

SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

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CHAPTER 1 INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES

200 GENERAL PROVISIONS

200.1 The Residential House (R) zones are residential zones, designed to provide for stable, low to moderate density residential areas suitable for family life and supporting uses.

200.2 The provisions of the R zones are intended to:

- (a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low to moderate density residential development;
- (b) 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;
- (c) Allow for limited compatible accessory and non-residential uses;
- (d) Allow for the matter-of-right development of existing lots of record;
- (e) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and
- (f) Discourage multifamily development.

201 DEVELOPMENT STANDARDS

201.1 The bulk of structures in the R zones shall be controlled through the combined requirements of the development standards tables and the development regulations of this subtitle.

201.2 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;
- (d) Ensure the environmental performance of development.

201.3 The bulk of public buildings and structures in the R zones shall be controlled through the development standards specified in Subtitle D, Chapter 19 and the regulations of this chapter.

201.4 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, as indicated in this title, by special exception. Additional zone specific special exception criterion, if applicable, shall be considered and are found at Subtitle D, Chapter 22.

202 USE PERMISSIONS

202.1 Uses permissions are identified in use tables provided for each zone, in the Use Permissions chapter.

202.2 Uses in the R zones are either permitted by right without conditions (P), by right subject to conditions (C), as an accessory use (A) or as a special exception (S).

203 NUMBER OF PERMITTED DWELLING UNITS

203.1 In all R zones one (1) principal dwelling unit per lot of record shall be permitted by right.

203.2 In all R zones one (1) accessory apartment shall be permitted per lot of record subject to D § 1607.

CHAPTER 2 RESIDENTIAL HOUSE ZONES – GROUP 1

200 PURPOSE AND INTENT

200.1 The purpose of the R-1 and R-2 zones is to:

- (a) Protect quiet residential areas now developed with one-family detached dwelling and adjoining vacant areas likely to be developed for those purposes; and
- (b) Stabilize the residential areas and to promote a suitable environment for family life.

200.2 The R-1 (R-1-A) zone is intended to provide for areas predominantly developed with detached houses on large lots.

200.3 The R-2 (R-1-B) is intended to provide for areas predominantly developed with detached houses on moderately-sized lots.

200.4 The purpose of the R-3 zone (R-2) zone is to:

- (a) Provide for areas with one-family, semi-detached dwellings;
- (b) Protect these areas from invasion by denser types of residential development; and

200.5 The R-3 zone (R-2) is intended to provide for areas predominantly developed with semi-detached houses on moderately-sized lots that also contain some detached dwellings.

200.6 The purpose of the R-4 zone (R-3) is to allow for row dwellings, while including areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings; and

200.7 The R-4 zone (R-3) is intended to permit single family attached rowhouses on small lots.

201 DEVELOPMENT STANDARDS

201.1 Development in the R-1, R-2, R-3, and R-4 zones shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Height Maximum	Number of Stories Maximum	Lot Occupancy Maximum	Pervious Surface Minimum
R-1 (R-1-A)	40 ft.	3	40%	50%
R-2 (R-1-B)				
R-3 (R-2)	40 ft.	3	40%	30%

Zone	Height Maximum	Number of Stories Maximum	Lot Occupancy Maximum	Pervious Surface Minimum
R-4 (R-3)	40 ft.	3	60% (attached) 40% (other)	20%

202 HEIGHT AND ROOF STRUCTURES

202.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 15 of this subtitle shall apply.

203 FLOOR AREA RATIO

203.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 15 of this subtitle shall apply.

204 LOT OCCUPANCY

205 FRONT SETBACK

205.1 A front setback shall be provided in the R-1, R-2, R-3, and R-4 zone 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.

206 REAR SETBACK

206.1 Rear setbacks in the R-1, R-2, R-3 and R-4 zones shall be as follows:

- (a) In the R-1 and R-2 zones, a rear setback no less than twenty-five feet (25 ft.) shall be provided.
- (b) In the R-3 and R-4 zones, a rear setback no less than twenty feet (20 ft.) shall be provided.

207 SIDE SETBACK

207.1 Side setback in the R-1, R-2, R-3 and R-4 zones shall be as follows:

- (a) In the R-1, R-2 and R-3 zone, a side setback no less than eight feet (8 ft.) shall be provided.
- (b) In the R-4 zone, no side setback shall be required for attached dwellings. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

207.2 In the R-3 and R-4 zones, when a one-family 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 setback on each resulting free-standing side.

CHAPTER 3 RESIDENTIAL HOUSE ZONES – GROUP 2 (CHAIN BRIDGE ROAD/UNIVERSITY TERRACE)

300 PURPOSE AND INTENT

300.1 The purpose of the Chain Bridge Road Residential House zone is to:

- (a) Provide for areas predominantly developed with detached houses on large lots;
- (b) Preserve and enhance the park-like setting of the area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences;
- (c) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;
- (d) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;
- (e) 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 or construction and the existing neighborhood; and
- (f) Limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety, and to achieve the other purposes listed in this subsection.

300.2 The R-5 (CBUT/R-1-A) zone applies to the area bounded on the south by MacArthur Boulevard, on the east by Battery Kemble Park/Chain Bridge Road, on the north by Loughboro Road/Nebraska Avenue, and on the west by University Terrace.

300.3 The R-5 zone is mapped on a residential neighborhood, located at the edge of stream beds and public open spaces that have steep slopes, substantial stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal.

301 DEVELOPMENT STANDARDS

301.1 Development in the R-5 zone shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-5 (R-1-A/CBUT)	40 ft.	3	Lots less than 6,500 sq. ft. = 40% Lots between 6,500 SF and 7,499 sq. ft. = 2,600 sq. ft. Lots between 7,500 sq. ft. and 8,999 sq. ft. = 35% Lots between 9,000 and 10,500 sq. ft. = 3,150 sq. ft. Lots over 10,500 sq. ft. = 30%	50%

301.2 The minimum pervious surface coverage on a lot shall be fifty percent (50%), provided that this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of July 30, 1999; or
- (b) Create nonconformity of a structure as regulated by Subtitle C, Chapter 4.

301.3 Construction of a building, accessory building, or an addition to a building, creating any impervious surface area, subdividing any unimproved lot, or subdividing 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:

- (a) The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of twelve inches (12 in.) or greater at a height of four feet-six inches (4 ft. 6 in.) above ground;
- (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 a tree care professional certified by the International Society of Arboriculture;
- (c) No tree that has a circumference of seventy-five inches (75 in.) or more at a height of four feet-six inches (4 ft. 6 in.) above ground may be removed, cut down, or fatally damaged;
- (d) No more than three (3) trees that have a circumference of more than thirty-eight inches (38 in.) at a height of four feet-six inches (4 ft. 6 in.) above ground may be removed, cut down, or fatally damaged and none of these may be located within twenty-five feet (25 ft.) of any building restriction line or lot line abutting a public street;

- (e) The total circumference inches of all trees removed or cut down on a lot may not exceed twenty-five percent (25%) of the total circumference inches of all trees on the lot having a circumference greater than twelve inches (12 in.); 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 subsection; or any tree having a circumference of twelve inches (12 in.) or less at a height of four feet-six inches (4 ft. 6 in.) above ground; and
- (f) Where removal or cutting of trees has occurred that would have been prohibited by this section if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle Y, Chapter 8.

301.4 Any exception from the requirements of D§ 301.3 shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and subject to the requirements of Subtitle D, Chapter 17.

302 HEIGHT AND ROOF STRUCTURES

302.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 12 of this subtitle shall apply

303 FLOOR AREA RATIO

303.1 Reserved.

304 LOT OCCUPANCY

304.1 Reserved.

305 FRONT SETBACK

305.1 A front setback shall be provided in the R-5 zone 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 SETBACK

306.1 A twenty-five foot (25 ft.) minimum rear setback shall be provided in the R-5 zone.

307 SIDE SETBACK

307.1 An eight-foot (8 ft.) minimum side setback shall be provided in the R-5 zone.

CHAPTER 4 RESIDENTIAL HOUSE ZONES – GROUP 3 (TREE AND SLOPE PROTECTION)

400 PURPOSE AND INTENT

- 400.1 The purpose of the Tree and Slope Protection zones is to
- (a) Preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces;
 - (b) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;
 - (c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;
 - (d) 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; and
 - (e) Shall be mapped in residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.
- 400.2 The R-6 zone (TSP/R-1-A) is intended to permit detached houses on large lots, and to protect quiet residential areas developed with single-family detached dwellings.
- 400.3 The R-7 zone (TSP/R-1-B) is intended to permit detached houses on moderately-sized lots.

401 DEVELOPMENT STANDARDS

- 401.1 Development in the R-6 and R-7 zones shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-6 (R-1-A/TSP)	40 ft.	3	30%	50%
R-7 (R-1-B/TSP)				

401.2 Construction of a building, accessory building, or an addition to a building or the creation of any impervious surface area shall only be permitted as a matter of right subject to the tree removal limitations of D § 301.3.

