr. Fred Farshey, president of one of the largest warehouse owners and operators in the District, stating that multi-level warehouse do not provide the efficient truck access required by clients and are therefore functionally obsolete. Mr. Collins concluded by recommending that the GAR requirement for PDR uses be reduced from 0.2 to 0.05.

In its supplemental report dated March 17, 2011, OP indicated that it accepted the general arguments regarding disproportionate cost impacts. (Exhibit 135.) The report stated that OP tried to account for this disparity in its original proposal. Cost research showed that a GAR score of 0.3 was achievable in PDR zones for a reasonable cost (< 1% of construction costs), assuming a multi-story building. OP had proposed only a 0.2 requirement in order to account for single story, high lot occupancy buildings.

Nevertheless, in light of the additional information provided by Mr. Collins and the discussion by Commission members, OP revised the proposed text to require different GAR requirements in PDR zones based on the number of stories. The amended proposed text established a proportional requirement for all PDR structures at 0.1 per story up to a maximum of 0.3. The difference in requirements was intended to balance the disproportionate cost per square foot for single story warehouse style structures with the need for industrial buildings.

At its regularly scheduled second monthly meeting held March 28, 2011, the Commission considered whether to take proposed action on the text. The Commission reviewed OP’s recommendations concerning the changes in GAR requirements, and agreed to propose the revised text. However, the Commission noted the importance of GAR and requested that OP review the assumptions contained in the letter submitted by Mr. Collins to ensure that the full amount of GAR reduction proposed by OP was necessary.

The Commission also asked OP whether it had reviewed the parking requirement for commercial vehicles servicing recycling facilities in response to concerns raised by Ms. Gates. OP responded by stating that the requirement proposed for the recycling use only continued the existing condition and that it saw no evidence that a change was required.

At the conclusion of its discussion, the Commission voted to refer the revised text to the National Capital Planning Commission (“NCPC”) for review pursuant to § 492 of the District Charter and to authorize the publication of a notice of proposed rulemaking in the *D.C. Register* (“DCR”).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 22, 2011, at 58 DCR 3483. No comments were received.

NCPC, through action taken at its meeting of April 28, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit 144.)

In a Supplemental Report dated May 13, 2011, OP agreed with Mr. Collins’ assertion that a vegetated roof system would add approximately 28 psf of load. (Exhibit 146.) It noted, however, that costs can vary widely on a project by project basis depending on conditions. Regardless of the actual cost, OP accepted the proposition that warehouses are necessarily designed to be one-story buildings due to truck access and other efficiency considerations and that one-story buildings have a proportionally higher cost per square foot for roof improvements than multi-story buildings.

Based upon these considerations, OP continued to believe that a 0.1 GAR requirement remained appropriate for single level warehouses. However, it expressed concern that the proportional application of GAR proposed in its March 17<sup>th</sup> report could have the unintended consequence of incentivizing low buildings for other PDR uses. Therefore, OP further revised the language of the subtitle J GAR requirements to require 0.3 GAR as the general standard in PDR zones, while providing a specific exemption to 0.1 GAR for buildings designed and used only as single story warehouses.

At a properly noticed public meeting held on May 23, 2011, the Commission discussed the information and recommendation made in OP’s May 13<sup>th</sup> Supplemental Report and decided to accept OP’s recommendations as a reasonable compromise between maximizing the benefits of GAR while recognizing the unique circumstances affecting single story warehouses. The Commission then voted to adopt the text amendments as revised, but to delay publication of a notice of final rulemaking until the text has been finalized and conformed to all other text that will comprise the revised Zoning Regulations adopted under this docket.

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) (“ANC Act”) requires District agencies when taking certain actions to give great weight to the issues and concerns raised in the written report of the affected Advisory Neighborhood Commission (“ANC”). To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

In a letter dated January 12, 2011 (Exhibit 118), the Chair of ANC 6B informed the Zoning Commission that at a properly noticed meeting with a quorum present, the ANC unanimously voted to support, in general, the Zoning Commission’s proposal as it existed at the time of setdown. The ANC noted that its analysis was complicated by the fact that three of its areas currently zoned industrial are depicted as non-industrial areas in the Comprehensive Plan Future Land Use Map.

In response, the Commission notes that the Comprehensive Zoning Regulation Review now being undertaken does not include an examination as to whether the current zone designation of any particular property or area is appropriate. Rather, the objective at this stage is to convert existing zone designations to a naming system that reflects each area’s new land use subtitle, and its current development standards, use permissions, and special conditions. Thus, this process does not include an examination of current mapping for Comprehensive Plan consistency, but the ANC may always pursue that aim through the filing of a petition.

Therefore, for the reasons stated above, and having complied with all procedural and substantive requirements mandated by District law, and having concluded that the proposed text amendment are not inconsistent with the Comprehensive Plan, the Zoning Commission for the District of Columbia takes the following actions:

The following new subtitle J, **PRODUCTION, DISTRIBUTION, AND REPAIR ZONES**, is to be included within a revised title 11 DCMR:

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

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

**100 INTRODUCTION TO PDR LAND USE SUBTITLE  
101 RELATIONSHIP TO GENERAL SUBTITLES**

**100 INTRODUCTION TO PDR LAND USE SUBTITLE**

100.1 The purpose of this subtitle is to:

- (a) Provide regulations for the use of land and structures and the erection and modification of structures in areas:
  - (1) Characterized by a mix of uses with a strong production, distribution, and repair use orientation;
  - (2) Representing varied commercial and retail building types for both intensity and height; and
  - (3) Subject to sustained truck traffic and loading and unloading operations; and
- (b) Provide regulatory tools necessary to implement the District's Comprehensive Plan action items and policies such as:
  - (1) Retain an adequate supply of Production, Distribution, and Repair (PDR)-zoned land in order to accommodate the production, warehousing, distribution, light and heavy industrial, and research and development activities which sustain the local economy, support municipal services, and provide employment opportunities for District residents;
  - (2) Protect active and viable PDR uses while allowing compatible office and retail uses and development;
  - (3) Avoid encroachment by non-PDR uses which could impair existing PDR activities;
  - (4) Mitigate any adverse impacts created by PDR uses through a variety of measures, including buffering and performance standards, in order to avoid land use conflicts; and
  - (5) Improve edge conditions where PDR *zones* abut residential *zones*.

100.2 To determine which regulations within this title are applicable to a particular PDR *zone*, refer to chapter 2 (Zone Reference Tables for PDR Zones) of this subtitle.

## 101 RELATIONSHIP TO GENERAL SUBTITLES

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

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

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

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

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

## CHAPTER 2 ZONE REFERENCE TABLES FOR PDR ZONES

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

#### 201 ZONE REFERENCE TABLES FOR PDR ZONES

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

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

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

200.3 References included within the *zone reference table* may refer to subtitle J or subtitle B. A reference to subtitle B indicates that only general regulations of a regulatory topic are applicable to a *zone*.

200.4 Where a reference is made to regulations within subtitle J, the general regulations of subtitle B associated with the regulatory topic still apply.

200.5 Where a reference is made to a specific section or subsection within the regulations for PDR *zones*, the general regulations of the chapter containing the reference also apply.

200.6 All *zone* codes that begin with a letter “P” are PDR *zones*.

## 201 ZONE REFERENCE TABLES FOR PDR ZONES

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

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

## CHAPTER 3 ZONE PURPOSES FOR PDR ZONES

### 300 INTRODUCTION TO ZONE PURPOSES FOR PDR ZONES 301 ZONE PURPOSES FOR PDR ZONES

### 300 INTRODUCTION TO ZONE PURPOSES FOR PDR ZONES

300.1 This chapter includes all purpose statements for Production, Distribution, and Repair (PDR) *zones*.

300.2 *Zone* purpose statements are intended to:

- (a) Ensure the appropriate application of PDR *zones* to different geographic areas within the District;
- (b) Provide guidance for the application and amendment of regulations in PDR *zones*; and
- (c) Provide guidance for the interpretation of regulations applied in PDR *zones*.

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

## **301 ZONE PURPOSES FOR PDR ZONES**

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

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

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

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

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

## CHAPTER 4 DEVELOPMENT STANDARDS FOR PDR ZONES

400           **INTRODUCTION TO DEVELOPMENT STANDARDS FOR PDR ZONES**  
401           **USING DEVELOPMENT STANDARDS TABLES FOR PDR ZONES**  
402           **TABLES OF DEVELOPMENT STANDARDS FOR PDR ZONES**  
403           **HEIGHT CONDITIONS IN PDR ZONES**  
404           **FAR FOR SELECTED USES IN PDR ZONES**  
405           **GAR CONDITIONS IN PDR ZONES**

