

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS}
Jennifer Steingasser, AICP
Deputy Director, Development Review & Historic Preservation
DATE: April 22, 2019
SUBJECT: ZC Case 19-04 - Supplemental Report for a Text Amendment to the Zoning Regulations, 11 DCMR, Subtitles B, C, H, K, and U

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **approve** the following text amendments to Subtitles B, C, H, K, and U of Title 11 DCMR (Zoning Regulations of 2016), as detailed in Section III of this report.

- 1) Revision to Definitions (Subtitle B, Chapter 1) for:
 - New definition for Community Solar Facility
- 2) Revision to Use Categories (Subtitle B, Chapter 2) for:
 - Basic Utilities to exempt a Community Solar Facility
- 3) Revision to Penthouses (Subtitle C, Chapter 15) for:
 - Penthouse General Regulations to permit solar canopies on top of a parking garage
- 4) Revision to Use Permissions (Subtitle H, Chapter 11) to:
 - Permit a Community Solar Facility subject to the yard and height development standards of the zone
- 5) Revision to Use Permissions (Subtitle K, Chapters 4, 6, and 9) to:
 - Permit a Community Solar Facility subject to the yard and height development standards of the zone
- 6) Revision to Use Permissions (Subtitle U, Chapters 2, 6, and 8) to:
 - Permit a Community Solar Facility subject to the yard and height development standards of the zone

II. BACKGROUND

On February 7, 2019, OP filed a report with the Office of Zoning that served as a petition proposing text amendments to Subtitles B, C, H, K, and U of the Zoning Regulations to permit Community Renewable Energy Facilities (CREFs).

On February 11, 2019, the Commission voted to grant OP's requests to:

- (i) Waive Subtitle Z § 400.6's requirement that OP file its pre-hearing report 10 days prior to the public meeting at which the Commission would consider the request to setdown the text amendments (OP's Setdown Report served as this pre-hearing filing);
- (ii) Set down this petition for a public hearing;
- (iii) Waive the 40-day notice period required Subtitle Z § 402.1 to allow a 30-day notice period prior to the public hearing at which the Commission will consider the proposed text amendments; and
- (iv) Authorize the immediate publication of a Notice of Proposed Rulemaking. The Commission also adopted identical amendments to Subtitles B, C, H, K, and U on an emergency basis.

The Commission held its public hearing on April 1, 2019, at which time it took public testimony. Comments centered on issues of scale and opportunities for public input. OP has continued to work with DOEE and DCRA since the public hearing and proposes refined text that strives to balance the ambitious clean energy goals of the District with community input.

The revised proposal permits the following:

- Matter of Right
 - Roof-mounted solar array operating as Community Solar Facility (CSFs);
 - Ground-mounted solar array operating as a CSF that is two (2) acres or less in area; and
 - Roof- or ground-mounted solar array operating as a CSF in the Production, Distribution, and Repair zones.
- Special Exception
 - Ground-mounted solar array operating as a CSF that is greater than two (2) acres in area, subject to a landscape buffer requirement.

III. PROPOSED TEXT AMENDMENTS

The proposed text amendments are as follows. Text in **bold underline** is new proposed text; the text in ~~**bold strikethrough**~~ is a proposed deletion. New text since setdown is shown in **blue bold underline**. New text since the public hearing is shown in **green bold underline**.

Should the Commission take proposed action, OP requests the flexibility to work with the Office of Attorney General to clarify the language to be included in the notice of proposed rulemaking.

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

~~Community Solar Renewable Energy Facility~~: A solar energy facility that is directly interconnected with the Electric Company's distribution system and that does not exceed five (5) megawatts in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). The generation and subsequent sharing, through virtual net metering, of renewable energy generated by a community solar energy system financially funded in whole or in part by the Department of Energy and Environment. Community solar energy systems commonly take the form of shared Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

Subparagraph (4) of paragraph (f) of § 200.2 of § 100, DEFINITIONS, of Chapter 2, USE CATEGORIES of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(f) Basic Utilities:

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;
- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station; and
- (4) Exceptions: This use category does not include uses which would typically fall within the antennas, community solar renewable energy facility, or waste-related services use categories;

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

...

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15 PENTHOUSES of Subtitle C, GENERAL RULES, is amended as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, **or solar canopies on top of a parking garage**. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (r) as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(p) Transportation infrastructure; **and**

(q) Daytime care; **and**

(r) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.

Subsection 1105.1 of § 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (i) as follows:

1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(g) Utilities uses, other than an optical transmission node, but not including an EEf use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; **and**

(h) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4 (g)(3), subject to the following: **and**

...

(9) External yards or other exterior facilities for the keeping of animals shall not be permitted;

(i) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following:

(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:

(A) The trees shall be maintained in a healthy growing condition;

(B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(C) 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 Subtitle J-11 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.

Subsection 1107.1 of § 1107, SPECIAL EXCEPTION USES (NC-USE GROUP B), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (k) as follows:

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(i) Utilities uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; ~~and~~

(j) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following Subtitle H-51 conditions: and

...

