

COMPARISON OF ADVERTISED TEXT, CODIFIED DRAFT AND OP's CANOPY PROPOSALS SET DOWN and AMENDED as at July 22, 2004

| April 19, 2002 Set down                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | December 13, 2002 - ZC NOPR (Published in the DC Register and is in effect)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CANOPY COVERAGE as Proposed Alternate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CANOPY COVERAGE – PROP. ALTERNATE – AMENDED (July 22, '04)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>FOREST HILLS TREE AND SLOPE PROTECTION OVERLAY DISTRICT 1516.1</b><br>The Forest Hills Tree and Slope Protection (FH/TSP) Overlay District is established to preserve and enhance the park-like setting of the designated neighborhoods between Connecticut Avenue and Thirty-Second Street on the west and Rock Creek Park on the east, south of Fort Circle National Park and Nevada Avenue, N.W., north of Melvin C. Hazen Park and adjacent to streams and parks, by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park. | <b>FOREST HILLS TREE AND SLOPE PROTECTION OVERLAY DISTRICT 1516.1</b><br>The Forest Hills Tree and Slope Protection (FH/TSP) Overlay District is established to preserve and enhance the park-like setting of the designated neighborhoods between Connecticut Avenue and Thirty-Second Street on the west and Rock Creek Park on the east, south of Fort Circle National Park and Nevada Avenue, N.W., north of Melvin C. Hazen Park and adjacent to streams and parks, by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park. | Same as advertised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Same as advertised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>1516.2</b><br>The purposes of the FH/TSP Overlay District are to:<br>(a) Preserve the natural topography and mature trees to the maximum extent feasible in Forest Hills neighborhoods;<br>(b) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and<br>(c) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.                                                                                                                                            | <b>1516.2</b><br>The purposes of the FH/TSP Overlay District are to:<br>(a) Preserve the natural topography and mature trees to the maximum extent feasible in Forest Hills neighborhoods;<br>(b) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and<br>(c) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.                                                                                                                                            | <b>1516.2</b><br>The purposes of the FH/TSP Overlay District are to:<br>Preserve the tree canopy of Forest Hills, to preserve wooded areas in Forest Hills, to promote conservation practices within an urban context and to encourage the replanting of trees.                                                                                                                                                                                                                                                                        | SAME as advertised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>1516.3</b><br>The FH/TSP Overlay District has a significant quantity of steep slopes, has stands of mature trees, is located at the edge of stream beds and public open spaces, and has undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system, and the existing mature trees are neither limited to yard trees or street trees.                                                                                                                                                                                                                                                                         | <b>1516.3</b><br>The FH/TSP Overlay District has a significant quantity of steep slopes, has stands of mature trees, is located at the edge of stream beds and public open spaces, and has undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system.                                                                                                                                                                                                                                                                                                                                                          | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>1517 – General Provisions 1517.1</b><br>The FH/TSP Overlay District is mapped in combination with the underlying R-1 [sic], R-1-B or R-2 or R-5-D residential zone District and not in lieu of the underlying district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>1517 – General Provisions 1517.1</b><br>The FH/TSP Overlay District is mapped in combination with the underlying R-1 [sic], R-1-B or R-2 residential zone District, and not in lieu of the underlying district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Same                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Same                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>1517.2</b><br>Where there is a conflict between the FH/TSP Overlay District and an underlying zoning district, the more restrictive provisions of the FH/TSP shall govern.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>1517.2</b><br>Where there is a conflict between the FH/TSP Overlay District and an underlying zoning district, the more restrictive provisions of the FH/TSP shall govern.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>1517.2</b><br>Any applicant for the construction of a building, accessory building, or an addition to a building shall provide certification from a certified landscape architect or an ISA certified arborist that a tree canopy, resulting from trees within the lot lines of the subject property, will cover the following percentages of the lot after construction is completed or no later than ten (10) years after the date of the application:<br>a) For a lot less than 9,500 square feet in area, twenty percent (20%); | <b>1517.2</b><br>Any application for a building permit to allow the construction of a building, accessory building, or an addition to a building or other work that disturbs the soil beneath the existing canopy on a lot shall provide certification from a certified landscape architect or an ISA certified arborist that a tree canopy, resulting from trees' driplines within the lot lines of the subject property, will cover the following percentages of the lot after construction is completed or no later than ten (10) years after the date of the issued building permit: |

