

ATTACHMENT A

CHAPTER 9- SPECIAL SIGNS

900 -APPLICABILITY

900.1 This chapter shall ~~govern~~ set forth all provisions governing Special Signs under this title.

900.2- A Special Sign shall be defined as one of the thirty-two (32) Special Signs ~~approved by that~~ the Director of DCRA, ~~has approved~~ pursuant to the Rules for Special Signs adopted September-22, 2000 (47 DCR 7695).

(a) No new Special Sign Permit shall be issued for the erection or display of any additional Special Signs.

(b) The Permit Holder of a Special Sign Permit shall have the right to change Artwork or transfer the locations of a Special Sign as provided in this Chapter.

[Comment - This revision makes it clear that no additional Special Signs can be authorized and no new Special Sign Permits issued, and clarifies that these regulations grant affirmative rights to the holder of a Special Sign Permit.]

900.3 A Special Sign shall only be displayed on an outdoor or exterior wall or surface that is not self-standing, except for the twelve (12) Special Signs on self-standing structures that were approved and existing as of January- 1, 2004.

[Comment - This revision consolidates the provisions governing Special Signs that are self-standing signs and those located on exterior walls. There is no apparent rationale for limiting self-standing Special Signs to construction sites or for limiting their duration to any given location to two (2) years. Additionally, self-standing signs that are moved to a new location may be self-standing as well. The revision does, however, continue to limit the total number of self-standing Special Sign Permits to the twelve (12) that were originally authorized.]

900.4- Sign support structures that are either attached to an adjacent building wall or within twelve inches (12 in.) of an adjacent building wall (to ensure that the wall is not damaged) are not "self-standing" for the purposes of this chapter.

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901 PERMITTING AND ENFORCEMENT OFFICIAL

901.1- The permitting and enforcement official responsible for permitting Special Signs and enforcing the provisions of this ~~title~~chapter shall be the Director of DCRA.

[Comment - This revision eliminates the existing provisions governing the issuance of new Special Sign Permits since no additional permits can be issued. Newly-proposed provisions below create separate processes for securing permits for a change in Artwork, or for Transfer of Location Permits.]

902 APPLICANT QUALIFICATIONS FOR TRANSFER OF LOCATION PERMITS.

902.1 An applicant for a Special Sign Transfer of Location Permit for an existing Special Sign location to a different Special Sign location, at the time of the submission of the application shall:

- (a) Have a valid Basic Business License authorizing the applicant to do business as a business engaged in outdoor advertising in the District of Columbia;
- (b) Have a valid Good Standing Certificate issued by DCRA Corporations Division;
- (c) Be in compliance with the Clean Hands Act~~902 — PERMIT REQUIRED;~~ and
- (d) Be the holder of the Special Sign Permit for either a Special Sign on an outdoor or exterior wall or surface, or for a self-standing Special Sign.

[Comment - The revision makes clear that only a Permit Holder has the affirmative right to secure a Transfer of Location Permit.]

903 TRANSFER OF LOCATION OF SPECIAL SIGN.

~~902.1~~ No Special Sign or Special Sign Artwork shall be displayed or transferred without a Special Sign permit and approval of the artwork in accordance with this chapter.

902.2 A Special Sign requires both an approved Special Sign permit and an approved Special Sign Artwork permit.

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~~902.3~~ The twelve (12) self-standing Special Signs approvals existing as of January 1, 2004, shall be allowed to remain or be transferred within the area specified in § 909.1(c); provided, that the transfer of an existing self-standing Special Sign to a new self-standing sign location is subject to the following additional conditions:

- ~~(a)~~ A transferred self-standing Special Sign shall be issued a Special Sign permit and shall be allowed to remain in its transferred location for only a two (2) year time period beginning on the latter of the date of issuance of the Special Sign transfer permit or the date of issuance of the associated building permit for the Special Sign structure; and
- ~~(b)~~ The location to which the self-standing Special Sign is transferred shall be a future construction site, to be developed in the foreseeable future as demonstrated by development plans, marketing materials, or ongoing administrative processes to develop the site.

