

TITLE 11 – ZONING

SUBTITLE E

RESIDENTIAL FLATS (RF) ZONES

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CHAPTER 1 INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES

100 GENERAL PROVISIONS

100.1 The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.

100.2 The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.

100.3 ~~The purposes of Subtitle E~~In addition to the purpose statements of individual chapters, the provisions of the RF zones are intended to:

- (a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
- (b) Allow for limited compatible non-residential uses;
- (c) Allow for the matter-of-right development of existing lots of record;
- (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
- (e) Allow for the limited conversion of rowhouse and other structures for flats; and
- (f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.

100.4 The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.

100.5 For those zones with geographic identification, the boundaries are cited in Subtitle W and identified on the official Zoning Map. When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.

101 DEVELOPMENT STANDARDS

101.1 The bulk of structures in the RF zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.

101.2 The development standards are intended to:

- (a) Control the bulk or volume of structures, including height, floor area ratio, and lot occupancy;

- (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;
- (c) Regulate the mixture of uses; and
- (d) Promote the environmental performance of development.

101.3 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, ~~as indicated~~when permitted in this title, as a special exception ~~relief~~. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.

102 **USE PERMISSIONS**

102.1 Use permissions for the RF zones are as specified in Subtitle U, Chapter 3.

103 **PARKING**

103.1 Parking requirements for the RF zones are as specified in Subtitle C.

104 **PUBLIC EDUCATION, RECREATION, OR LIBRARY BUILDINGS AND STRUCTURES**

104.1 Public education buildings and structures, public recreation and community ~~center~~centers, or public ~~library~~libraries in the RF zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

104.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the building or structure is proposed.

~~103~~105 **INCLUSIONARY ZONING**

105.1 Inclusionary Zoning (IZ) requirements for the RF zones are as specified in Subtitle C, Chapter 10.

105.2 Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

106 **ANTENNAS**

104.3106.1 Antennas shall be subject to the regulations of Subtitle C, Chapter 13.

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RF)

200 GENERAL PROVISIONS

- 200.1 The provisions of this chapter apply to all RF zones except as may be modified or otherwise provided for in a specific zone.
- 200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.

201 DENSITY

- 201.1 The minimum lot width and minimum lot area requirements for the creation of a record lot in aan RF zone shall be as set forth in the following table:

TABLE E § 201.1: MINIMUM LOT AREA REQUIREMENTS

	Lot Width <u>Min. Minimum</u>	Lot Area <u>Min. Minimum</u>
Row Dwelling or Flat	18 ft.	1,800 sq. ft.
Row Dwelling or Flat Inclusionary Zoning	15 ft. (IZ)	1,500 sq. ft. (IZ)
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

- 201.2 First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed.

~~202200~~ ANTENNAS

202 PENTHOUSES

- ~~202.1 Penthouses~~ Antennas shall be subject to the regulations of Subtitle C, Chapter 13.

203 ROOF STRUCTURES

- ~~203.1~~ 202.1 Roof structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

204203 COURTYARDS

204.1203.1 Where a courtyard is provided, the courtyard shall have the following minimum dimensions:

TABLE E § 204203.1: MINIMUM COURTYARD DIMENSIONS

Type of Structure	Min. Minimum Width -Open Courtyard	Min. Minimum Width Closed Courtyard	Min. Minimum Area Closed Courtyard
Single household dwelling unit	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per foot 1 ft. of height of court, but not less than 6 ft.	Width: 2.5 inches per foot 1 ft. of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 feet ft.

205204 PERVIOUS SURFACE

205.1204.1 The minimum pervious surface requirements for new construction on a lot in an RF zone are set forth in the following table:

TABLE E § 205.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS

	Lot Size Min. Minimum	Pervious Surface Min. Minimum
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
Places of worship	n/a Not applicable	50%
Public recreation and community center	n/a Not applicable	50%
Public schools	n/a Not applicable	50%
All other structures	n/a Not applicable	50%

205 REAR YARD

205.1 A rear yard shall be provided for each structure located in an RF, the minimum depth of which shall be as set forth in each zone chapter.

