

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 08-06G

Z.C. Case No. 08-06G

(Text Amendment - 11 DCMR)

(Technical Corrections to Z.C. Order 08-06A)

December 12, 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, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of the adoption of amendments to Subtitles B (Definitions, Rules of Measurement, and Use Categories); C (General Rules); D (Residential House (R) Zones); E (Residential Flat (RF) Zones); F (Residential Apartment (RA) Zones); G (Mixed-Use (MU) Zones); H (Neighborhood Mixed-Use (NC) Zone); I (Downtown (D) Zones); J (Production, Distribution, and Repair (PDR) Zones); K (Special Purpose Zones); U (Use Permissions); X (General Procedures); Y (Board of Zoning Adjustment Rules of Practice and Procedure); and Z (Zoning Commission Rules of Practice and Procedure) of Title 11 (Zoning Regulations of 2016) 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 became effective on September 6, 2016.

The Commission on September 12, 2016 authorized the publication of a Notice of Proposed Rulemaking for these amendments, which was published in the *D.C. Register* on November 11, 2016 at 63 DCR 013940 for a thirty (30) day comment period. Through a memorandum dated September 12, 2016, but not filed until the next day, the Committee of 100 for the Federal City filed expressed its concern over the procedural deficiencies in prior technical corrections to the Order, none of which were germane to this proceeding.

After the notice was published, several comments were received, all of which pertained to the proposed technical correction to the definition of “Continuing Care Retirement Community.” No comments were received from the Committee of 100.

The Commission considered whether to take final action to adopt the amendments at a public meeting on December 12, 2016. The only change to the text as published on November 11, 2016 was the removal of the proposed technical correction to the definition. At the public meeting, the Office of Planning indicated that it would soon be proposing additional text amendments

concerning the use. The Commission decided that it would consider any changes to the definition at the same time as it consider the other Office of Planning proposals.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

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

Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is amended as follows:

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

Subsection 318.7 of § 318, RULES OF MEASUREMENT FOR REAR YARD, is amended to read as follows:

318.7 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, MU-16, MU-20, MU-21, MU-23, NC-13, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

Title 11-C DCMR, GENERAL RULES, is amended as follows:

Chapter 7, VEHICLE PARKING, is amended as follows:

Subparagraph (2) of paragraph (b) of § 701.8 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, is amended to read as follows:

701.8 Required parking spaces shall be located either:
...¹
(b) On another lot, subject to the following provisions:
...
(2) The off-site location may be located within a different zone, except that the off-site parking location for a use within any zone other than an R or RF zone shall not be located within an R or RF zone, except parking for Transportation Infrastructure uses as permitted by Subtitle U § 202.1(q); and
...

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

Subsection 714.1 of § 714, SCREENING REQUIREMENTS FOR SURFACE PARKING, is amended to read as follows:

- 714.1 Screening shall be required for any external surface parking spaces ~~located~~ except:
- (a) On a property located in a PDR zone that does not abut property that is not within a PDR zone; or
 - (b) On a property devoted to residential uses with a maximum of three (3) dwelling units.

Chapter 10, INCLUSIONARY ZONING, is amended as follows:

A new § 1002.6 is added to § 1002, BONUSES AND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY UNITS, is to read as follows:

- 1002.6 A development exempted by Subtitle C § 1001.6(a) may, nevertheless, utilize the bonus density and zoning modifications provided for in this section.

Chapter 15, ROOF STRUCTURES, is amended as follows:

Subsection 1500.3 of § 1500, PENTHOUSE GENERAL REGULATIONS, is amended to read as follows:

- 1500.3 A penthouse may house mechanical equipment or any use permitted within the zone, except as follows:
- (a) Penthouse habitable space on a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be limited pursuant to Subtitle C § 1500.4;
 - (b) Within residential zones in which the building is limited to thirty-five feet (35 ft.) or forty feet (40 ft.) maximum, the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;
 - (c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9; or

- (d) Penthouse habitable space is not permitted on any building within an area bound by I Street, N.W. to the north; Constitution Avenue, N.W. to the south; 19th Street, N.W. to the west, and 13th Street, N.W. to the east.

A new § 1501.5 is added to § 1501, PENTHOUSE HEIGHT, to read as follows:

1501.5 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.