Zoning Commission  
 District of Columbia  
 Case 02-19  
 Exhibit 356

| April 19, 2002 Set down                                                                                                                                                                                                                                             | December 13, 2002 - ZC NOPR (Published in the DC Register and is in effect)                                                                                                                                                        | CANOPY COVERAGE as Proposed<br>Alternate                                                                                                                                                                                                                                                                                                                                                | CANOPY COVERAGE – PROP.<br>ALTERNATE – AMENDED (July 22, '04)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                    | (b) For a lot 9,500 square feet but not less than 20,000 square feet in area, twenty-five percent (25%); or<br><br>c) For a lot 20,000 square feet in area or greater, forty percent (40%).                                                                                                                                                                                             | (a) For a lot less than 7,500 in area, 25 percent;<br>(b) For a lot greater than 7,500 square feet, 32 percent of the square footage;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>1518.1 - Ground Coverage Restrictions</b><br>The principal building and any accessory building on the lot shall not exceed total lot occupancy of thirty percent (30%).                                                                                          | <b>1518.1 - Ground Coverage Restrictions</b><br>The principal building and any accessory building on the lot shall not exceed total lot occupancy of thirty percent (30%).                                                         | None<br>1517.3<br>The percentages in § 1517.2 may be reduced for a particular lot by the Board of Zoning Adjustment to avoid one or more of the following:<br>a) Overcrowding of existing trees;<br><del>b) Planting in an unsuitable soil type;</del><br>c) Planting in areas with a lack of adequate root space; or<br>d) Any other factors that may jeopardize the health of a tree. | <b>1517.3</b><br>The percentages in § 1517.2 may be reduced by the Board of Zoning Adjustment to avoid one or more of the following:<br><br>(a) Overcrowding of existing trees;<br><br>(b) Planting in areas with a lack of adequate root space; or<br><br>(c) Any other factors that may jeopardize the health of a tree.<br><br>(d) The Board may impose requirements as to design, appearance, and tree protection practices during construction, buffering, and other requirements, as it deems necessary to achieve the purpose of this section, and may vary side and rear yard requirements in order to achieve the purposes of this section.<br><br>(e) An applicant for a special exception shall submit at least the following materials:<br><br>(i) A site plan for development, including computation and illustration of total lot occupancy, existing and proposed trees for removal, and existing and proposed canopy percentage.<br>(ii) Tree protection plan as specified by Section 1517.6<br>(iii) Photos showing existing site conditions. |
| <b>1518.2</b><br>The maximum impervious surface coverage on a lot shall be 50% provided that the following conditions are met:<br>a) This subsection shall not preclude enlargement of a principal building in existence as the effective date of this chapter; and | <b>1518.2</b><br>The maximum impervious surface coverage on a lot shall be 50%; provide this subsection shall not:<br>a) Preclude enlargement of a principal building in existence as the effective date of the FH/TSP overlay; or | None<br>1517.4<br>Any application filed under §1517.3 shall be referred to the Urban Forestry Administration.                                                                                                                                                                                                                                                                           | <b>1517.4</b><br>Any application filed under § 1517.3 shall be referred to the Urban Forestry Administration for compliance with these provisions and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| April 19, 2002 Set down                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | December 13, 2002 - ZC NOPR (Published in the DC Register and is in effect)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CANOPY COVERAGE as Proposed Alternate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CANOPY COVERAGE – PROP. ALTERNATE – AMENDED (July 22, '04)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| b) This section shall not create nonconformity of a structure as regulated by chapter 20 of this title.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | b) Create nonconformity of a structure as regulated by chapter 20 of this title                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   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                                                                                                                                                                                                                                              | recommendations to the Zoning Administrator.