

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
Z.C. Case No. 17-23¹
Office of Planning
(Text Amendments Subtitles A, B, C, D, E, F, K, and U - Side Yards)
January 28, 2019

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 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its adoption of amendments to Subtitles A (Authority and Applicability), B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential Apartment (RA) Zones), K (Special Purpose Zones), and U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The amendments amend the definitions for detached, semi-detached, and attached dwellings and eliminate the “common division wall” rule that prohibited new lot-line-to-lot-line buildings, even if permitted by right in a zone, by requiring a side yard where the proposed building could not attach to an existing or concurrently-constructed wall on an abutting lot. The amendments also consolidate side yard requirements in each subtitle and clarify that an existing non-conforming side yard cannot be reduced or eliminated and the minimum side yards for additions to existing structures with non-conforming side yards. These amendments were drafted by the Office of Planning (OP) and the Office of the Zoning Administrator (ZA) based on experience implementing the 2016 Zoning Regulations in order to align the 2016 Zoning Regulations more closely with historic ZA practice related to side yard requirements.

In the 2016 Zoning Regulations, the Commission, among other things, changed how building types were defined, moving from the 1958 Zoning Regulations’ focus on the existence of a side yard to instead focus on the existence of an attachment to a “common division wall” shared with a building on an abutting lot. These 2016 definitions and side yard development standards resulted in a shift from prior longstanding practices. As a result, a new building on a lot abutting a lot that is vacant or that has a side yard adjacent to the new building lot could not be built as a lot-line to lot-line

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 17-23.

building even if that attached building use is permitted by right for that lot. Instead the new building must to either provide the required side yard, reducing the width of the new building, or obtain a variance from the side yard requirement of a common division wall.

Subtitle B is amended to revise the definitions of building types (including replacing “Building, Attached” with “Building, Row”) and to move the prohibition on eliminating non-conforming side yards to the relevant subtitle for each applicable zone. Subtitle D is amended to consolidate the side yard provisions of §§ 202, 207, 307, 407, 507, 607, 707, 807, 907, 1007, 1204, 1207, 1307, and 5005 into a new § 206 applicable to all R zones except the R-8, R-9, R-10, R-19, and R-20 zones. Subtitle E is similarly amended to consolidate the side yard provisions of §§ 307, 407, 507, and 607 into a new § 207 applicable to all RF zones. Subtitle F is amended to eliminate the common division wall rule and clarify the side yard requirements. Subtitles A, K, and U are amended to conform with the revised definitions of building types.

Prior to the public hearing to consider the proposed amendments, ANC 1D submitted a report recommending denial of the amendments based on concerns that allowing a lot-line wall abutting a side yard of a neighboring lot would create conflicts between the neighbors over access over the neighboring lot to maintain the lot-line wall. ANC 1D was particularly concerned with the impact of the proposed amendments on corner lots, which ANC 1D asserted should have a minimum five-foot side yard.

On October 15, 2018, upon the motion of Vice-Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to authorize a notice of proposed rulemaking by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May to approve; Michael G. Turnbull not present, not voting).

A Notice of Proposed Rulemaking for this case was published in the *D.C. Register* on November 2, 2018, at 65 DCR 012174. The National Capital Planning Commission (NCPC) confirmed that the proposed rulemaking was exempt from NCPC review.

Two responses were filed with the Commission, both in opposition. Advisory Neighborhood Commission (ANC) 8A submitted a report recommending denial of the amendments based on similar concerns to those expressed by ANC 1D, particularly the potential neighbor conflict caused by the maintenance needs for a lot line wall requiring access over a neighboring property. ANC 8A’s report requested that the Commission maintain the current rule of requiring a side yard on the lot-line side unless the resulting building is attached to another building on the lot-line. In addition, the comments suggest that the Commission mandate that the end of a row, the first and last front facing lots on a street, be required to have a five-foot side yard, presumably to provide light and air to adjacent non-contiguous lots. The ANC Single Member Commissioner-elect 8A05 submitted a letter that echoed the same concerns and issues expressed by ANCs 1D and 8A.