~~902.4~~ No new Special Sign permits shall be issued after November 9, 2000, except permits for changes in artwork pursuant to § 905 and for transfers of location pursuant to § 909.

~~903~~ **PERMIT APPLICATION PROCESS**

~~903.1~~ **903.1** An application for a Special Sign ~~permit~~**Transfer of Location Permit** under this chapter shall be made in a form required by the permitting official and shall be accompanied by the following:

- ~~(a)~~ Name, address, telephone number, and email address of the applicant and property owner **of the location to which the Special Sign is to be transferred;**
- ~~(b)~~ Unless filed electronically, four (4) copies of drawings, ~~drawn to scale,~~ showing the details of construction, dimensions, lettering, and method of attachment of the Special Sign **at the new location;**
- ~~(c)~~ ~~A(c)~~ **In the case of a Special Sign displayed on an outdoor or exterior wall or surface, a** statement of the width of the premises or the width and height of the building, or any other dimensions deemed necessary by the permitting official to determine the **allowable area of that the Special Sign will occupy;**

[Comment – The size of a Special Sign displayed on an exterior wall, or surface is determined on a permit-by-permit basis based on the size

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of the proposed location. The proposed regulations do not specify an “allowable” size and the term is therefore stricken.]

- (d) Specifications or other information stating the type and thickness of materials to be used for the sign and its supports;
- (e) The proposed location of the Special Sign, by the street address of the building or premises and the face direction of the wall or surface (e.g., “northern-facing”);
- (f) An affidavit signed by the applicant or the applicant’s duly authorized representative, certifying that the applicant is in compliance with §-904 and the Clean Hands Act; and
- (g) An affidavit signed by the property owner showing consent to the placement of the Special Sign ~~and to the application of relevant enforcement mechanisms included in chapter 12.~~

[Comment – The Permit Holder alone is responsible for any action that violates applicable laws, or regulations. It is unreasonable to impose liability on the property owner for violations that the Permit Holder is responsible for and which may not be readily discoverable by the property owner.]

903.2

903.2 The permitting official shall, ~~within ten (10) days of receipt of the Transfer of Location Permit application,~~ refer all applications for Transfer of Location of a Special Sign ~~permits~~ Permit to the following agencies for review and recommendations before a ~~permit~~ Special Sign Transfer of Location Permit is issued:

- (a) (a) DDOT, which shall determine that the ~~proposed~~ Special Sign ~~transfer~~ location, size, lighting, and height above grade comply with federal law and do not ~~negatively impact~~ violate existing regulations governing vehicular and pedestrian traffic safety; and

[Comment – This revision insures that decisions regarding safety of signs are based on specific regulations. “Established standards” is a vague standard that invites unsubstantiated and subjective judgments.]

- (b) (b) OP, which shall determine that the Special Sign does not violate Chapters 3 and 4.

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~~903.3~~ 903.3 The agencies identified in §-903.2 shall submit a written report to the permitting official within ~~forty-five (45)~~thirty (30) days from the referral date, ~~except that the permitting official may allow for an extension of up to thirty (30) additional days for good cause.~~

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~~903.4~~ 903.4 Within twenty (20) days of receiving the reports from the agencies identified in §-903.2, the permitting official shall ~~approve or deny the Special Sign permit application.~~

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notify the applicant in writing whether the Special Sign ~~permits~~Transfer of Location Permit application has been approved or denied, and, if denied, a statement as to the basis under this chapter for the denial. If the application has been approved, the permitting official shall promptly issue the Special Sign Transfer of Location Permit to the Permit Holder.

~~903.5~~ 903.5 Special Sign Transfer of Location Permits shall be issued in the name of the applicant and shall pertain solely to the new Special Sign location identified on the permit, subject to the transferability provisions of §-909.

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~~903.6~~ 903.6 No Special Sign shall receive a ~~permit~~Special Sign Transfer of Location Permit unless the Special Sign complies with all applicable District and federal laws and regulations.