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             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| <p><b>1519 –Limitations</b><br/> <b>1519.1</b><br/>                     Construction of a building, accessory building, or an addition to a building; creation of any impervious surface area, the subdivision of any improved lot so as to increase the number of principal structures thereupon shall only be permitted as a matter of right if the following tree removal limitations are complied with:</p> <p>a. The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of 12 inches (12") or greater at a height of four and a half feet (4 1/2 ft.) above ground;</p> <p>b. The prohibitions of this section do not apply to the removal or cutting down of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any tree shall be certified by an arborist or other tree care professional;</p> <p>c. No tree that has a circumference of more than thirty-eight inches (38 in.) at a height of four and a half feet (4 1/2 ft.) above ground may be removed, cut down or fatally damaged;</p> <p>d. No more than three (3) trees that have a circumference of more than 38 inches at a height of four and a half feet (4 1/2 ft.) above ground shall be removed and none of these may be located within twenty-five (25 ft.) of any building restriction line or lot line abutting a public street;</p> <p>e. The total circumference inches of all trees removed or cut down on a lot may not exceed twenty-five (25%) of the total circumference inches, provided, that this restriction shall not abrogate the right to remove or cut down up to three (3) trees as provided in paragraph (d) of this sub-section; and</p> <p>f. Where removal or cutting of trees has occurred there would be prohibited by this section if a building permit were contemporaneously applied for, no building permit shall be issued for a period of seven (7) years from such removal or cutting unless a special exception is granted by the Board of Zoning Adjustment.</p> | <p><b>1519 –Limitations</b><br/> <b>1519.1</b><br/>                     Construction of a building, accessory building, or an addition to a building; creation of any impervious surface area, the subdivision of any improved lot so as to increase the number of principal structures thereupon shall only be permitted as a matter of right subject to the following tree removal limitations:</p> <p>a. The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of 12 inches (12") or greater at a height of four and a half feet (4 1/2 ft.) above ground;</p> <p>b. The prohibitions of this section do not apply to the removal or cutting down of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any tree shall be certified by an arborist or other tree care professional;</p> <p>c. No tree that has a circumference of more than thirty-eight inches (38 in.) at a height of four and a half feet (4 1/2 ft.) above ground may be removed, cut down or fatally damaged;</p> <p>d. No more than three (3) trees that have a circumference of more than 38 inches at a height of four and a half feet (4 1/2 ft.) above ground may be removed, cut down or fatally damaged and none of these may be located within twenty-five (25 ft.) of any building restriction line or lot line abutting a public street;</p> <p>e. The total circumference inches of all trees removed or cut down on a lot may not exceed twenty-five (25%) of the total circumference inches of all trees on the lot having a circumference greater than twelve inches (12in); provided that this section does not abrogate the right to remove or cut down up to three (3) trees as provided in paragraph (d) of this sub-section; and</p> <p>f. Where removal or cutting of trees has occurred there would be prohibited by this section if a building permit were contemporaneously applied for, no building permit shall be issued for a period of seven (7) years from such removal or cutting unless a special exception is granted by the Board of Zoning Adjustment.</p> | <p><b>1517.5</b><br/>                     Any tree planted to meet the requirement of this section shall be a nursery stock tree of at least a two (2) inch caliper, balled and burlaped, in good health, and shall not be of a species that has been identified as appropriate for removal by regulations promulgated by the District Department of Transportation pursuant to the Urban Forest Preservation Act of 2002.</p> <p><b>1517.6</b><br/>                     The certification required by 1517.2 shall be accompanied by a tree protection plan that will show:</p> <p>(a) The location, size, and species of all existing trees measured at four and one half (4 1/2) feet above the ground;</p> <p>(b) The location, size, and species of all trees to be removed;</p> <p>(c) The location, number and species of any trees to be planted in replacement;</p> <p>(d) Proposed grade changes or other potentially injurious work to be performed adjacent to trees to be retained; and</p> <p>(e) Methods to be used to protect existing trees during construction including, but not limited to:</p> <p>(1) Drip line protection, including construction or snow fencing, around all tree preservation areas; and</p> <p>(2) Installation of tree wells, retaining walls or other structures necessary to protect individual trees</p> <p><b>1517.7</b><br/>                     The Zoning Administrator shall not take final action on a building permit application until a report is received from the Urban Forestry Administration or until twenty-one (21) days have passed since the tree protection plan was submitted to the Urban Forestry Administration, whichever is sooner.</p> <p><b>Enforcement</b><br/> <b>1517.8</b><br/>                     No building permit shall be granted if a tree protection report received pursuant to § 1517.5 fails to demonstrate that the tree canopy requirements of this section will be met.</p> <p><b>1517.9</b><br/>                     No earlier than two (2) years and no later than three (3) years after the building permit is issued, the property owner shall present to the Zoning Administrator a</p> | <p><b>1517.5</b><br/>                     Any tree planted to meet the requirement of this section shall be a nursery stock tree of at least a two (2) inch caliper, balled and burlaped, in good health, and shall <del>not</del> be of a species <u>identified in the Urban Forestry Administration's Recommended Tree List for Medium and Large Trees</u> as appropriate by regulations promulgated by the District Department of Transportation pursuant to the Urban Forest Preservation Act of 2002.</p> <p><b>1517.6 Same except...</b></p> <p>(e) Methods to be used to protect existing trees during construction including, but not limited to:</p> <p>(1) Drip line protection, including construction or snow fencing, around all tree preservation areas; and</p> <p>(2) Installation of tree wells, retaining walls or other structures necessary to protect individual trees.</p> <p>(3) Proposed procedures to guard against long-term damage by such factors as soil compaction.</p> <p><b>1517.7</b><br/>                     .....or until thirty (30) days.....</p> <p><b>Enforcement</b><br/> <b>1517.8</b><br/>                     No building permit shall be granted.....pursuant to §1517.6.....</p> <p><b>1517.9</b><br/>                     ....If trees were planted to achieve canopy requirement, the certification shall also state</p> |

