

Z.C. CASE NO. 26-09 – UPDATE TO PROPOSED TEXT AMENDMENTS

SUMMARY

Pursuant to discussions with Office of Zoning Legal Counsel and the Office of Planning, the Petitioner proposes a non-substantive revision to numbering of the proposed text amendment reflected below. Essentially, the new exception for Square 3977 is proposed as Section 302.2(a), and then the prior exceptions, which were previously Sections 302.2(a) – (c), are renumbered as subsections 1 through 3 under Section 302.2(b). Section 302.2(c) is then deleted.

AMENDMENT TO SUBTITLE C, SECTION 302 (SUBDIVISION REGULATIONS)

302.2 Each new primary [building](#) and [structure](#) shall be erected on a separate [lot of record](#) in all R, RF, and RA [zones](#), except as follows:

(a) For a theoretical lot subdivision by public access easement on Lot 134 in Square 3977, provided:

- (1) Each building shall meet all of the development standards for the zone based on a plan of theoretical subdivision where individual [theoretical lots](#) serve as boundaries for assessment of compliance with the Zoning Regulations;**
- (2) Each theoretical lot has a public access easement approved by the District Department of Transportation;**
- (3) The theoretical subdivision has been reviewed pursuant to the Large Tract Review procedures of Title 10, Chapter 23 of the D.C. Municipal Regulations; and**
- (4) Notwithstanding the provisions of Subtitle A Section 301.4, a building permit application for construction of any building within the theoretical subdivision may be processed, and any work authorized may be carried to completion, pursuant to the provisions of provisions of the Zoning Regulations in effect as of [INSERT DATE EMERGENCY REGULATION TAKES EFFECT] so long as an application for the first building within the theoretical subdivision was legally filed with, and accepted as complete by the Department of Buildings on or before that date.**

(b) For other theoretical lot subdivisions:

- (1)** As provided for in the [theoretical lot](#) subdivision regulations of Subtitle C § 305.1;
- (2)** Buildings and structures erected in conformance with an approved campus plan, medical campus plan, or private school plan; and
- (3)** Buildings and structures erected in conformance with an approved [planned unit development](#).

(c)

AMENDMENTS TO SUBTITLE A, SECTION 301 (BUILDING PERMITS)

301 BUILDING PERMITS

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301.3 Except as provided in the [building lot](#) control regulations for Residence Districts in Subtitle C and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled “An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,” and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code § 9-101.05, a [building](#) permit shall not be issued for the proposed erection, construction, or conversion of any [principal structure](#), or for any addition to any principal [structure](#), unless the land for the proposed erection, construction, or conversion has been divided so that each [structure](#) will be on a separate [lot of record](#); except a [building](#) permit may be issued for:

- (a) [Buildings](#) and [structures](#) related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- (b) [Boathouse](#), yacht club, or [marina](#) that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned MU-11;
- (c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) [structure](#);
- (d) Trapeze school and aerial performing arts center to be constructed pursuant to Subtitle K;
- (e) A [structure](#) in the USN [zone](#) to be constructed on an air rights [lot](#) that is not a [lot of record](#);
- (f) [Buildings](#) and [structures](#) approved as part of a campus or private school plan or medical campus plan;
- (g) Playing fields and associated accessory [structures](#) to support such fields and, if permitted by the [Zoning Commission](#), an unenclosed pavilion, on the unzoned property comprising and abutting the Robert F. Kennedy Memorial Stadium, subject to Subtitle A § 209.2(c);
and
- (h) [Buildings](#) and [structures](#) within the SEFC-4 [Zone](#) District pursuant to Subtitle K, Chapter 2; **and**
- (i) **A theoretical lot subdivision by public access easement as provided for in Subtitle C § 302.2(a).**