

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06E
Z.C. Case No. 08-06E
(Text Amendment – 11 DCMR)
Technical Corrections to Z.C. Order No. 08-06A
July 25, 2016

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), hereby gives notice of the adoption of amendments to the adopted, but not yet effective version of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)) to make minor modifications and technical corrections to the amendments made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that will become effective on September 6, 2016 (2016 Regulations). The Commission adopted the 2016 Regulations through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register*.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on July 1, 2016, at 63 DCR 9128 for a fourteen (14) day comment period.

In response to the notice, the Commission received correspondence from the Committee of 100 for the Federal City (Committee of 100) that commented on this case as well as Z.C. Case No. 08-06D, which also concerned technical amendments to the 2016 Regulations. The Zoning Administrator (ZA) for the District of Columbia also made a submission which, as will be explained, did not actually concern this case. The Commission also received a supplemental report from the Office of Planning that analyzed and made recommendations concerning both comments.

The Commission took final action to adopt the amendments at a public meeting on July 25, 2016.

In response to the Committee of 100's comment concerning Subtitle X § 301.2, which authorizes the Commission to waive the minimum land area requirement of Subtitle X § 301.1 for applications in certain Zone Groups, the Commission decided to consider the issue at a hearing. The Commission also authorized the addition of text to permit up to a fifty percent (50%) waiver for Zone Groups 1, 2, 5, and 6 applications, which is the limitation set forth in the 1958 Regulations. Finally, the Commission, on its own motion, set down for a public hearing the amendment to § 301.2 which would allow for a waiver of no specified percentage for Zone Groups 1, 2, 5, and 6. After reviewing the other comments made by the Committee of 100, the Commission concluded that no substantive changes needed to be made to the remaining amendments and that

none of the remaining amendments exceeded the scope of a technical correction authorized by 11 DCMR § 3030.

The ZA's comments questioned the wisdom of adopted §§ 304.4 and 304.5 of Subtitle A, which limit the ability of the ZA to permit the modification of plans approved by the Board of Zoning Adjustment to essentially the same limits as currently apply to planned unit developments. The ZA offered a new subsection to provide him with greater flexibility. The ZA also indicated that he was unclear as to whether the adopted provisions merely authorized the modification or whether he was required grant the relief. Finally, the ZA noted that the provisions, which also allow the same modifications to plans approved by any Commission order, appeared to overlap a somewhat similar provision in Subtitle X, which only pertained to planned unit developments. Since Subtitle A § 304 was not the subject of this case, the Commission made no change to the proposed amendments. Nevertheless, the Commission decided to set down the proposed new text for a hearing, subject to such changes as the Office of the Attorney General deemed necessary, including such additional text as might be required to address the other concerns expressed by the ZA.

Because the amendments were technical corrections, no hearing was required and no referral was made to the National Capital Planning Commission.

This Notice Final Rulemaking shall become effective on September 6, 2016.

The following amendments to the 2016 Regulations (11 DCMR) are adopted:

Subtitle A, AUTHORITY AND APPLICABILITY, Chapter 1, INTRODUCTION TO TITLE 11, § 102, VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED, § 102.4 is amended as follows:

102.4 An application to the Board of Zoning Adjustment or the Zoning Commission for a modification, other than a minor modification, to a vested project shall conform with the 2016 Regulations.

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Chapter 1, DEFINITIONS, is amended as follows:

Section 100, DEFINITIONS, § 100.2, is amended as follows:

Definition for "Lot, Alley" is amended as follows:

Lot, Alley: Is either a lot that is recorded on the records of the Surveyor, District of Columbia, that faces or abuts an alley that does not face or abut a street at any point (alley record lot) or a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot).

Definition for “Height, Floor-to-Ceiling Clear” is amended as follows:

Height, Floor-to-Ceiling Clear: The vertical distance measured from the finished floor to the underside of the finished ceiling. (See Subtitle B § 328.)

Chapter 3, GENERAL RULES OF MEASUREMENT is amended as follows:

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, AND RA ZONES is amended as follows:

308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, RA, RC-1, CG-1, AND D-1 ZONES

308.1 The height of buildings, not including a penthouse, in R, RF, RA, RC-1, CG-1, and D-1 zones shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

Section 311, LOT OCCUPANCY, § 311.1 is amended as follows:

311.1 Lot occupancy regulations are intended to provide a primary control of the total volume of buildings on a lot through the restriction of a building’s horizontal area above a designated horizontal plane. The lot occupancy standards applied through land use subtitles are intended to contribute, along with height regulations, to ensuring that buildings within a zone are generally consistent in their volume.

Section 312, RULES OF MEASUREMENT FOR LOT OCCUPANCY, §§ 312.1, 312.2, and 312.3 are amended to read as follows:

312.1 The main building and any accessory buildings shall be subject to the lot occupancy standard prescribed in the development standards table for the zone in which the building is located.

312.2 Lot occupancy shall be calculated by dividing the total building area of all buildings on a lot by the total area of the lot.

312.3 Building area shall be the maximum horizontal projected area of a principal building and its accessory buildings, measured at the ground level of the buildings and measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings.

Section 318, RULES OF MEASUREMENT FOR REAR YARDS, § 318.3 is amended as follows:

318.3 Where the rear lot line is not parallel to the street lot line, or where there are more than one (1) rear lot lines that intersect at a point at an angle greater than ninety degrees (90°), the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines;

Section 323, PROJECTIONS INTO REQUIRED OPEN SPACES, § 323.6 is amended by deleting it in its entirety, and by renumbering the subsequent subsections.

By adding a new § 328, RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT, to read as follows:

328 RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT

328.1 The upper point of the measurement is the finished ceiling that is unobstructed by any of the following:

- (a) Elements of the building structure, other than columns and walls;
- (b) Components of mechanical, plumbing, or fire suppression systems; or
- (c) Components of electrical systems, except lighting fixtures.

328.2 If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in Subtitle B §§ 328.1(a), (b), or (c).

328.2 For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building's frontage on the street from which the building draws its clear height requirement.

Subtitle C, GENERAL RULES, is amended as follows:

Chapter 2, NONCONFORMITIES, § 201, GENERAL PROVISIONS, §§ 201.1 and 201.3 are amended to read as follows:

201.1 Except as otherwise permitted in this chapter, nonconforming structures or uses may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district.

...¹

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.

201.3 It is necessary and consistent with the establishment of the separate zone districts under this title that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938.

Chapter 3, SUBDIVISION, the title of § 301, GENERAL PROVISIONS, is amended to read as follows:

301 SUBSTANDARD LOTS

Chapter 4, TREE PROTECTION, § 401, TREE PROTECTION REGULATIONS, § 401.4 is amended to read as follows:

401.4 Where removal or cutting of trees has occurred that would have been prohibited by this section if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle X, Chapter 9 and Subtitle D § 5202.

Chapter 7, VEHICLE PARKING, is amended as follows:

Section 701, MINIMUM VEHICLE PARKING REQUIREMENTS, § 701.5 is amended as follows:

701.5 Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows (all references to “sq. ft.” refers to square feet of gross floor area as calculated in Subtitle C § 709):

Section 709, RULES OF CALCULATION, § 709.1 is amended as follows:

709.1 Gross floor area shall be as defined in Subtitle B, except that for purposes of calculating off-street parking requirements:

- (a) In all zones, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space or space devoted exclusively to bicycle storage or support (lockers and showers) facilities;
- (b) In all zones, gross floor area shall include penthouse habitable space except that recreation space for residents or tenants of the building or other ancillary space associated with a rooftop deck shall not be included;
- (c) In the R, RF, RA, and MU-11 through MU-14 zones, gross floor area shall include cellar floor area devoted to uses within the Government, Local use;

- (d) In the MU-3, MU-4, MU-7, MU-17, MU-24, MU-25, MU-26, MU-27, NC-1, NC-2, NC-3, NC-4, NC-6, NC-7, NC-8, NC-9, NC-12, NC-14, NC-15, NC-16, RC-2, ARTS-1, ARTS-3, PDR-1, PDR-4, PDR-5, PDR-6, and PDR-7 zones, gross floor area shall include cellar floor area devoted to uses within following use groups:
- (1) Animal sales, care and boarding;
 - (2) Arts, design and creation;
 - (3) Chancery;
 - (4) Eating and drinking establishments;
 - (5) Firearm sales;
 - (6) Medical care;
 - (7) Office;
 - (8) Retail; and
 - (9) Service, general and financial; and
- (e) In the PDR-2 and PDR-3 zones, gross floor area shall include the cellar floor area devoted to uses within the Office and Chancery use groups.

Chapter 8, BICYCLE PARKING, §802, MINIMUM NUMBER OF BICYCLE PARKING SPACES, § 802.1, Table C § 802.1: MINIMUM NUMBER OF BICYCLE PARKING SPACES is amended as follows (and all other entries are unchanged):

Use	Long-Term Spaces	Short-Term Spaces
Residential, single dwelling unit	None	None
Residential, flat		
Residential, multiple dwelling unit	1 space for each 3 dwelling units	1 space for each 20 dwelling units

Chapter 15, PENTHOUSES, § 1504, RELIEF TO PENTHOUSE REQUIREMENTS, § 1504.1 is amended as follows:

1504.1 Relief to the requirements of Subtitle C §§ 1506 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended by adding a new § 207, HEIGHT to read as follows:

207 HEIGHT

- 207.1 Except in the R-11, R-12 and R-13 Naval Observatory Residential zones, and except as provided in Subtitle D § 207.9, the maximum height of buildings or structures specified in each R zone may be exceeded as provided in this section.
- 207.2 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.
- 207.3 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.
- 207.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.
- 207.5 A place of worship may be erected to a height of sixty feet (60 ft.); provided, that it shall not exceed the number of stories permitted in the district in which it is located.
- 207.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.
- 207.7 A public school building or structure may be erected to a height not exceeding sixty feet (60 ft.).
- 207.8 A public recreation and community center in any residential zone may be erected to a height not to exceed forty-five feet (45 ft.).
- 207.9 Where required by the Height Act, a height in excess of that permitted shall be authorized by the Mayor.

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended as follows:

Section 303, HEIGHT, is amended by deleting § 303.2, and renumbering and amending §§ 303.3 and 303.4 as follows:

- 303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 309, SPECIAL EXCEPTION, § 309.1 is amended to read as follows:

309.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.

Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, § 403, HEIGHT, is amended as follows:

By deleting § 403.2.

By renumbering and amending §§ 403.3 and 403.4 as follows:

403.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 403.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

403.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, § 503, HEIGHT, is amended by deleting § 503.2, and renumbering and amending §§ 503.3 and 503.4 as follows:

503.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

503.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE – R-11, § 603, HEIGHT, is amended by deleting § 603.2, and renumbering and amending §§ 603.3 and 603.4 as follows:

- 603.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 603.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, is amended as follows:

Section 700, PURPOSE AND INTENT, § 700.1(d) is amended as follows:

- (d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President’s residence; and

...

Section 703, HEIGHT, is amended as follows:

By deleting § 703.2 and renumbering existing § 703.3 as § 703.2.

By renumbering and amending §§ 703.4 and 703.5 as follows:

- 703.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 703.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15, § 803, HEIGHT, is amended by deleting § 803.2, and renumbering and amending §§ 803.3 and 803.4 as follows:

- 803.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 803.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, is amended as follows:

Section 903, HEIGHT, is amended by deleting § 903.2, and RENUMBERING AND amending §§ 903.3 and 903.4 as follows:

903.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

903.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 910, USE PERMISSIONS, is amended by adding a new § 910.2 to read as follows:

910.2 An expansion of an existing non-residential use shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17, § 1003, HEIGHT, is amended by deleting § 1003.2, and renumbering and amending §§ 1003.3 and 1003.4 as follows:

1003.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

1003.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, § 1203, HEIGHT, is amended as follows:

Subsection 1203.4 is amended to read as follows:

1203.4 In R-19 and R-20 zones, an addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.

By deleting the existing § 1203.6 in its entirety, renumbering the existing § 1203.7 as § 1203.6, and amending it to read as follows:

1203.6 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, is amended as follows:

Section 1301, DEVELOPMENT STANDARDS, § 1301.1 is amended to read as follows:

1301.1 The development standards in Subtitle D §§ 1302 through 1309 modify the general development standards in Subtitle D, Chapter 2.

Section 1302.1, the table name for Table D § 1302.1, is amended as follows:

TABLE D § 1302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Section 1303, HEIGHT, is amended as follows:

By deleting § 1303.2.

By renumbering and amending §§ 1303.3 and 1303.4 as follows:

1303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

1303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), § 201, DENSITY – LOT DIMENSIONS, is amended as follows:

Subsection 201.1 is amended as follows:

Table E § 201.1 is amended as follows:

	Lot Width Minimum	Lot Area Minimum
Row Dwelling or Flat	18 ft.	1,800 sq. ft.
Row Dwelling or Flat Inclusionary Zoning	16 ft. as a special exception (IZ)	1,500 sq. ft. (IZ)
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, is amended as follows:

Subsection 302, MAXIMUM NUMBER OF DWELLING UNITS, § 302.2, is amended as follows:

302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.

Section 303, HEIGHT, is amended as follows:

Subsection 303.1 is amended to read as follows:

303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

New §§ 303.2 and 303.3 are added to read as follows:

303.2 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

303.3 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

Subsection 303.2 is renumbered to § 303.4.

Subsection 303.3 is renumbered to § 303.5.

Subsection 303.4 is renumbered to § 303.6.

Subsection 303.5 is renumbered to § 303.7 and amended to read as follows:

303.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 303.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsection 303.6 is renumbered to § 303.8 and amended to read as follows:

303.8 A non-residential building constructed pursuant to Subtitle E §§ 303.4 through 303.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

Subsection 304.1 is amended to read as follows:

304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is amended as follows:

Section 402, MAXIMUM NUMBER OF DWELLING UNITS, § 402.2, is amended as follows:

402.2 Conversion of an existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.

Section 403, HEIGHT, is amended as follows:

Subsection 403.1 is amended to read as follows:

403.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

New §§ 403.2 and 403.3 are added to read as follows:

403.2 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

403.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

Subsection 403.2 is renumbered to § 403.4.

New §§ 403.5 and 403.6 are added to read as follows:

403.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

403.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

Subsection 403.3 is renumbered to § 403.7 and amended to read as follows:

403.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsection 403.4 is renumbered to § 403.8 and amended to read as follows:

403.8 A non-residential building constructed pursuant to Subtitle E §§ 403.4 through 403.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

Section 404, LOT OCCUPANCY, § 404.1 is amended to read as follows:

404.1 The maximum permitted lot occupancy in the RF-2 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is amended as follows:

Section 503, HEIGHT, is amended as follows:

Subsection 503.1 is amended to read as follows:

503.1 In the RF-3 zone, building height, not including the penthouse, shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.

Subsections 503.2 through 503.6 are deleted.

New §§ 503.2 through 503.5 are inserted to read as follows:

503.2 The maximum permitted height of buildings or structures and any additions thereto in an RF-3 zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.

503.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

503.4 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

503.5 The height of buildings or structures as specified in Subtitle E §§503.2 through 503.4 may be exceeded in the following instances:

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 503.2 through 503.4; and
- (b) The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, row dwelling, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.

Subsection 503.7 is renumbered as § 503.6 as follows:

503.6 A non-residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 504, LOT OCCUPANCY, § 504.1 is amended to read as follows:

504.1 The maximum permitted lot occupancy in the RF-3 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

Chapter 51, ALLEY LOT REGULATIONS, is amended as follows:

Section 5101, DEVELOPMENT STANDARDS, § 5101.1 is amended to read as follows:

5101.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.

Section 5103, LOT OCCUPANCY, the table name for Table E § 5103.1 is amended to read as follows:

TABLE E § 5103.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RA) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, § 306, SIDE YARD, § 306.2 is amended to read as follows:

306.2 An eight-foot (8 ft.) side yard shall be provided for a detached and semi-detached structure in the RA-1, RA-2, RA-3, RA-4, and RA-5 zones.

Chapter 5, CAPTIOL PRECINT RESIDENTIAL APARTMENT ZONE – RA-7, § 506, SIDE YARD, § 506.5 is amended to read as follows:

506.5 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).

Subtitle G, MIXED USE (MU) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO MIXED USE (MU) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.6 to read as follows:

101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, § 201, [RESERVED], is amended by adding a new § 201, DENSITY – FLOOR AREA RATIO (FAR), to read as follows:

201 DENSITY – FLOOR AREA RATIO (FAR)

201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.

Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED USE ZONES – MU-23, MU-24, MU-25, AND MU-26, § 702, DENSITY – FLOOR AREA RATIO (FAR), Table G § 702.1 is amended to read as follows:

TABLE G § 702.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-23	1.8	N/A
	2.16 (IZ)	
MU-24	1.8	1.5
	2.16 (IZ)	
MU-25	2.5	3.0
	3.0 (IZ)	
MU-26	1.8	2.5
	2.16 (IZ)	

Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, is amended as follows:

Section 802, DENSITY – FLOOR AREA RATIO (FAR), § 802.1 is amended to read as follows:

802.1 The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR with a maximum density of 1.5 FAR for non-residential use.

Section 803, HEIGHT, is amended as follows:

803 HEIGHT

803.1 The maximum permitted building height, not including the penthouse, in the MU-27 zone shall be forty feet (40 ft.), measured as follows:

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

...

803.3 A penthouse permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.

Section 804, LOT OCCUPANCY, § 804.1 is amended as follows:

804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%).

Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended as follows:

Chapter 1, NEIGHBORHOOD MIXED USE (NC) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.6 to read as follows:

101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS, § 201, DENSITY – FLOOR AREA RATIO (FAR), is amended by adding a new § 201.4 to read as follows:

201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle U §1101 are provided.

Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 THROUGH NC-17, is amended as follows:

Section 902, DENSITY – FLOOR AREA RATIO (FAR) is amended as follows:

902.1 The maximum permitted FAR in the NC-9 through NC-17 zones shall be as set forth in the following table:

...

902.2 In the NC-9, NC-10, NC-11, NC-12, and NC-13 zones, new construction that preserves a building façade constructed before 1958 is permitted a maximum non-residential FAR of 1.5, provided that at least 1.0 FAR shall be occupied by uses in the following categories:

- (a) Office, provided that the office use shall not be on the ground story;
- (b) Retail;
- (c) Service; or
- (d) Eating and drinking establishments.

902.3 In the NC-14 through NC-17 zones, new construction that preserves an existing façade constructed before 1958 is entitled to an increase of 0.5 FAR to the maximum permitted non-residential density.

902.4 New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted residential density.

902.5 On Square 776, a maximum non-residential density of 1.5 FAR shall be permitted in the event that a grocery store is constructed Square 776.

902.6 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-Use zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

- (a) Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;

- (b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;
- (c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 sq. ft.);
- (d) Development properties subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10 may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;
- (e) The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 902.2 shall be deemed to first utilize the bonus authorized for IZ units;
- (f) Use of the bonus density authorized in Subtitle H § 902.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and
- (g) Bonus density achieved through Subtitle H § 902.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.

Section 904, LOT OCCUPANCY, the table name for Table H § 904.1, is amended to read as follows:

TABLE H § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

Chapter 11, USE PERMISSIONS FOR NC ZONES, § 1101, DESIGNATED AND RESTRICTED USES is amended as follows:

Subsection 1101.3(b)(1), is amended to read as follows:

- 1101.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:
- (a) ...;
 - (b) Except in the NC-6 and NC-9 through NC-17 zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:
 - (1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC zone, as

measured along the lots in the designated use area in the particular district; and...

Section § 1101.3(e) is amended to read as follows:

- (e) For the purposes of this section the designated use areas of NC-4 and NC-5 shall be treated as a single zone.

Subtitle I, DOWNTOWN ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, is amended as follows:

Section 200, DENSITY – FLOOR AREA RATIO (FAR), is amended by adding a new § 200.7 to read as follows:

200.7 Within the D-3 through D-8 zones, for a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle I §601 are provided.

Section 205, REAR YARD, § 205.1, is amended as follows:

205.1 Except as provided Subtitle B §§ 317 and 318.6 and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).

Section 206, SIDE YARD, § 206.1, is amended as follows:

206.1 No side yard is required for a principal structure in a D zone; however, if a side setback is provided on any portion of the principal building, it shall comply with Subtitle B §§ 319 and 320, and shall be at least four feet (4 ft.) wide.

Section 207, COURT REQUIREMENTS, is amended as follows:

TABLE I § 207.1: MINIMUM COURT DIMENSIONS, is amended as follows:

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
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Subsection 207.3 is amended as follows:

207.3 Any setback required by this section shall be located on the PDR-zoned lot and shall be extended as a vertical plane, parallel to the PDR-zoned lot line.

Section 210, ALLEY LOTS, § 210.1(c) is amended by deleting the hyphen in the word “setback” so the section reads as follows:

(c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.

Section 212, PARKING REQUIREMENTS AND STANDARDS, § 212.6(b) is amended as follows:

(b) The parking facility shall be permitted as a matter of right if:

Chapter 3, GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS, is amended as follows:

Section 304, USES NOT PERMITTED, § 304.1 is amended as follows:

304.1 The following uses shall not be permitted as a matter of right or as a special exception in the D-1-R zone:

Section 305, GENERAL RESIDENTIAL USE REQUIREMENTS, § 305.8 is amended as follows:

305.8 Subtitle I, Chapters 8 and 9 contain the regulations for the credit system that applies to residential uses.

Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, is amended as follows:

Section 503, HEIGHT (D-1-R), is amended by adding a new § 503.5 to read as follows:

503.5 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 503.3, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 509, DENSITY – FLOOR AREA RATIO (FAR) (D-2), § 509.2 is amended as follows:

509.2 The maximum permitted FAR for a building in the D-2 zone shall be 6.0 for a building not subject to Inclusionary Zoning and 7.2 FAR for a building that is subject to Inclusionary Zoning.

Section 510, HEIGHT (D-2), is amended as follows:

Subsection 510.2 is amended as follows:

510.2 The maximum permitted building height, not including the penthouse, in the D-3 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

By adding a new § 510.4 to read as follows:

510.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 517, HEIGHT (D-3), is amended by adding a new § 517.4 to read as follows:

517.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 525, HEIGHT (D-4), § 525.1 is amended as follows:

525.1 With the exception of a building meeting the requirements of Subtitle I § 525.2, the maximum permitted building height, not including the penthouse, for a building in the D-4 zone shall be ninety feet (90 ft.) unless the building does not have frontage on a street with a right-of-way width of at least ninety feet (90 ft.), in which case the maximum permitted building height, not including the penthouse, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 532, HEIGHT (D-4-R), § 532.1 is amended as follows:

532.1 The maximum permitted building height, not including the penthouse, in the D-4-R zone shall be as follows:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than one 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 539, DENSITY – FLOOR AREA RATIO (FAR) (D-5), § 539.4 is deleted.

Section 540, HEIGHT (D-5), § 540.1 is amended as follows:

540.1 The maximum permitted building height, not including the penthouse, in the D-5 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to one 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 548, HEIGHT (D-5-R), § 548.1 is amended as follows:

548.1 The maximum permitted building height, not including the penthouse, in the D-5-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 555, DENSITY – FLOOR AREA RATIO (FAR) (D-6), § 555.1(c) is amended as follows:

- (c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9.

Section 556, HEIGHT (D-6), § 556.1 is amended as follows:

556.1 The maximum permitted building height, not including the penthouse, in the D-6 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 563, HEIGHT (D-6-R), § 556.1 is amended as follows:

563.1 The maximum permitted building height, not including the penthouse, in the D-6-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 577, HEIGHT (D-8), § 577.1 is amended as follows:

577.1 The maximum permitted building height, not including the penthouse, in the D-8 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Chapter 6. LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS, is amended as follows:

Section 601, GENERAL USE REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS, §§ 601.2(b) and (c) are amended as follows:

- 601.2 ...
- (b) Devote no more than twenty percent (20%) of the ground floor gross floor area uses required in Subtitle I § 601.2(a) to services (financial), fast food establishment, travel, or ticket offices; and
 - (c) Devote one hundred percent (100%) of the building's street frontage along the primary designated street segment to required uses identified in Subtitle I § 601.2(a) except for space required for fire control or devoted to building entrances for pedestrians, or for vehicular parking and loading entrances that are:

Section 607, DOWNTOWN ARTS SUB-AREA, § 607.4, TABLE I § 607.4: DOWNTOWN ARTS SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING, is amended as follows (and all other entries are unchanged):

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
...					
9th St., N.W.	West	D-7	F St. N.W.	E Street N.W.	Secondary
...					
Pennsylvania Ave., N.W.	North	D-6-R D-7	6th St., N.W. 9th St., N.W.	9th St., N.W. 14th St., N.W.	Primary

Section 608, PENNSYLVANIA AVENUE SUB-AREA, § 608.4, TABLE I § 608.4: PENNSYLVANIA AVENUE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING, is amended as by deleting a duplicate and erroneous entry for the west side of 9th Street N.W. (all other entries are unchanged):

Section 616, M AND SOUTH CAPITOL STREETS SUB-AREA, § 616.7(b) is amended as follows:

616.7 ...

- (b) There shall be a setback of seventy-three and one-half feet (73.5 ft.) from the centerline of South Capitol Street on its west side in Square 648 between K and L Streets, S.W.;

Section 617, NORTH CAPITOL STREET CORRIDOR SUB-AREA, is amended as follows:

By amending § 617.2 as follows:

617.2 The general location of the North Capitol Street Corridor Sub-Area is one (1) or both sides of the designated primary street segments North Capitol Street between Louisiana Avenue, N.W. and K Streets, N.W. and N.E., indicated with green lines in Figure I § 617: Illustration of the North Capitol Street Corridor Sub-Area and Designated Street Segments, and detailed in Subtitle I § 617.3 and including all or parts of Squares: 624, 625, 626, 628, 630, 675, 676, and 677.

By adding a new § 617.7 to read as follows:

617.7 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

Chapter 7, DESIGN REVIEW, § 701, ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES, § 701.1 is amended as follows:

701.1 The provisions of Subtitle I, Chapter 7 apply to a new building or structure or building addition that has frontage on a designated street segment within the M and South Capitol Streets Sub-Area, the Independence Avenue Sub-Area, the North Capitol Street Sub-Area, or within a D zone and with frontage on North Capitol Street south of M Street, N.W., and to buildings seeking additional height pursuant to Subtitle I § 525.2.

Chapter 8, GENERATION AND CERTIFICATION OF CREDITS, amended as follows:

Section 802, GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT, § 802.1, is amended as follows:

802.1 Except as provided in Subtitle I § 802.3, credits may be generated by a residential use in a building for which construction began after January 18, 1991 located in a D-4-R, D-5-R, or D-6-R zone if the residential use did not generate Unallocated or Allocated CLD Rights as described in Subtitle I §§ 800.3 and 800.4, respectively; or by a residential use developed on or after the effective date of this title in a new or existing buildings all other I zones except D-1-R or D-2 zones where properties may not generate credits.

Section 805, ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS, § 805.10, is amended as follows:

805.10 The covenant shall, at a minimum, contain the following information or attachments:

- (a) Name and contact information for the person or entity that will own the generated credits;
- (b) Name and contact information for, the person or entity owning the property upon which the project that generated the credits is located, if different than in Subtitle I § 805.9(a);
- (c) If the credits are claimed to be owned by a person who does not also own the property that generated the credits, proof that the person or entity owns the credits and a provisions indemnifying the District of Columbia against any and all claims by persons or entities claiming to own the credits;
- (d) A map and plat of the lot;
- (e) Legal description and street address of the lot;
- (f) Surveyed area of the lot;
- (g) Gross floor area calculations for the entire building and for each portion of the building that will be occupied by the residential, arts, or preferred uses that generate the credits;

- (h) The FAR limits applicable to the lot including FAR limits for non-residential uses and minimum FAR requirements for residential uses and for arts uses;
- (i) Calculation of and basis for credits generated;
- (j) A form Certificate of Credit Transfer as described in Subtitle I § 901.3(e) to be used for any transfer of credits under the covenant;
- (k) A certificate of occupancy for the use except that for credits generated by development of residential gross floor area the covenant may include either:
 - (1) A certification by the project architect that construction of the residential use is fifty percent (50%) complete; or
 - (2) Proof that an escrow account has been established with a financial institution, including a title insurance company, that is recognized to be in good standing by the District of Columbia or other jurisdiction in which it conducts business that is funded in accordance with Subtitle I § 805.7;
- (l) In the case of a child development center or child development home, a certification by the Director of the Department of Human Services that the facility meets standards for a child development center or child development home;
- (m) In the case of a CBE, a certification from the Director of the Department of Small and Local Business Development business occupying the space has been certified as a local, small or disadvantaged business enterprise;
- (n) Signatures of the owners of the generating lot and the owners of the credits, if different; and
- (o) Any additional information required by the Zoning Administrator.

Section 806, GENERATION AND CERTIFICATION OF CREDITS FOR TDR OR CLD CONVERSION, § 80.1, is amended as follows:

806.11 Any Unallocated TDR or CLD Rights as described in Subtitle I § 800.3 shall convert to credits at a rate of one-to-one (1:1).

Chapter I9, USE OF CREDITS, § 900, USE OF CREDITS, § 900.3, TABLE I § 900.3: CREDIT-GENERATON, PURPOSES, AND AREAS OF USE, is amended by revising its title and its first row to read as follows:

TABLE I § 900.3: CREDIT-GENERATION, PURPOSES, AND AREAS OF USE

Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.2)
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Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, § 101, DEVELOPMENT STANDARDS, is amended by inserting a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, is amended as follows:

Section 201, DEVELOPMENT STANDARDS (SEFC-1), is amended by inserting a new § 201.2 to read as follows:

201.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Section 202, DENSITY – FLOOR AREA RATIO (FAR) (SEFC-1), § 202.1 is amended to read as follows:

202.1 The maximum permitted floor area ratio (FAR) for building in the SEFC-1 zone shall be 6.0 with a maximum of 3.0 FAR for non-residential uses; except that a building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that:

- (a) The additional 1.0 FAR is devoted solely to residential uses, which for the purposes of this subsection does not include a hotel; and
- (b) A minimum of ten percent (10%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that such units may be located anywhere within the residential building. The reduction or elimination of this requirement may be permitted by the Commission upon a showing by the applicant that exceptional

circumstances affecting the property make compliance with this requirement difficult or impossible.

Section 203, HEIGHT (SEFC-1), Subsection 203.1 is amended to read as follows, and the subsequent Subsections are renumbered to reflect that the existing § 203.2 will be incorporated into § 203.1:

- 203.1 The maximum permitted building height, not including the penthouse, in the SEFC-1 zone shall be one hundred and ten feet (110 ft.), except as set forth below:
- (a) A site that has frontage on any portion of New Jersey Avenue, S.E., that is south of and within three hundred twenty-two feet (322 ft.) of M Street, S.E., is permitted a maximum height of one hundred thirty feet (130 ft.); and
 - (b) For a site within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to §1803.7 (b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height Act.

Section 237, USE PERMISSIONS (SEFC-1), §§ 237.4, 237.5, and 237.6 are amended as follows:

By amending § 237.4 as follows:

- 237.4 Within the SEFC-1 zone, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:
- (a) All buildings and structures that have frontage along M Street, S.E.; subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:
 - (1) Are of superior quality;
 - (2) Accommodate the design of the public entrance to the Navy Yard Metrorail Station on Parcel A. The applicant shall demonstrate proactive engagement with the Washington Metrorail Area Transit Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set for the below:
 - (A) If the applicant moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A; and

- (B) If WMATA moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A;
- (3) Ensure the provision of 1½ Street, S.E. and N Street, S.E. as open and uncovered multimodal circulation routes; and
- (4) Provide three (3) bedroom dwelling units as required pursuant to Subtitle K § 202.1;
- (b) Automobile rental agency, provided the use has no exterior automobile storage area;
- (c) Dental lab;

By renumbering all subsequent sections after § 237.4(c) reflect insertion of §§ (a) and (b), and by renumbering § 237.6 as § 237.5 as follows:

237.5 Preferred uses listed in Subtitle K § 236 shall be permitted in accordance with the following criteria:

By amending the newly renumbered § 237.5 by adding a new paragraph (h) to read as follows:

237.5 Preferred uses listed in Subtitle K § 236 shall be permitted in accordance with the following criteria:

...

- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.); and
- (h) Changes to the type, amount, and location of preferred uses required under Subtitle K § 237.5(a) shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242.

Chapter 3, UNION STATION NORTH ZONE - USN, § 301, INCLUSIONARY ZONING, is amended by amending the title as follows:

301 INCLUSIONARY ZONING

Chapter 4, HILL EAST ZONES - HE-1 THROUGH HE-4, is amended as follows:

Section 401, DEVELOPMENT STANDARDS (HE), is amended by inserting a new § 401.2 to read as follows:

401.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Section 410, USE PERMISSIONS (HE), § 410.3(c)(3) is amended to read as follows:

(3) A community based residence facility not meeting these criteria may be approved by special exception in accordance with Subtitle K § 412.1;

Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, is amended as follows:

Section 500, GENERAL PROVISIONS (CG), § 500.2 is amended as follows:

500.2 The CG zones shall constitute the Zoning Regulations for the geographic area referred to in Subtitle W § 101.1. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the CG Zone shall govern.

Section 502, DEVELOPMENT STANDARDS (CG-2), is amended as follows:

Subsection 502.2 is amended as follows:

502.2 The development standards in Subtitle K §§ 502.3 through 502.11 shall control the bulk of buildings in CG-2 zone.

Subsection 502.4 is amended as follows:

502.4 The maximum permitted building height, not including the penthouse, in the CG-2 zone shall be ninety feet (90 ft.), or one hundred and ten feet (110 ft.) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10. Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

By adding a new § 502.6 to read as follows:

502.6 The maximum permitted lot occupancy for residential use in the CG-2 zone shall be eighty percent (80%), or ninety percent (90%) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10.

By renumbering of former § 502.6 as §502.7; § 502.7 as §502.8; § 502.8 as §502.9 § 502.9 as §502.10; and § 502.10 as §502.11.

By amending the renumbered § 502.10 as follows:

502.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 502.9.

Section 504, DEVELOPMENT STANDARDS (CG-4), is amended as follows:

By inserting new §§ 504.6 and 504.9 to read as follows:

504.6 The maximum permitted lot occupancy for residential use in the CG-4 zone shall be seventy-five percent (75%), or one hundred percent (100%) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10.

...

504.9 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

By renumbering the existing §§ 504.6 through 504.11 to reflect the insertion of the two new subsections.

Section 507, DEVELOPMENT STANDARDS (CG-4), is amended by adding a new § 507.4 to read as follows:

507.4 A commercial or industrial use that is first permitted in Subtitle U, Chapter 8 (PDR Uses) and that was in existence with a valid Certificate of Occupancy as of January 7, 2005 shall be deemed a conforming use, but shall not be entitled to expand.

Section 510, DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG), is amended by amending §§ 510.1(a)(2), 510.1(c)(2), and 510.1(d)(1) as follows:

510.1(a) M Street, S.E. or S.W:

...

(2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

510.1(c) Half Street, S.E.:

...

- (2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

510.1(d) First Street, S.E.:

- (1) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended as follows:

Section 601, DEVELOPMENT STANDARDS (STE), is amended by inserting a new § 601.4 to read as follows:

601.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Section 606, REAR YARD (STE), § 606.2, is amended to read as follows:

606.2 No part of a building within the StE-6, StE-13, and StE-16 zones shall project above plane drawn at a forty-five degree (45°) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the ravine.

Section 607, INCLUSIONARY ZONING (STE), § 607.1, is amended to read as follows:

607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Subtitle C, Chapter 10 except for Subtitle C § 1002.

Section 619, PREFERRED USE REQUIREMENTS (STE), § 619.1, is amended to read as follows:

619.1 Preferred uses shall include any use within the arts, design and creation; eating and drinking establishments; retail; general service; or financial service use categories described in Subtitle B, Chapter 2.

Chapter 7, REED-COOKE ZONES - RC-1 THROUGH RC-3, is amended as follows:

Section 712, MATTER-OF-RIGHT USES (RC), §§ 712.1, 712.2, and 712.3, are amended to read as follows:

- 712.1 In the RC-1 zone, uses permitted as a matter of right in the RA-2 zone listed in Subtitle U, Chapter 4 shall be permitted as a matter of right in the RC-1 zone, unless otherwise not permitted in Subtitle K § 715.
- 712.2 In the RC-2 zone, uses permitted as a matter of right in the MU-4 zone listed in Subtitle U § 512 shall be permitted as a matter of right in the RC-2 zone, unless otherwise not permitted in Subtitle K § 715.
- 712.3 In the RC-3 zone, uses permitted as a matter of right in the MU-5 zone listed in Subtitle U § 513 shall be permitted as a matter of right in the RC-3 zone, unless otherwise not permitted in Subtitle K § 715.

Section 713, USES PERMITTED BY SPECIAL EXCEPTION (RC), §§ 713.1, 713.2, and 713.3, are amended as follows:

- 713.1 In the RC-1 zone, uses listed as special exceptions in the RA-2 zone in Subtitle U, Chapter 4 shall be permitted by special exception in the RC-1 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section unless otherwise not permitted in Subtitle K § 715.
- 713.2 In the RC-2 zone, uses listed as special exceptions in Subtitle U § 512 shall be permitted by special exception in the RC-2 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.
- 713.3 In the RC-3 zone, uses listed as special exceptions in Subtitle U § 513 shall be permitted by special exception in the RC-3 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.

Section 715, RELIEF FROM DEVELOPMENT STANDARDS (RC), § 715.1(r), is amended to read as follows:

- (r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store’s gross floor area;

By adding a new § 717, PARKING, LOADING, AND VEHICLE ACCESS (RC), to read as follows:

717 PARKING, LOADING, AND VEHICLE ACCESS (RC)

- 717.1 Parking requirements for the RC zones are as specified in Subtitle C, Chapter 7.

717.2 Bicycle parking requirements for the RC zones are as specified in Subtitle C, Chapter 8.

717.3 Loading requirements for the RC zones are as specified in Subtitle C, Chapter 9.

Chapter 8, MIXED-USE UPTOWN ARTS ZONES - ARTS-1 THROUGH ARTS-4, is amended as follows:

Section 811, USE PERMISSIONS (ARTS), § 811.6 is amended as follows:

811.6 Arts use groups listed in Subtitle U § 700.6 subject to the restriction on eating and drinking establishments of Subtitle K § 811.9, retail, service, general, and service, financial uses shall occupy no less than fifty percent (50%) of the ground floor level of each building on a lot that fronts on 14th Street, U Street, 7th Street, or Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.

By adding a new § 814, PARKING, LOADING, AND VEHICLE ACCESS (RC), to read as follows:

814 PARKING, LOADING, AND VEHICLE ACCESS (ARTS)

814.1 Parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 7.

814.2 Bicycle parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 8.

814.3 Loading requirements for the ARTS zones are as specified in Subtitle C, Chapter 9.

Subtitle U, USE PERMISSIONS, is amended as follows:

Chapter 1, USE PERMISSIONS, is amended by adding a new § 101, SPECIAL EXCEPTIONS USE PROVISIONS to read as follows:

101 SPECIAL EXCEPTIONS USE PROVISIONS

101.1 When special exception relief is permitted for a use not meeting the matter-of-right requirements for its use group, that special exception relief shall not be used to relieve a condition that prohibits a use or activity or places a limitation on a use or to permit a prohibited use or a use that is specifically identified as not permitted.

Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Section 254, CORNER STORES, is amended as follows:

By deleting §§ 254.3 and 254.4, and replacing them with [RESERVED] as follows:

254.3 **[RESERVED]**

254.4 **[RESERVED]**

Subsection 254.5 is amended as follows:

254.5 The allowable total area for a corner store shall be one thousand-two hundred square feet (1,200 sq. ft.), not including cellar space, and shall be limited to the ground story and cellar or basement.

Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, §320, SPECIAL EXCEPTION USES (RF), is amended as follows:

Subsection 320.2(g)(5) is amended to read as follows:

- (5) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow or shade study, or other reputable study acceptable to the Board of Zoning Adjustment;

Subsection 320.3(c) is amended as follows:

- (c) In demonstrating compliance with Subtitle U § 320.3(b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways; and

Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, is amended as follows:

Section 502, MATTER-OF-RIGHT USES (MU-USE GROUP A), § 502.1(f) is amended as follows:

- (f) Office use, including chancery, shall be permitted as a matter of right as a replacement for office use authorized by a validly issued certificate of occupancy prior to January 29, 1999;

Section 506, SPECIAL EXCEPTION USES (MU-USE GROUP B), § 506.1(f) is amended as follows:

- (f) Retail

Section 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), § 510.1(w) is amended as follows:

- (w) Service uses, both financial and general subject to the following limitations:
 - (1) The uses do not involve installation of automobile accessories; and
 - (2) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and
 - (3) A indoor storage facility not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

...

Section 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), § 512.1 is amended by adding a new paragraph (e) to read as follows, and re-lettering the subsequent paragraphs accordingly:

- (e) Education uses, private;

Section 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), § 518.1(f) is amended to read as follows:

- (f) Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and conditions of Subtitle U § 203.1(h);

Chapter 7, USE PERMISSIONS MIXED-USE UPTOWN ARTS (ARTS) AND DOWNTOWN (D) ZONES, § 700, MATTER-OF-RIGHT USES (ARTS AND D), is amended as follows:

Subsections 700.2, 700.3, and 700.4 are amended as follows:

- 700.2 In the ARTS-1 and ARTS-2 zones, arts use of this chapter shall be permitted as a matter of right in addition to the MU-Use Group E standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.
- 700.3 In the ARTS-3 zone, the arts uses of this chapter shall be permitted as a matter of right in addition to the MU-Use Group F standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

700.4 In the ARTS-4 zone, the arts uses in this chapter shall be permitted as a matter of right in addition to the MU-Use Group G standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

Subsection 700.6(a)(1) is amended as follows:

- (1) The area accounts for no more than five percent (5%) of the 0.5 FAR or 0.5 FAR equivalent;

Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, § 801, MATTER-OF-RIGHT USES (PDR), is amended as follows:

Section 801.1(b) is amended as follows:

- (b) Animal Sales, Care, and Boarding uses subject to the following conditions:
 - (1) Veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business; or
 - (2) Animal Shelter subject to the following conditions:
 - (A) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, concrete and masonry, and acoustical landscaping;
 - (B) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RA, RF, RC-1, CG-1, or D-1 zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal shelter use and any portion of a street or alley that separate the use from a lot within an R, RF, or RA zone. Shared facilities that are not under the sole control of the animal shelter, such as hallways and trash rooms shall not be considered as part of the animal shelter use; and
 - (C) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 7:00 a.m.;

- (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of animals and the absorption of noise. Fencing and/or walls shall be a minimum of eight feet (8 ft.) in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics;
- (3) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and
- (4) No part of an outdoor run or exercise yard shall be located within two hundred feet (200 ft.) of an existing residential use or residence zone;
- (D) 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;
- (E) 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
- (F) The use shall meet the Standards of External Effects in Subtitle U § 804;

...

Section 801.1(i) is amended as follows:

- (i) Education uses, private and public;

By amending §§ 801.1(z) and (aa) as follows:

- (z) Utilities (basic) uses are permitted as a matter-of-right; however, if the use is an electronic equipment facility that exceeds twenty-five percent (25%) of the gross floor area of a building located on site:
 - (1) The building shall not be located within eight hundred feet (800 ft.) of an established or planned Metrorail station; and
 - (2) The building shall not be located within one thousand two hundred fifty feet (1,250 ft.) of the edge of a river as measured at mean high tide;

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

By adding a new § 801.1(bb) to read as follows:

- (bb) Wholesale or storage establishment, including open storage, except a junk yard.

Subtitle W, SPECIFIC ZONE BOUNDARIES, Chapter 1, BOUNDARIES, is amended as follows:

Section 101, CAPITOL GATEWAY ZONES, § 101.1 is amended as follows:

- 101.1 The Capitol Gateway zones (CG-1 through CG-7 and D-5) are applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed-use development in the Comprehensive Plan for the National Capital. The following Squares and portions of Squares in the southwest and southeast quadrants of the District of Columbia are included in the CG zones: 601, 602, 603, 605, 607, 609, 611, 612, 613, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, ES667, 700, 701, 702, 703, 704, 705, 706, 707, 708, E708, S708, S744, 769, 771, and 800, as well as Square 651, Lots 147 and 148; Square 653, Lots 14, 15, 52-54, 60-66, 68-70, 75, 111, 810, 811, 827, and 828; and Square 655, Lots 124-140.

Section 105, DUPONT CIRCLE ZONES, § 105.1 is amended as follows:

- 105.1 The Dupont Circle zones (RF-2, RA-8, RA-9, RA-10, and MU-15 through MU-22) include the following Squares: 23, 35, 48, 49, 65, 66, 67, 68, 69, 70, 90, 91, 92, 93, 94, 95, 96, 97, 98, N99, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, N137, 138, 139, 153, S153, 154, 155, 156, 157, 158, 159, 160, 178, 179, 180, 181, S181, 182, N182, 192, 193, 194, 195, S195, 196, and N196. The Dupont Circle zones also include the following lots: Square 176, Lots 43-45, 64-73, 2076-2128; Square 177, Lots 2, 36-40, 87-92, 104, 108, 118-123, 126, 127, 801, 802, 2009-2019, 2020-2025; Square N177, Lots 4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, 2022; Square 190, Lots 22-42, 51-62, 88-99, 101-116, 119-120, 123, 129, 809, 2001-2018, 2019-2028, 2029-2049, 2050-2056; Square 191, Lots 3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 93-95, 96-98, 99, 100, 104, 107-108, 800, 801, 803-804, 812, 814, 816, 817, 2001-2012, 2014-2027, 2028-2031, 2032, 2034-2058, 2059-2067, 2068-2077, Square 206, Lots 17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, 2001-2013; and Square 207, Lots 48-65, 94-95, 810.

Subtitle X, GENERAL PROCEDURES, is amended as follows:

Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended as follows:

Section 300, PLANNED UNIT DEVELOPMENTS, § 300.9 is deleted and §§ 300.10 through 300.12 are renumbered 300.9 through 300.11.

Section 301, MINIMUM LAND AREA (PUD), § 301.2 is amended as follows:

301.2 The Zoning Commission may waive not more than fifty percent (50%) of the minimum area requirement of Subtitle X § 301.1 for applications in Zone Groups 1, 2, 5, and 6, provided that the Zoning Commission shall find after the public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and one (1) of the following:

....

Section 302, PLANNED UNIT DEVELOPMENT APPLICATION TYPES, § 302.2 is amended as follows:

302.3 A consolidated application shall incorporate all information and material for both a first- and second-stage application as required by Subtitle Z §§ 300.11 and 300.12 into one (1) application, and all information shall be submitted at the time of initial filing.

Section 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, is amended as follows:

Subsection 303.7, Table X § 303.7: MINIMUM NUMBER OF BICYCLE PARKING SPACES is amended by adding the following entries after the entry for “MU-27” and before the entries for the “D zones” (all other entries on are unchanged):

Zone	Maximum PUD Height (feet)
MU-28 (C-3-A/FT)	90
MU-29 (CR/FT)	110
PDR-7 (M/FT)	90

Subsection 303.14 is amended as follows:

303.14 As part of any PUD, the applicant may request the Zoning Commission to grant an area variance to permit additional height and density beyond that permitted by this section. The Zoning Commission shall apply and not deviate from the variance standard stated at Subtitle X, Chapter 10.

Chapter 7, AIRSPACE DEVELOPMENT, § 702, APPLICATION REQUIREMENTS, § 702.1 is amended as follows:

702.1 An application for an airspace development shall meet the requirements of Subtitle Z § 303.

Chapter 9, SPECIAL EXCEPTIONS, § 901, SPECIAL EXCEPTION REVIEW STANDARDS, § 901.2(c) is amended as follows:

- (c) Will meet such special conditions as may be specified in this title.

Chapter 10, VARIANCES, § 1001, VARIANCE TYPES, § 101.3(a) is amended as follows:

- (a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR;

...

By adding a new Chapter 13, TEXT AMENDMENTS, to read as follows:

CHAPTER 13 TEXT AMENDMENTS

1300 TEXT AMENDMENTS

1300.1 The Zoning Commission will evaluate and approve, disapprove, or modify a text amendment petition according to the standards of this section.

1300.2 The Zoning Commission shall find that the petition is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.

1301 PETITION REQUIREMENTS

1301.1 A petition for a text amendment shall meet the requirements of Subtitle Z § 305.

Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Chapter 2, PUBLIC PARTICIPATION, § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, §§ 206.8(b) and (d), are amended as follows.

...

- (b) Contain the case number assigned by the Office of Zoning;

...

- (d) Not exceed the maximum allowable size of eight (8) megabytes.

Chapter 4, Pre-Hearing and Hearing Procedures: Applications, is amended as follows:

Section 401, EXPEDITED REVIEW, § 401.6(a) is amended as follows.

- (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and

Section 402, NOTICE OF PUBLIC HEARINGS, is amended by revising its title as follows:

402 PUBLIC NOTICE REQUIREMENTS

Section 404, REQUESTING PARTY STATUS, § 404.1(a) is amended as follows:

- (a) Name, mailing address, telephone number, and e-mail address;

Section 406, ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT, is amended as follows:

Subsection 406.1 is amended as follows:

406.1 This section applies to an affected ANC.

Subsection 406.3 is amended as follows:

406.3 If an ANC wishes to participate in the hearing, it must file its written report with the Board at least seven (7) days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

Chapter 5, PRE-HEARING AND HEARING PROCEDURES: ZONING APPEALS, § 502, REQUESTING INTERVENOR STATUS, is amended as follows:

Subsection 502.13(c) is deleted.

By renumbering the existing text of Subtitle Y §§ 502.14 through 502.16 as §§ 502.15 through 502.17 and inserting a new § 502.14 to read as follows:

502.14 In granting intervenor status, the Board may specify whether the person will be permitted to intervene in the appeal for general or limited purposes.

Chapter 7, APPROVALS AND ORDERS, § 703, CONSENT CALENDAR - TECHNICAL CORRECTIONS, MINOR MODIFICATION, AND MODIFICATION OF CONSEQUENCE, TO ORDERS AND PLANS, is amended by adding a new § 703.15 to read as follows:

703.15 A request for minor modification of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application, or the circumstances of Subtitle Y § 702.3 apply, two (2) years after the date the decision date of the court's final determination of the appeal.

Chapter 16, FEES, § 1600, MISCELLANEOUS FEES, § 1600.1(b)(3) is amended as follows:

...

(b) Application for a special exception:

...

(3) For an application for permission to locate, replace, or expand a chancery not meeting the conditions for a matter of right use, either:

(A) Sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area; or

(B) Five hundred dollars (\$500) when the expansion does not result in an increase to gross floor area, such as the erection or enlargement of a fence.

Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Chapter 2, PUBLIC PARTICIPATION, § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, is amended as follows:

Subsections 206.8(b) and (d), are amended as follows.

206.8 All documents filed electronically through IZIS shall:

...

(b) Contain the case number assigned by the Office of Zoning;

...

(d) Not exceed the maximum allowable size of eight (8) megabytes.

By renumbering the existing text of Subtitle Z §§ 206.10 through 206.16 as §§ 206.11 through 206.17 and inserting a new § 206.10 to read as follows:

206.10 All filings submitted through IZIS on or before 11:59 p.m. shall be recorded as being received on the same day.

Chapter 3, APPLICATION REQUIREMENTS § 302, CAMPUS PLAN/FURTHER PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS, is amended by revising its title as follows:

302 PLAN/FURTHER PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS

Chapter 4, PRE-HEARING AND HEARING PROCEDURES: CONTESTED CASES, is amended as follows:

Section 402, PUBLIC NOTICE REQUIREMENTS, § 402.1(c) is amended as follows:

402.1 Not less than forty (40) days before the public hearing on an application, the Director shall give notice of public hearing by:

...

- (c) Providing a copy of the notice of public hearing to the affected ANC and to any other ANC that is within two hundred feet (200 ft.) of the property involved in the application;

Section 404, REQUESTING PARTY STATUS, § 404.1(a) is amended as follows:

- (a) Name, mailing address, telephone number, and e-mail address;

Section 405, REFERRALS TO AND REPORTS OF PUBLIC AGENCIES, §§ 405.2(a)(2) and (b) are amended as follows

- (a) The National Capital Planning Commission of:

...

- (2) Those applications for approval pursuant to Subtitle K § 512.1(a) and (d);

...

- (b) The Capitol Police Board for those applications for approval pursuant to Subtitle K § 515.4; and

Section 406, ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT, is amended as follows:

Subsection 406.1 is amended as follows:

406.1 This section applies to an affected ANC.

Subsection 406.3 is amended as follows:

406.3 If an ANC wishes to participate in the hearing, it must file its written report with the Board at least seven (7) days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

Chapter 5, PRE-HEARING AND HEARING PROCEDURES: RULEMAKING CASES, § 500, SETDOWN PROCEDURES: SCHEDULING RULEMAKING CASE PETITIONS FOR HEARING, § 500.12 is amended as follows:

500.12 If the Commission dismisses a petition without prejudice because of the need to modify the petition, the order shall also state the type of modification the Commission considers appropriate.

Chapter 6, POST-HEARING PROCEDURES, is amended as follows:

Section 604, FINAL ACTION AND FINAL ORDERS, is amended by renumbering the existing text of §§ 604.8 through 604.13 as §§ 604.9 through 604.14 and inserting a new § 604.8 as follow:

604.8 In a contested case, unless specifically stated otherwise, the term "applicant" in any condition of an order approving an application (including a modification) shall mean the person or entity then holding title to the subject property. If there is more than one (1) owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the subject property, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an owner.

By adding a new § 605, PROPOSED ACTION, to read as follow:

605 PROOF OF COMPLIANCE

605.1 If an application in a contested case is approved, the Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of the order approving the application at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.


Chapter 16, FEES, § 1600, WAIVER OF HEARING FEES, § 1602.3 is amended as follows:

1602.3 The Application must be filed prior to the Commission's decision to setdown the application for a hearing. The Commission shall rule upon the request for waiver of fees at the time the matter is set down for public hearing.


On June 13, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the technical corrections at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On July 25, 2016, upon the motion of Commissioner Turnbull, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May (by absentee ballot), and Michael G. Turnbull to adopt).

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 August 19, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

**NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06E
Z.C. Case No. 08-06E
(Text Amendment – 11 DCMR)
Technical Corrections to Z.C. Order No. 08-06A
July 25, 2016**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.