401.3 Where removal or cutting of trees has occurred that would have been prohibited by D § 301.3 if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle Y, Chapter 8.

401.4 Any exception from the requirements of D § 301.3 shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and subject to the requirements of D § Chapter 17.

402 HEIGHT AND ROOF STRUCTURES

402.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 15 of this subtitle shall apply.

403 FLOOR AREA RATIO

403.1 RESERVED

404 LOT OCCUPANCY

404.1 RESERVED

405 FRONT SETBACK

405.1 A front setback shall be provided in the R-6 and R-7 zones that are 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 SETBACK

406.1 A twenty-five foot (25 ft.) minimum rear setback shall be provided in the R-6 and R-7 zones.

407 SIDE SETBACK

407.1 An eight-foot (8 ft.) minimum side setback shall be provided in the R-6 and R-7 zones.

CHAPTER 5 RESIDENTIAL HOUSE ZONES – GROUP 4 (FOREST HILLS TREE AND SLOPE PROTECTION)

500 PURPOSE AND INTENT

- 500.1 The purpose of the Forest Hills Tree and Slope Protection zones are to:
- (a) Preserve and enhance the park-like setting of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park;
 - (b) Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods;
 - (c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally-sensitive natural areas; and
 - (d) 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 or construction and the existing neighborhood.
- 500.2 The Forest Hills Tree and Slope Protection zones have a significant quantity of steep slopes, stands of mature trees, are located at the edge of stream beds and public open spaces, and have undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system.
- 500.3 The R-8-A, R-9-A and R-10-B zones include lots in Squares 2030 through 2033, 2040 through 2043, 2046, 2049 except for Lots 804 (Van Ness North), 805 (Van Ness Center), 806 (Van Ness South), and lots in Squares 2231, 2232, 2238, 2239, 2241 through 2251, 2254 through 2256, 2258, 2262 through 2270, 2272, 2274 through 2277, and 2282.
- 500.4 The R-8 zone (R-1-A/FH-TSP) is intended to permit detached houses on large lots.
- 500.5 The R-9 zone (R-1-B/FH-TSP) is intended to permit detached houses on moderately-sized lots.
- 500.6 The R-10 zone (R-2/FH-TSP) is intended to:

- (a) Permit semi-detached houses on moderately-sized lots, and allow for areas of detached dwellings;
- (b) Retain the single-family nature of these areas; and
- (c) Prohibit denser types of residential development.

501 DEVELOPMENT STANDARDS

501.1 Development in the R-8, R-9, and R-10 zones shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-8 (R-1-A/FH-TSP)	40 ft.	3	30%	50%
R-9 (R-1-B/FH-TSP)	40 ft.	3	30%	50%
R-10 (R-2/FH-TSP)	40 ft.	3	30%	50%

501.2 The minimum pervious surface coverage on a lot shall be fifty percent (50%); provided this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of May 18, 2007; or
- (b) Create nonconformity of a structure as regulated by this title.

501.3 Construction of a building, accessory building, or an addition to a building; or the creation of any impervious surface area; subdivision of any unimproved lot; or 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 tree removal limitations of D § 301.3.

501.4 Where removal or cutting of trees has occurred that would have been prohibited by D § 301.3 if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle Y, Chapter 8.

501.5 Any exception from the requirements of D § 301.3 shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and subject to the requirements of D § Chapter 17.

501.6 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 land" as defined at 7 CFR 12.2 (2005), a professional certification that the plans

for alteration and/or construction will follow best geo-technical, structural engineering, and arboreal practices shall be supplied with the building permit application.

502 HEIGHT AND ROOF STRUCTURES

502.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 15 of this subtitle shall apply.

503 FLOOR AREA RATIO

503.1 RESERVED

504 LOT OCCUPANCY

504.1 RESERVED

505 FRONT SETBACK

505.1 A front setback shall be provided in the R-8, R-9, and R-10 zones that are 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 SETBACK

506.1 Rear setbacks in the R-8, R-9, and R-10 zones shall be as follows:

- (a) In the R-8 and R-9 zones, a rear setback no less than twenty-five feet (25 ft.) shall be provided.
- (b) In the R-10 zone, a rear setback no less than twenty feet (20 ft.) shall be provided.

507 SIDE SETBACK

507.1 The minimum side requirement for all buildings, accessory buildings, or additions to buildings in the R-8, R-9 and R-10 zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side having a width of less than eight feet (8 ft.).

507.2 In the R-10-B zone when a one-family 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 setback on each resulting free-standing side.

CHAPTER 6 RESIDENTIAL HOUSE ZONES – GROUP 5 (NAVAL OBSERVATORY/TREE AND SLOPE PROTECTION)

600 PURPOSE AND INTENT

600.1 In addition to the provisions of D § 500.1, the purpose of the Naval Observatory/Tree and Slope Protection Residential House zone is to:

- (a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;
- (b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;
- (c) Reflect the importance of the Naval Observatory to the District of Columbia and to the Nation;
- (d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and
- (e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

600.2 The R-11 zone (R-1-A/NO-TSP) is intended to permit detached houses on large lots.

601 DEVELOPMENT STANDARDS

601.1 Development in the R-11 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-11 (R-1-A/NO-TSP)	40 ft.	3	30%	50%

- 601.2 Construction of a building, accessory building, or an addition to a building; or the creation of any impervious surface area; subdivision of any unimproved lot; or 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 tree removal limitations of D § 301.3.
- 601.3 Where removal or cutting of trees has occurred that would have been prohibited by D § 301.3 if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle Y, Chapter 8.
- 601.4 Any exception from the requirements of D § 301.3 shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and subject to the requirements of D § Chapter 17.
- 601.5 The provisions of Subtitle X, Chapter 2 of this title shall not operate to permit a planned unit development in the R-11 zone to exceed either the limits of § 601.1, or the area, bulk, and setback standards that apply as a matter of right in any underlying district within the R-11 zone.
- 601.6 In consideration of a special exception in the R-11 zone, in addition to any other criteria of this title, the following conditions shall apply:
- (a) The Board shall consider whether the proposed development is compatible with the:
 - (1) Present and proposed development within and adjacent to the R-11 zone;
 - (2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the R-11 zone; and
 - (3) Role, mission, and functions of the Federal facilities within the R-11 zone, considering the effect that the proposed development would have on such facilities.
 - (b) Before taking action on an application, the Board shall submit the application to the following agencies for review and written reports:
 - (1) D.C. Office of Planning;
 - (2) D.C. Department of Transportation;
 - (3) D.C. Department of Housing and Community Development;

- (4) The State Historic Preservation Officer if a historic district or historic landmark is involved; and
 - (5) The National Capital Planning Commission.
- (c) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

602 HEIGHT AND ROOF STRUCTURES

602.1 For the purposes of the R-11 zone, the height of a building shall be measured as follows:

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

602.2 Roof structures in the R-11 zone shall be subject to the provisions of Subtitle D, Chapter 15.

603 FLOOR AREA RATIO

603.1 RESERVED

604 LOT OCCUPANCY

604.1 RESERVED

605 FRONT SETBACK

605.1 A front setback shall be provided in the R-11 zone 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 SETBACK

606.1 A twenty-five foot (25 ft.) minimum rear setback shall be provided in the R-11 zone.

607 SIDE SETBACK

607.1 An eight-foot (8 ft.) minimum side setback shall be provided in the R-11 zone.

CHAPTER 7 RESIDENTIAL HOUSE ZONES – GROUP 6 (NAVAL OBSERVATORY)

700 PURPOSE AND INTENT

700.1 The purpose of the Naval Observatory Residential House zones is to:

- (a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;
- (b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;
- (c) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;
- (d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and
- (e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

700.2 The R-12 zone (R-1-B/NO) is intended to permit detached houses on moderately-sized lots.

700.3 The R-13 zone (R-3/NO) is intended to permit single family attached rowhouses on small lots, include areas where attached houses are mingled with detached houses and semi-detached houses, and retain the single-family nature of these areas.

701 DEVELOPMENT STANDARDS

701.1 Development in the R-12 and R-13 zones shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-12 (R-1-B/NO)	40 ft.	3	40%	50%
R-13 (R-3/NO)	40 ft.	3	60% (attached) 40% (other)	20%

701.2 The provisions of Subtitle X, Chapter 2 of this title shall not operate to permit a planned unit development in the R-12 or R-13 zone to exceed either the limits of

§ 701.1, or the area, bulk, and setback standards that apply as a matter of right in any underlying district within the R-11 zone.