At its December 3, 2018 public meeting, the Commission considered these comments in opposition and the testimony of OP. OP testified that the current rules require that an existing semi-detached building cannot eliminate its existing side yard without obtaining Board of Zoning Adjustment (BZA) relief and that the proposed rules would return to the provisions of the 1958 Zoning Regulations that permitted a new building in a zone that allowed lot line-to-lot line houses to not

have side yards regardless of whether an abutting lot had a wall built along the shared lot line. The Commission asked OP to provide a supplemental report with graphics illustrating the impacts of the 1958 Zoning Regulations, of the current Zoning Regulations, and of the proposed changes.

OP's Supplemental Report included graphic representations of how the proposed changes returned the Zoning Regulations to the longstanding practice under the 1958 Zoning Regulations. The OP Supplemental Report also suggested two additional technical corrections suggested by the ZA: (i) in Subtitle F § 306.1 to clarify that no side yard is required for a row building containing one or two dwelling units in the RA zones, and (ii) in Subtitle F § 306.2(a) to clarify the minimum required side yard width for a multiple dwelling in the RA-1 zone. OP asserted that these technical corrections clarified the proposed changes and did not substantially change the intent, meaning, or application of the proposed changes and so did not require a new notice of proposed rulemaking.

On January 28, 2019, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to adopt the amendments as proposed at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller, not present, not voting).

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)), to give great weight to Office of Planning recommendations. The Commission concurred with the Office of Planning that the proposed amendments will align the treatment of side yards in the zoning regulations with past practice and agreed with OP's recommended two additional technical corrections proposed in OP's Supplemental Report. The Commission found that these technical corrections only clarify meaning and make no substantial alteration to the language originally published in the Notice of Proposed Rulemaking for this case and so do not require a new notice of proposed rulemaking. (*see* 1 DCMR §§ 310.5, 310.6)

The Zoning Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2018 Supp.)) to give great weight to the issues and concerns raised in an ANC's written report. The Commission did not find persuasive the recommendations of ANCs 1D and 8A to require a five-foot side yard at the end of a series of row buildings, noting that it would be rare for a five-foot side yard to be necessary at the end of a row to provide light and air because the end unit of a series of row buildings typically abut alleys or streets. In response to the ANCs' concerns about the effect of the proposed amendments on existing semi-detached buildings, the Commission noted that the proposed amendments will strengthen the current rules by preventing an owner of an existing semi-detached building from eliminating its side yard, which is currently allowed beginning in the R-3 zone. For new buildings, the Commission agreed with OP that an owner of a lot in a zone that permits buildings without side yards as a matter of right should not require variance relief to build a building without side yard because an abutting lot has a side yard.

The following amendments to the text of Title 11 DCMR (Zoning Regulations of 2016) are adopted.

Subsection 301.14 of § 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, AUTHORITY AND APPLICABILITY, is amended as follows:

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Consumer and Regulatory Affairs on or before March 27, 2017 and not substantially changed after filing.

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended as follows:

The definitions of “Building, Detached” and “Building, Semi-detached” are amended to read as follows:

Building, Detached: A building that is completely separated from all other buildings and has two (2) side yards.

Building, Semi-detached: A building that has only one (1) side yard.

The definition of “Building, Attached” is deleted.

A new definition “Building, Row” is inserted in alphabetical order to read as follows:

Building, Row: A building that has no side yards. The terms “row dwelling” and “row house” shall have the same meaning as row building.

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

Paragraph (c) of § 315.1 of § 315, RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) AND RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

315.1 A proposed building façade or structure facing a street lot line shall:

...²

- (c) In the case of an interior-lot row or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

Subsection 320.2 of § 320, RULES OF MEASUREMENT FOR SIDE YARDS, is deleted:

320.2 [DELETED]

Subtitle C, GENERAL RULES, is amended as follows:

Subparagraph (a) of § 702.3 of § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING amended as follows:

702.3 Vehicle parking shall not be required:

- (a) For a building containing a single principal dwelling unit or flat within the R or RF zone, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

Subparagraph (e) of § 1001.2 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING is amended as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

...

