

S.M.F. H.C.B.A. + P.T.C.

1899 Bldg Act + Amendments (3)

THE BUILDING HEIGHT ACT OF 1899
(30 Stat. 922)

THE McMILLAN COMMISSION

March 1, 1899. CHAP. 322.—An Act To regulate the height of buildings in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the approval of this Act no combustible or nonfireproof building intended to be used or occupied as a residence or as an apartment house or hotel in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding sixty feet above the sidewalk, the measurement to be made as hereinafter prescribed.

SEC. 2. That buildings intended for business purposes solely may be erected to a height of seventy-five feet without being of fireproof construction.

SEC. 3. That all buildings, except churches, hereafter erected or altered to exceed seventy-five feet in height shall be fireproof or non-combustible and of such materials throughout as may be prescribed by the Commissioners of the District of Columbia. Churches must be of fireproof construction up to and including the main or auditorium floor.

SEC. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, and in no case shall a building exceed ninety feet in height on a residence street nor one hundred and ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred and sixty feet wide, where a height not exceeding one hundred and thirty feet may be allowed. The height of buildings on corner lots shall in all cases be regulated by the limitations governing on the broader street: Provided, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia: Provided further, That on streets less than ninety feet wide, where building lines have been established so as to be a matter of public record and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines.

SEC. 5. That no wooden or frame building hereafter erected or altered and intended to be used for human habitations shall exceed in height three stories, or forty feet to the roof.

SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof; if the building has more than one front the measurement shall be made upon the front facing the street of steepest grade. No parapet wall shall extend above the limit of height.

SEC. 7. That the limitations of height herein prescribed shall not apply to Federal or municipal buildings.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, March 1, 1899.

Senator James McMillan (R-Michigan) committee on the District of Columbia from 1887 to 1896. For nine years, Senator McMillan chaired the committee and became the leader in the effort to develop and Federal core areas of the Nation's Capital as set forth in the original L'Enfant Plan. The Mall as it is known today is through the initiating efforts of Chairman McMillan. In the Senate, Mr. McMillan, for many years, was a member of the Detroit Board of Park Commissioners and the Michigan Board of Belle Isle Park and other parks in Detroit. The Senator, therefore, brought to the Senate District Committee his park commissioner background to the subject.

At an executive session of the Senate on March 1, 1899, Senator McMillan secured the passage of the following resolution:

That the Committee on the District of Columbia be and it is hereby directed to consider the subject and report to the Senate on the improvement of the entire park system of the District of Columbia, the purpose of preparing such plans the committee may deem proper, and may secure the services of such experts as may be deemed proper for the proper consideration of the subject. The expense of such services shall be paid from the contingent fund of the Senate.

Senator McMillan moved quickly to organize the District Committee to organize and commission to develop the plans proposed by the eminent architects Daniel Burham and Frederick Law Olmsted, Jr., the landscape architect who worked with Senator McMillan on Detroit Park Commission. The committee members were appointed to the Senate Park Commission but since popularly called the "McMillan Commission".

The Commission's report¹ was published in 1902. The Senate District Committee hearings held in 1902 do not specifically discuss the Building Height Act or building height matters in general.

There is evidence, however, that Senators McMillan and Sherman of the Senate District Committee were instrumental in the Limitations Act of 1899 amended.

A press report of February 3, 1902² directed from the McMillan chaired Subcommittee on the Improvement of the Park System of the District of Columbia.

The matter of the height of buildings in the District of Columbia was before the Committee at its meeting this morning.

¹ Apparently, Senator McMillan did not choose to report to the House in that Speaker Cannon was unalterably opposed to the plan. See John W. Reps. *Monumental Washington*, p. 100.
² U.S. Congress, Senate, Committee on the District of Columbia, *Report of the Park System of the District of Columbia*, U.S. Government Printing Office, 1902.

Handwritten notes: "I did not know much about it"

In effect Aug. 15, 1903. colonels of artillery shall not exceed thirteen; and the provisions of the foregoing sections of this Act shall take effect on August 15, 1903, nineteen hundred and three."

Approved, March 3, 1903.

March 3, 1903.
[Public, No. 146.]

CHAP. 996.—An Act To authorize the promotion of Major William Gorgas, surgeon in the Army of the United States.

Surg. William Crawford Gorgas.
May be appointed assistant surgeon-general, Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Major William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel, the number in that grade of the Medical Department to be temporarily increased for that purpose during the time that he may hold that office.

Approved, March 3, 1903.

March 3, 1903.
[Public, No. 147.]

CHAP. 997.—An Act To amend an Act to regulate the height of buildings in the District of Columbia.