701.3 In consideration of a special exception in the R-12 and R-13 zones, in addition to any other criteria of this title, the following conditions shall apply:

- (a) The Board shall consider whether the proposed development is compatible with the:
 - (1) Present and proposed development within and adjacent to the R-11 zone;
 - (2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the R-11 zone; and
 - (3) Role, mission, and functions of the Federal facilities within the R-11 zone, considering the effect that the proposed development would have on such facilities.
- (b) Before taking action on an application, the Board shall submit the application to the following agencies for review and written reports:
 - (1) D.C. Office of Planning;
 - (2) D.C. Department of Transportation;
 - (3) D.C. Department of Housing and Community Development;
 - (4) The State Historic Preservation Officer if a historic district or historic landmark is involved; and
 - (5) The National Capital Planning Commission.
- (c) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

702 HEIGHT AND ROOF STRUCTURES

702.1 The height of a building in the R-12 and R-13 zones shall be measured as follows:

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

702.2 Roof structures in the R-12 or R-13 zone shall be subject to the provisions of Subtitle D, Chapter 15.

703 FLOOR AREA RATIO

703.1 RESERVED

704 LOT OCCUPANCY

704.1 RESERVED

705 FRONT SETBACK

705.1 A front setback shall be provided in the R-12 and R-13 zones 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.

706 REAR SETBACK

706.1 Rear setbacks in the R-12 and R-13 zones shall be as follows:

- (a) In the R-12 zone, a rear setback no less than twenty-five feet (25 ft.) shall be provided.
- (b) In the R-13 zone, a rear setback no less than twenty feet (20 ft.) shall be provided.

707 SIDE SETBACK

707.1 Side setbacks in the R-12 and R-13 zones shall be as follows:

- (a) In the R-12 zone, a side setback no less than eight feet (8 ft.) shall be provided.
- (b) In the R-13 zone, no side setback shall be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

CHAPTER 8 RESIDENTIAL HOUSE ZONES – GROUP 7 (WESLEY HEIGHTS)

800 PURPOSE AND INTENT

800.1 The purpose of the Wesley Heights Residential House zones is to:

- (a) Preserve and enhance the low density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area;
- (b) Preserve in general the current density of neighborhood;
- (c) Allow reasonable opportunities for owners to expand their dwellings; and
- (d) Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.

800.2 The Wesley Heights zones shall apply to the area and properties contained in this subsection:

- (a) The area is generally bounded by a line which begins at the intersection of Nebraska and New Mexico Avenues and runs southeast along the center line of New Mexico Avenue, N.W., to the western boundary of Glover Archbold Park. The line then runs south and west along the west boundary of Glover Archbold Park to a point east of the southernmost point of Lot 33 of Square 1341. The line then runs west across 44th Street to the southwest boundary of Lot 33. The line then runs in a northerly direction along the rear lot lines of the properties on the west side of 44th Street, to the southern boundary of Lot 15 of Square 1341, inclusive of Lot 33. (For those lots with narrow frontages on the west side of 44th Street, the WH zone boundary line shall cross those narrow lot frontages by connecting the rear lot lines of the adjacent lots across the narrow lot frontage.) The line then runs west along the southern boundary of Lot 15; then runs northwest along the west boundary of Lot 15; then runs in a westerly direction along the right-of-way of the Dexter Court cul-de-sac excluding Lots 19-21, and then runs southwest along the south boundary of Lot 18. The line then runs north along the west boundary of Lot 18 to the southern boundary of Lot 805. The line then runs west along the southern boundaries of Lots 805 and 800; then runs north along the west boundary of Lot 800; then runs west to Foxhall Road along the southern boundary of Lot 804. The line then runs south along the center line of Foxhall Road; then runs west along the northern boundary of Lot 813 of Square 1380; then runs southwest along the rear of Lots 4, 5, and 820 of Square 1380; then runs west to 49th Street along the southern boundaries of Lots 820 to 824, 826, and 6 of Square 1380. The line then runs north along the western boundary of 49th Street right-of-way; continues east along the northern boundary of Cathedral Avenue right-of-way; and turns north along the

property line at the rear of the properties on the west side of Foxhall Road (including all of Square 1523 and Lots 28 and 29 of Square 1521). The line then runs east along the northern property line of Lot 28 of Square 1521 to Foxhall Road, and then runs north along the west boundary of the Foxhall Road right-of-way to Nebraska Avenue. The line then runs northeast along the center line of Nebraska Avenue to the point of origin at the intersection of New Mexico and Nebraska Avenues, N.W.

800.3 The R-14 zone (R-1-A/WH) is intended to permit detached houses on large lots.

800.4 The R-15 zone (R-1-B/WH) is intended to permit detached houses on moderately-sized lots.

801 DEVELOPMENT STANDARDS

801.1 Development in the R-14 and R-15 zones shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-14 (R-1-A/WH)	40 ft.	3	Lots less than 5,000 sq. ft. = 40%	50%
R-15 (R-1-B/WH)			Lots between 5,000 sq. ft. and 6,667 sq. ft. = 2,000 sq. ft. Lots over 6,667 sq. ft. = 30%	

801.2 The gross floor area of all buildings and structures on the lot shall not exceed the sum of two thousand square feet (2,000 sq. ft.) plus forty percent (40%) of the area of the lot; provided, that the following modifications of gross floor area shall apply in the R-14 and R-15 zones:

- (a) The first two hundred square feet (200 sq. ft.) of an open porch, or total open porch space if there is more than one open porch, and the first six hundred square feet (600 sq. ft.) of a garage shall not count in gross floor area; and
- (b) Basement or cellar floor area shall count in gross floor area if a finished floor is provided, if the floor to ceiling height is in excess of six feet, six inches (6 ft., 6 in.), and shall count only up to a floor area equal to five (5) times the total fenestration area for the cellar or basement floor.

802 HEIGHT AND ROOF STRUCTURES

802.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 15 of this subtitle shall apply.

803 FLOOR AREA RATIO

803.1 RESERVED

804 LOT OCCUPANCY

804.1 RESERVED

805 FRONT SETBACK

805.1 All residential buildings shall have a front setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. The required setbacks are depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this zone and located in the D.C. Office of Zoning and in the Zoning Division of the Department of Consumer and Regulatory Affairs.

806 REAR SETBACK

806.1 A twenty-five foot (25 ft.) minimum rear setback shall be provided in the R-14 and R-15 zones.

807 SIDE SETBACK

807.1 An eight-foot (8 ft.) minimum side setback shall be provided in the R-14 and R-15 zones.

CHAPTER 9 RESIDENTIAL HOUSE ZONES – GROUP 8 (FOGGY BOTTOM)

900 PURPOSE AND INTENT

900.1 The purpose of the Foggy Bottom Residential House zone is to:

- (a) Enhance the residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character;
- (b) Enhance the human-scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;
- (c) Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential townhouse neighborhood that formed the basis on which the area was designated a historic district;
- (d) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of 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 (2001)(formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))), and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;
- (e) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect the light, air, and privacy that they provide; and
- (f) Encourage greater use of public transportation through use of the nearby Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

900.2 The R-16 (R-3/FB) is intended to permit single family attached rowhouses on small lots.

901 DEVELOPMENT STANDARDS

- 901.1 Development in the R-16 zone shall be in accordance with the combined requirements of the following development standards table and the development requirements of this chapter.

	Height Max.	Number of. Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-16 (R-3/FB)	40 ft.	3	Attached dwelling = 60% All Other Structures = 40%	20%

- 901.2 Buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the R-16 zone.
- 901.3 If any building is destroyed by fire, collapse, explosion, or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses that are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.

902 HEIGHT AND ROOF STRUCTURES

- 902.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 13 of this subtitle shall apply.

903 FLOOR AREA RATIO

- 903.1 RESERVED

904 LOT OCCUPANCY

- 904.1 RESERVED

905 FRONT SETBACK

- 905.1 For residential dwellings in the R-16 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.

906 REAR SETBACK

- 906.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the R-16 zone.

907 SIDE SETBACK

907.1 A side setback in the R-16 zone shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

907.2 In the R-16 zone, when a one-family 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 setback on each resulting free-standing side.

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CHAPTER 10 RESIDENTIAL HOUSE ZONES – GROUP 9 (SIXTEENTH STREET HEIGHTS)

1000 PURPOSE AND INTENT

1000.1 The purpose of the Sixteenth Street Heights Residential House zones is to:

- (a) Promote the conservation, enhancement, and stability of the low-density, single-family neighborhood for housing and neighborhood-related uses;
- (b) Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-17 zone in order to preserve neighborhood quality; and
- (c) Allow neighborhoods to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.

1000.2 The R-17 zone (R-1-B/SSH) is intended to:

- (a) Respond to concerns that over a period of years approximately one in every ten (10) houses in the R-17 zone has been converted to a nonresidential use, a much higher ratio than has been identified for any other R-1-zoned neighborhood in the District of Columbia;
- (b) Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and to preserve a predominantly single-family residential character; and
- (c) Address the impacts of the number of nonresidential uses and the conversion of houses to these uses in the neighborhood as reflected in the Comprehensive Plan.

1000.3 The R-17 zone boundaries are well established and encompass a significant geographic area in northwest Washington that is generally bounded by 16th Street and Rock Creek Park on the west, Military Road and Missouri Avenue on the

north, and 14th Street on the east, and Colorado Avenue on the southeast. The R-17 zone is applied to properties in the following squares and portions of squares: 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799.

1000.4 The R-18 zone (R-1-B/SSH2) is intended to:

- (a) Address concerns that more than 20% of the residentially zoned land is used for nonresidential purposes; and
- (b) Respond to the District of Columbia Comprehensive Plan's identification of the number of nonresidential uses in the neighborhood as a problem.