| April 19, 2002 Set down                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | December 13, 2002 - ZC NOPR (Published in the DC Register and is in effect)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CANOPY COVERAGE as Proposed<br>Alternate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CANOPY COVERAGE – PROP.<br>ALTERNATE – AMENDED (July 22, '04)<br>that the replacement trees met the requirements of §1517.2                                                                                                                                                                                                |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>certification from an ISA certified arborist or certified landscape architect that the applicable tree canopy percentage has been maintained or will be achieved by the date stated on the original certification. If trees were planted to achieve the canopy requirement, the certification shall also state that the replacement trees met the requirements of §1517.3. Failure to present a certification that meets the requirements of § 1517.9 within the time provided therein shall be a violation of this section.</p> <p><b>1517.10</b><br/>No further building permits shall be issued for the subject property until the certification required by §1517.9 is received by the Zoning Administrator.</p> <p><b>1517.11</b><br/>No person shall remove a tree identified in the tree plan in § 1517.6 so as to reduce the canopy percentage below the applicable level established in § 1517.2 unless the tree is determined to be dying, diseased or hazardous by an ISA certified arborist.</p> <p><b>1517.12</b><br/>The issuance of a tree removal permit by the Department of Transportation- Urban Forestry Administration does not relieve any person from meeting the requirements of this section.</p> | <p><b>1517.10</b><br/>Same</p> <p><b>1517.11</b><br/>Same</p> <p><b>1517.12</b><br/>The issuance of a tree removal permit by the Department of Transportation- Urban Forestry Administration under the Urban Forestry Preservation Act, 2002 does not relieve any person from meeting the requirements of this section</p> |
| <b>1519.2 Minimum Lot Size</b><br>The minimum lot size for homes within the FH/TSP Overlay District shall be 12,000 S.F. for lots subdivided after the effective date of this provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>1519.2 Minimum Lot Size</b><br>The minimum lot size for homes within the FH/TSP Overlay District shall be 9,500 S.F. for lots subdivided after the effective date of this provision.                                                                                                                                                                                                                                                                                                                                                                               | No Minimum lot size but coverage relates to lot sizes (See 1517.2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No minimum lot size for subdivision.                                                                                                                                                                                                                                                                                       |
| <b>1519.4 Side Yard</b><br>To the extent that any residential district within the overlay requires a side yard, the side yard requirement for all new residential buildings shall be sixteen (16) feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>1519.4</b><br>To the extent that any residential district within the overlay requires a side yard, the side yard requirement for all buildings, accessory buildings, or an addition to buildings shall be a minimum of eight (8) feet and a minimum of twenty-four (24) feet in the aggregate.                                                                                                                                                                                                                                                                     | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Section 1517.3 (d)<br>The Board may impose requirements as to design, and tree protection practices during construction, buffering, and other requirements, as it deems necessary to achieve the purpose of this section, and may vary side and rear yard requirements in order to achieve the purposes of this section.   |
| <b>1519.5 Slopes</b><br>No person, for the purpose of (I) sub-dividing an unimproved lot, (II) constructing any structure on an unimproved lot, (III) subdividing any unimproved lot so as to increase the number of principal structures thereon; or (IV) constructing an additional principal structure on a previously subdivided lot, shall alter existing topography, except for placing a foundation for an otherwise permitted structure. If the soil is highly erodible, as determined by the USGS Soils Analysis, and the slope anywhere within 20 feet of the footprint of the proposed structure is greater than 25%, then no building or terrain alteration will be permitted. | <b>1519.5</b><br>To the extent that any person seeks permission for building or terrain alteration on a lot with a slope steeper than twenty-five percent (25%) or with "highly erodible soil" as defined by the Natural Resources Conservation Service of the U.S. Department of Agriculture, that person shall supply to the Zoning Administrator in the Department of Consumer and Regulatory Affairs a professional certification that the plans for alteration and/or construction will follow best geo-technical, structural engineering and arboreal practices | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                                                                                                                                                                                                                                                                                                       |