**400           INTRODUCTION TO DEVELOPMENT STANDARDS FOR PDR ZONES**

400.1       The purpose of this chapter is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	50 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	3.5	-	-	
MAXIMUM FAR FOR SELECTED USES	3.5	J § 404.1	-	CHAPTER 5
MAXIMUM FAR FOR ALL OTHER USES	2.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	50 FT.	-	J § 403.2	CHAPTER 4
MAXIMUM TOTAL FAR	3.5	-	-	
MAXIMUM FAR FOR SELECTED USES	3.5	J § 404.1	-	CHAPTER 5
MAXIMUM FAR FOR ALL OTHER USES	2.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	60 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	4.5	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	4.5	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	3.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	4.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	-	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	1.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

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

REGULATORY TOPIC	STANDARD OR PERMISSION	ZONE MEASURING RULES	ZONE CONDITIONS	SUBTITLE B GENERAL REGS.
HEIGHT	90 FT.	-	J § 403.3	CHAPTER 4
MAXIMUM TOTAL FAR	6.0	-	-	CHAPTER 5
MAXIMUM FAR FOR SELECTED USES	6.0	J § 404.1	-	
MAXIMUM FAR FOR ALL OTHER USES	1.0	-	-	
GREEN AREA RATIO	0.1 per story Up to 0.3	-	J § 405.1	CHAPTER 13

**403**

**HEIGHT CONDITIONS IN PDR ZONES**

403.1 This section includes specific conditions for height applicable to certain PDR *zones*. The subsections included within this section are intended to stand alone and do not relate to one another. Each of the subsections that follow only applies to a PDR *zone* if one of the tables included in J § 402 references both that subsection and the *zone*.

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

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

**404**

**FAR FOR SELECTED USES IN PDR ZONES**

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

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

404.2

All use categories not listed in J § 404.1 are subject to the maximum FAR for all other uses as indicated in the applicable table in J § 402.

**405**

**GAR CONDITIONS IN PDR ZONES**

405.1

In all PDR zones, buildings designed, built, and used as single-story warehouses shall have a minimum GAR requirement of 0.1.

## CHAPTER 5 USE CATEGORIES REGULATIONS IN PDR ZONES

<b>500</b>	<b>INTRODUCTION TO USE CATEGORIES IN PDR ZONES</b>
<b>501</b>	<b>USING PERMISSION TABLES FOR USE CATEGORIES IN PDR ZONES</b>
<b>502</b>	<b>PERMISSION TABLES FOR USE CATEGORIES IN PDR ZONES</b>
<b>503</b>	<b>CONDITIONS FOR USES PERMITTED BY CONDITION IN PDR ZONES</b>
<b>504</b>	<b>CONDITIONS FOR SPECIAL EXCEPTION USES IN PDR ZONES</b>
<b>505</b>	<b>CONDITIONS FOR ACCESSORY USES IN PDR ZONES</b>

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

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

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

- (a) Encourage the retention and introduction of PDR uses while also permitting some development of non-PDR uses; and
- (b) Restrict new residential uses.

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

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

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

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

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

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

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

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

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

USE CATEGORIES	P-1-A-1 P-2-A-1 P-3-A-1	P-4-B-1	P-5-C-1 P-6-C-1
<i>Agriculture</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Animal Sales, Care, and Boarding</i>	<i>C (J § 503.2)</i>	<i>C (J § 503.2)</i>	<i>C (J § 503.2)</i>
<i>Antennas</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Arts Design and Creation</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Basic Utilities</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Chancery</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Community-based Institutional Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Daytime Care</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Education</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Emergency Shelter</i>	<i>S (J § 504.3)</i>	<i>N</i>	<i>N</i>
<i>Entertainment, Assembly, and Performing Arts</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Firearm Sales</i>	<i>C (J § 503.3)</i>	<i>C (J § 503.3)</i>	<i>C (J § 503.3)</i>
<i>Food and Alcohol Services</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Government, Large Scale</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Government, Local</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Health Care</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Institutional</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Lodging</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Marine</i>	<i>P</i>	<i>P</i>	<i>P</i>