Subparagraph (2) of paragraph (c) of § 1502.1 of § 1502, PENTHOUSE SETBACKS, is amended as follows:

1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

- ...
 - (c) A distance equal to its height from the side building wall of the roof upon which it is located if:
 - ...
 - (2) In the R-1 through R-F zones, it is on any building not described in Subtitle C § 1502.1(c)(1) that is:

Chapter 16, PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is amended as follows:

Subsection 1604.2 of § 1604, DENSITY – GROSS FLOOR AREA (GFA) AND FLOOR AREA RATIO (FAR), is amended by correcting a reference in the appended table to zone name from M-3 to MU-3, to read as follows:

1604.2 Public education buildings and structures, public recreation and community centers, and public libraries shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE C § 1604.2: FAR FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES

Zone	Structure	Max. FAR
...		
MU-3	Public school buildings and	1.8
	All other structures	As permitted by zone
...		

Title 11-D DCMR, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended as follows:

Subsection 202.2 of § 202, LOT OCCUPANCY GENERAL, is repealed.

Subsection 203.1 of § 203, COURT, is amended to read as follows:

203.1 Where a court is provided, the court shall have the following minimum dimensions:

TABLE D § 203.1: MINIMUM COURT DIMENSIONS

Type of Structure	Min. Width Open Court	Min. Width Closed Court	Min. Area Closed Court
Single dwelling unit	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft.	2.5 inches per foot of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 sq. ft.

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

Section 304, LOT OCCUPANCY, is amended as follows:

Subsection 304.1 is amended to read as follows:

304.1 The maximum permitted lot occupancy in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

TABLE D § 304.1: MAXIMUM LOT OCCUPANCY

<u>Zone</u>	<u>Structure</u>	<u>Maximum Percentage of Lot Occupancy</u>
<u>R-1-A</u>	<u>Places of Worship</u>	<u>60%</u>
	<u>All Other Structures</u>	<u>40%</u>
<u>R-1-B</u>	<u>Places of Worship</u>	<u>60%</u>
	<u>All Other Structures</u>	<u>40%</u>
<u>R-2</u>	<u>Places of Worship</u>	<u>60%</u>
	<u>All Other Structures</u>	<u>40%</u>
<u>R-3</u>	<u>Attached Dwellings</u>	<u>60%</u>
	<u>Places of Worship</u>	<u>60%</u>
	<u>All Other Structures</u>	<u>40%</u>

Subsection 304.2 is repealed.

Section 308, PERVIOUS SURFACE, is amended by standardizing the language in §§ 308.1-308.3, to read as follows:

- 308.1 The minimum required percentage of pervious surface of a lot in the R-1-A or R-1-B zones shall be fifty percent (50%).
- 308.2 The minimum required percentage of pervious surface of a lot in the R-2 zone shall be thirty percent (30%).
- 308.3 The minimum required percentage of pervious surface of a lot in the R-3 zone shall be twenty percent (20%).

Section 309, SPECIAL EXCEPTION, is amended by deleting it in its entirety.

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

Subsection 404.1 of § 404, LOT OCCUPANCY AND TREE SLOPE, is amended to read as follows:

- 404.1 The maximum permitted lot occupancy in the R-6 and R-7 zones shall be as set forth in the following table:

TABLE D § 404.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-6	All Structures	30%
R-7	All Structures	30%

Section 406, REAR YARD, §§ 406.2 and 406.3 are repealed (the provisions are stated in 11-D DCMR § 205).

Section 410, SPECIAL EXCEPTION, is repealed.

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9, AND R-10, is amended as follows:

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

- 504.1 The maximum permitted lot occupancy in the R-8, R-9, and R-10 zones shall be as set forth in the following table:

TABLE D § 504.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-8	All Structures	30%
R-9	All Structures	30%
R-10	All Structures	30%

Section 510, SPECIAL EXCEPTION, is repealed.

Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE - R-11, is amended as follows:

Subsection 604.1 of § 604, LOT OCCUPANCY, is amended to read as follows:

604.1 The maximum permitted lot occupancy in the R-11 zone shall be as set forth in the following table:

TABLE D § 604.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-11	All Structures	30%

Section 610, SPECIAL EXCEPTION is repealed.