| <b>1520 – Special Exceptions</b><br><b>1520.1</b><br>Any exception from the requirements of this FH/TSP Overlay, as distinct from                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>1520</b><br><b>1520.1</b><br>Any exception from the requirements of this FH/TSP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <a href="#">Reference: 1517.3 for Special Exception tests.</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <a href="#">Reference: 1517.3 for Special Exception tests.</a>                                                                                                                                                                                                                                                             |

| April 19, 2002 Set down                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | December 13, 2002 - ZC NOPR (Published in the DC Register and is in effect)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CANOPY COVERAGE as Proposed Alternate                                                                                                                              | CANOPY COVERAGE – PROP. ALTERNATE – AMENDED (July 22, '04)                                                                                                         |
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| <p>the requirements of the underlying zoning district, shall be permitted, only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, under §3104, and subject to the following requirements:</p> <p>a) Tree removal, grading, and topographical change shall be limited to the maximum extent possible, consistent with construction of a building permitted by the standards of the FH/TSP overlay;</p> <p>b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;</p> <p>c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the FH/TSP Overlay District and not adversely affect neighboring property; and</p> <p>d) The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements, as it deems necessary to achieve the purposes of this section and may vary side and rear yard requirements in order to achieve the purposes of this chapter.</p> | <p>Overlay, as distinct from the requirements of the underlying zoning district, shall be permitted, only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, under §3104, and subject to the following requirements:</p> <p>a) Tree removal, grading, and topographical change shall be limited to the maximum extent possible, consistent with construction of a building permitted by the standards of the FH/TSP overlay;</p> <p>b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;</p> <p>c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the FH/TSP Overlay District and not adversely affect neighboring property; and</p> <p>d) The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements, as it deems necessary to achieve the purposes of this section and may vary side and rear yard requirements in order to achieve the purposes of this section.</p> |                                                                                                                                                                    |                                                                                                                                                                    |
| <p><b>1520.2 – Special Exception Submission Requirements</b><br/>                     Before taking final action on an application, the Board shall submit the application to the following agencies for review and written reports:<br/>                     DC Office of Planning<br/>                     District Department of Transportation – Tree Division<br/>                     D.C. Department of Recreation<br/>                     D.C. Department of Consumer and Regulatory Affairs, Soil Erosion and Storm Management and<br/>                     National Park Service, U.S. Dept. of Interior</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>1520.2</b><br/>                     Before taking final action on an application, the Board shall submit the application to the following agencies for review and written reports:<br/>                     DC Office of Planning<br/>                     District Department of Transportation – Tree Division<br/>                     D.C. Department of Recreation<br/>                     D.C. Department of Consumer and Regulatory Affairs, Soil Erosion and Storm Management and<br/>                     National Park Service, U.S. Dept. of Interior</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Must provide certification from a certified arborist and reviewed by the Urban Forestry Administration before building permit review.</p> <p>Section 1517.4</p> | <p>Must provide certification from a certified arborist and reviewed by the Urban Forestry Administration before building permit review.</p> <p>Section 1517.4</p> |
| <p><b>1520.3</b><br/>                     An applicant for a special exception shall submit at least the following materials:<br/>                     a) A site plan for development, including computation and illustration of total lot occupancy and impervious surface ratio, and regulated trees proposed to be removed; and<br/>                     b) A plan and statement indicating how trees to be preserved on the lot will be protected during the construction period, including reference to proposed procedures to guard against long-term damage by such factors as soil compaction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>1520.3</b><br/>                     An applicant for a special exception shall submit at least the following materials:<br/>                     a) A site plan for development, including computation and illustration of total lot occupancy and impervious surface ratio, and regulated trees proposed to be removed; and<br/>                     b) A plan and statement indicating how trees to be preserved on the lot will be protected during the construction period, including reference to proposed procedures to guard against long-term damage by such factors as soil compaction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Section 1517.2 requires landscape plan showing trees on property with existing and proposed canopy.</p>                                                         | <p><b>Section 1517.3</b></p>                                                                                                                                       |