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~~904~~ 904 APPLICANT QUALIFICATIONS

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~~904.1~~ 904.1 An applicant for a Special Sign permit, at the time of the submission of the application, shall:

~~(a) Have a valid Basic Business License authorizing the applicant to do business as a business engaged in outdoor advertising in the District of Columbia;~~

~~-(Comment – The revisions also shorten the relevant time periods originally proposed for governmental review from an indeterminate period, with no specific time limit on how long the permitting official could hold onto the application before referring it, and then allowing an additional three-month period for referral review and a final decision by the permitting official. The revision eliminates this unnecessary and protracted delay by setting a specific period of not more than sixty business days for all reviews to be completed.)~~

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~~(b) Have a valid Good Standing Certificate issued by DCRA Corporations Division; and~~

~~(c) Be in compliance with the Clean Hands Act.~~

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905 **SPECIAL SIGN ~~ARTWORK~~ARTWORK PERMIT**

905.1 904.1 All Special Sign Artwork shall be approved prior to installation, whether as ~~new or~~ replacement artwork for an ~~approved~~existing Special Sign or as part of the ~~transfer of permit application for~~ a Special Sign Transfer of Location Permit.

905.2 904.2 A Special Sign ~~permit holder~~Permit Holder may change the Special Sign Artwork on an approved Special Sign by filing an application ~~pursuant to § 903.1 for a Special Sign Artwork Permit~~, except that the permitting official need not refer the Special Sign Artwork to any other agency if the size and location of the proposed Special Sign Artwork is the same as the Special Sign Artwork that it is replacing.

904.3 A Special Sign Artwork ~~permit~~Permit application shall include:

(a) Name, address, telephone number, and email address of the applicant; and

(b) Two (2) color copies of the proposed artwork and the current artwork application form.

905.3 [Comment – The revision inserts the information included in the now eliminated Special Sign Permit application section in proposed Rulemaking Section 903.1 that pertains directly to an Artwork Permit application but does not include other information that would be submitted in accordance to DCRA for a Special Sign Transfer of Location Permit application, or that is not relevant to a determination of whether the proposed new Artwork complies with § 903.1, either with the original Special Sign permit application or after the issuance of the Special Sign permit. the regulations governing Artwork design.]

905.4 904.4 The permitting official shall not approve a Special Sign Artwork ~~permit~~Permit if the Artwork violates District or federal law.

905.5 904.5 The permitting official shall review the Special Sign Artwork ~~permit~~Permit application and approve or deny the Special Sign Artwork ~~permit~~Permit within ten (10) business days of its submission. If the Artwork is not rejected within ten (10) business days then said artwork shall be deemed approved

905.6 904.6 The permitting official shall not issue a Special Sign Artwork ~~permit~~Permit unless:

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(a) The identification of the sponsor of the Special Sign, when provided, is ~~limited to the bottom center, bottom right, or bottom left corner of the Special Sign artwork, and is limited to the words "Sponsored by [Name and/or Logo of Sponsor]."~~ This sponsor identification shall be no higher than one ~~tenth~~^{third} (1/~~10~~³) of the maximum vertical dimension of the face of the sign, and no wider than one ~~third~~^{half} (1/~~3~~²) of the maximum horizontal width of the face of the sign; and

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(b) The Special Sign Artwork is predominantly pictorial ~~with textual matter on no more than twenty-five percent (25%) of the display area of the sign.~~ The space occupied by any sponsor identification shall not be counted ~~against the twenty-five percent (25%) limitation.~~ Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, shall be considered pictorial ~~and shall not count in the calculation of the percentage of textual matter; and.~~

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(c) ~~Except as provided in § 905.6(a), words included in the body of the Special Sign Artwork do not directly or indirectly identify the sponsor or any of the sponsor's recognizable campaign slogans, or serve as a direct "Call to Action" on behalf of the sponsor.~~

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~~905.7 The permitting official shall not issue a Special Sign Artwork permit if the Special Sign Artwork would be located on a property:~~

~~(a) Classified by the OTR as Class 3 or Class 4 for property tax assessments; or~~

~~(b) Whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.~~

[This revision is necessary because the precise restrictions on content are not practical. The artistic content of a sign is determined by its size and location. The change still requires a limitation on the size of the identification of the sponsor and requires that the sign be predominantly pictorial.]

[Omitted –This section 905.7 requires the Permit Holder of a Special Sign Permit to police the landlord of the property on which he is requesting an Artwork Permit as to taxes, etc. This would require a tenant to investigate his landlord every time he changed copy, which

could be as much as once a month. This is not done in typical landlord-tenant relationships and not practical in this instance.]

905.8

904.7 Once a Special Sign Artwork ~~permit~~Permit is approved, the permitting official shall stamp as “approved” two (2) copies of the artwork. One (1) copy shall be placed in the applicant’s permit file and be made available for inspection for as long as the Special Sign remains on display, and one (1) copy shall be returned to the applicant.

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LOCATION LIMITATIONS ON SPECIAL SIGNS

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905.1 No Special Sign shall be displayed upon buildings or land located in any of the following areas:

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(a) Within one hundred feet (100 ft.) of a Residential District, as defined in the Zoning Regulations;

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(b) Within one hundred feet (100 ft.) of a school or church with a valid certificate of occupancy for such use;

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(c) Within one hundred feet (100 ft.) of a federal or District of Columbia park or monument;

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(d) Between one hundred and two hundred feet (100 ft. - 200 ft.) of a Residential District, as defined in the Zoning Regulations, unless the sign faces away from the residential district and is placed at an angle of forty-five degrees (45°) or less with the closest residential zoning district boundary line;

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(e) In or within sixty feet (60 ft.) of any Historic District, Historic Landmark, or site listed on the most current edition of the “District of Columbia Inventory of Historic Sites,” unless the Special Sign is located on a side-wall or back-wall of a building or site outside a Residential District, and HPO approves the Special Sign, if necessary;

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(f) In or within one hundred feet (100 ft.) of premises within the area controlled by the Old Georgetown Act;

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(g) In a Waterfront District if prohibited by the Zoning Regulations;

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~~(h) On a property that is classified by the OTR as Class 3 or Class 4 for property tax assessments; or~~

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~~(i) On a property whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot~~

~~demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR; or~~

~~(j) Viewable from within six hundred sixty feet (660 ft.) of a federal aid highway.~~

[Comment – The provisions contained in (h) and (i) of this section have been eliminated. See comments to proposed Rulemaking 904.7.]

[Comment – The provision (j) of the section regarding the prohibition if “viewable from within 660 ft. of a federal aid highway” has been eliminated. Given the prevalence of federal-aid roads throughout the District coupled with the other restrictions on the location and spacing of Special Signs, the net effect of the existing draft language would be to prohibit virtually any Special Signs within the District, even when the location is within those commercial or industrial areas specified in this section 905. This provision is also inconsistent with the provisions of section 800 et seq. that would authorize signs in DEAs that are located 660 feet of a federal-aid road.

As written, the provision does exactly the opposite of what is permitted under the Highway Beautification Act. Section 131(d) of the Act specifically authorizes the erection and maintenance of off-premise outdoor advertising signs “...within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of state law...” Section 750.704(a)(4) of the FHWA’s implementation rules further amplifies this by specifically authorizing outdoor advertising signs “...within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid primary systems which are zoned industrial or commercial under authority of State law” notwithstanding the fact that a sign located in such a zone may nonetheless be “visible from the main traveled way and within 660 feet of the nearest edge of the right-of-way” of such controlled roads.]

907 906 INSTALLATION

907.1 906.1 Except for a self-standing Special Sign, a Special Sign shall be installed on a building. No part of either the Special Sign or its supporting structure shall protrude above the wall upon which it is installed.

907.2 906.2 Subject to the limitations placed on the permitted transfer of a self-standing Special Sign in §-902, the height of a self-standing Special Sign

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shall not exceed thirty feet (30 ft.). The self-standing Special Sign shall provide at least eight feet (8 ft.) of clearance from the ground, as measured from the adjacent grade.

~~907.3 A Special Sign shall not be installed on building walls so as to cover any existing window.~~

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907.4 906.3 A Special Sign shall not be installed so as to extend above the lowest portion of the roofline of an existing building.