205.2 In the case of a 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.

205.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the

extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

CHAPTER 3 RESIDENTIAL FLAT ZONE – RF-1

300 PURPOSE AND INTENT

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

301 DEVELOPMENT STANDARDS

- 301.1 The development standards in Subtitle E §§ 302 through 307 modify the general development standards in Subtitle E, Chapter 2.

302 DENSITY

- 302.1 In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.
- 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.

~~302.3 Accessory dwelling units shall not be permitted in a dwelling unit in the RF-1 zone.~~

303 HEIGHT

~~303.1 Except as specified elsewhere in this title, the maximum permitted building height, not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.~~

~~303.1~~ 303.2 The maximum permitted building height for a -place of worship, not including the penthouse, in the RF-1 zone shall be sixty feet (60 feet) and three (3) stories, ~~and forty feet (40 ft.) and three (3) stories for all other structures.~~

~~303.2~~ 303.3 A building or other structure may be erected to a height not exceeding ninety feet (90 ft. ~~;~~), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

~~303.3~~ 303.4 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft. ~~;~~), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

~~304~~ LOT OCCUPANCY

~~303.5~~ ~~The maximum~~ The maximum permitted height of a penthouse, except as permitted in Subtitle E §303.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

~~303.6~~ A non-residential building constructed pursuant to Subtitle E §§ 303.2 through 303.4 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

304 LOT OCCUPANCY

304.1 ~~The maximum permitted~~ lot occupancy in the RF-1 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and ~~-places of worship and~~ forty percent (40%) for all other structures.

305 FRONT SETBACK

305.1 For residential dwellings in the RF-~~zones-1 zone~~, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

306 REAR SETBACKYARD

306.1 A minimum rear yard of twenty-~~foot feet~~ (20 ft.) ~~minimum rear setback~~ shall be provided in the RF-1 zones.

~~306.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~306.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.~~

307 SIDE SETBACKYARD

307.1 When a new dwelling or flat 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 setbackyard on each resulting free-standing side.

307.2 A side setbackyard shall not be required along a side street abutting a corner lot in an RF-1 zone.

307.3 No side setbackyard is required for a principal building; however, any side setbackyard provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in this section.

307.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side setbackyard, an extension or addition may be made to the building; provided, that the width of the existing side setbackyard shall not be decreased; and provided further, that the width of the existing side setbackyard shall be a minimum of two feet (2 ft.).

308 **SPECIAL EXCEPTION**

308.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E, §§ 5201, 5203, and 5205.

CHAPTER 4 DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2

400 PURPOSE AND INTENT

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

400.2 The RF-2 zone is intended to:

- (a) Recognize ~~the~~that Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;
- (b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;
- (c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;
- (d) Protect the integrity of “contributing buildings”², as that term is defined by the Historic Landmark and Historic District Protection Act of 1978; ~~effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.));~~¹;
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

400.3 The RF-2 zone requires a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.

401 DEVELOPMENT STANDARDS

401.1 The development standards in Subtitle E §§ 402 through 407 modify the general development standards in Chapter 2.

402 DENSITY

- 402.1 The RF-2 zone permits a maximum of two (2) dwelling units which may both be located within the principal structure or one (1) dwelling unit each may be located within the principal structure and an accessory structure.
- 402.2 A building or structure existing before May 12, 1958 in the RF-2 zone may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

403 HEIGHT

- ~~403.1~~ The maximum permitted building height of a rowhouse building, not including the penthouse, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.
- ~~403.1~~403.2 The maximum permitted building height for a place of worship, not including the penthouse, in the RF-2 zone shall be sixty feet (60 ft.) ~~and three (3) stories, and forty feet (40 ft.) and~~ and three (3) stories ~~for all other structures.~~
- ~~403.3~~ The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.4 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- ~~403.4~~ A non-residential building constructed pursuant to Subtitle E § 403.2 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

~~404~~ LOT OCCUPANCY

~~404.200~~ LOT OCCUPANCY

- 404.1 The maximum permitted lot occupancy in the RF-2 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and places of worship, and forty percent (40%) for all other structures.

405 FRONT SETBACK

- 405.1 For residential dwellings in the RF-2 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

406 REAR SETBACKYARD

- 406.1 A minimum rear yard of twenty ~~foot feet~~ (20 ft.) ~~minimum rear setback~~ shall be provided in the RF-~~zones-2 zone~~.

~~406.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~406.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.~~

407 **SIDE SETBACKYARD**

407.1 When a new dwelling, flat, or multiple dwelling 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 setbackyard on each resulting free-standing side.

407.2 A side setbackyard shall not be required along a side street abutting a corner lot in an RF zone.

407.3 ~~No~~A side ~~setback is yard shall not be~~ required for a principal building~~;~~, however, any side setbackyard provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in ~~this section~~Subtitle E § 407.4.

407.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side setbackyard, an extension or addition may be made to the building; provided, that the width of the existing side setbackyard shall not be decreased; and provided further, that the width of the existing side setbackyard shall be a minimum of two feet (2 ft.).

408 **SPECIAL EXCEPTION**

408.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E, §§ 5201, 5203, and 5205.

CHAPTER 5 **CAPITOL PRECINCT** RESIDENTIAL FLAT ZONE – RF-3

500 **PURPOSE AND INTENT**

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

500.2 The RF-3 zone is intended to:

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;
- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
- (c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction, having a well recognized general public interest; and
- (d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

501 **DEVELOPMENT STANDARDS**

501.1 The development standards in Subtitle E §§ 502 through 507 modify the general development standards in Subtitle E, Chapter 2.

502 **DENSITY**

502.1 The RF-3 zone permits a maximum of two (2) dwelling units that may both be located within the principal structure, or one (1) dwelling unit that may be located in the principal structure and one (1) dwelling unit may be located in an accessory structure.

502.2 A building or structure in the RF-3 zone existing before May 12, 1958 may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

503 HEIGHT

503.1 In the RF-3 zone, building height shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.

503.2 The maximum permitted building height, not including the penthouse, in the RF-3 zone shall be forty feet (40 ft.) and three (3) stories.

503.3 A place of worship may be erected to a height not exceeding sixty feet (60 feet) and three (3) stories.

503.4 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.

503.5 Except as provided in Subtitle F §§ 203.2 and 203.3, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.), provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

503.6 The maximum permitted height of a penthouse, except as permitted in Subtitle E §§ 503.7 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

503.7 A non-residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

504 LOT OCCUPANCY

~~504200~~ LOT OCCUPANCY

504.1 The maximum permitted lot occupancy in the RF-3 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and places of worship, and forty percent (40%) for all other structures.

505 FRONT SETBACK

505.1 For residential dwellings in the RF-~~zones-3 zone~~, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

506 REAR SETBACKYARD

~~506.1~~ A minimum rear yard of twenty-foot feet (20 ft.) ~~minimum rear setback~~ shall be provided in the RF ~~zones~~.

~~506.2~~ 506.1 In the case of a through lot or a corner lot abutting three (~~3~~) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure zone.

~~506.3~~ In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.

506.2

507 SIDE SETBACKYARD

507.1 When a new dwelling, flat, or multiple dwelling 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 setbackyard on each resulting free-standing side

507.2 A side setbackyard shall not be required along a side street abutting a corner lot in an RF 3 zone.

507.3 ~~No~~ A side setback is yard shall not be required for a principal building; however, any side setbackyard provided ~~on~~for any portion of a principal building shall be at least five feet (5 ft.) except as provided in ~~this section~~ Subtitle E § 507.4.

507.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side setbackyard, an extension or addition may be made to the building; provided, that the width of the existing side setbackyard shall not be decreased; and provided further, that the width of the existing side setbackyard shall be a minimum of two feet (2 ft.).

508 **SPECIAL EXCEPTION**

508.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E, §§ 5201, 5202, 5203, and 5205.

CHAPTER 6 RESIDENTIAL FLAT ZONE – RF-4 AND RF-5

600 PURPOSE AND INTENT

- 600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with attached row houses of three (3) or more stories and within which may also exist a mix of apartment buildings.
- 600.2 The RF-4 and RF-5 zones are typically, but not exclusively, established residential neighborhoods adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas.
- 600.3 The RF-4 and RF-5 zones are intended to promote the continued rowhouse character and appearance, and residential use of larger row house buildings.

601 DEVELOPMENT STANDARDS

- 601.1 The development standards in Subtitle E §§ 602 through 604 modify the general development standards in Subtitle E, Chapter 2.

602 DENSITY

~~602.1~~ There is no The maximum permitted floor area ratio (FAR) ~~for detached, semi-detached, row dwellings, flats, or places of worship in the RF-4 and RF-5 zones.~~

~~602.2~~ 602.1 ~~The maximum density~~ for all ~~other~~ buildings and structures in the RF-4 and RF-5 zones shall be 1.8 ~~FAR~~.

~~602.3~~ 602.2 The RF-4 zone permits a maximum of three (3) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

~~602.4~~ 602.3 The RF-5 zone permits a maximum of four (4) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

~~602.5~~ 602.4 A building or structure existing before May 12, 1958 in the RF-4 ~~or RF-5~~ zone may be used for more than ~~two (2)~~ three (3) dwelling units and for more than four (4) dwelling units in the RF-5 zone pursuant to Subtitle E, Chapter 7.

603 HEIGHT

603.1 The maximum permitted building height ~~for a places of worship in the RF-4 zone, not including the penthouse,~~ shall be ~~sixty feet (60 ft.) and three (3) stories, and forty feet (40 ft.) and three (3) stories~~ for all other structures.

~~603.2~~ The maximum permitted building height ~~for a places of worship in the RF-5 zone, not including the penthouse,~~ shall be ~~sixty feet (60 ft.) and three (3) stories; forty;~~

(a) Forty feet (40 ft.) and three (3) stories for detached and semi-detached dwellings; and ~~fifty~~

~~(a)~~(b) Fifty feet (50 ft.) and four (4) stories for row dwellings and flats and all other structures.

~~603.3~~ A place of worship in the RF-4 and RF-5 zones may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories.

~~603.2~~603.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.~~;~~),not including the penthouse, provided, that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

~~603.3~~603.5 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.~~;~~), not including the penthouse, provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

~~603.6~~ The maximum permitted height of a penthouse, except as permitted in Subtitle E §603.7 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

~~603.7~~ A non-residential building constructed pursuant to Subtitle E §§ 603.3 through 603.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy for the RF-4 and RF-5 zones shall be sixty percent (60%).

605 FRONT SETBACK

605.1 For residential dwellings in the RF-4 and RF-5 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

606 REAR SETBACKYARD

606.1 A minimum rear yard of twenty-foot (20 ft.) ~~minimum rear setback~~ shall be provided in the RF-4 and RF-5 zones.

~~606.2~~ In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.

~~606.3~~606.2 ~~In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.~~

607 **SIDE SETBACKYARD**

607.1 When a new dwelling, flat, or multiple dwelling 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 setbackyard on each resulting free-standing side.

607.2 A side setbackyard shall not be required along a side street abutting a corner lot in an RF-4 and RF-5 zone.

607.3 ~~No~~A side ~~setback is yard shall not be~~ required for a principal building~~;~~, however, any side setbackyard provided ~~on~~for any portion of a principal building shall be at least five feet (5 ft.) except as provided in ~~this section~~Subtitle E § 607.4.

607.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side setbackyard, an extension or addition may be made to the building; provided, that the width of the existing side setbackyard shall not be decreased; and provided further, that the width of the existing side setbackyard shall be a minimum of two feet (2 ft.).

608 ~~CONVERSION OF A BUILDING/STRUCTURE FOR MORE
THAN THE SPECIAL EXCEPTION~~

608.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E, §§ 5201, 5203, and 5205.

CHAPTER 49 PERMITTED NUMBER OF DWELLING UNITS

4900 GENERAL PROVISIONS

- 4900.1 ~~Except as provided in Subtitle E § 700.5, a~~A building or other structure existing before May 12, 1958 ~~may accommodate in the RF-1, RF-2, or RF-3 zone shall be limited to no~~ more than two (2) dwelling units ~~only, subject to the requirements of except as permitted by Subtitle U, Chapter 3 and~~ this chapter.
- ~~The building must be on a lot of record in the RF-1, RF-2, or RF-3 zone.~~
- 4900.2 The lot of record on which the building or other structure is located shall have a minimum of nine hundred square feet (900 sq. ft.) of land area for any and every dwelling unit in the building.
- 4900.3 A building or structure may not be renovated or expanded so as to increase the number of dwelling units beyond two (2), unless there is nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.
- 4900.4 A building or structure subject to the provisions of this ~~section, or existing before May 12, 1958, chapter~~ shall also be subject to the development standards in the applicable RF zone.

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RF ZONES

5000 GENERAL PROVISIONS

5000.1 Accessory buildings shall be permitted within an RF zone subject to the following conditions:

- (a) An accessory building shall be subordinate to and located on the same lot as the building to which it is accessory; provided, that required accessory parking space may be permitted on another lot where specifically permitted under other provisions of this title;
- (b) An accessory building shall be used for purposes which are incidental to the use of the principal building but may house no more than one (1) principal unit; ~~and~~
- (c) ~~An accessory building shall not be constructed prior to a principal building on the same lot; and~~
- ~~(c)(d) An accessory building shall not be constructed in front of the principal building.~~

5000.2 The accessory buildings shall be secondary in size compared to the principal building, and shall be considered within the lot occupancy, pervious surface, as applicable the floor area ratio requirements of the RF zones.

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 through 806.

5002 HEIGHT

5002.1 The maximum permitted height for an accessory building in an RF zone shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

~~5003~~ 200 ~~LOT OCCUPANCY~~

5003 LOT OCCUPANCY

5003.1 The maximum lot occupancy for an accessory building in an RF zone shall be the greater of thirty percent (30%) of the required rear ~~setback~~yard area or four-hundred and fifty square feet (450 sq. ft.).

5004 **REAR SETBACKYARD**

5004.1 No ~~rear~~-minimum setbackrear yard is required for an accessory building in an RF zone except when abutting an alley, where it shall be set back at least twelve feet (12 ft.) from the center line of the alley.

5004.2 An accessory building shall be permitted in a required rear setbackyard of a principal building pursuant to the following conditions:

- (a) The accessory building is less than ten feet (10 ft.) in height; and
- (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area.

5004.3 If the required rear setbackyard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

5005 **SIDE SETBACKYARD**

5005.1 No minimum side setbackyard is required for an accessory building in an RF zone.

5005.2 An accessory building shall be permitted in a required side setbackyard of a principal building pursuant to the following conditions:

- (a) The accessory building is less than ten feet (10 ft.) in height;
- (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area; and
- (c) If the required side setbackyard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

5006 **MISCELLANEOUS**

5006.1 The development standards that permit the following uses are located in Subtitle U, Chapter 3:

- (a) A permitted principal dwelling unit in an RF zone within an accessory building; and
- (b) A private vehicle garage that is an accessory building in an RF zone.

5007 **SPECIAL EXCEPTION**

~~5006.2~~5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E, §§ 5201.