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

Section 704, LOT OCCUPANCY, is amended as follows:

Subsection 704.1 is amended to read as follows:

704.1 The maximum permitted lot occupancy in the R-12 and R-13 zones shall be as set forth in the following table:

TABLE D § 704.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-12	Places of Worship	60%
	All Other Structures	40%
R-13	Attached Dwellings	60%
	Places of Worship	60%

	All Other Structures	40%
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Subsection 704.2 is repealed.

Section 709, SPECIAL EXCEPTION, is amended by deleting it in its entirety.

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14 AND R-15, is amended as follows:

Section 804, LOT OCCUPANCY, is amended as follows:

Subsection 804.1 is amended to read as follows:

- 804.1 The maximum permitted lot occupancy in the R-14 and R-15 zones shall be thirty percent (30%); except that:
- (a) Structures on lots between five thousand square feet (5,000 sq. ft.) and six thousand six hundred and sixty-seven square feet (6,667 sq. ft.) may occupy up to two thousand square feet (2,000 sq. ft.); and
 - (b) Structures on lots less than five thousand square feet (5,000 sq. ft.) may occupy up to forty percent (40%) of the area of the lot.

Subsections 804.2 and 804.3 are repealed.

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

Subsection 904.1 of § 904, LOT OCCUPANCY, is amended to read as follows:

- 904.1 The maximum permitted lot occupancy in the R-16 zone shall be as set forth in the following table:

TABLE D § 904.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-16	Places of Worship	60%
	All Other Structures	40%

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-17, is amended as follows:

Subsection 1004.1 of § 1004, LOT OCCUPANCY, is amended to read as follows:

1004.1 The maximum permitted lot occupancy in the R-17 zone shall be as set forth in the following table:

TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-17	Attached Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

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

Section 1204, LOT OCCUPANCY, is amended as follows:

Subsection 1204.1 is amended to read as follows:

1204.1. The maximum permitted lot occupancy in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-19	Places of Worship	60%
	All Other Structures	40%
R-20	Attached Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

Subsection 1204.2 is repealed.

A new § 1207.5 is added to § 1207, SIDE YARD, to read as follows:

1207.5 In the R-20 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building, or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.

Title 11-E DCMR, RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), is amended as follows:

Subsection 203.1 of § 203, COURT, is amended to read as follows:

203.1 Where a court is provided, the court shall have the following minimum dimensions:

TABLE E § 203.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Detached Dwellings Semi-Detached Dwellings Attached Dwellings and Flats	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft.	Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft.

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

Subsection 304.1 of § 304, LOT OCCUPANCY, is amended as 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:

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Attached dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	The greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

Section 308, SPECIAL EXCEPTION, is repealed.

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

Subsection 404.1 of § 404, LOT OCCUPANCY, 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:

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Attached 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
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

Section 408, SPECIAL EXCEPTION, is repealed.

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

Subsection 504.1 of § 504, LOT OCCUPANCY, 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:

TABLE D § 404.1: MAXIMUM LOT OCCUPANCY

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
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

Section 508, SPECIAL EXCEPTION, is repealed.

Chapter 6, RESIDENTIAL FLAT ZONE –RF-4 AND RF-5, is amended as follows:

Section 608, SPECIAL EXCEPTION, repealed.

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, is amended as follows:

A new § 5000.3 is added to § 5000, GENERAL PROVISIONS, to read as follows:

5000.3 A private garage permitted in an RF zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of the alley upon which it opens.

Title 11-F DCMR, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, is amended as follows:

Section 306, SIDE YARD, is amended as follows:

Subsections 306.1 and 306.2 are amended to read as follows:

306.1 An eight-foot (8 ft.) side yard shall be provided for a detached or semi-detached dwelling.

306.2 For all other buildings:

- (a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to

three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and

- (b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yard shall be required; however, if a side yard is provided, it shall be no less than four feet (4 ft.).

Section 308, SPECIAL EXCEPTION, is repealed.

Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE, is amended as follows:

Section 408, SPECIAL EXCEPTION, is repealed.

Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE - RA-7, is amended as follows:

Section 508, SPECIAL EXCEPTION, is repealed.

Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONE – RA-8, RA-9, AND RA 10, is amended as follows:

Section 608, SPECIAL EXCEPTION, is repealed.

