

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

**§ 8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property**

(a) IN GENERAL.—The National Capital Planning Commission in accordance with this chapter may acquire, for and on behalf of the Federal Government, by gift, devise, purchase, or condemnation—

(1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor; and

(2) permanent rights in land adjoining park property sufficient to prevent the use of the land in certain specified ways which would essentially impair the value of the park property for its purposes.

(b) PREREQUISITES TO ACQUISITION.—

(1) FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.—The reservation of rights to the grantor shall not continue beyond the life of the grantor of the fee. The Commission must decide that the permanent public park purposes for which control over the land is needed are not essentially impaired by the reserved rights and that there is a substantial saving in cost by acquiring the land subject to the limited rights as compared with the cost of acquiring unencumbered title to the land.

(2) PERMANENT RIGHTS IN LAND ADJOINING PARK PROPERTY.—The Commission must decide that the protection and maintenance of the essential public values of the park can be secured more economically by acquiring the permanent rights than by acquiring the land.

(c) PRESIDENTIAL APPROVAL REQUIRED.—All contracts to acquire land or rights under this section are subject to the approval of the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1225.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8732(a) .....	40:72a (1st par., last par. less provisos).	Dec. 22, 1928, ch. 48, § 1, 45 Stat. 1070.
8732(b) .....	40:72a (last par. 1st–3d provisos).	
8732(c) .....	40:72a (last par. last proviso).	

In subsection (a), the text of 40:72a (1st par.) is omitted as unnecessary.