- (e) Any semi-detached, row, flat, or multiple dwellings development not described in Subtitle C §§ 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

...

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows

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

Subsection 202.1 of § 202, LOT OCCUPANCY, is deleted:

² The use 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.

202.1 [DELETED]

Section 206, SIDE YARD, is amended to read as follows:

- 206.1 Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.
- 206.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- 206.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.
- 206.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.
- 206.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.
- 206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

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

Table D § 302.1 of § 302, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|---|--|
| R-1-A | 75 | 7,500 |
| R-1-B | 50 | 5,000 |
| R-2 | 40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures) | 4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures) |

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-3 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Table D 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE D § 304.1: MAXIMUM LOT OCCUPANCY

| Zone | Structure | Maximum Percentage of Lot Occupancy |
|-------------|----------------------|--|
| R-1-A | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-1-B | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-2 | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-3 | Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

Subsections 306.3 and 306.4 of § 306, REAR YARD, are amended as follows:

306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

306.4 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 307, SIDE YARD, is deleted:

307 [DELETED]

Section 407, SIDE YARD, of Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, is deleted:

407 [DELETED]

Subsection 507.2 of § 507, SIDE YARD, of Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10 is deleted:

507.2 [DELETED]

Section 607, SIDE YARD, of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE—R-11, is deleted:

607 [DELETED]

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

Subsection 700.3 of § 700, PURPOSE AND INTENT, is amended as follows:

700.3 The R-13 zone is intended to permit single dwelling unit row houses on small lots, include areas where row houses are mingled with detached houses and semi-detached houses, and retain the single dwelling unit nature of these areas.

Table D 702.1 of § 702, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|------|---------------------------|------------------------------|
| R-12 | 50 | 5,000 |
| R-13 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Table D 704.1 of § 704, LOT OCCUPANCY, is amended as follows:

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 | Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

Subsections 706.3 and 706.4 of § 706, REAR YARD, are amended as follows:

706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.)

beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

706.4 A rear wall of an attached a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 707, SIDE YARD, is deleted:

707 [DELETED]

Section 807, SIDE YARD, of Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15 is deleted

807 [DELETED]

Section 907, SIDE YARD, of Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, is deleted as:

907 [DELETED]

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

Subsection 1000.2 of § 1000, PURPOSE AND INTENT, is amended as follows:

1000.2 The R-17 zone is intended to permit single dwelling unit rowhouses on small lots.

Table D § 1002.1 of § 1002, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-17 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Table D § 1004.1 of § 1004, LOT OCCUPANCY, is amended as follows:

TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY

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

Subsections 1006.2 and 1006.3 of § 1006, REAR YARD, are amended as follows:

1006.2 Notwithstanding Subtitle D §§ 1006.1, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1006.3 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section § 1007, SIDE YARD, is deleted:

1007 [DELETED]

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

Subsection 1200.3 of § 1200, PURPOSE AND INTENT, is amended as follows:

1200.3 The R-20 zone is intended to retain and reinforce the unique mix of housing types including detached, semi-detached, and row buildings and permit row buildings on small lots, and includes areas where a row buildings are mingled with detached buildings and semi-detached buildings.

Table D 1202.1 of §1202, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-19 | 50 | 5,000 |
| R-20 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Section 1204, LOT OCCUPANCY, is amended as follows:

Table D § 1204.1 is amended to read as follows:

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 | Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

A new § 1204.2 is added to read as follows:

1204.2 In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.

Subsections 1206.3 and 1206.4 of § 1206, REAR YARD, are amended as follows:

1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1206.4 In the R-20 zone, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 1207, SIDE YARD, is amended as follows:

Subsections 1207.1 and 1207.2 are amended to read as follows:

1207.1 Side yards in the R-19 zone shall be a minimum of eight feet (8 ft.).

1207.2 Side yards in the R-20 zone shall be a minimum of five feet (5 ft.).

Subsection 1207.3 is deleted:

1207.3 [DELETED]

Subsection 1207.4 is amended to read as follows:

1207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.