Subtitle 11-G DCMR, MIXED-USE (MU) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, is amended as follows:

Subsection 101.5 of Section 101, DEVELOPMENT STANDARDS, is amended to read as follows:

- 101.5 The development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Relief from the development standards for Height and FAR shall be required as a variance. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, AND MU-10 is amended as follows:

Subsection 402.3 of §402, DENSITY - FLOOR AREA RATIO (FAR), is amended to read as follows:

- 402.3 In the MU-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in

accordance with the provisions of Subtitle C Chapter 12. Both lots shall be located within the same square, and shall be zoned MU-10.

Subsection 404.1 of § 404, LOT OCCUPANCY, is amended as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3	60%
	60% (IZ)
MU-4	60%
	75% (IZ)
MU-5-A MU-5-B	80%
	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	80% (IZ)

Chapter 6, DUPONT CIRCLE MIXED USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22 is amended as follows:

Subsection 604.1 of § 604, LOT OCCUPANCY, is amended to read as follows:

604.1 The maximum permitted lot occupancy for residential use in the MU-15-through MU-22 zones shall be as set forth in the following table:

TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-15	80%
MU-16	80%
	90% (IZ)
MU-17	60%
	75% (IZ)

Zone	Maximum Lot Occupancy for Residential Use
MU-18	80%
MU-19	80%
	90% (IZ)
MU-20	100%
MU-21	100%
MU-22	75%
	80% (IZ)

Subsection 609.1 of § 609, SPECIAL EXCEPTION, is amended to read as follows:

609.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-15 through MU-22 zones.

Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED USE ZONES –MU-23, MU-24, MU-25 AND MU-26, is amended as follows:

Subsection 702.1 of § 702, DENSITY - FLOOR AREA RATIO (FAR), is amended to read as follows:

702.1 The maximum permitted FAR of buildings in the MU-23 through MU-26 zones shall be as set forth in the following table:

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	3.0	3.0
	3.0 (IZ)	
MU-26	2.5	2.5
	2.5 (IZ)	

Subsection 704.1 of § 704, LOT OCCUPANCY, is amended to read as follows:

704.1 The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 zones shall be as set forth in the following table: shall be eighty percent (80%) in the MU-23 zone and seventy-five percent (75%) in the MU-24, MU-25, and MU 26 zones.

TABLE G § 704.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-23	80%
	90% (IZ)
MU-24	60%
	75% (IZ)
MU-25	60%
	75% (IZ)
MU-26	60%
	75% (IZ)

Chapter 9, FORT TOTTEN MIXED USE ZONES – MU-28 AND MU-29, is amended as follows:

Section 909, SPECIAL EXCEPTION, is amended by re-designating this text as new § 910, SPECIAL EXCEPTION, and § 909 is amended to include new text, so that both sections read as follows:

909 PLAZA

- 909.1 Within the MU-29 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.
- 909.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

910 SPECIAL EXCEPTION

- 910.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all the MU 28 and MU-29 zones.

Subtitle 11-H DCMR, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:

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

A new § 905.2 is added to § 905, REAR YARD, to read as follows:

- 905.2 In the NC-13-zone, rear yards shall be measured as follows:

- (a) A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;
- (b) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane; and
- (c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended as follows:

Section 1101, DESIGNATED AND RESTRICTED USES, is amended as follows:

Paragraph (a) of § 1101.2 is amended to read as follows:

1101.2 The NC zone designated uses, for the purposes of this subtitle, are those permitted in the following use groups subject to any conditions of this section:

- (a) Animal care or animal boarding; ...

Paragraph (g) of § 1101.4 is amended to read as follows:

- (g) In all NC zones, animal care or animal boarding as a matter-of-right designated use shall be limited to:

...

- (3) An animal boarding use located in a basement or cellar space subject to the following:

- (A) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA 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 boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as

hallways and trash rooms, shall not be considered as part of the animal boarding use;

- (B) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;
- (C) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall be solid core;
- (D) No animals shall be permitted in an external yard on the premises;
- (E) Animal waste shall be placed in a closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;
- (F) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and
- (G) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable.

Subsection 1105.1 of § 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), is amended as follows:

Paragraph (a) is amended to read as follows:

- (a) Animal care uses, not meeting the conditions of Subtitle H § 1101.4(g), subject to the following:

A new paragraph (h) is added to read as follows:

- (h) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4 (g)(3), subject to the following:
 - (1) The animal boarding use shall take place entirely within an enclosed building;
 - (2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally

built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

- (3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;
- (4) No animals shall be permitted in an external yard on the premises;
- (5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
- (6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- (7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and
- (9) External yards or other exterior facilities for the keeping of animals shall not be permitted.

Paragraph (c) of § 1106.1 of § 1106, MATTER-OF-RIGHT USES (NC-USE GROUP B), is amended to read as follows:

1106.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

- (c) Animal care and boarding uses subject to the conditions of Subtitle H § 1101.4(g);

...

Title 11-I DCMR, DOWNTOWN (D) ZONES, is amended as follows:

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

Subsection 203.1 of § 203, FRONT BUILD-TO LINE, is amended to read as follows:

203.1 In the D-1-R, D-3, D-4-R, D-5, D-5-R, D-6, D-6-R, and D-7 zones, at least seventy-five percent (75%) of each newly constructed building wall fronting a street shall be constructed to or within four feet (4 ft.) of the property line between the subject lot and the abutting street right-of-way, to a height of at least fifteen feet (15 ft.) above the higher of the building's measuring point or the level of the curb from which the building is drawing its height, provided the building wall:

...

Subsection 207.2 is repealed.

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

Subsection 517.2 of § 517, HEIGHT (D-3), is amended to read as follows:

517.2 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.

Paragraph (c) of § 524.2 of § 524, DENSITY - FLOOR AREA RATIO (FAR) (D-4), is amended to read as follows:

524.2 The maximum permitted FAR for a building in the D-4 zone shall be 7.8, which can be achieved:

...

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

Subsection 531.3 of § 531, DENSITY - FLOOR AREA RATIO (FAR) (D-4-R), is amended to read as follows:

531.3 The residential requirement in Subtitle I § 531.2 shall not apply to the following:

- (a) A building on Square 342, Lot 810 that has been used as a hostel since April 7, 2006, that remains in hostel use, and which may be expanded or rebuilt to a maximum 9.5 FAR without a housing requirement;
- (b) A building in the D-4-R zoned portion of Square 485; and

- (c) A building on any lot in Square 370 shall be exempt from minimum residential requirements as long as it has a valid construction permit or certificate of occupancy for a hotel.

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

Section 800, INTRODUCTION TO THE CREDIT SYSTEM, amended as follows:

Subsections 800.3 and 800.4 are amended to read as follows:

800.3 Properties that generated allocable gross floor area, either as Transferable Development Rights (“TDR”) or Combined Lot Development (“CLD”) rights under Chapter 17 of the 1958 Zoning Regulations as the result of the recordation of a covenant required by that chapter, may have those CLD or TDR Rights converted to credits pursuant to Subtitle I § 806 to the extent the Rights were not allocated prior to the effective date of this title to another lot or, also in the case of TDR Rights, to an entity or individual for future re-transfer (“Unallocated TDR/CLD Rights”). To be recognized as an Unallocated TDR/CLD Right, the TDR or CLD covenant must have included a declaration binding present and future owners to reserve and maintain in perpetuity the square footage of the uses that generated the TDR/CLD Rights for which conversion is sought.

800.4 Any CLD Right allocated to a lot by a recorded CLD covenant or any TDR Right allocated to a lot or to an entity or individual pursuant to a certificate of transfer of transferrable development rights made pursuant to the 1958 Regulations (“Allocated TDR/CLD Rights”) is fully vested and may be used for the purposes authorized the 1958 Zoning Regulations; provided that the recordation of the covenant or certificate occurred prior to the effective date of this title.

Subsection 800.5 is amended by re-designating and correcting its text as § 800.6 and adding new text to § 800.5 so that both Subsections read as follows:

800.5 Notwithstanding Subtitle I § 800.4, an entity or individual owning Allocated TDR Rights transferred for its use or re-transfer through one or more certificates of transfer of development rights made pursuant to the 1958 Zoning Regulation may, as to each certificate, elect to have all of those rights treated as Unallocated TDR Rights that may be converted to credits pursuant to Subtitle I § 806 if:

- (a) The entity or individual purchased the Allocated TDR Rights for resale for use on a receiving lot as permitted by § 1709.9 of the 1958 Zoning Regulations and the Allocated TDR Rights were not transferred to a lot; or
- (b) The entity or individual purchased the Allocated TDR Rights for use on their property and either:

- (1) The Allocated TDR Rights were not used to increase development rights on the property; or
- (2) The Allocated TDR Rights were used to increase development rights on the property and the building that utilized the development rights is destroyed or demolished; provided that property shall be divested of the development rights attributable to the TDR Rights converted to credits.

800.6 Rules governing the use of credits are set forth in Subtitle I § 900.

Paragraphs 801.1(d) and (e) of § 801, ACTIONS THAT GENERATE CREDITS, are amended to read as follows:

801.1 In the D-3 through D-8 zones, credits shall be generated by:

...

- (d) The conversion of unallocated transferable development rights (as described in Subtitle I § 800.3), pursuant to Subtitle I § 806;
- (e) The conversion of unallocated combined lot development rights (as described in Subtitle I § 800.3), pursuant to Subtitle I § 806; and

...

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

The introductory paragraph of § 802.1 is amended to read 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 to the extent 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 in all other I zones except D-1-R or D-2 zones, where properties may not generate credits.

...

Subsection 802.2 of § 802, GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT, is amended to read as follows:

802.2 One (1) credit shall be generated for each square foot of eligible residential gross floor area (GFA) constructed, except that two (2) credits, rather than one (1) credit, shall be generated for each square foot of eligible GFA in each of the following circumstances:

- (a) For each square foot of eligible GFA reserved for low-income households in projects subject to Subtitle C, Chapter 10, Inclusionary Zoning;
- (b) For each square foot of eligible GFA reserved for moderate-income households in projects not subject to Subtitle C, Chapter 10, Inclusionary Zoning;
- (c) For each square foot of non-residential use converted to residential use in historic landmarks or contributing buildings in historic districts;
- (d) For a building south of Massachusetts Avenue located on a property zoned D-4-R or D-5-R and within Squares 247, 283, 284, 316, 317, 342, 343, 371, 372, 374, 427, 428, 452, 453, 485, 486, 517, or 529; or for the commercial and underdeveloped properties in Square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid; and
- (e) For a building south of H Street zoned D-6-R and within Squares 377 (Lots 36, 37, 42, 806, 828, 829, 847, and 848), 406, 407, 408, 431, 432, 454, 455, 456, 457, 458, 459, 460, and 491.

Paragraphs 803.2(d) and (e) of § 803, GENERATION OF CREDITS BY ARTS USES, are amended to read as follows:

803.2 One (1) credit shall be generated for each square foot of eligible arts GFA or FAER and an additional credit shall be generated for:

...

- (d) Each square foot of arts uses listed in Subtitle U §§ 700.1(a), (h) or (i); and
- (e) Each square foot of arts uses listed in Subtitle U §§ 700.1(c)(5) through (c)(7), (f), or (h), in excess of forty thousand gross square footage (40,000 gsf.) and located on a single record lot.

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

Subsection 806.1 is amended to read as follows:

806.1 Any Unallocated TDR or CLD Rights as described in Subtitle I § 800.3, or as considered such under Subtitle I § 800.5 shall convert to credits at a rate of one-to-one (1:1).

Paragraphs (a) and (e) of Subsection 806 are amended to read as follows:

806.3 A Certificate of Credit Conversion may be requested in writing by the individual or entity that owns the Unallocated TDR or CLD Rights. The request shall be accompanied by:

(a) A copy of the recorded TDR covenant or CLD covenants that acknowledges the generation of the unallocated rights, or in the case of an Unallocated TDR Rights recognized by Subtitle I § 800.4, the certificate of transfer that acknowledged the transfer of the TDRs sought to be converted;

...

(e) For TDR's to be converted from a covenant, any certificates of transfer or re-retransfer made pursuant to the covenant and a sworn certification that no other allocations have been made other than as described in the certificates;

...

Chapter 9, USE OF CREDITS, is amended as follows:

Subsection 900.3 of § 900, GENERAL REQUIREMENTS AND RESTRICTIONS, is amended to read as follows:

900.3 Credits generated and acknowledged pursuant to Subtitle I, Chapter 8 may be used for the purposes and within the trade areas identified in the following table.

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)
Development of residential gross floor area where it is not required or that exceeds a minimum residential requirement of Subtitle I, Chapter 5.	§ 802	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area in which the credits were generated.
		Reduce the residential requirements of the D-4-R, D-5-R, or D-6-R zones.	Same trade area in which the credits

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)
			were generated.
Development of arts or arts-related space that exceeds the minimum area requirements of Subtitle I § 607 for such uses in the Downtown Arts Sub-Area.	§ 803	Reduce the Arts sub-area requirements of Subtitle I § 607	Downtown Arts Sub-Area (Subtitle I § 607) of trade area 2
		Construct up to 0.5 FAR non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	
Historic Preservation rehabilitation	§ 807	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones up to the limits of Subtitle I, §§ 200.2 and 200.3. Credits cannot reduce residential requirements of the D-4-R, D-5-R, or D-6-R zones	In any trade area
Conversion of transferrable development rights (TDRs) pursuant	§ 806	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones. Credits cannot reduce residential requirements of the D-4-R, D-5-R, or D-6-R zones	In any trade area
Conversion of unallocated combined lot development (CLD) gross floor area	§ 806	Construct non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area within which the project that generated the unallocated CLD is located.
		Reduce the residential requirements of the D-4-R, D-5-R, or D-6-R zones	
Development of child development center, child development home or certified business enterprise in the Downtown Retail Core, Downtown Arts or Chinatown sub-areas of Subtitle I, Chapter 6.	§ 804	Construct up to 0.5 FAR non-residential gross floor area in excess of the base permitted non-residential density of the D-3 through D-8 zones	Same trade area in which the credits were generated

Title 11-J DCMR, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Chapter 2, DEVELOPMENT STANDARDS, is amended as follows:

Subsection 202.1 of § 202, DENSITY - FLOOR AREA RATIO (FAR), is amended to read as follows:

202.1 The maximum permitted FAR in the PDR zones shall be as set forth in the following table:

TABLE J § 202.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR Restricted Uses	Maximum FAR Permitted
PDR-1	2.0	3.5
PDR-2	3.0	4.5
PDR-3	4.0	6.0
PDR-4	1.0	6.0
PDR-5	1.8	3.5
PDR-6	2.0	3.5
PDR-7	1.0	6.0

Subsection 207.3 of Section 207, TRANSITION SETBACK REGULATIONS, is amended to read 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.

Title 11-K DCMR, SPECIAL PURPOSE ZONES, is amended as follows:

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

Subsection 203.1 of § 203, HEIGHT (SEFC-1), is amended to read as follows:

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 Subtitle K § 202.1, the maximum permitted building height shall be that permitted by the Act to Regulate the Height Act.

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

Subsection 502.6 of § 502, DEVELOPMENT STANDARDS (CG-2), is amended 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%) with Inclusionary Zoning.

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

Subsection 504.3(a) is amended to read as follows:

504.3 The permitted FAR in the CG-4 zone is as follows:

- (a) The maximum permitted FAR in the CG-4 zone shall be 6.0 or 7.2 FAR with IZ, with a maximum non-residential FAR of 3.0;

...

Subsection 504.3(a) is amended 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 eighty percent (80%) with Inclusionary Zoning.

A new § 505.12 is added to § 505, DEVELOPMENT STANDARDS (CG-5), to read as follows:

505.12 The maximum permitted lot occupancy for residential use in the CG-5 zone shall be seventy-five percent (75%).

Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

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

Subsection 202.1(l) of § 202, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, AND C, is amended to read as follows:

202.1 The following uses shall be permitted as a matter of right in R-Use Groups A, B, and C subject to any applicable conditions:

...

- (l) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 sq. ft.) in area and subject to the requirements of Subtitle D, Chapter 50;

...

Subsection 251.1(b)(3) of § 251, HOME OCCUPATION USES (R), is amended to read as follows:

251.1 The following uses shall be permitted as home occupations. The uses listed under this subsection shall include similar uses in each category subject to the same conditions and requirements of this chapter:

...

(b) The following daytime care uses:

...

(3) Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age less may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X and subject to the provisions of Subtitle U § 251.6; provided a minimum of thirty-five square feet (35 sq. ft.) of floor area per individual is provided including the basement but excluding any accessory structure;

...

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

A new § 506.8 is added to § 506, SPECIAL EXCEPTION USES (MU-USE GROUP B), to read as follows:

506.8 Any use listed in Subtitle C § 509, USES NOT PERMITTED (MU-USE GROUPS B AND C), shall not be permitted by special exception.

The introduction paragraph of § 507.1 of § 507, MATTER-OF-RIGHT USES (MU-USE GROUP C), is amended to read as follows:

507.1 In addition to the uses permitted by Subtitle U § 501, and unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C as a matter of right subject to any applicable conditions:

...

Section 509, USES NOT PERMITTED (MU-USE GROUP C), is amended as follows:

The title of § 509 is amended to read as follows:

509 USES NOT PERMITTED (MU-USE GROUPS B AND C)

The introductory paragraph of § 509.1 is amended to read as follows:

509.1 The following uses shall not be permitted in MU-Use Groups B and C as a matter of right or as a special exception:

...

Subsection 510.1(a) of § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), is amended to read as follows:

510.1 The following uses shall be permitted in MU-Use Group D as a matter-of-right subject to any applicable conditions:

- (a) Any use permitted as a matter of right in any R, RF, or RA zone and any use permitted as a matter of right for MU-Use Group A;

...

Subsection 512.1(a) of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), is amended to read as follows:

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right for MU-Use Group D of this chapter, unless otherwise modified by Subtitle U §§ 513 and 514;

...

Title 11-X, GENERAL PROCEDURES, is amended as follows:

Chapter 6, DESIGN REVIEW, is amended as follows:

Subsection 604.1 of § 604, DESIGN REVIEW STANDARDS, is amended to read as follows:

604.1 The Zoning Commission will evaluate and approve or disapprove a design review application according to the standards of this section and, if applicable to the zone, standards set forth in Subtitle K.

Title 11-Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE is amended as follows:

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

Subsection 401.2 of § 401, EXPEDITED REVIEW, is amended to read as follows:

- 401.2 An eligible application is an application for:
- (a) A modification to a theoretical subdivision resulting from an addition to a one (1) dwelling unit building pursuant to Subtitle C § 305.8;
 - (b) An addition to a dwelling or flat or new or enlarged accessory structures pursuant to Subtitle D § 5201 or Subtitle E § 5201; or
 - (c) A park, playground, swimming pool, or athletic field pursuant to Subtitle U § 203.1(d).

Title 11-Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Chapter 7, APPROVALS AND ORDERS, is amended as follows:

Subsection 702.1 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, is amended to read as follows:

- 702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at the time of approval.

Subsection 703.17(c) of § 703, CONSENT CALENDAR – MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE, AND TECHNICAL CORRECTIONS TO ORDERS AND PLANS, is amended to read as follows:

- 703.17 The Commission may take one (1) of the following actions at a public meeting:

...

- (c) For a modification of consequence:
 - (1) Determine that the request is actually for a modification of significance in which case an application for such a modification must be filed and a hearing held pursuant to Subtitle Z § 704; or
 - (2) Establish a timeframe for the parties in the original proceeding to file responses in opposition to or in support of the request and for the applicant to respond thereto; and schedule the request for deliberations.

Subsection 705.8 of § 705, TIME EXTENSIONS, is amended as follows:

705.8 In the event an appeal is filed in a court of competent jurisdiction from an order of the Commission, the time limitations of Subtitle Z §§ 702.2 and 702.3 shall run from the decision date of the court's final determination of the appeal. Unless stayed by the Commission or a court of competent jurisdiction, an applicant may proceed pursuant to the order of the Commission prior to any such final determination.

Chapter 8, SUA SPONTE REVIEW is amended as follows:

Subsection 800.2 of § 800, SUA SPONTE REVIEW BY ZONING COMMISSION, is amended to read as follows:

800.2 Within ten (10) days after the decision and order of the Board of Zoning Adjustment has become final as provided in Subtitle Y § 604.7, the Commission may, *sua sponte*, determine to review any final decision and order of the Board of Zoning Adjustment and stay the effect of the decision and order pending completion of its review.

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on January 6, 2017.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06G
Z.C. Case No. 08-06G
(Text Amendment - 11 DCMR)
(Technical Corrections to Z.C. Order 08-06A)
December 12, 2016**

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