

MEMORANDUM

TO: Sara Bardin, Director, Office of Zoning

FROM: ^{JLS}
Jennifer Steingasser, Deputy Director, Historic Preservation and Development Review

DATE: May 18, 2016

SUBJECT: Zoning Commission Case No. 08-06A.
Request for Consent Calendar consideration of a technical corrections to DCMR 11 Zoning Regulations as adopted in Case 08-06A

1. LATE FILING REQUEST

This Office of Planning report is being submitted less than ten (10) days prior to the Zoning Commission's Public Meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

2. OP RECOMMENDATION

OP recommends that the Commission make the attached technical corrections and minor modifications to Zoning Regulations as approved in case 08-06-A, and respectfully requests that the matter be placed on the May 23, 2016 consent calendar pursuant to § 3030 of the Commission's rules.

The following table represents the first group of minor modifications and technical corrections to the 2016 Zoning Regulations. The explanation of the modifications or correction is in blue, followed by a brief description for the public notice, and the third paragraph is the proposed text correction. The Office of Planning will work with Office of Attorney General to refine the language prior to notice if necessary.

Some of the modifications represent an effort to make the language consistent with existing text, or between Subtitles and chapters, some are corrections of wrong number citations, and some represent language that was either inadvertently omitted or misstated. A separate report including additional minor modifications and technical correction is expected to be filed in June and will include subtitles not included in this report.

Section	Correction
Subtitle A	
304.1	DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING Section 304.1 should reflect the limitations established in case ZC No, 14-11 regarding conversions of rowhouses to more than two units, but as included it is much broader than the ZC adopted in case 14-11. Adding the references to the use permissions for conversions in Subtitle U reflects the limitations as originally adopted. Subtitle A § 304 is amended by adding the reference to provisions for conversion to apartments in Subtitle U §§ 301.2 or 320.2, as follows: 304.1 The flexibility <u>or deviation</u> provided by this section shall not be applicable to properties in the RF zones <u>for any calculation or for determining compliance with Subtitle U §§ 301.2 or 320.2.</u>
304.2(d)	DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING Section 304.2(d) should reference Subtitle K § 811.9(a), not Subtitle K § 811.7; Subtitle A § 304.2 (d) is amended by correcting the reference from Subtitle K § 811.7 to Subtitle K § 811.9(a) as follows: 304.2 The Zoning Administrator is authorized to permit the following deviations, for building permits that are not otherwise authorized by an approved order of the Zoning Commission, if the Zoning Administrator determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations: (a) ... (b) ... (c) ... (d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.7 <u>811.9(a).</u>
Subtitle B	
B-100.2	Definitions Definition of “Home Occupation” should refer to “accessory building” or “accessory structure”; the words “accessory building” should be inserted before “accessory structure” in the definition. The Definition of “Home Occupation” is amended by inserting the words “accessory building” before “accessory structure” in the definition as follows: <u>Home Occupation:</u> An accessory use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit or its <u>accessory building or</u> accessory structure that serves as the principal residence of the practitioner.

B-100.2	Definitions Definition of “Use, Principal” might not apply to “structures” as adopted; the word “structure” should be inserted between “land” and “or building” of the definition. The Definition of Use, Principal, in Subtitle B § 100.2 is amended by adding the word “structure” should be inserted between “lot” and “or building” of the definition as follows: <u>Use, Principal</u>: The primary purpose or activity for which a lot, <u>structure</u> or building is occupied.
B-100.2	Definitions The definition of retaining wall from case ZC. No. 13-06 is missing and should be included. Subtitle B § 100.2 is amended by adding the Definition of retaining wall as follows: <u>Retaining Wall – a vertical, self-supporting structure constructed of concrete, durable wood, masonry or other materials, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls, or other retaining structures.</u>
B-100.2	Definitions Emergency Shelter is defined as a Use and as a Use Group but is only referenced when permitted as a use in Subtitle U (not a Use Group); Subtitle B § 100.2 is amended by correcting the Definition of Emergency Shelter by adding <u>“an emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance”</u> to the definition of Emergency Shelter as follows: <u>Emergency Shelter</u>: A facility providing temporary housing for one (1) or more individuals who are otherwise homeless as that arrangement is defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 <i>et seq.</i>); <u>An emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.</u>
200.2 (n)	Subtitle B § 200.2, Use Groups, is amended by deleting § 200.2 (n) Emergency Shelter, and renumbering § 200.2 (n) through § 200.2 (ii) accordingly. <i>200.2 (n) — Emergency Shelter:</i> A use providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals; and Emergency shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance;
B-200.2 (bb) (3)	The description of Production, Distribution and Repair references “warehouses” as an example of the PDR use, but there is no reference to “storage” or “self-storage.” Subtitle B § 200.2, Use Groups, is amended by adding “storage, self-storage,” to the list of Production Distribution and Repair examples in (bb)(3) as follows: (bb) Production, Distribution, and Repair:

	(1) ... (2) ... (3) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, <u>storage, self-storage,</u> ground shipping facility, or wholesale sales; and;
B-315.2	Subtitle B, § 315.2 references projects permitted by Subtitle B, § 333 but it should reference Sub B, § <u>323</u>; Subtitle B § 315.2 is amended by correcting the reference from § 333 to § 323 as follows: 315.2 A building façade shall be the façade of a building exclusive of the projections permitted through Subtitle B § 333 <u>323</u>.
New §318.7	REAR YARD The court in lieu of rear yard provision that is currently available to the C-3-B through C-5 zones in § 774.9 was inadvertently limited to the D zones but should still be available to the higher density commercial zones. Subtitle B § 318 is amended by adding a new § 318.7 to allow the use of a court in lieu of a rear yard in the MU-8, MU-9 MU-20, MU-21, NC-13, and CG-3, as follows: 318.7 <u>In the case of a corner lot in the MU-8, MU-9 MU-20, MU-21, NC-13, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.</u>
New §318.8	REAR YARD The three-street frontage provision allowed by current sections 404.2, 534.3(c), 773.11 and 842.6 was inadvertently missed and should be added as a new section to Subtitle B §318. Subtitle B § 318 is amended by adding a new 318.8 as follows: <u>318.8 In the case of a through or corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.</u>
Subtitle C	
C-601.3	GREEN AREA RATIO The adopted text inadvertently omitted the phrase “interior renovations, or both” from the applicability description. The omission would meant that even the smallest interior project would trigger GAR, which is not consistent with the final text adopted by the Zoning Commission nor intended through the revisions. Subtitle C §601.3 is amended by adding the phrase “interior renovations, or both”, as follows:

	601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except: (a)...				
C-701.5	VEHICLE PARKING The Parking Requirements table only listed parking requirements for college/university uses relative to a required campus plan but is silent for when a campus plan is not required. The omission was inadvertant and not consistent with the Commissions final action on parking. Subtitle C 701.5 is amended by clarifying the parking standard for college or university uses in Table C § 701.5 as follows: 701.5 Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows TABLE C § 701.5: PARKING REQUIREMENTS <table border="1"> <thead> <tr> <th>Use Category</th><th>Minimum number of vehicle parking spaces</th></tr> </thead> <tbody> <tr> <td>Education, college/university</td><td> As per approved campus plan <u>For each building: 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except if a campus plan has been approved by the Zoning Commission or the Board of Zoning Adjustment for the college or university, in which case the parking shall be provided as set forth in the approved campus plan.</u> </td></tr> </tbody> </table>	Use Category	Minimum number of vehicle parking spaces	Education, college/university	As per approved campus plan <u>For each building: 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except if a campus plan has been approved by the Zoning Commission or the Board of Zoning Adjustment for the college or university, in which case the parking shall be provided as set forth in the approved campus plan.</u>
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C-706	VEHICLE PARKING Subtitle C § 706.1 has confusing language and clarification is needed. Subtitle C § 706.1 is amended to clarify the language for maximum parking as follows: 706 MAXIMUM PARKING REQUIREMENTS 706.1 The maximum land area for all newly constructed parking areas, and for parking areas that increase the number of parking spaces or the land area by twenty-five percent (25%) or more, shall be no above grade parking area built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area				
New § 709.4	VEHICLE PARKING A section is needed to clarify how teachers and employees are computed for the purpose of calculating parking requirements. The language reflects the exact language used in the 1958 regulations. Subtitle C 709 is amended by adding a new 709.4 to clarify how employees and teachers are computed as follows: 709.4 The number of teachers or employees shall be computed on the basis of the				

	<u>greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.</u>																								
C-715	VEHICLE PARKING The section title should include the word “Lots”. Subtitle C § 715 is amended to include the word “Lots” in the section title as follows: 715 LANDSCAPING REQUIREMENTS FOR SURFACE PARKING <u>LOTS</u>																								
C-806	BICYCLE PARKING The section title should include “Non-Residential Uses”. Subtitle C § 806 is amended to include the word “Lot” in the section title as follows: 806 REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES - <u>NON-RESIDENTIAL USES</u>																								
C-1001.2	INCUSIONARY ZONING Subtitle C §1001.2 (a) inadvertently omits some zones from the list of applicable zones and includes zone names that are not subject to the IZ requirements. Subtitle C §1001.2 (a) is amended by adding the NC-7 (C-2-A/GA) and NC-8 (C-3-A/GA), NC-14 through NC-17 zones and omitting the MU-27 (C-2-A/NO) and RA-5 and RA-10 zones 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: (a) Are mapped in the R-2, R-3, R-10, R-13, R-17, or R-20 , <u>RA-1 through RA-4, RA-6, RA-7, RA-8 or RA-9</u> zone; any RF, RA , ARTS, CG, RC, USN, STE, or HE zone; the NC-1 through NC-5 or NC-9 <u>NC-7 through NC-13</u> zone; the MU-1 through MU-10 or MU-12 through MU-29 <u>MU-26, MU-28 or MU-29</u> zone; or the D-2 or D-4 zone; and																								
C-1002.2	INCUSIONARY ZONING Subtitle C §1002.2 inadvertently omits RF-4 and RF-5 and from Table C §1002.2. Table C §1002.2 incorrectly identifies the minimum lot Width for the RF zones as 16 feet and it should be 15 feet. Subtitle C §1002.2, Table C §1002.2 is amended by added the RF-4 and RF-5 zones to the table and changing the 16 feet to 15 feet for the RF zones, as follows: <table><tr><th></th><th colspan="3">IZ Dimensional Modifications for Lower Density Zones</th></tr><tr><th>Base Zone</th><th>Minimum Lot Area</th><th>Minimum Lot Width</th><th>Minimum Lot Width with Special Exception</th></tr><tr><td>R-2, R-10 Detached</td><td>3,200 sq. ft.</td><td>40</td><td>32</td></tr><tr><td>R-2, R-10 Semi-Detached</td><td>2,600 sq. ft.</td><td>30</td><td>25</td></tr><tr><td>R-3, R-13, R-17, R-20</td><td>1,600 sq. ft.</td><td>20</td><td>16</td></tr><tr><td>RF-1, RF-2, RF-3, <u>RF-4, RF-5</u></td><td>1,500 sq. ft.</td><td>18</td><td>16 <u>15</u></td></tr></table>		IZ Dimensional Modifications for Lower Density Zones			Base Zone	Minimum Lot Area	Minimum Lot Width	Minimum Lot Width with Special Exception	R-2, R-10 Detached	3,200 sq. ft.	40	32	R-2, R-10 Semi-Detached	2,600 sq. ft.	30	25	R-3, R-13, R-17, R-20	1,600 sq. ft.	20	16	RF-1, RF-2, RF-3, <u>RF-4, RF-5</u>	1,500 sq. ft.	18	16 <u>15</u>
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C-1002.3	INCUSIONARY ZONING																								

	Subtitle C §1002.3 inadvertently omits some zones from the list of zones eligible for the bonus density of an additional 20% of gross floor area. It also includes the RA-5 and RA-10 zone districts and the HE zones and they are not eligible for the 20% bonus density. The section should be replaced with the existing language for clarity and consistency. Subtitle C §1002.3 is amended by replacing existing wording with text that referencing the eligible zones of Subtitle C § 1001.2 except for the StE zones, as follows: 1002.3 Inclusionary residential developments in the following zones governed by Subtitles F, G, H, I, or K may construct bonus density of up to an additional twenty percent (20%) gross floor area (bonus density) than permitted as a matter of right subject to all other zoning requirements of their zone: (1) All RA zones; (2) MU 3, MU 4, MU 12, MU 13, MU 17, MU 18, MU 19, MU 24 through MU 29, and RC 2 zones; (3) NC 1, NC 2, NC 3, NC 5, NC 10, NC 12, NC 14, and NC 16 zones; (4) D 2 and D 4 zones; (5) USN and CG zones; and (6) HE zones, subject to the development standards in Subtitle K § 402.1. <u>Inclusionary developments subject to the provisions of this chapter, except those located in the StE and HE zone districts, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified by the zone district) and the limitations established by the Height Act.</u>
C-1401.2	RETAINING WALLS Subtitle C § 1401.2 references height limitations of Subtitle C § 1401.4 – 1401.7 but it should instead reference 1401.3 – 1401.6. Subtitle C § 1401.2 is amended by correcting references to height limitations from § 1401.4 through 1401.7. to 1401.3 through 1401.6 as follows: 1401.2 Subject to the height limitations of Subtitle C § 1401.4 through 1401.7 1401.3 through 1401.6, the maximum height of a retaining wall shall be six feet (6 ft.).
C-1401.3	RETAINING WALLS Section 1401.3(c) and (d) needs to include all the single household detached and semi-detached residential zones which include R-6 through R-21 zones. Subtitle C § 1401.3 (c) is amended by including all the single household detached zones names and Subtitle C § 1401.3 (d) is amended by including all the single household semi-

	detached zones as follows: 1401.3 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C § 1401.5 and 1401.6: (a) Along a street frontage or property line; (b) Within any required side setback; (c) In the R-1, <u>R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19 and R-21 zones</u>, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and (d) In the R-2, R-3, <u>R-10, R-13, R-17, R-20</u>, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.
Subtitle D	
New D-202.1	LOT OCCUPANCY The lot occupancy for places of worship has been inadvertently left out of the subtitle and should be included. Section 202 is amended by adding a new section 202.2 to allow a lot occupancy of 60% for places of worship in the R zones, as follows: <u>202.2 In the R zones, a place of worship shall be permitted a lot occupancy of sixty percent (60%) maximum, unless otherwise limited by the specific zone</u>
New D-707.4	SIDE YARD The R-13 (previously R-3/NO) zone should maintain the same side yard requirements as under the 1958 regulations but the common wall provision was inadvertently forgotten in the R-13 zone. Subtitle D, § 707 is amended by adding a new section 707.4, as follows: <u>707.4 In the R-13 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</u>
D-1201	1201 DEVELOPMENT STANDARDS Section 1201.1 includes the wrong section citation; it reads “Subtitle D §§ 1102 through 1109” but should read “Subtitle D §§ 1202 through 1209”. Subtitle D, § 1201.1 is amended by correcting the citation from “Subtitle D §§ 1102 through 1109” to read “Subtitle D §§ 1202 through 1209”, as follows: 1201.1 The development standards in Subtitle D §§ 1102 <u>1202</u> through 1109 <u>1209</u> modify the general development standards in Subtitle D, Chapter 2.
D-1202.1	TABLE NAME Name of the table includes the wrong section number.

	Section 1202.1 is amended to change the name of Table to read: “TABLE D § 1102.1 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS
Subtitle E	
New § 201.4	Add the language from Z Case No. 14-11 requiring there be 900 square per dwelling unit Subtitle E § 201 is amended by adding a new subsection 201.4 as follows: <u>201.4 An apartment house in an RF-1, RF-2 or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new</u>
New E- 206	Subtitle E § 206 should be added to reflect text from original case Z.C. No. 14-11: Subtitle E Chapter 2 is amended by adding a new subsection 206 as follows: <u>206 Roof Top or Upper Floor Additions</u> <u>206.1 In an RF Zone District, the following provisions shall apply:</u> (a) <u>A roof top architectural element original to the building such as a turret, tower or dormers, shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;</u> (b) <u>Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code; and</u> (c) <u>Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.</u> <u>206.2 In an RF Zone District, relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 9, subject to the conditions of Subtitle E § 5203.3.</u>
New § 5203.3	The special exception language is needed to reflect text from original case Z.C. No. 14-11 regarding conversion of row dwellings to more than two units. Subtitle E § 5203 is amended by adding a new Subtitle E § 5203.3, to establish the special exception relief language for roof top or upper story additions as follows: <u>5203.3 A special exception to the requirements of Subtitle E Section 206 shall be subject to the conditions of Subtitle E § 5203.1 (b), (c) and (d). If relief is granted from compliance with Subtitle E § 206.1 (b) or (c), the special</u>

	<u>exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1 (b) (3) and (4).</u> Renumber <u>Subtitle E</u> 5203.3 to 5203.4								
New § 5203.1(f)	Wrong citations within section. Section 5203.1 (f): In demonstrating compliance with Subtitle E § 5204.1(e) ... should be <u>5203.1 (e)</u> 5203.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5204.1 <u>5203.1</u> (a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5204.1(e) <u>5203.1 (e)</u>								
E-302.2	Section’s cross-reference needs to be corrected; Subtitle E § 302.2 refers to E Chapter 7, but it is in Subtitle U, Chapter 3. Subtitle E § 302.2 is amended to reflect the correct reference to Subtitle U as follows: 302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7 <u>Subtitle U, Chapter 3.</u>								
E-5001	Subtitle E § 5001.1 refers to E §§ 802 through 806, which are actually E §§5002 through 5006. Subtitle E § 5001.1 is amended to correctly refer to §§5002 through 5006 as follows: 5001 DEVELOPMENT STANDARDS 5001.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 802 <u>5002</u>-through 806 <u>5006</u>								
Subtitle F									
F-202.1	GENERAL DEVELOPMENT STANDARDS (RA) Table F § 202.1 lists court dimensions in terms of both inches per foot of height and a minimum but the table doesn’t state that a court should be the greater of either the inches per foot of height or the minimum. Table F § 202.1 is amended by the adding the phrase “but not less than” into the cells, as follows: 202.1 A court is not required, but if provided, it shall have the following minimum dimensions: <table><tr><th>Type of Structure</th><th>Minimum Width Open Court</th><th>Minimum Width Closed Court</th><th>Minimum Area Closed Court</th></tr><tr><td>Residential, more than 3 units:</td><td>4 in./ft. of height of court; <u>but not less than</u> 10 ft. minimum</td><td>4 in./ft. of height of court; <u>but not less than</u> 15 ft. minimum</td><td>Twice the square of the required width of court dimension; <u>but</u></td></tr></table>	Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court	Residential, more than 3 units:	4 in./ft. of height of court; <u>but not less than</u> 10 ft. minimum	4 in./ft. of height of court; <u>but not less than</u> 15 ft. minimum	Twice the square of the required width of court dimension; <u>but</u>
Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court						
Residential, more than 3 units:	4 in./ft. of height of court; <u>but not less than</u> 10 ft. minimum	4 in./ft. of height of court; <u>but not less than</u> 15 ft. minimum	Twice the square of the required width of court dimension; <u>but</u>						

				<u>not less than</u> 350 sq. ft. minimum.												
	Non-Residential and Lodging:	2.5 in./ft. of height of court; but not less than 6 ft. minimum	2.5 in./ft. of height of court; but not less than 12 ft. minimum	Twice the square of the required width of court dimension; but not less than 250 sq. ft. minimum												
F-305.1	REAR YARD Table F § 305.1 lists rear yard dimensions in terms of both inches per foot of height and a minimum but the introductory text doesn't state that the rear yard should be the greater of either the inches per foot of height or the minimum. Subtitle F § 305.1 is amended by adding "ft." after the number 20 in the RA-1 zone and rearranging the text and adding the phrase "but not less than" into the cells for the RA-2 through RA-5 zones, as follows: 305.1 A minimum rear yard shall be established for lots in the RA-1, RA-2, RA-3, RA-4 and RA-5 zones as set forth in the following table: <table><tr><th>Zone</th><th>Minimum Rear Yard</th></tr><tr><td>RA-1</td><td>20 <u>ft.</u></td></tr><tr><td>RA-2</td><td>15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u></td></tr><tr><td>RA-3</td><td>15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u></td></tr><tr><td>RA-4</td><td>15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u></td></tr><tr><td>RA-5</td><td>12 ft.; or A distance equal to 3 in. per 1 ft. of principal building height <u>but not less than 12 ft.</u></td></tr></table>				Zone	Minimum Rear Yard	RA-1	20 <u>ft.</u>	RA-2	15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u>	RA-3	15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u>	RA-4	15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height <u>but not less than 15 ft.</u>	RA-5	12 ft.; or A distance equal to 3 in. per 1 ft. of principal building height <u>but not less than 12 ft.</u>
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RA-1	20 <u>ft.</u>															
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RA-5	12 ft.; or A distance equal to 3 in. per 1 ft. of principal building height <u>but not less than 12 ft.</u>															
Subtitle G																
	Special Exception The Special Exception provision is mislabeled as §608.3 and should be § 609. Subtitle G § 608 is amended by renumbering §§ 608.3 and 608.4 to a new section §609 and 609.1 as follows: 608.3 609 SPECIAL EXCEPTION 608.4 609.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-13 through MU-22 zones															
Subtitle H																
H-904.1	Lot Occupancy Lot Occupancy is incorrectly identified in Table H § 904.1 has 80% for non-IZ residential projects in the NC-10, NC-11 and NC-17 when it should be 70%. The definition of 'residential use' for the purpose of determination lot occupancy is incorrectly placed in §															

	909.1 (b). Table H § 904.1 is amended to correctly identify the permitted lot occupancy for for non-IZ residential projects in the the NC-10, NC-11 and NC-17 at 70%. Subtitle H § 904, Lot Occupancy is amended by adding a new section 904.2 to define residential use as follows: 904.2 <u>For the purposes of Subtitle H § 904.1, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses</u>
H-909.1	Design Requirements The design requirements that provided an incentive to preserve existing facades was inadvertently left out of the new regulations and should be reinserted. Subtitle H § 909, Design Requirements is amended to replace current language of § 909.1 (b) with language for the preservation of existing facades, and the current language is moved to Subtitle H § 904, Lot Occupancy and the numbers are corrected, as follows: 909.1 (b) For the purposes of Subtitle H § 903.1, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses <u>New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses.</u>
Subtitle W	
	Section 116 refers to zones R-17 and R-18 for Sixteenth Street Heights, however the final text assigned R-16 to the area covered by the Sixteenth Street Heights overlay. Subtitle W §116 is amended by changing the references to R-17 and R-18 to R-16, and merging §116.2 and §116.3 into a single § 116.2, as follows: 116 SIXTEENTH STREET HEIGHTS ZONES 116.1 The Sixteenth Street Heights zones (R-17 and R-18) apply to all properties zoned R-17 and R-18 <u>R-16</u>. 116.2 The R-17 <u>R-16</u> zone encompasses the geographic area in northwest Washington generally bounded by 16th Street and Rock Creek Park on the west, Military Road and Missouri Avenue on the north, and 14th Street on the east, and Colorado Avenue on the southeast and the geographic area in northwest Washington generally bounded by 16th Street on the west, Colorado Avenue on the north, 14th Street on the east, and Decatur Street to the south. This zone is applied to properties zoned R-17 <u>R-16</u> in the following Squares and portions of squares: <u>2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716,</u> 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799. 116.3 The R-18 zone encompasses the geographic area in northwest Washington generally bounded by 16th Street on the west, Colorado Avenue on the north, 14th Street on the east, and Decatur Street to the south. This zone is applied to properties zoned R-18 in the following squares and portions of squares: 2708, 2709, 2710, 2711, 2712,

	2713, 2714, 2715, and 2716.
Subtitles D, E, F, G, H, I, J and K	
	Lot Occupancy Lot Occupancy is noted as 100% which has created confusion when read together with required rear and/or side yards. The Zoning Administrator’s office has requested that “100%” be replaced with “N/A” in all relevant sections to avoid the confusion.