Subsection 1207.5 is deleted:

1207.5 [DELETED]

Section 1307, SIDE YARD, of Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, is deleted:

1307 [DELETED]

Subsection 5005.1 of § 5005, SIDE YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, is amended as follows:

5005.1 No minimum side yard is required for an accessory building in a R zone, unless the accessory building is located beside the principal building, whereby it shall be removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

Table D § 5201.3 of § 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is amended as follows:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

| Zone | Maximum Lot Occupancy |
|--|------------------------------|
| R-3 R-13 R-17 | 70% |
| R-20 – row dwellings only | 70% |
| R-20 – detached and semi-detached dwellings All Other R zones | 50% |

Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

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

Table E § 203.1 of § 203, COURT, is amended as follows:

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 Row 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. |

Subsections 205.4 and 205.5 of § 205, REAR YARD, are amended as follows:

- 205.4 Notwithstanding §§ 205.1 through 205.3, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

A new § 207, SIDE YARD, is added as follows:

207 SIDE YARD

- 207.1 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.
- 207.2 Any side yard provided shall be a minimum of five feet (5 ft.).
- 207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.
- 207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

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

Subsection 300.1 of § 300, PURPOSE AND INTENT, is amended as follows:

300.1 The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.

Table E § 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

| STRUCTURE | MAXIMUM PERCENTAGE OF LOT OCCUPANCY |
|--|--|
| Detached dwellings; Semi-detached dwellings; Row 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 307, SIDE YARD, is deleted.

307 [DELETED]

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

Subsection 400.1 of § 400, PURPOSE AND INTENT, is amended as follows:

400.1 The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with row houses within which no more than two (2) dwellings are permitted.

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

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

| STRUCTURE | MAXIMUM PERCENTAGE OF LOT OCCUPANCY |
|--|--|
| Detached dwellings; Semi-detached dwellings; Row 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 407, SIDE YARD, is deleted:

407 [DELETED]

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

Subsection 500.1 of § 500, PURPOSE AND INTENT, is amended as follows:

500.1 The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.

Section 507, SIDE YARD, is deleted:

507 [DELETED]

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

Subsection 600.1 of § 600, PURPOSE AND INTENT, is amended as follows:

600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with row houses of three (3) or more stories and within which may also exist a mix of apartment buildings.

Section 607, SIDE YARD, is deleted:

607 [DELETED]

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Section 306, SIDE YARD, of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, is amended to read as follows:

306 SIDE YARD

- 306.1 Side yard for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.). No side yards shall be required for a row building containing one (1) or two (2) dwelling units.
- 306.2 Except as provided in Subtitle F § 306.1, the following side yard rules apply:
- (a) In the RA-1 zone, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have 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 yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 306.3 **[DELETED]**
- 306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.
- 306.5 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.
- 306.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 406, SIDE YARD, of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, is amended to read as follows:

406 SIDE YARD

- 406.1 A minimum of one (1) side yard shall be provided for all buildings 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.).

- 406.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-6 zone.
- 406.3 [DELETED]
- 406.4 A side yard shall not be required along a side street abutting a corner lot.
- 406.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 406.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 506, SIDE YARD, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended to read as follows:

506 SIDE YARD

- 506.1 No side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 506.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-7 zone.
- 506.3 [DELETED]
- 506.4 A side yard shall not be required along a side street abutting a corner lot.
- 506.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 506.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 606, SIDE YARD, of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10 is amended to as follows:

606 SIDE YARD

- 606.1 No side yards are required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 606.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units in the RA-8, RA-9, and RA-10 zones shall be a minimum of eight feet (8 ft.).
- 606.3 **[DELETED]**
- 606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.
- 606.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 606.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Subsection 613.2 of § 613, USE LIMITATIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

- 613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle E, Chapter 18, which includes, but is not limited to, buildings containing one (1) or two (2) dwelling units, and other uses compatible with a low- to moderate-density residential zone.

Subparagraph (a)(3) of § 201.1 of § 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is amended as follows:

- 201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:
 - (a) A principal dwelling unit shall be permitted as follows:
 - ...
 - (3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building; and
 - ...

The amendments shall become effective upon publication of this notice in the *D.C. Register*; that is on February 22, 2019.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING