

AMENDMENTS

2006—Subsec. (d), Pub. L. 109-284 substituted “52 Stat. 797” for “52 Stat. 802” and “are subject” for “is subject”.

**§ 8723. Capital improvements**

(a) **SIX-YEAR PROGRAM OF PUBLIC WORKS PROJECTS.**—The National Capital Planning Commission shall recommend a six-year program of public works projects for the Federal Government which the Commission shall review annually with the agencies concerned. Each federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) **SUBMISSION OF MULTIYEAR CAPITAL IMPROVEMENT PLAN.**—By February 1 of each year, the Mayor of the District of Columbia shall submit to the Commission a copy of the multiyear capital improvements plan for the District of Columbia that the Mayor develops under section 444 of the District of Columbia Home Rule Act (Public Law 93-198, 87 Stat. 800). The Commission has 30 days in which to comment on the plan but may not change or disapprove of the plan.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1223.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8723 .....	40:71f.	June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; Pub. L. 93-198, title II, § 203(f), Dec. 24, 1973, 87 Stat. 782.

In subsection (b), the words “District of Columbia Home Rule Act” are substituted for “District of Columbia of Columbia Self-Government and Governmental Reorganization Act” because of section 11717(b) of the Balanced Budget Act of 1997 (Public Law 105-33, 111 Stat. 786).

REFERENCES IN TEXT

Section 444 of the District of Columbia Home Rule Act, referred to in subsec. (b), is section 444 of Pub. L. 93-198, title IV, Dec. 24, 1973, 87 Stat. 800, as amended, which is not classified to the Code.

**§ 8724. Zoning regulations and maps**

(a) **AMENDMENTS OF ZONING REGULATIONS AND MAPS.**—The National Capital Planning Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation, conformity, or consistency of proposed amendments of the zoning regulations and maps with the comprehensive plan for the National Capital. The Planning Commission may also submit to the Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for the District of Columbia.

(b) **ADDITIONAL REPORT BY PLANNING COMMISSION.**—When requested by an authorized representative of the Planning Commission, the Zoning Commission may recess for a reasonable period of time any public hearing it is holding to consider a proposed amendment to the zoning

regulations or map so that the Planning Commission may have an opportunity to present to the Zoning Commission an additional report on the proposed amendment.

(c) **ZONING COMMITTEE OF NATIONAL CAPITAL PLANNING COMMISSION.**—

(1) **ESTABLISHMENT AND COMPOSITION.**—There is a Zoning Committee of the National Capital Planning Commission. The Committee consists of at least three members of the Planning Commission the Planning Commission designates for that purpose. The number of members serving on the Committee may vary.

(2) **DUTIES.**—The Committee shall carry out the functions vested in the Planning Commission under this section and section 8725 of this title—

(A) to the extent the Planning Commission decides; and

(B) when requested by the Zoning Commission and approved by the Planning Commission.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1223.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8724(a) .....	40:71g(a).	June 6, 1924, ch. 270, § 8(a)-(c), as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Pub. L. 93-198, title II, § 203(g), Dec. 24, 1973, 87 Stat. 783.
8724(b) .....	40:71g(b).	
8724(c) .....	40:71g(c).	

In subsection (a), the words “Act of June 20, 1938” are substituted for “Act of March 1, 1920” to correct an error in the law.

In subsection (b), the words “properly”, “at its discretion”, and “or its representative” are omitted as unnecessary.

In subsection (c)(1), the words “from time to time” are omitted as unnecessary.

REFERENCES IN TEXT

Section 5 of the Act of June 20, 1938, referred to in subsec. (a), is section 5 of act June 20, 1938, ch. 534, 52 Stat. 798, which is not classified to the Code.

**§ 8725. Recommendations on platting and subdividing land**

(a) **BY COUNCIL OF THE DISTRICT OF COLUMBIA.**—The Council of the District of Columbia shall submit any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia to the National Capital Planning Commission for report and recommendation before the Council adopts the change or addition. The Council shall advise the Commission when it does not agree with the recommendations of the Commission and shall give the reasons why it disagrees. The Commission then shall submit a final report within 30 days. After considering the final report, the Council may act in accordance with its legal responsibilities and authority.

(b) **BY PLANNING COMMISSION.**—The Commission shall submit to the Council any proposed change in, or amendment to, the general orders that the Commission considers appropriate. The Council shall treat the amendments proposed in the same manner as other proposed amendments.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8725 .....	40:71g(d).	June 6, 1924, ch. 270, §8(d), as added July 19, 1952, ch. 949, §1, 66 Stat. 790.

In subsection (b), the words “to the Council” are added for clarity.