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907.5 906.4 The topmost point of a Special Sign or its supporting structure shall be no higher than the allowable height for a new building at the premises, as provided by the Zoning Regulations.

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[Comment – The subsection prohibiting Special Signs from covering windows is eliminated. Because the transfer zones are so narrowly defined, elimination of the prohibition will open buildings that may not be occupied or places where there are no offices etc behind the window. For example, on the Women in the Arts Building there is a sign above the entry way that covers a window.]

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908 907 ILLUMINATION

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908.1 907.1 A Special Sign shall not contain any movable parts or highly reflective or fluorescent materials, nor shall it contain 3-dimensional, moving, animated, or periodically-changing images or text.

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908.2 907.2 A Special Sign located within five hundred feet (500 ft.) of a Residential District, as established in the Zoning Regulations, shall not be illuminated.

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908.3 907.3 A Special Sign located more than five hundred feet (500 ft.) from a Residential District, as established in the Zoning Regulations, may be indirectly illuminated by projecting artificial light on the surface of the Special Sign. A Special Sign shall not be internally illuminated and shall not be constructed of or incorporate neon or any other type of gas or vapor lights.

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909 908 TRANSFERABILITY OF SPECIAL SIGN LOCATIONS

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~~909~~ 908.1 A Special Sign permit shall be transferable to a new location only under the following conditions:

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- (a) The proposed new location of the Special Sign complies with all applicable provisions of this title, and all applicable District and federal law;

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(b) Except for transfers from locations presently outside the area defined in §-909.1(c), the transfer is only for the following causes:

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(1) The lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid;

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(2) The Special Sign is partially or totally obstructed; or

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(3) The location of the Special Sign is or would be no longer feasible because of construction or development; and

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(c) The proposed new location of the Special Sign is within:

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(1) The Central Business District (C-4), as defined by the Zoning Regulations;

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(2) The commercial or industrial portions of the New York Avenue corridor, areas zoned industrial (M, C-M), as defined in Chapter-8 of the Zoning Regulations;

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(3) The jurisdiction of the District of Columbia Sports and Entertainment Commission as of November-1, 2001;

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(4) The areas within the Central Employment Area that are bounded as follows:

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(A) Beginning at the corner of F-Street, NW, and 17th Street, NW, west along F-Street, NW, to 20th Street, NW, north along 20th Street, NW, to Pennsylvania Avenue, NW, west along Pennsylvania Avenue, NW, to 21st Street, NW, north along 21st Street, NW, to M Street, NW, east along M Street, NW, to 20th Street, NW, north along 20th Street, NW, to N Street, NW, east along N Street, NW, to 19th Street, NW, south along 19th Street, NW, to G-Street, NW, east along G Street, NW, to 17th Street, NW, south along 17th Street, NW, to F-Street, NW;

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(B) Beginning at the corner of Rhode Island Avenue, NW, and M Street, NW, northeast along Rhode Island Avenue, NW, to Massachusetts Avenue, NW, east along Massachusetts Avenue, NW, to 15th Street, NW,, south along 15th Street, NW, to

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M Street, NW, west along M Street, NW, to 16th Street, NW, south along the east side of 16th Street, NW, to I Street, NW, north along the west side of 16th Street, NW, to M Street, NW, west along M Street, NW, to Rhode Island Avenue, NW;

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(C) Beginning at the intersection of Massachusetts Avenue, NW and 14th Street, NW, east along Massachusetts Avenue, NW to 9th Street, NW, north along 9th Street, NW to N Street, NW, east along N Street, NW to 7th Street, NW, south along 7th Street, NW to K Street, NW, east along K Street, NW to 3rd Street, NW, south along 3rd Street, NW to Massachusetts Avenue, NW, west along Massachusetts Avenue, NW to Eye Street, NW, west along Eye Street, NW to 9th Street, NW, south along 9th Street, NW to H Street, NW, west along H Street, NW to 11th Street, NW, north along H Street, NW to Eye Street, NW, west along Eye Street, NW to 12th Street, NW, north along 12th Street, NW to L Street, NW, west along L Street, NW to 14th Street, NW, north along 14th Street, NW to Massachusetts Avenue, NW;