(3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

- (k) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following:**
 - (1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:**
 - (A) The trees shall be maintained in a healthy growing condition;**
 - (B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and**
 - (C) 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 Subtitle J-11 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.**

Subsection 1109.1 of § 1109, SPECIAL EXCEPTION USES (NC-USE GROUP C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (h) as follows:

1109.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (f) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

...

- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; **and**

- (g) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; **and**

(h) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following:

- (1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:**

- (A) The trees shall be maintained in a healthy growing condition;**

(B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(C) 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 Subtitle J-11 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.

Subsection 410.3 of Section 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (o) as follows:

410.3 The following uses are permitted in the HE zones:

...

(m) Retail; **and**

(n) Service, general and financial; **and**

(o) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.

Subsection 412.1 of Section 412, USES PERMITTED BY SPECIAL EXCEPTION (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (j) and renumbering as follows:

412.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, subject to Subtitle K § 413 and any applicable provisions of this section:

...

(j) Community solar facility not meeting the requirements of K § 410.3(o), subject to the following:

(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:

(A) The trees shall be maintained in a healthy growing condition;

(B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(C) 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 Subtitle J-11 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

(jk) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle X and Subtitle K § 416; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Subsection 612.1 of Section 612, USE PERMISSIONS (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (y) as follows:

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

(w) Service, general and financial; **and**

(x) Transportation infrastructure; **and**

(y) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.

Subsection 614.1 of Section 614, USED PERMITTED BY SPECIAL EXCEPTION (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X, the criteria set forth in Subtitle K § 615.2, and subject to applicable conditions of each section as stated below:

...

- (b) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

- (6) The Board of Zoning Adjustment may approve a CBIF for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment 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 of Columbia; **and**

- (c) **Community solar facility not meeting the requirements of K § 612.1(v), subject to the following:**

- (1) **Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:**

- (A) **The trees shall be maintained in a healthy growing condition;**

- (B) **The trees shall be a minimum of eight feet (8 ft.) high when planted; and**

- (C) **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 Subtitle J-11 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.**

Subsection 911.1 of Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (n) as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

...

- (l) Retail subject to the conditions of Subtitle K § 912.10; **and**
- (m) Transportation infrastructure; **and**
- (n) **Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.**

Subsection 913.1 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.1 The following uses shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and subject to the applicable provisions of each section:

...

- (b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

- (6) The Board of Zoning Adjustment may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if 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 if there is no other reasonable alternative to meet the program needs of that area of the District; and

(c) Community solar facility not meeting the requirements of K § 612.1(y), subject to the following:

(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:

(A) The trees shall be maintained in a healthy growing condition;

(B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(C) 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 Subtitle J-11 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.

Subsection 913.2 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (g) as follows:

913.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (f) All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted as a special exception subject to the following conditions:

...

- (7) The Board of Zoning Adjustment shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood; **and**

(g) Community solar facility not meeting the requirements of K § 612.1(v), subject to the following:

(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:

- (A) The trees shall be maintained in a healthy growing condition;**
- (B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and**
- (C) 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 Subtitle J-11 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.**

Subsection 913.3 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.3 The following uses shall be permitted as a special exception WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 913.1(b); **and**

(c) Community solar facility not meeting the requirements of K § 612.1(v), subject to the following:

(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:

- (A) The trees shall be maintained in a healthy growing condition;
- (B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and
- (C) 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 Subtitle J-11 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.

Subsection 201.1 of Section 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (c) as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an attached building; ~~and~~

(b) Clerical and religious group residences for no more than fifteen (15) persons; and

(c) Community ~~solar~~renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.

Subsection 203.1 of Section 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (r) as follows:

203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

...

- (q) Any use within a District of Columbia former public school building that does not comply with the matter of right conditions of Subtitle U § 252 subject to the special exception conditions of Subtitle U § 252; **and**
- (r) Community solar facility not meeting the requirements of K § 612.1(v), subject to the following:**
 - (1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:**
 - (A) The trees shall be maintained in a healthy growing condition;**
 - (B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and**
 - (C) 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 Subtitle J-11 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.**

Subsection 250.1 of Section 250, ACCESSORY USES (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (g) as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

...

- (e) An accessory apartment subject to the conditions of Subtitle U § 253; **and**
- (f) Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period; **and**
- (g) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.**

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (f) as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

(d) Parking subject to the following conditions:

...

(3) Parking garage on a lot not containing another use shall meet the following conditions:

...

(C) The building shall open directly onto an alley; ~~and~~

(e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

...

(5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment; ~~and~~

(f) Community ~~solar~~renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays of two (2) acres or less, subject only to the yard and height development standards of the zone.

Subsection 801.1 of Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, MATTER-OF-RIGHT USES (PDR) of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (cc) as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

(aa) Waste incineration, including for conversion to energy subjects to the Standards of External Effects in Subtitle U §804, and the use shall not be permitted on any lot located in in whole or in part within one hundred feet (100 ft.) of a residential zone; ~~and~~

(bb) Wholesale or storage establishment, including open storage, except a junk yard; ~~and~~

(cc) Community ~~solar~~renewable energy facility subject only to the yard and height development standards of the zone.

IV. COMMUNITY COMMENTS

At the April 1, 2019 public hearing, the Commission held the record open for additional comments by one party, which were filed at Exhibit 27 on April 9, 2019.

JS/emv