District of Columbia.
Height of buildings.
Vol. 30, p. 922, amended.
Provido.
Churches excepted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the Act entitled "An Act to regulate the height of buildings in the District of Columbia," approved March first, eighteen hundred and ninety-nine, be amended by adding thereto the following: "*Provided,* That this requirement shall not apply to churches erected outside of the limits as now or hereafter established within the District of Columbia, and in case of additions to existing structures the restrictions contained herein shall apply only to such additions."

Additions.
Vol. 30, p. 922, amended.
Maximum height.

SEC. 2. That section four of said Act be amended to read as follows:

Allowance for public space.

SEC. 4. That no building shall be erected or altered on any lot or avenue or highway in the District of Columbia to exceed in height above the sidewalk the width of the street in its front; but where the site of a proposed building confronts a public space or reservation formed at the intersection of two or more streets or avenues, the course of said streets or avenues is not interrupted by said public space or reservation, the allowable height of the building shall be determined by the width of the widest street or avenue. Where a building is to be erected removed from all points within the lot to the proposed height above grade, the extreme limits of height permitted for fireproof or nonfireproof buildings in residence sections shall be allowed, the measurements to be taken from the natural grade of the building as determined by the Commissioners. On business streets and avenues, as the same are now or may hereafter be designated by the Commissioners of said District, no building shall be erected or altered to exceed the height of one hundred and ten feet, except on business streets or avenues one hundred and sixty feet wide, where a height not exceeding one hundred and thirty feet may be allowed. On residence streets and avenues no building shall be erected or altered so as to be over eighty feet in height, nor shall it exceed in height less than the width of the street or avenue upon which it is erected, except on streets sixty to sixty-five feet wide, where a height of ten feet will be allowed, and on streets sixty feet wide, where a height equal to the full width of the street will be allowed.

Business streets.

Residence streets.

Corner lots.

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Height of buildings on corner lots will be regulated by the width of the wider street: *Provided*, That if said buildings have projections, such as bay windows, oriels, covered porches, and so forth, extending over two stories, the height of the building shall be diminished by the amount of the greatest projection: *Provided further*, That spires, towers, and domes may be erected to a greater height than the limits herein prescribed when approved by the Commissioners of the District of Columbia: *And provided also*, That on streets less than ninety feet wide, where building lines have been established so as to be a matter of public record in the office of the surveyor of the District and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines. On blocks immediately adjacent to public buildings or to the site of any public building for which plans have been prepared and money appropriated at the time of application for the permit the height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

SEC. 3. That section five of said Act be amended to read as follows: "SEC. 5. That no wooden or frame building, as authorized by existing law, hereafter erected or altered, and intended to be used for human habitation, shall exceed in height three stories, or forty feet to the roof."

SEC. 4. That section six of said Act be amended to read as follows: "SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the mean elevation of the sidewalk at the street corners. No parapet walls shall extend above the limit of height."

Approved, March 3, 1903.

Provisos.
Reductions for projections.

Spires, etc.

Building lines.

Blocks adjacent to public buildings or sites.

Wooden buildings.
Vol. 30, p. 922.

Measurement of height.
Vol. 30, p. 922.

CHAP. 998—An Act Regulating the importation of breeding animals.

March 3, 1903.

[Public, No. 148.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph four hundred and seventy-three of the Act approved July twenty-fourth, eighteen hundred and ninety-seven, entitled "An Act to provide revenue for the Government and to encourage the industries of the United States" (Thirtieth United States Statutes at Large, page one hundred and ninety-four), shall be so amended as to read as follows:

Imported breeding animals.
Vol. 30, p. 194, amended.

"473. Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself or for sale for such purpose: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the books of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line

Free admission for sale added.

Provisos.
Pure breed.

Certificates required.

Secretary of Agriculture to determine.

Animals straying, etc., may be returned.

Proviso.
Assessments to constitute a continuous fund.

ated: *Provided, however,* That all assessments collected under the provisions of this Act shall be deposited in the Treasury of the United States to the credit of the appropriation herein made, and shall form a continuous fund for the purpose of complying with the provisions of said sections four and six.

Prosecutions.

SEC. 8. That all prosecutions under this Act shall be in the police court of the District of Columbia, in the name of said District, and by its attorney or one of his assistants.

Prior act repealed.
Vol. 29, p. 608

SEC. 9. That the Act of Congress approved March second, eighteen hundred and ninety-seven, entitled "An Act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia," be, and the same is hereby, repealed.

Approved, February 10, 1904.

February 16, 1904.
[H. R. 7023.]

CHAP. 158.—An Act To amend an Act to regulate the height of buildings in the District of Columbia.

[Public, No. 20.]