USE CATEGORIES	P-1-A-1 P-2-A-1 P-3-A-1	P-4-B-1	P-5-C-1 P-6-C-1
<i>Motor Vehicle-related</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Office</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Parking, Commercial</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Parks and Recreation</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Production, Distribution, and Repair</i>	<i>C (J § 503.4)</i>	<i>C (J § 503.4)</i>	<i>C (J § 503.5)</i>
<i>Residential</i>	<i>A (J § 505.2)</i>	<i>A (J § 505.2)</i>	<i>A (J § 505.2)</i>
<i>Retail</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Sexually-oriented Business Establishment</i>	<i>C (J § 503.6)</i>	<i>C (J § 503.6)</i>	<i>C (J § 503.6)</i>
<i>Transportation Infrastructure</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Waste-related Services</i>	<i>S (J § 504.5)</i>	<i>S (J § 504.5)</i>	<i>S (J § 504.5)</i>
<b>Legend (see B § 201 for detailed instructions on using this chart)</b>			
<i>P</i> = Permitted Use Category		<i>S</i> = Permitted by Special Exception	
<i>N</i> = Not Permitted Use Category		<i>A</i> = Permitted only as an Accessory Use	
<i>C</i> = Permitted by Condition			

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

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

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

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

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

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

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

503.5 *Production, Distribution, and Repair uses* not meeting the conditions in J § 503.4 may be permitted by special exception. Refer to J § 504.4 for special exception criteria.

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

- (a) No manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt; and
- (b) If any recycling is done on site:
  - (1) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking, or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of an existing *residential use* or *residential zone*;
  - (2) There shall be no truck access or queuing to the site adjacent to any *residential zone*;
  - (3) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. Any side of the facility facing a public right-of-way or *residential zone* shall also be landscaped;
  - (4) The site shall be maintained free of litter, trash, debris, and any other non-recyclable materials;
  - (5) The facility shall provide on-site parking and queuing, as follows:
    - (A) Space shall be provided on-site to park each commercial vehicle operated by the facility;
    - (B) One (1) employee parking space shall be provided for each commercial vehicle operated by the facility; and
    - (C) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand;

- (6) No parking, queuing, or standing of trucks will be permitted on residential streets;
- (7) All storage of waste or recycled materials shall:
  - (A) Be contained in sturdy containers or enclosures that are fully covered, secured, and maintained in good condition and approved by the Fire and Emergency Medical Services Department; and
  - (B) Not be located outside the facility structures so that it is visible above the height of a required fence or wall; and
- (8) If the facility is located within five hundred feet (500 ft.) of a *residential zone*:
  - (A) It shall not be in operation between 7:00 p.m. and 7:00 a.m. or any time on Sunday. Hours of operation shall include the arrival and departure of trucks and delivery and removal of materials and equipment; and
  - (B) The facility shall be administered by on-site personnel during the hours the facility is open.

503.7 *Production, Distribution, and Repair uses* not meeting the conditions in J § 503.6 may be permitted by special exception. Refer to J § 504.4 for special exception criteria.

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

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

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

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

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

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

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

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

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

- (a) If the use involves manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt:
  - (1) No portion of the facility, including the land used by such facility, shall be located within two hundred feet (200 ft.) of a *Residential, Parks and Open Space, Retail, Office, Institutional, or Local Government* use;
  - (2) There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are a *Residential use*;
  - (3) No truck dumping or picking up concrete or asphalt or related materials shall park, stand, or queue for the facility along any public *right-of-way* and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;
  - (4) Any facility located within five hundred feet (500 ft.) of a *residential zone* shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks;
  - (5) The facility shall be enclosed on all sides by an opaque screen, fence, or wall at least ten feet (10 ft.) in height. The use of barbed wire or razor wire that is visible from *residential zones* or public space is prohibited;
  - (6) The side of the facility facing public space, *Residential, Parks and Open Space, Retail, Office, Institutional, or Local Government* uses shall contain a landscaped area of evergreen trees measuring a minimum of eight feet (8 ft.) in height which shall be maintained in a healthy growing condition;
  - (7) The application shall contain:

- (A) A site plan showing the layout of the proposed facility, including fences and screens, street access, parking, and queuing areas;
- (B) A landscape plan showing the planting locations and soil preparation techniques;
- (C) A lighting plan showing the proposed lighting locations, illumination spread, and noting the proposed height and wattage of the lighting fixtures;
- (D) A traffic study which indicates truck routes to and from the facility on streets abutting residential neighborhoods, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and
- (E) A description of the facility's methods and specifications for the control of odor, dust, smoke and other air pollutants, and noise; and

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

(b) If the use involves recycling on-site, it shall meet the conditions of J § 503.6(b).

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

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

- (b) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present;
- (c) The facility shall provide on-site parking and queuing as follows:
  - (1) Space shall be provided on-site to park each commercial vehicle operated by the facility;
  - (2) One (1) employee parking space shall be provided for each commercial vehicle lawfully parked on the site after operating hours; and
  - (3) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand.
- (d) The location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;
- (e) The facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way. Additional parking, truck maneuvering, or queuing space may be required by the Board after considering the applicant's analysis of such needs and the reports of the District Department of Transportation and the Office of Planning;
- (f) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation shall be located within three hundred feet (300 ft.) of a property in a *residential zone* or located within fifty feet (50 ft.) of any adjacent property used as a *Parks and Open Space, Retail, Office, Institutional, or Local Government* use;
- (g) There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are *Residential use*;
- (h) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia unless the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically, or physically feasible; and

- (i) The applicant shall provide credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:
  - (1) An indication of the site and description of land uses within one-quarter (1/4) of a mile of the site;
  - (2) A site plan showing the layout of the proposed facility, including main buildings, fences and screens, access to rail if available, street access, parking and queuing areas, and a functional diagram indicating the proposed use of the site;
  - (3) An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;
  - (4) A plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;
  - (5) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not abut residential neighborhoods along the way; and
  - (6) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (2001)).

**505**

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

**505.1**

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

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

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

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

## **CHAPTER 6 TRANSITION REGULATIONS FOR PDR ZONES**

**600 INTRODUCTION TO TRANSITION REGULATIONS FOR PDR ZONES**  
**601 REFERENCE TABLE FOR PDR ZONES TRANSITION REGULATIONS**  
**602 TRANSITION REGULATIONS FOR PDR ZONES**

**600 INTRODUCTION TO TRANSITION REGULATIONS FOR PDR ZONES**

600.1 The purpose of this chapter is to apply *transition regulations* to specific Production, Distribution, and Repair (PDR) *zones*.

600.2 The purpose of *transition regulations* in PDR *zones* is to minimize potentially negative impacts of investment in PDR *uses* on adjacent *residential zones*.

600.3 *Transition regulations* minimize potential negative impacts on *residential zones* by controlling the physical relationship of buildings and site improvements in PDR *zones*, relative to the *zone boundary line* that divides the *zones*.

600.4 The general regulations regarding *transition regulations* are located in subtitle B, chapter 12. These general regulations apply in addition to, and not instead of the regulations of this chapter.

600.5 A reference to this chapter in a PDR *zone reference table* or the identification of a *zone* in the table included as a part of J § 601.3 establishes the applicability of *transition regulations*.

601

## REFERENCE TABLE FOR PDR ZONES TRANSITION REGULATIONS

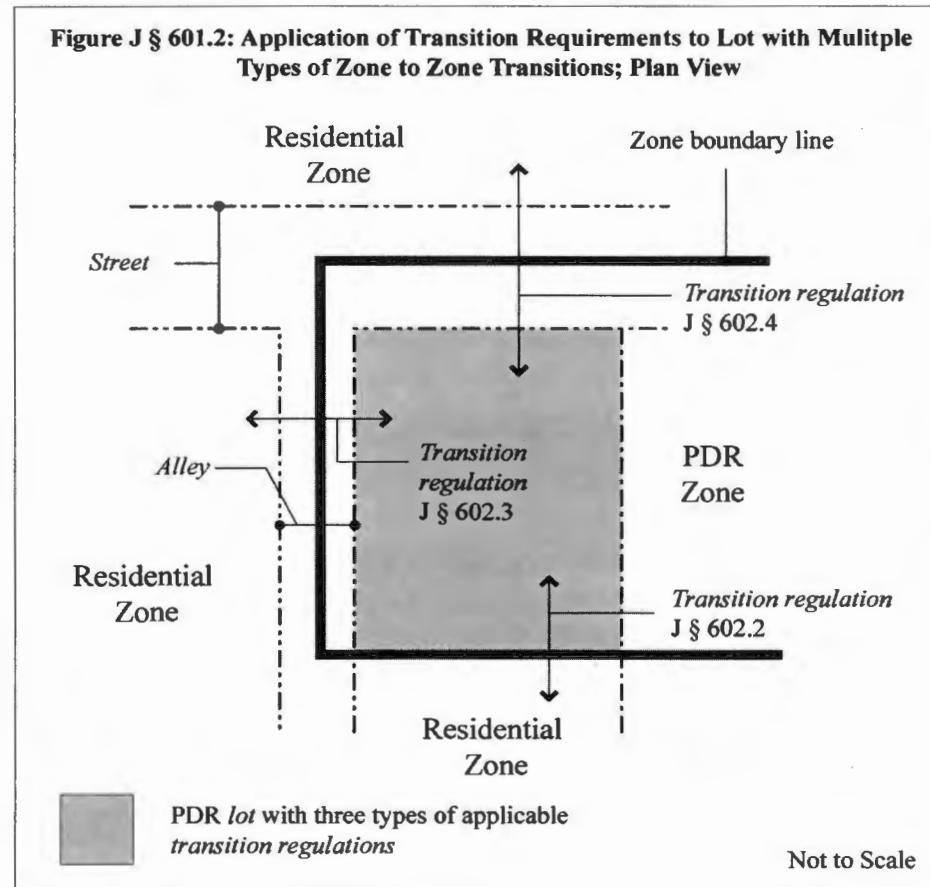
601.1

This section provides a table that identifies *transition regulations* applicable to PDR zones. These regulations are identified by reference based on the subject zone and the *lot's* context at a *zone* boundary line.

601.2

The requirements apply when any *lot* or portion of a *lot* directly abuts a *residential zone*. If a *lot* abuts a *residential zone* or *zones* in more than one way, zone to zone transition requirements apply to each context; for example, if a portion of a *lot* abuts a *residential zone* that is separated by an *alley* and another portion of the *lot* abuts a *residential zone* that is separated by a *street*, *transition regulations* will be applied separately to each context.

**Figure J § 601.2: Application of Transition Requirements to Lot with Multiple Types of Zone to Zone Transitions; Plan View**



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

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

## **602 TRANSITION REGULATIONS FOR PDR ZONES**

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

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

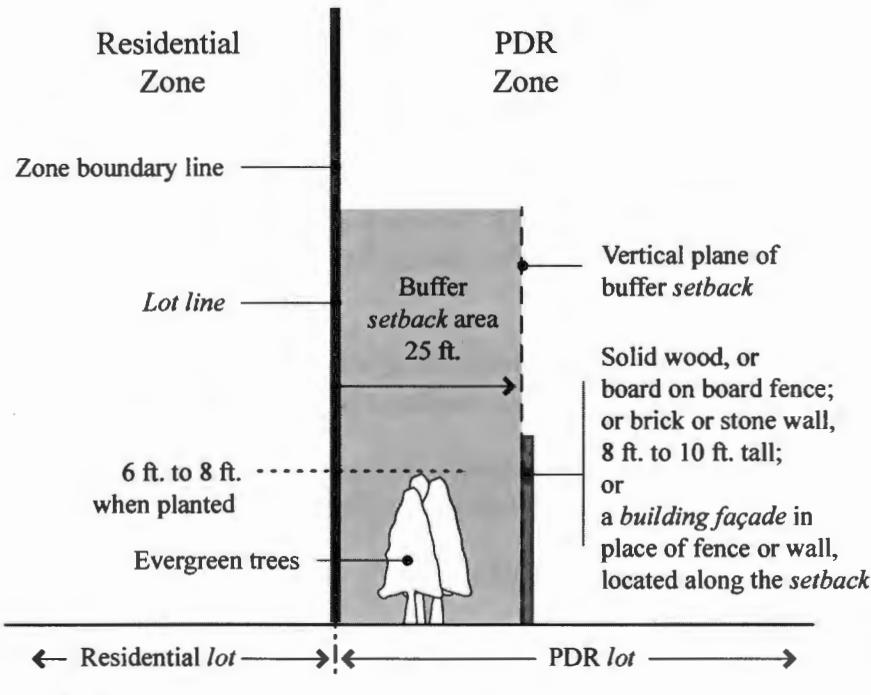
602.2 If a *zone* is subject to this subsection, and where a *lot*, or a portion of a *lot*, directly abuts a *residential zone*, the following *transition regulations* shall be complied with:

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

(c) A form of *screening* shall be erected between the residential and PDR *lots*, and shall be located along the required *setback* identified in paragraph (a) above. The *screening* shall be either:

- (1) A solid wood or board on board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height;
- (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
- (3) A *building façade*.

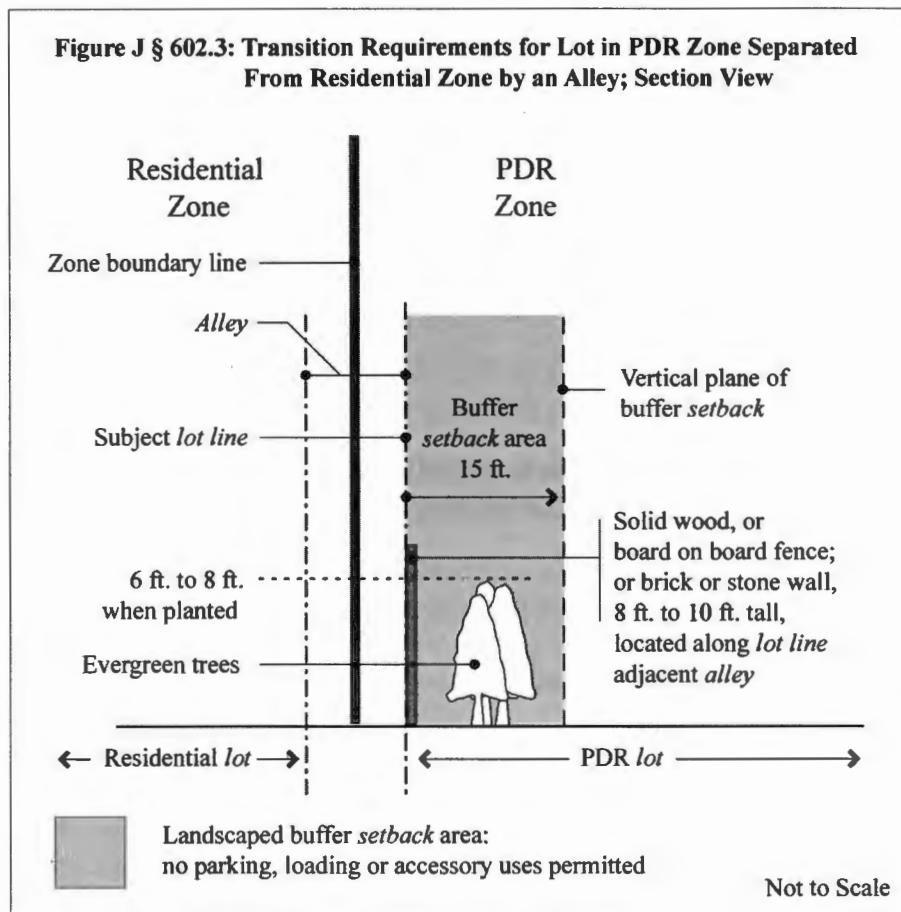
**Figure J § 602.2: Transition Requirements for Lot Line of Lot in PDR Zone Abutting Residential Zone; Section View**



602.3 If a *zone* is subject to this subsection, and where a *lot*, or a portion of a *lot*, abuts an *alley* that serves as the *zone boundary line* that separates the subject PDR *zone* from a *residential zone*, the following *transition regulations* shall be complied with:

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

**Figure J § 602.3: Transition Requirements for Lot in PDR Zone Separated From Residential Zone by an Alley; Section View**



## 602.4

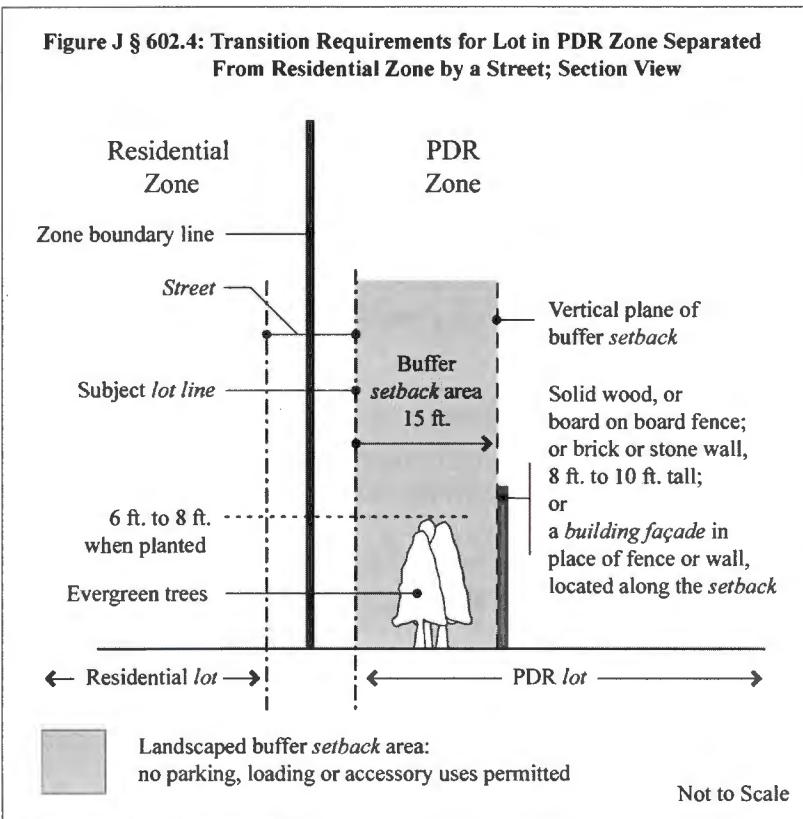
If a *zone* is subject to this subsection, and where a *lot*, or a portion of a *lot*, abuts a *street* that serves as the *zone boundary line* that separates the subject PDR *zone* from a Residential *zone*, the following *transition regulations* shall be complied with:

- (a) A *setback* of fifteen feet (15 ft.), from each *lot line* that is abutting a *street* that serves as the *zone boundary line*, must be provided. The *setback* shall be a vertical plane, parallel to the subject *lot line*;
- (b) The *setback* area shall not be used for parking, loading, or accessory uses, but shall be landscaped with evergreen trees, provided:
  - (1) The trees shall be maintained in a healthy growing condition;
  - (2) The trees shall be a minimum of six feet (6 ft.) to eight feet (8 ft.) high when planted; and

(3) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary; and

(c) A form of *screening* shall be erected between the residential and PDR lots, and shall be located along the required *setback* identified in paragraph (a) above. The *screening* shall be either:

- (1) A solid wood or board on board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height;
- (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
- (3) A *building façade*.



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

**700 INTRODUCTION TO PARKING REGULATIONS FOR PDR ZONES**  
**701 PARKING STANDARDS FOR PDR ZONES**  
**702 SPECIFIC CONDITIONS FOR PARKING IN PDR ZONES**

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

700.1 The purpose of this chapter is to:

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

700.2 General parking regulations are located in subtitle B, chapter 15.

**701 PARKING STANDARDS FOR PDR ZONES**

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

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

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

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

On March 28, 2011, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On May 23, 2011, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on July 8, 2011.





**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**ZONING COMMISSION ORDER NO. 08-06-E**

**Z.C. Case No 08-06**

**(Comprehensive Zoning Regulations Rewrite: Chapter B-13: Green Area Ratio)**

**June 13, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01), hereby gives notice that it took final rulemaking action to adopt amendments to title 11 of the District of Columbia Municipal Regulations (“title 11”).

Once effective, the amendments will provide general rules for a District-wide requirement for green site design that will vary by zone. The requirement will be known as Green Area Ratio (“GAR”). This chapter provides general guidance about the regulation of GAR requirements; defines the applicability of GAR, sets forth the formula for calculating the GAR and defines its component parts, identifies those landscape elements that are included in the GAR, explains how their area is measured and sets forth eligibility requirements, establishes multipliers for each eligible landscape element, indicates what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance, and establishes maintenance requirements for the landscape elements that are counted toward a property’s GAR requirement.

The chapter does not specify which Zone District will be made subject to a GAR requirement nor does it assign a GAR value to any particular zone. Those determinations will be made when the Commission considers each new land use subtitle.

More detailed information, discussion, and analysis about the text can be found in the Office of Planning (“OP”) documents entitled “Setdown Report for Green Area Ratio,” “Setdown Presentation - Green Area Ratio,” and “Hearing Report - Green Area Ratio”; all of which may be accessed at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp).

This new chapter would be part of a revised title 11. The Commission has already approved a codification format that would divide the revised title 11 into ten (10) subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The chapter that is the subject of this Order would be included within a new subtitle B entitled “General Regulations.”

As will be clarified as part of the revised title 11, the text approved in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised title.

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

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of the ten (10) subtitles and issued final orders for all approved text. At

**Z.C. ORDER 08-06-E**  
**Z.C. CASE NO. 08-06**  
**PAGE 15**

On February 28, 2011, upon a motion made by Commissioner Selfridge, as seconded by Chairman Hood, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On June 13, 2011, upon motion of Commissioner May, as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is on July 15, 2011.