CHAPTER 51 ALLEY LOT REGULATIONS

5100 GENERAL PROVISIONS

5100.1 All alley lots must be recorded in the records of the Office of the Surveyor as a record lot.

~~A lot that only has frontage on an alley and no frontage on a public street, and that is only recorded on the records of the Office of Tax and Revenue as an assessment and taxation lot (tax lot), may be recorded by the Surveyor, District of Columbia as a record lot if the tax lot was created on or before May 12, 1958.~~

5100.2 New alley lots may be created as provided in Subtitle C, Chapter 3.

5101 DEVELOPMENT STANDARDS

5101.1 The development standards in Subtitle E §§ 902 through ~~907~~908 shall apply to buildings on alley lots in ~~RRF~~ zones.

5102 HEIGHT

5102.1 The maximum height and stories of ~~building~~buildings on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

5103 LOT OCCUPANCY

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE F § 903.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT

<u>Alley Lot Size</u>	<u>Maximum Lot Occupancy</u>
<u>Less than 1,800 sq. ft.</u>	<u>100%</u>
<u>Between 1,800 sq. ft. and 2,000 sq. ft.</u>	<u>90%</u>
<u>Larger than 2,000 sq. ft.</u>	<u>80%</u>

~~5103~~5104 REAR SETBACKYARD

~~5103.1~~5104.1 A required rear ~~setbackyard~~ shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

~~5104~~5105 SIDE SETBACKYARD

~~5104.1~~5105.1 A required side ~~setbackyard~~ shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

~~5105~~5106 **ALLEY CENTERLINE SETBACK**

~~5105.1~~5106.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

~~5106~~5107 **PERVIOUS SURFACE**

~~5106.1~~5107.1 The minimum required pervious surface shall be ten percent (10%).

~~5107~~5108 **SPECIAL EXCEPTION**

~~5107.1~~ — ~~The special exception criteria of Subtitle E, Chapter 10 shall apply to buildings on alley lots in RF zones.~~

5108.1 -Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § 5204.

CHAPTER 52 RELIEF FROM DEVELOPMENT STANDARDS

5200 GENERAL PROVISIONS

5200.1 The following provisions provide for relief to the development standards and regulations in the RF zones as a special exception subject to the provisions of this chapter and the general special exception criteria at Subtitle X, Chapter 9.

5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may ~~grant~~approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

(a) Lot occupancy;

~~(b) Setbacks; and~~

~~(b) Yards;~~

~~(c) Courtyards;~~

~~(d) Minimum lot dimensions;~~

~~(e) Pervious surface; and~~

~~(e)(f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.~~

5201.2 Special exception relief under this section is applicable only to the following:

(a) An addition to a residential building;

(b) A new or enlarged accessory structure that is accessory to such a building;
or

(c) A reduction in the minimum setback requirements of an alley lot.

5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;
- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

~~5202~~ **SPECIAL EXCEPTION FROM ROOF STRUCTURES**

~~5202.1200.1~~ The Board of Zoning Adjustment may grant special exception relief from the roof structure requirements of this subtitle ~~subject to the following conditions:~~

- ~~(a) Full compliance of the roof structure regulations would be unduly restrictive, prohibitively costly, or unreasonable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area; or~~
- ~~(b) Exceptions to the roof structure regulations would result in a less visible or otherwise more aesthetically compatible roof structure; and~~
- ~~(c) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.~~

~~5203.1~~5202 **SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**

~~5203.1~~5202.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

~~5203.2~~5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

~~5202.3~~ The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

5203 **BUILDING HEIGHT**

~~5203.1~~ The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:

- (a) The building is not on an alley lot;
- (b) 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;
- (c) 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;
- (d) A roof top architectural element original to the house 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;
- (e) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

(3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley; and

(f) In demonstrating compliance with Subtitle E § 5204.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

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(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)

5203.3 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS

5204.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.

5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS

5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.