§ 8726. Authorization of appropriations

Amounts necessary to carry out this subchapter may be appropriated from money in the Treasury not otherwise appropriated and from any appropriate appropriation law, except the annual District of Columbia Appropriation Act.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8726 .....	40:71i.	June 6, 1924, ch. 270, §10, as added July 19, 1952, ch. 949, §1, 66 Stat. 791.

The words “any existing provisions of law to the contrary notwithstanding” are omitted as unnecessary.

SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

§ 8731. Acquiring land for park, parkway, or playground purposes

(a) AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning Commission shall acquire land the Planning Commission believes is necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia for suitable development of the National Capital park, parkway, and playground system. The acquisition must be within the limits of the appropriations made for those purposes. The Planning Commission shall request the advice of the Commission of Fine Arts in selecting land to be acquired.

(b) HOW LAND MAY BE ACQUIRED.—

(1) PURCHASE OR CONDEMNATION PROCEEDING.—The National Capital Planning Commission may buy land when the land can be acquired at a price the Planning Commission considers reasonable or by a condemnation proceeding when the land cannot be bought at a reasonable price.

(2) LAND IN THE DISTRICT OF COLUMBIA.—A condemnation proceeding to acquire land in the District of Columbia shall be conducted in accordance with section 1 of the Act of December 23, 1963 (Public Law 88-241, 77 Stat. 571).

(3) LAND IN MARYLAND OR VIRGINIA.—The Planning Commission may acquire land in Maryland or Virginia under arrangements agreed to by the Commission and the proper officials of Maryland or Virginia.

(c) CONTROL OF LAND.—

(1) LAND IN THE DISTRICT OF COLUMBIA.—Land acquired in the District of Columbia shall be a part of the park system of the District of Columbia and be under the control of the Director of the National Park Service. The National

Capital Planning Commission may assign areas suitable for playground purposes to the control of the Mayor of the District of Columbia for playground purposes.

(2) LAND IN MARYLAND OR VIRGINIA.—Land acquired in Maryland or Virginia shall be controlled as determined by agreement between the Planning Commission and the proper officials of Maryland or Virginia.

(d) PRESIDENTIAL APPROVAL REQUIRED.—The designation of all land to be acquired by condemnation, all contracts to purchase land, and all agreements between the National Capital Planning Commission and the officials of Maryland and Virginia are subject to the approval of the President.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8731(a) .....	40:72 (1st, 4th sentences).	June 6, 1924, ch. 270, §11, formerly §2, 43 Stat. 463; renumbered §11, July 19, 1952, ch. 949, §2 (1st sentence), 66 Stat. 791.
8731(b) .....	40:72 (2d, 3d sentence).	
8731(c) .....	40:73 (3d-last sentences).	June 6, 1924, ch. 270, §12 (3d-last sentences), formerly §3 (3d-last sentences), 43 Stat. 463; renumbered §12, July 19, 1952, ch. 949, §2 (1st sentence), 66 Stat. 791.
8731(d) .....	40:72 (last sentence).	

In subsection (a), the words “or a majority thereof” are omitted as unnecessary.

In subsection (b)(2), the words “section 1 of the Act of December 23, 1963 (Public Law 88-241, 77 Stat. 572)” are substituted for 40:72 (2d sentence words after “in accordance with”) because provisions in section 3 of the Act of August 30, 1890 (ch. 837, 26 Stat. 412), established the act as permanent and general. The act therefore was classified to 40:120, which was superseded by the Act of March 1, 1929 (ch. 416, 45 Stat. 1415), which was classified to 40:361 et seq. That law was repealed by section 21(b) of the Act of December 23, 1963 (Public Law 88-241, 77 Stat. 627), with the subject matter of those sections being restated in section 1 of that Act.

In subsection (b)(3), the words “either by purchase or condemnation proceedings” and “as to acquisition and payment for the lands as it shall determine upon” are omitted as unnecessary.

In subsection (c)(1), the words “Director of the National Park Service” are substituted for “Chief of Engineers of the United States Army” [subsequently changed to “Director of Public Buildings and Public Parks” by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983)] because of section 1(words before 3d comma in 2d complete par. on p. 389) of the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

In subsection (c)(2), the words “in Maryland or Virginia” are substituted for “outside the District of Columbia” for clarity and for consistency in this section. The words “such agreements to be subject to the approval of the President” are omitted because of 40:72 (last sentence), restated as subsection (d).

REFERENCES IN TEXT

Section 1 of the Act of December 23, 1963, referred to in subsec. (b)(2), is section 1 of Pub. L. 88-241, Dec. 23, 1963, 77 Stat. 478, which enacted general and permanent laws relating to judiciary and judicial procedure in the District of Columbia, and which is not classified to the Code.