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(D) Beginning at the intersection of Massachusetts Avenue, NW, and H Street, NW, east along H Street, NW, to the closed alley (formerly Smith Court) in the mid-block between 1st Street, NW, and North Capitol Street, south along that closed alley line to G Street, NW, east along G Street, NW, to North Capitol Street, south along North Capitol Street, NW, to Massachusetts Avenue, NW, northwest on Massachusetts Avenue, NW, to H Street, NW;

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(E) Beginning at the intersection of Florida Avenue, NE, and North Capitol Street, southeast along Florida Avenue, NE, to 4th Street, NE, south along 4th Street, NE, to M Street, NE, west along M Street, NE, to 3rd Street, NE, south along 3rd Street, NE, to K Street, NE, west along K Street, NE, to 1st Street, NE, south along 1st Street, NE, to G Place, NE, west along G Place, NE, to North Capitol Street, north along North Capitol Street to Florida Avenue, NE; and

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~~(E)~~ (F) Beginning at the corner of M Street, SE, and South Capitol Street, east along M Street, SE, to 1st Street, SE, south along 1st Street, SE, to Potomac Avenue, SE, west along Potomac Avenue, SE, to South Capitol Street, north along South Capitol Street to M Street, SE; and

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(G) Beginning at the intersection of Maryland Avenue, SW and Maine Avenue, SW, east along Maryland Avenue, SW to 9th Street, SW, south along 9th Street, SW to Interstate 395, west along Interstate 395 to Maine Avenue, SW.

[At the September 12, 2012 DDOT briefing on the draft Regulations, DDOT officials indicated that the two redlined area descriptions that are presently authorized for Special Signs under current law were inadvertently omitted from the draft. The revision makes the necessary correction to include the missing area descriptions.]

(5) Squares 700 and 701, and the baseball stadium located between N Street, SE, and Potomac Avenue, SE, and South Capitol Street and First Street, SE; ~~provided that, no Special Sign may face South Capitol Street or Potomac Avenue, SE.~~

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(6) ~~910~~ All District Entertainment Areas; and

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(7) Any other area, or location designated by the Mayor.

[This revision simply incorporates the provisions in chapter 800 which authorize Special Signs within DEAs, and provides for additional areas for Special Signs that may be designated by the Mayor.]

909

REMOVAL

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~~910~~909.1

The removal of any Special Sign that is painted, drawn, or attached to an existing structure shall be done in a manner that leaves the existing structure in a stable, undamaged, ~~and sign free~~ condition.

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~~910~~909.2

The owner of a Special Sign at a location not authorized by §-909 shall remove the Special Sign in a manner that complies with §-910.1 before a Special Sign permit shall be issued allowing for its transfer to a new location in an area approved under §-909. The applicant shall submit photographic or other evidence showing that the removal complied with § ~~910~~ 909.1.

910

909.3-

No Special Sign shall be permitted in a location from which a Special Sign has been removed if the location is not within an area approved under §-909.

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910

NONCONFORMING SPECIAL SIGNS

910.1

Any Special Sign in existence on the date that this chapter becomes effective that does not conform to the provisions of this chapter, or any subsequent amendment of this chapter may be continued, operated, occupied, repaired, and maintained, and the rights granted pursuant to the Special Sign Permit applicable to that Special Sign also shall not otherwise be superseded.

[This revision adds specific “grandfather” clause governing lawfully erected Special Signs that for some reason may not conform to the new requirements of this chapter. The provision reflects the same policies that are reflected in chapter 2000 of the District of Columbia Zoning Code, and insure that the District does not inadvertently trigger the just compensation provisions of section 131(g) of the Highway Beautification Act which would require the District to pay compensation upon the removal of any lawfully erected non-conforming Special Sign adjacent to a federal-aid-road. Alternatively, the proposed Sign Regulations could include a more general non-conforming use provision that would apply to all of the chapters of the proposed title.]