District of Columbia.
Height of nonfireproof residence buildings, etc., limited.
Vol. 30, p. 922,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "An Act to regulate the height of buildings in the District of Columbia," approved March first, eighteen hundred and ninety-nine, be, and the same is hereby, amended by inserting after the word "hotel," in the fourth line thereof, the words "or as a hospital or dormitory," so that said section will read as follows:

Hospitals and dormitories.
Maximum height.

"That from and after the date of the approval of this Act no combustible or nonfireproof building intended to be used or occupied as a residence, or as an apartment house or hotel, or as a hospital or dormitory in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding sixty feet above the sidewalk, the measurement to be made as hereinafter prescribed."

Approved, February 16, 1904.

February 16, 1904.
[H. R. 7024.]

CHAP. 159.—An Act To name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

[Public, No. 21.]

District of Columbia.
Commissioners to name streets outside of city limits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to name or rename streets, avenues, alleys, highways, and reservations in that part of the District of Columbia lying outside of the city of Washington, under such system of naming as they shall see fit to adopt, and such names when recorded in the office of the surveyor of the District of Columbia shall thereafter be the official names of such streets, avenues, alleys, highways, and reservations.

Abandoned streets, etc., revert to owners of abutting land.
Vol. 27, p. 532.

SEC. 2. That upon the abandonment of any street, avenue, road, or highway, or part thereof, under the provisions of "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March second, eighteen hundred and ninety-three, and the amendment thereto, approved June twenty-eighth, eighteen hundred and ninety-eight, the title to the land contained in such abandoned portion shall revert to the owners of the land abutting thereon.

Vol. 30, p. 520.

Repeal.

SEC. 3. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Approved, February 16, 1904.

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cating liquors in the Indian country, shall be in full force and effect throughout the territory hereby granted until otherwise directed by Congress or the President of the United States, and for that purpose said tract shall be held to be and to remain a part of the diminished Red Lake Indian Reservation.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this Act or any part thereof.

Approved, February 8, 1905.

Amendment.

CHAP. 557.—An Act To amend an Act to regulate the height of buildings in the District of Columbia.

February 8, 1905.
[S. 5937]

[Public, No. 59.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act of Congress entitled "An Act to regulate the height of buildings in the District of Columbia," approved March first, eighteen hundred and ninety-nine, is hereby amended by adding thereto the following: "Provided, That all buildings hereafter erected to front or abut on the plaza in front of the new Union Station, provided for by Act of Congress approved February twenty-eighth, nineteen hundred and three, shall be fireproof and shall not be of a height greater than eighty feet."

District of Columbia.
Height of business houses.
Vol. 30, p. 922, amended.

Proviso.
Union Stat.
Vol. 32, p.

Approved, February 8, 1905.

CHAP. 558.—An Act For the relief of holders and owners of certain District of Columbia special-tax scrip.

February 8, 1905.
[H. R. 3947.]

[Public, No. 60.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and directed to receive and audit such of the following special-tax scrip for the redemption of which there is no existing law, and to pay to the holders and owners thereof the amounts respectively found to be due them on such scrip, including interest thereon at the rate of three per centum per annum from the date of issue to the date of the approval of this Act, which interest shall be in lieu of the rate of interest provided in the certificates of said special-tax scrip, and in full of all interest thereon, namely: Scrip dated May twenty-eighth, eighteen hundred and sixty-nine, on lot nine in reservation ten, fifty-eight dollars; scrip dated July twenty-sixth, eighteen hundred and seventy, on lot two in square three hundred and sixty-five, thirteen dollars and forty-seven cents; scrip dated December sixth, eighteen hundred and seventy, on lot one in square thirty-three, sixty-seven dollars and twenty-four cents; scrip dated December sixth, eighteen hundred and seventy, on lot twenty-one in square thirty-three, sixty-seven dollars and twenty-four cents; scrip dated December sixth, eighteen hundred and seventy, on lot one in square thirty-two, sixty-seven dollars and twenty-four cents; scrip dated January twentieth, eighteen hundred and seventy-one, on lot of eight in square forty-one, for two dollars and seventy-four cents; scrip dated January twentieth, eighteen hundred and seventy-one, on lot of eight in square forty-one, for two dollars and seventy-three cents; scrip dated January twentieth, eighteen hundred and seventy-one, on lot of eight in square forty-one, two dollars and seventy-three cents; scrip dated January twentieth, eighteen hundred and seventy-one, on lot of eight in square forty-one, two dollars and seventy-three cents; scrip dated July first, eighteen hundred and seventy-one, numbered

District of Columbia.
Redemption of special-tax scrip authorized.

Rate of interest.

Scrip to be redeemed.