1000.5 The R-18 zone boundaries are well established and encompass a significant geographic area in northwest Washington that is generally bounded by 16th Street on the west, Colorado Avenue on the north, 14th Street on the east, and Decatur Street to the south. This R-18 zone is applied to properties in the following squares and portions of squares: 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, and 2716.

1001 DEVELOPMENT STANDARDS

1001.1 Development in the R-17 and R-18 zones shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.
R-17 (R-1-B/SSH1)	40 ft.	3	40%	50%
R-18 (R-1-B/SSH2)				

1002 HEIGHT AND ROOF STRUCTURES

1002.1 In addition to the height limitations of the development standards table the requirements and permissions of Chapter 13 of this subtitle shall apply.

1003 FLOOR AREA RATIO

1003.1 RESERVED

1004 LOT OCCUPANCY

1004.1 RESERVED

1005 FRONT SETBACK

1005.1 A front setback shall be provided in the R-17 and R-18 zones 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.

1006 REAR SETBACK

1006.1 A twenty-five foot (25 ft.) minimum rear setback shall be provided in the R-5 zone.

1007 SIDE SETBACK

1007.1 An eight-foot (8 ft.) minimum side setback shall be provided in the R-5 zone.

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CHAPTER 11 RESIDENTIAL HOUSE ZONES – GROUP 10 (GEORGETOWN)

1100 PURPOSE AND INTENT

- 1100.1 The purpose of the Georgetown Residential House zones is to:
- (a) Protect the Georgetown National Historic Landmark District and its historic character, buildings and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Code §§ 6-1101-1115) and the Old Georgetown Act (D.C. Code §§6-1201-1206);
 - (b) Protect the integrity of “contributing buildings,” as that term is defined by the Historic Landmark and Historic District Protection Act of 1978 (D.C. Code 6-Chapter 11);
 - (c) Recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978;
 - (d) Limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and
 - (e) Retain the quiet residential character of these areas and control compatible non-residential uses.
- 1100.2 The R-19 zone (Gtwn. R-1-B) is intended to protect quiet residential areas developed with single-family detached dwellings and to permit detached houses on moderately-sized lots.
- 1100.3 The R-20 zone (Gtwn. R-3) is intended to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwelling and permit single family attached row houses on small lots, and includes areas where attached houses are mingled with detached houses and semi-detached houses.

1101 DEVELOPMENT STANDARDS

- 1101.1 When in conflict with the general development standards of D § 201 the provision of this section shall apply.
- 1101.2 Development in the R-19 and R-20 zones shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter.

Zone	Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.	Rear Setback Min.
R-19 (R-1-B/G'twn)	35 ft.	3	40%	50%	25 ft.
R-20 (R-3/G'twn)	35 ft.	3	Attached dwelling = 60% Semi-detached dwellings = 40% Detached structures = 40%	20%	20 ft.

1102 HEIGHT AND ROOF STRUCTURES

- 1102.1 In R-19 and R-20 zones, a building may have a maximum height no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.
- 1102.2 The maximum height of a building in the R-19 and R-20 zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.
- 1102.3 In R-19 and R-20 zones, any parapet, pergola, railing, or similar roof structure, or penthouse shall be no taller than four feet (4 ft.).
- 1102.4 In R-19 and R-20 zones, a two or more story addition to a principal building which has an existing second story side set back may not exceed the vertical plane of that setback for the length of second story addition.

1103 FLOOR AREA RATIO

- 1103.1 RESERVED

1104 REAR SETBACK

- 1104.1 RESERVED

1105 FRONT SETBACK

- 1105.1 Front setbacks in the R-19 and R-20 zones shall be as follows:
- (a) In the R-19 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.
 - (b) In the R-20 zone, a front setback consistent with at least one of the immediately adjacent properties on either side shall be provided.

1106 RESERVED

1107 SIDE SETBACK

- 1107.1 Side setbacks in the R-19 and R-20 zones shall be as follows:
- (a) In the R-19 zone, a side setback no less than eight feet (8 ft.) shall be provided.
 - (b) In the R-20 zone, no side setback shall be required. However, if a side setback is provided, it shall be at least five feet (5 ft.).
 - (c) In the R-19 and R-20 zones a building with a side setback less than required may be extended or an addition may be made to the building; provided, that the width of the existing side setback shall not be decreased; and provided further, that the width of the existing side setback shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone

1108 ACCESSORY BUILDINGS

- 1108.1 Accessory buildings in the R-19 and R-20 zones shall be subject to the development regulations of this section.
- 1108.2 The accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building.
- 1108.3 In the R-19 (R-1-B/G'twn) zone an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty feet (20 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.
- 1108.4 In the R-20 (R-3/G'twn) zone an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.
- 1108.5 In the R-19 and R-20 zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).
- 1108.6 Roof decks are not permitted.

CHAPTER 12 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES

1200 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES

1200.1 Buildings or structures not included in the development standards of this chapter shall be subject to the development standards for the zone in which the buildings or structures is proposed.

1200.2 The maximum floor area ratio requirements for public education buildings or structures are set forth in the following table:

Zone	Max. Floor Area Ratio
R-4 (R-3)	1.8
R-13 (R-3/NO)	
R-16 (R-3/FB)	
R-20 (R-3 - G'twn)	
All Other R zones	0.9

1200.3 The development standards for public education buildings or structures in the R zones are set forth in the following table:

Zone	Height Max.	Lot Occupancy Max.	Pervious Surface Min.
R-3 (R-2)	60 ft.	70 %	50 %
R-4 (R-3)			
R-10 (R-2/FH/TSP)			
R-16 (R-3/FB)			
R-20 (R-3 - G'twn)			
R-11 (R-1-A/NO)	40 ft.	60 %	50 %
R-12 (R-1-B/NO)			
R-13 (R-3/NO)			
All other R zones	60 ft.	60 %	50 %

1200.4 A public education building or structure may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in D § 1200.3; provided, that the portion of the building excluding closed courtyard exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level.

1200.5 The minimum lot width and minimum lot area requirements for a new lot of record for the purpose of public education uses in the R zones are set forth in the following table:

Zone	Lot Width Min.	Lot Area Min.
R-3 (R-2) R-4 (R-3) R-10 (R-2/FH/TS) R-13 (R-3/NO) R-16 (R-3/FB) R-20 (R-3- G'twn)	120 ft.	9,000 sq. ft.
All other R zones	120 ft.	15, 000 sq. ft.

1200.6 For public education buildings or structures, minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

1200.7 For public education buildings or structures on a lot with more than one street front, the minimum lot width may include the measurement of all street frontages provided the lot width can be measured without interruption by another lot.

1200.8 For public education buildings or structures on split-zoned lots, the minimum lot width and minimum lot area requirements if any, of the less restrictive zone shall apply to the entire lot.

1200.9 The development standards for public education buildings or structures in the R zones are set forth in the following table:

Use	Max. Height	Max. Number of Stories	Max. Lot Occupancy	Min. Pervious Surface
Public Education Buildings	60 ft.	3	60%	50%
Public Recreation and Community Center	45 ft.	3	20%	50%
Public Library		3	40%	50%
Church	60 ft.	3	60%	50%

1200.10 A public recreation and community center in an R zone shall not exceed a maximum gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of D Chapter 17.

1200.11 In the case of a lot located in an R zone proposed to be used by a public library, public school or a public recreation and community center that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear setback may be reduced or omitted.

1200.12 In the case of a lot located in an R zone proposed to be used by a public library public school or a public recreation and community center that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side setback may be reduced or omitted.

1200.13 Where a courtyard is provided, it shall have the following minimum dimensions.

Open Courtyard Width:	Closed Courtyard Width	Closed Courtyard Area:
Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (15 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

1200.14 Exception to the development standards set out in this section may be granted by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle Y, Chapter 8 and the provisions of D § 1703.

CHAPTER 13 ACCESSORY BUILDING REGULATIONS FOR R ZONES

1300 ACCESSORY BUILDINGS (R)

- 1300.1 Accessory buildings may be permitted within an R zone subject to the conditions of this section.
- 1300.2 An accessory building shall be subordinate to and located on the same lot as the principal building, and shall be used for purposes which are incidental to the use of the principal building.
- 1300.3 An accessory buildings shall be secondary in size compared to the principal building, and shall comply with all required setbacks for accessory buildings based on the zone in which they are located.

1301 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS (R)

- 1301.1 The development regulations, standards identified in the table below shall apply to accessory buildings in all R zones:

Max. Building Area	Height Max.	Number of Stories Max.	Side Setback Min.	Rear Setback Min.
Greater of 30% of required rear setback area or 450 sq. ft.	20 ft.	2	0 ft.	0 ft. where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley

- 1301.2 An accessory building shall be permitted in a required side setback 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 setback 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.
- 1301.3 A private vehicle garage that is an accessory building in an R zone:
- (a) May be located either within a rear setback or beside the main building; provided, if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side setback and from all building lines a distance of not less than ten feet (10 ft.); and

- (b) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens.

- 1301.4 A private garage permitted in an R zone as a principal use on a lot other than an alley lot shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of the alley upon which it opens.
- 1301.5 The lot upon which a private garage is located shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy.
- 1301.6 An accessory building that is less than ten feet (10 ft.) in height, no larger than one hundred square feet (100 sq. ft.) in gross floor area and no larger than twelve feet in either length or width may be placed within a required side or rear setback, except where abutting an alley it shall be set back at least twelve feet (12 ft.) from the center line of the alley.

CHAPTER 14 ALLEY LOT REGULATIONS FOR R ZONES

1400 GENERAL PROVISIONS (R)

- 1400.1 All alley lots must be recorded in the records of the Surveyor, District of Columbia as a record lot.
- 1400.2 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 D.C. 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.
- 1400.3 New alley lots may be created as provided in C § Chapter 4.

1401 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 1401.1 The bulk of buildings on alley lots in R zones shall be controlled through the specified development standards of this chapter.
- 1401.2 The following development standards shall apply to buildings on alley lots in R zones:

Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.	Rear Setback	Side Setback	Alley Centerline
20 ft.	2	Lot size: Less than 1,800 sq. ft. may be 100% Lot size: 1,800 sq. ft. to and including 2,000 sq. ft. may be 90% Lot size is larger than 2,000 sq. ft. is 80%	10%	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

CHAPTER 15 GENERAL DEVELOPMENT STANDARDS

1500 GENERAL PROVISIONS

- 1500.1 The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.
- 1500.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.

1501 HEIGHT REGULATIONS (R)

- 1501.1 Except as may be otherwise provided by the development standards for a specific zone, the following side height limitations shall apply as additional development standards in the R zones.
- 1501.2 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.
- 1501.3 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.
- 1501.4 Except for the R-11, R-12 and R-13 zones, 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.
- 1501.5 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 foot of height in excess of that authorized in the district in which it is located.
- 1501.6 The height of an accessory building shall be measured from the finished grade at the middle of the façade of the accessory building that faces the main building, to the highest point of the roof.

1502 ROOF STRUCTURES (R)

- 1502.1 Except as may be otherwise provided by the development standards for a specific zone, the following roof structure requirements shall apply as additional development standards in the R zones.
- 1502.2 The following structures shall not exceed ten feet (10 ft.) in height above the roof upon which they are located:

- (a) Antennas;
- (b) Skylights;
- (c) Building appurtenances dedicated to safety, including safety railings; and
- (d) Building components or appurtenances, including but not limited to solar panels and wind turbines, dedicated to the environmental sustainability of the building;

1502.3 The following roof structures may be erected to a height in excess of the maximum height authorized in an R zone but shall not exceed ten feet (10 ft.) in height above the roof upon which it is located and shall be set back as required by D § 1502.4:

- (a) Pergolas and similar structures;
- (b) Penthouses fully or partially enclosing utilitarian features, including, but not limited to, mechanical equipment and its housing, elevators, and stairwells;
- (c) Penthouses fully or partially enclosing accessory amenity features, such as communal recreation space, and structures accessory to communal outdoor recreation space.

1502.4 Roof Structures permitted by D § 1501.3 shall be setback from the edge of the roof as follows:

- (a) A distance equal to its height from the front building façade;
- (b) A distance equal to half of its height from any side building wall that is not adjoining another building wall; and
- (c) No setback is required from any side building wall that is adjoining another building wall.
- (d) All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.
- (e) When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.
- (f) Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 1502.4 (g).

- (g) When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 1502.4 (d) and (f) except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

- 1502.5 Roof structures shall not exceed one-third ($1/3$) of the total roof area for the R zones.
- 1502.6 Mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.
- 1502.7 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.
- 1502.8 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.
- 1502.9 For purposes of applying roof structure setbacks, walls of buildings that border any courtyard other than closed courtyards shall be deemed to be exterior walls.
- 1502.10 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.
- 1502.11 Relief to the requirements of this section may be granted by special exception subject to Subtitle D, Chapter 17.

1503 FLOOR AREA RATIO (FAR) (R)

- 1503.1 Except as may be otherwise provided by the development standards for a specific zone, the following FAR requirements shall apply as additional development standards in the R zones.
- 1503.2 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.

1504 LOT OCCUPANCY (R)

- 1504.1 Except as may be otherwise provided by the development standards for a specific zone, the following lot occupancy requirements shall apply as additional development standards in the R zones.
- 1504.2 In the R zones, a detached or semi-detached building shall not be considered an attached unit for the purposes of lot occupancy through the use of building or

structure additions that reduce otherwise required or permitted side setback for a detached or semi-detached dwelling.

1505 REAR SETBACK (R)

- 1505.1 Except as may be otherwise provided by the development standards for a specific zone, the following rear setback requirements shall apply as additional Development standards in the R zones.
- 1505.2 In the case of a 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.
- 1505.3 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.

1506 SIDE SETBACK (R)

- 1506.1 Except as may be otherwise provided by the development standards for a specific zone, the following side setback requirements shall apply as additional development standards in the R zones.
- 1506.2 A side setback shall not be required along a side lot line in an R zone.
- 1506.3 Except as may be otherwise provided by the development standards for a specific zone, a building with a side setback less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side setback shall not be decreased; and provided further, that the width of the existing side setback shall be a minimum of five feet (5 ft.).

1507 RESERVED

1508 MINIMUM LOT DIMENSIONS

- 1508.1 The minimum lot width and minimum lot area requirements for a new lot of record in the R zones are set forth in the following tables, except as may otherwise be required.
- 1508.2 In the following table the use of the terms “detached”, “semi-detached”, and “attached” shall refer to dwelling type.

Zone		Min. Lot Width (ft.) for building type; applicable to all zones in left column	Min. Lot Area (sq. ft.)
R-1	(R-1-A)	75	7,500
R-6	(R-1-A/TSP)		
R-11	(R-1-A/NO-TSP)		
R-14	(R-1-A/WH)		

Zone		Min. Lot Width (ft.) for building type; applicable to all zones in left column	Min. Lot Area (sq. ft.)
R-5 R-8	(R-1-A/CBUT) (R-1-A/FH-TSP)	75	9,500 for lots created for dwellings after May 18, 2007; 7,500 for all other lots
R-2 R-7 R-12 R-15 R-17 R-18 R-19	(R-1-B) (R-1-B/TSP) (R-1-B/NO) (R-1-B/WH) (R-1-B/SSH1) (R-1-B/SSH2) (R-1-B/G'twn)	50	5,000
R-9 R-10	(R-1-B/FH-TSP) (R-2/FH-TSP)	50	9,500 for lots created for dwellings after May 18, 2007; 5,000 for all other lots
R-3	(R-2)	40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures)	4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached)
R-4 R-16 R-13 R-20	(R-3) (R-3/FB) (R-3/NO) (R-3/G'twn)	40 (detached) 30 (semi-detached) 20 (attached) 16 (IZ attached) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (attached) 1,600 (IZ attached) 4,000 (all other structures)

CHAPTER 16 USE PERMISSIONS R ZONES

1600 GENERAL USE PERMISSIONS FOR R ZONES

- 1600.1 The regulations of Title 11 shall be applicable as a whole and this subtitle shall be read together with other subtitles for full development and use requirements, including but not limited to parking, loading, bike parking, pervious surface, and green area ratio requirements.
- 1600.2 Uses in the R zones are either permitted by right without conditions (P), by right subject to conditions (C), as an accessory use (A), or as a special exception (S).
- 1600.3 Other Accessory Uses are those not otherwise addressed that are customarily incidental and subordinate to the principal uses permitted in this chapter.
- 1600.4 In the R zones, non-residential business uses may be permitted as a Home Occupation Use subject to the conditions and regulations of a Home Occupation as defined in Subtitle B, Chapter 3. A Home Occupation is considered an accessory use.
- 1600.5 The use and expansion of a building owned by the District of Columbia that formerly served as the location of a public school in an R zone shall be governed by D § Chapter 12.
- 1600.6 Antennas in R zones shall be governed by Subtitle C Chapter 25.

1601 NUMBER OF PERMITTED DWELLING UNITS

- 1601.1 In all R zones one (1) principal dwelling unit per lot of record shall be permitted by right.
- 1601.2 In all R zones one (1) accessory apartment shall be permitted per lot of record subject to D § 1607.

1602 USE PERMISSIONS: BY RIGHT USES – R-1 THROUGH R-16, AND R-19 AND R-20 ZONES

- 1602.1 The following uses shall be permitted by right (P) or by right with conditions (C)
The following uses shall be permitted in the R-1 through R-16, and R-19 and R-20 zones:

USES	(R-1s) R-1, R-2, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R- 14, R-15, R-19	(R-2s) R-3, R-10	(R-3s) R-4, R-13, R-16, R-20
Accessory Uses	A	A	A
Agriculture, Large	C	C	C
Agriculture, Residential	C	C	C
Chancery	C, S	C, S	C, S
Corner Store	N/A	N/A	C, S
Education (Public)	C	C	C
Emergency Shelter	C, S	C, S	C, S
Government, Local	P	P	P
Home Occupation	A	A	A
Institutional, General			
Institutional, Religious	P	P	P
Medical Care	A, C, S	A, C, S	A, C, S
Parking	C, S	C, S	C, S
Parks and Recreation	P	P	C
Residential			
• Single Family Detached	P	P	P
• Single Family Semi-detached	N/A	P	P
• Single Family Attached	N/A	N/A	P
• Accessory Apartment	A	A	A
Former Public School	C	C	C
Temporary Uses	C	C	C
Transportation Infrastructure	P	P	P

1602.2 The following conditions shall be applicable to the by right uses identified with an “A” or a “C” in the above table.

(a) Accessory uses, as listed below, shall be permitted by right subject to the following conditions:

(1) A Home Occupation subject to the conditions of B Chapter 3

(2) Daytime Care uses shall be permitted by right as an accessory use subject to the following conditions:

(A) The use shall be located in the principal residence of the caregiver;

(B) There shall be no more than one sign or display, which shall not exceed one hundred forty-four square inches (144 sq.in.) in area;

- (C) No stock in trade shall be kept nor any commodity sold upon the premises;
 - (D) No person shall be employed other than a member of the caregiver's immediate family residing on the premises; and
 - (E) No mechanical equipment shall be used except such as is permissible for purely domestic or household purposes.
 - (F) An accessory Daytime Care use not meeting all of the above conditions may be permitted as a special exception subject to Subtitle Y, Chapter 8.
- (3) Up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking.
 - (4) Two boarders, who shall board in the principal dwelling; and
 - (5) One accessory apartment shall be permitted per lot of record subject to the conditions of D § 1607.
 - (6) Other Accessory Uses customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.
- (b) Agricultural (Large) uses shall be permitted except for private stables.
 - (c) Agricultural (Residential) uses shall be permitted except for a private stable.
 - (d) Chancery existing on September 22, 1978; provided that the following requirements shall be met:
 - (1) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;
 - (2) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;
 - (3) There shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;

- (4) If an existing building or structure that is used as a chancery is destroyed by fire, collapse, explosion, or act of God, the building or structure may be reconstructed;
 - (5) The reconstruction that is authorized by subparagraph (4) of this paragraph shall not be subject to the requirements of chapter 20 of this title; and
 - (6) The reconstruction that is authorized by subparagraph (4) of this paragraph shall be limited to the chancery site as it existed on February 23, 1990;
- (e) Corner Store uses shall be permitted by right subject to the conditions of D § 1606 and only in the R-4, R-13, R-16 and R-20 zones.
- (f) Daytime Care uses shall be permitted by right subject to the following conditions:
 - (1) The use shall be located in a building originally built and continuously used as an Institutional use; or
 - (2) The use shall be limited to five (5) individuals, not including staff; or
 - (3) The use may be located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; provided, that written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively
 - (4) Daytime Care uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y, Chapter 8.
- (g) Education (Public) uses shall be permitted by right subject to the following conditions:
 - (1) The use shall be located on a lot with a minimum of nine thousand (9,000) square feet of area and with a combined total length of all street lot lines of at least one hundred and twenty feet (120 ft.); and
 - (2) Buildings housing the use shall occupy no more than seventy percent (70%) of the lot.
 - (3) Public Education uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y, Chapter 8

- (h) Emergency Shelter uses shall be permitted by right subject to the following conditions:
 - (1) The use shall not house more than four (4) persons, not including resident supervisors or staff and their families.
 - (2) Emergency Shelter uses not meeting this condition may be permitted by special exception under the conditions of Subtitle Y, Chapter 8.
- (i) Home Occupation shall be permitted by right as an accessory use subject to the following conditions:
 - (1) A Home Occupation shall be in compliance with the conditions of Subtitle B, Chapter 4, Home Occupation Use Category;
 - (2) A Home Occupation shall not be permitted within a dwelling unit in an accessory building.
 - (3) A Home Occupation use not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y, Chapter 8.
- (j) Medical Care Uses that are a Health Care Facility shall be permitted by right subject to the following conditions:
 - (1) The facility may accommodate up to six (6) persons not including resident supervisors or staff and their families;
 - (2) The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families and there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property;
- (k) Parking uses shall be permitted by right subject to the following conditions:
 - (1) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted.
 - (2) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 sq. ft.) in area.

- (3) Private garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957.
- (l) Residential uses shall be permitted by-right subject to the following conditions:
 - (1) One Principal single family dwelling unit shall be permitted as follows:
 - (G) In the R-4, R-13, R-16, R-20 [R-3s] zones, the dwelling may be either a detached, semi-detached or an attached dwelling;
 - (H) In the R-3, R-10 [R-2s] zones, the dwelling may be either a detached or semi-detached dwelling; and
 - (I) In all other R zones, the dwelling shall be detached.
 - (2) One Accessory Apartment shall be permitted in any R zone as an accessory use and subject the conditions of D § 1607.
- (m) Former Public Schools may be used by right subject to the conditions of D § 1607.
- (n) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation).
- (o) Transportation Infrastructure uses shall be permitted by right provided the use shall be operated, directly or under contract, by the District government or the Washington Metropolitan Area Transit Authority.

1603 SPECIAL EXCEPTION – R-1 THROUGH R-16, AND R-19 AND R-20 ZONES

1603.1 The following uses shall be permitted in the R-1 through R-16, R-19 and R-20 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y, Chapter 8 and subject to the provisions of this section.

Uses	(R-1s) R-1, R-2, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-19	(R-2s) R-3, R-10	(R-3s) R-4, R-13, R-16, R-20
Chancery	S	S	S
Community-based Inst. Facility	S	S	S
Daytime Care	C, S	C, S	C, S
Education (College/University)	S	S	S
Education (Private)	S	S	S

Uses	(R-1s) R-1, R-2, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R- 14, R-15, R-19	(R-2s) R-3, R-10	(R-3s) R-4, R-13, R-16, R-20
Emergency Shelter	S	S	S
Institutional, General	S	S	S
Institutional, Religious	S	S	S
Medical Care	S	S	S
Parking	S	S	S
Utilities	S	S	S
Corner Store	N/A	N/A	C, S

- 1603.2 Chancery uses shall be allowed, subject to disapproval by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 2.
- 1603.3 Community Based Institutional Facilities shall be permitted as a special exception subject to the following conditions:
- (a) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; and
 - (b) In R-3, R-4, R-10, R-13, and R-16 there shall be no other lot containing a Community Based Institutional Facility use in the same square or within a radius of five-hundred (500) feet from any portion of the lot.
 - (c) In all other R zones there shall be no other lot containing a Community Based Institutional Facility use in the same square or within a radius of one thousand (1,000) feet from any portion of the lot.
- 1603.4 Corner Store use not permitted pursuant to D §1606 shall be permitted by special exception, subject to the conditions of Subtitle B, Chapter 5.
- 1603.5 Daytime Care uses shall be permitted as a special exception subject to the following conditions:
- (a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;
 - (b) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;
 - (c) The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and

- (d) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

1603.6 Education use by a College or University shall be permitted as a special exception subject to review and approval by the Zoning Commission as set forth in Subtitle X, Chapter 1.

1603.7 Emergency Shelter uses shall be permitted by right subject to the following conditions:

- (a) The use shall be for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families;
- (b) There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.
- (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility
- (d) The proposed facility shall meet all applicable code and licensing requirements.
- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- (f) The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- (g) The Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

- 1603.8 Education, Private, uses, but not including a trade school, and residences for teachers and staff of a private school shall be permitted as a special exception subject to the following conditions:
- (a) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.
 - (b) Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile;
 - (c) After hearing all evidence the Board may require additional parking to that required by this title.
- 1603.9 Emergency Shelters shall be permitted as a special exception subject to the following conditions:
- (a) There is a maximum limit of fifteen (15) persons, not including resident supervisors or staff and their families; or
 - (b) In the Use Group A, there shall be no other property containing an Emergency Shelters either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.
 - (c) In the Use Groups B and C, there shall be no other property containing an Emergency Shelters either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.
 - (d) The applicant demonstrates that the program goals and objectives of the District of Columbia cannot be achieved without a larger shelter at the subject location and that there are no other reasonable alternative locations which would meet the program needs for that area of the District.
 - (e) More than one Emergency Shelter in a square or within the distances of (b) and (c) above may be approved only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations
- 1603.10 Medical Care Uses that are a Health Care Facility shall be permitted by right subject to the following conditions:
- (a) The facility is for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception subject to the following conditions:

- (b) In the Use Group A, there shall be no other property containing a health care facility either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.
- (c) In the Use Groups B and C, there shall be no other property containing a health care facility either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.
- (d) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- (e) The proposed facility shall meet all applicable code and licensing requirements.
- (f) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- (g) More than one health care facility in a square or within the distances of (a) and (b) above may be approved only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

1603.11 Institutional, General, uses shall be permitted as a special exception, except in the R-19 and R-20 zones, subject to the following conditions:

- (a) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located; and
- (b) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services;
- (c) The proposed use together with any existing general institutional, religious institutional or any educational uses shall not occupy more than forty percent (40%) of the square in which the use is proposed; and
- (d) The use shall not likely become objectionable because of noise or traffic.
- (e) The use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted as a special exception subject to the following conditions:
 - (1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and

- (2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater:
- (3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;
- (4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.
- (5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.
- (6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board after recommendation and review by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

1603.12 Institutional, General, uses shall be permitted as a special exception, except in the R-19 and R-20 zones, subject to the following conditions:

- (a) The use is a community center building, park, playground, swimming pool, or athletic field is operated by a local community organization or association;
- (b) A community center shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;
- (c) A community center shall offer no articles of commerce for sale in the center;
- (d) A community center shall not likely become objectionable in a R zone because of noise traffic, parking or other objectionable conditions; and
- (e) The use of a community center shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

1603.13 Institutional (Religious) uses shall be permitted as a special exception subject to the following conditions:

- (a) Use is a program conducted by a religious congregation or group of churches subject to the following conditions:
 - (1) The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.
 - (2) The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).
 - (3) The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.
 - (4) The operation of the program shall be such that it is not likely to become objectionable in the R zones because of noise traffic, parking or other objectionable conditions.
 - (5) No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.
 - (6) Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.

1603.14 Medical Care Uses that are a Health Care Facility shall be permitted by right subject to the following conditions:

- (a) The facility is for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception subject to the following conditions:
- (b) In the Use Group A, there shall be no other property containing a health care facility either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.
- (c) In the Use Groups B and C, there shall be no other property containing a health care facility either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.
- (d) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- (e) The proposed facility shall meet all applicable code and licensing requirements.

- (f) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- (g) More than one health care facility in a square or within the distances of (a) and (b) above may be approved only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

1603.15 Institutional, General, uses shall be permitted as a special exception, except in the R-19 and R-20 zones, subject to the following conditions:

- (a) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located; and
- (b) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services;
- (c) The proposed use together with any existing general institutional, religious institutional or any educational uses shall not occupy more than forty percent (40%) of the square in which the use is proposed; and
- (d) The use shall not likely become objectionable because of noise or traffic.
- (e) The use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted as a special exception subject to the following conditions:
 - (1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and
 - (2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater:
 - (3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;
 - (4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.
 - (5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the

land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

- (6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board after recommendation and review by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

1603.16 Parking as a principal use shall be permitted as a special exception subject to the following conditions:

- (a) All parking shall meet the conditions of Subtitle C, Chapter 19, Parking.
- (b) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Chapter 6 of Title 24 DCMR, "Public Space and Safety."
- (c) The applicant shall demonstrate that:
 - (1) No dangerous or otherwise objectionable traffic conditions will result;
 - (2) The present character and future development of the neighborhood will not be affected adversely; and
 - (3) The parking garage is reasonably necessary and convenient to other uses in the vicinity.
- (d) The application shall be submitted to the D.C. Department of Transportation for review and report.
- (e) Parking garages are prohibited.
- (f) If the parking is provided as a surface parking lot:
 - (1) A new parking lot may not be established, but a parking lot in existence on [effective date] may continue, subject to the provisions of this subsection;
 - (2) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing Mixed-Use, Mixed-Use Transit, Downtown, or PDR zone;

- (3) The lot shall be contiguous to or separated only by an alley from a Mixed-Use, Mixed-Use Transit, Downtown, or PDR zone; and
 - (4) A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.
- (g) The Board may require that all or a portion of the parking spaces be reserved for the following:
- (1) Residential parking;
 - (2) Unrestricted commercial parking;
 - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
 - (4) Shared parking for different uses by time of day.
- (h) In the R-19-C and R-20-C zones no commercial parking lots shall be permitted.

1603.17 The following Accessory uses shall be permitted as a special exception subject to the following conditions:

- (a) Accessory apartments that do not meet the by right requirements of D § 1607; and
- (b) A private stable shall be permitted as an accessory use subject to the following conditions:
 - (1) It shall be set back a minimum of fifty feet (50 ft.) from all lot lines and located so as not to affect adversely the light and air of the building to which it is accessory or of adjacent land and buildings;
 - (2) It shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, and/or waste; and
 - (3) The applicant shall demonstrate that any external yard will be fenced for the safe confinement of the animals.

1603.18 Utilities shall be permitted as a special exception subject to the following conditions:

- (a) The use shall not be an electronic equipment facility; and
- (b) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.

1604**USE PERMISSIONS - R-17 AND R-18 ZONES (SSH)**

1604.1 The following uses shall be permitted by right in the R-17 and R-18 zones:

USES	R-17 and R-18
Accessory Uses	A
Agriculture, Large	C
Agriculture, Residential	C
Home Occupation	A
Parking	C, S
Residential	
• Single Family Detached	P
• Accessory Apartment	A
Former Public School	C

1604.2 The following conditions shall be applicable to the by right uses identified with an “A” or a “C” in the above table.

- (a) Accessory uses, as listed below, shall be permitted by right subject to the following conditions:
- (1) A Home Occupation subject to the conditions of Subtitle B Chapter 3;
 - (2) Daytime Care uses shall be permitted by right as an accessory use subject to the following conditions:
 - (A) The use shall be located in the principal residence of the caregiver;
 - (B) There shall be no more than one sign or display, which shall not exceed one hundred forty-four square inches (144 sq.in.) in area;
 - (C) No stock in trade shall be kept nor any commodity sold upon the premises
 - (D) No person shall be employed other than a member of the caregiver's immediate family residing on the premises; and
 - (E) No mechanical equipment shall be used except such as is permissible for purely domestic or household purposes.
 - (F) An accessory Daytime Care use not meeting all of the above conditions may be permitted as a special exception subject to Subtitle Y, Chapter 8.

- (3) Up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking.
- (4) Two boarders, who shall board in the principal dwelling; and One accessory apartment shall be permitted per lot of record subject to the conditions of D § 1607.
- (5) Other Accessory Uses customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.

1604.3 Agricultural (Large) uses shall be permitted except for private stables.

1604.4 Agricultural (Residential) uses shall be permitted except for a private stable.

1604.5 Home Occupation shall be permitted by right as an accessory use subject to the following conditions:

- (1) A Home Occupation shall be in compliance with the conditions of Subtitle B, Chapter 4, Home Occupation Use Category;
- (2) A Home Occupation shall not be permitted within a dwelling unit in an accessory building.
- (3) A Home Occupation use not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Subtitle Y, Chapter 8

1604.6 Parking uses shall be permitted by right subject to the following conditions:

- (a) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted.
- (b) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 sq. ft.) in area.
- (c) Private garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957.

1604.7 Residential uses shall be permitted by-right subject to the following conditions:

- (a) One Principal single family detached dwelling unit; and

- (b) One Accessory Apartment shall be permitted in any R zone as an accessory use and subject the conditions of D § 1607.

1604.8 An existing nonresidential use with a valid Certificate of Occupancy shall be considered a conforming use and may expand by up to ten percent (10%) of its gross floor area as a matter of right under the provisions of the R-18-A zone; provided, that the following requirements are met:

- (a) No additional land area or subdivision of lots is involved in the expansion; and
- (b) The ten percent (10%) expansion limit shall be a total limit on expansion based on the gross floor area of the building as of July 29, 1994.

1604.9 A proposed new nonresidential use or an expansion of an existing nonresidential use in excess of ten percent (10%) of gross floor area shall be permitted as a special exception, subject to the D § 503.15.

1605 SPECIAL EXCEPTION USES – R-17 AND R-18

1605.1 Any other use permitted by right or special exception in D §§ 1602 or 1603 shall be permitted in the R-17 and R-18 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y, Chapter 8 and subject to the provisions of this section.

1605.2 The following conditions shall be applicable to any use permitted by D § 1605.1:

- (a) A proposed new nonresidential use or an expansion of an existing nonresidential use in excess of ten percent (10%) of gross floor area shall be permitted as a special exception, subject to the following conditions
 - (1) The nonresidential use is capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design, or other objectionable conditions; and
 - (2) There shall be adequate, appropriately located, and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants, and visitors who can use the facility at one time; provided
 - (3) The number of parking spaces provided shall be not less than the number required by Subtitle C, Chapter 19 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic, or other objectionable condition;

- (4) Parking spaces and driveways providing access to them shall not be located in a required side setback, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;
 - (5) If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and forty-two inches (42 in.) high, or by evergreen hedges or evergreen growing trees that are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted; and
 - (6) Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes.
- (b) Any expansion, renewal of time limits, or other changes to an existing use permitted by special exception in the R zones provisions shall continue to be governed by the R zone provisions rather than those of this section.

1606 CORNER STORES CONDITIONS

- 1606.1 A Corner Store use may be established as permitted pursuant to D, §§ Chapter 16 and subject to the conditions of this section.
- 1606.2 A Corner Store shall only be permitted in the R-4 (*R-3*), R-13 (*R-3/NO*), R-16 (*R-3/FB*) or R-20 (*Gtwn-R-3*) zones.
- 1606.3 A Corner Store shall only be located in accordance with the following provisions:
- (a) A Corner Store shall only be located on a lot that is:
 - (1) Located at the intersection of two generally perpendicular streets; or
 - (2) In the R-4, R-13, or R-16 zones, on an interior or through lot, provided the building was built prior to May 12, 1958 for the purpose of a non-residential use, as established by permit records or other historical documents accepted by the Zoning Administrator; or
 - (3) In the R-20 zone, on an interior or on through lot with a building that was built prior to May 12, 1958 for the purpose of a non-residential use, and only if the building was used for a Corner Store use within the previous three (3) years established by a

certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator.

- (b) A Corner Store shall only be located on a lot that is:
 - (1) A minimum of five hundred feet (500 ft.) from the nearest property zoned M or N in the R-4, R-13, or R-16 zones;
 - (2) A minimum of seven hundred and fifty feet (750 ft.) from the nearest property zoned M or N in the R-20 zone;
 - (3) Not within five hundred feet (500 ft.) of more than one (1) other lot with a Corner Store use defined as an Eating and Drinking Establishment; and
 - (4) Not within five hundred feet (500 ft.) of more than three (3) other lots with a Corner Store use defined as Retail, General Service, or Arts, Design and Creation uses.

1606.4 The Board may waive the location restrictions of D §§ 1606.3 (a) and (b) provided the applicant adequately demonstrates that the proposed Corner Store use:

- (a) Will be neighborhood serving;
- (b) Will not negatively impact the economic viability or vitality of an area zoned M or N that is closer than five hundred feet (500 ft.) to an R zones except an R-20 zone, or seven hundred and fifty feet (750 ft.) for an R-20 zone;
- (c) Will not create a concentration of non-residential uses that would detract from the overall residential character of the area; and
- (d) Will not result in undue impacts through the concentration of such uses on residents of the area.

1606.5 A Corner Store shall not be permitted:

- (a) On an alley lot;
- (b) On a lot or within a building also containing an accessory apartment or another Corner Store;
- (c) Within a building that is accessory to the principal building on the lot;
- (d) Within any building or on any lot containing more than one dwelling unit; or

- (e) In the R-20 zone, on an interior or through lot that has not been used for Corner Store uses for three or more consecutive years shall not be deemed eligible for a Corner Store use.
- 1606.6 A Corner Store shall not exceed one thousand two hundred feet (1,200 ft.) in total area, and shall not occupy any space above the ground story.
- 1606.7 There shall be no sale of alcoholic beverages for on-site consumption.
- 1606.8 The gross floor area devoted to the sale of alcohol for off-site consumption shall comprise no more than fifteen percent (15%) of the floor area of the Corner Store use.
- 1606.9 There shall be no on-site cooking of food or installation of grease traps; however, food assembly and reheating is permitted.
- 1606.10 All storage of materials and trash shall occur within the building area devoted to the Corner Store. There shall be no external storage of materials or trash.
- 1606.11 There shall be no on-site use or storage of dry-cleaning chemicals.
- 1606.12 A Corner Store for which the use is a fresh food market or grocery store devoted primarily to the retail sale of food including perishable foodstuffs shall be permitted by-right subject to the following conditions:
 - (a) The use shall meet the requirements of D §§ 1606.6 through 1606.11;
 - (b) The use shall not operate between 9:00 p.m. and 7:00 a.m.; and
 - (c) Only one external sign may be displayed on the building's facade, provided that the sign is not illuminated and is flush-mounted.
- 1606.13 Any Corner Store use within the Retail; General Service, Arts Design and Creation; or Eating and Drinking Establishment uses that is not permitted by-right pursuant to D §1606.12, shall be permitted by special exception subject to the following conditions:
 - (a) The applicant shall demonstrate that the proposed Corner Store use will not detract from the overall residential character of the area and will enhance the pedestrian experience by providing within the application the following information for the Corner Store use:
 - (1) A demonstration of conformity to the provisions of D §§ 1606.6 through 1606.11;
 - (2) A description of proposed uses, activities, goods sold, or services rendered;

- (3) Proposed size and location within the principal building;
- (4) Proposed number of employees at any one time and in total;
- (5) Proposed hours of operation;
- (6) Proposed signage;
- (7) Any proposed amplified music or other sound outside of the building containing the Corner Store use;
- (8) Any outdoor seating associated with the Corner Store use;
- (9) Proposed parking number, location, and screening such that any parking shall be fully screened from all adjacent properties, streets and alleys;
- (10) Proposed location of all storage;
- (11) Proposed location of trash storage and method and timing for removal;
- (12) Any alterations to the property proposed to accommodate the Corner Store use, including any grading changes, tree removal; or addition of retaining walls, patios, or pervious surfaces; and
- (13) Any modifications to the building façade, including changes to window and door openings.

1606.14 An application not meeting the requirements of D §§ 1606.6 through 1606.11 shall be deemed a variance, subject to the provisions of Subtitle Y, Chapter 9.

1607 ACCESSORY APARTMENTS CONDITIONS

1607.1 One accessory apartment may be established in an R zone, subject to the conditions of this section.

1607.2 An accessory apartment shall be permitted by right in the R zones, except the R-19 or R-20 zones, consistent with the conditions of this section.

1607.3 In the R-19 or R-20 zone, an accessory apartment shall be permitted only by special exception consistent with the conditions of this section.

1607.4 An accessory apartment shall be permitted subject to the following conditions:

- (a) The lot shall have a minimum lot area in the following zones:

Zones	Minimum Lot Area
R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	7,500 sq. ft.
R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	5,000 sq. ft.
R-3, R-10 [R-2] R-4, R-13, R-16, R-20 [R-3]	4,000 sq. ft.

- (b) Either the principal dwelling or accessory apartment unit must be owner-occupied;
- (c) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);
- (d) The apartment is located either within the principal dwelling or within an accessory building subject to the conditions of this section.
- (e) If the apartment is located in the principal dwelling the following conditions shall apply:
 - (1) The house shall have at least two thousand square feet (2,000 sq. ft.) of gross floor area, exclusive of garage space;
 - (2) The accessory apartment unit may not occupy more than thirty percent (30%) of the gross floor area of the house; and
 - (3) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street.
- (f) An accessory building that houses an accessory apartment shall comply with the following conditions:
 - (1) The accessory building was in existence on January 1, 2013.
 - (2) No expansion or addition may be made to the accessory building to accommodate an apartment except by special exception;
 - (3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way;
 - (4) The dwelling use of the accessory building shall be coterminous with the permanent access; and
 - (5) The permanent access shall be provided by either or both of the following:

- (A) An easement for a permanent passage, open to the sky, no narrower than ten feet (10 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or
 - (B) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street.
- (6) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot.
- (7) An accessory building that houses an apartment shall not have a roof deck or balcony.
- (8) An accessory building constructed as a by right accessory building after January 1, 2013 shall not be used as, or converted to, an accessory apartment except by special exception for a period of five years after the approval of the building permit for the accessory building.
- (9) Any proposed expansion of an accessory building for residential purposes shall be permitted only by special exception approval pursuant to Subtitle Y, Chapter 8, and shall be evaluated against the applicable standards of D § Chapter 17.
- (10) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (1) through (7) of this subsection; subject to the following limitations:
 - (A) The owner-occupancy requirement of paragraph (2) shall not be waived for all R zones; and
 - (B) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R zones.

1607.5 In the R-19 and R-20, in addition to the restrictions of D§§ 1607.1 through 1607.4 an accessory apartment shall be subject to the following conditions:

- (a) It shall only be permitted on the second story of a detached accessory building in the R-20 zone;
- (b) No roof deck shall be permitted;

(c) Any balcony or projecting window shall not face a principal building in single family residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building; and

(d) Sections 1607.5 (c) and (d) shall not be modified or waived by the Board.

1607.6 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.

1607.7 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Regulatory Affairs and the property shall be inspected for relevant housing code compliance.

1608 CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS

1608.1 Within a building owned by the District of Columbia that formerly served as the location of a public school (“former school building”), the use provisions of this section shall apply in an R zone.

1608.2 In the R-17 and R-18 (SSH) zones the non-residential uses shall be limited to ten percent (10%) of the gross floor area of the school by right and any non-residential use in excess of ten percent (10%) shall be permitted only by special exception.

1608.3 The following uses shall be permitted by right or by right subject to the following conditions within a former school building:

(a) Residential uses subject to the maximum number of dwelling units of an R zone;

(b) Daytime Care uses;

(c) Education uses, subject to the following conditions:

(1) The use shall be a community college;

(2) The use shall not occupy more than 50,000 sq. ft. of building area;

(3) There shall be no external activities after 9:00 PM; and

(4) There shall be no use of the college space after midnight.

(5) An Education use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Subtitle Y, Chapter 8;

(d) Health Care uses, subject to the following conditions:

(1) The use shall be limited to one that meets the definition of a clinic.

- (2) The use shall not be a substance abuse treatment facility.
 - (3) A Health Care use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Subtitle Y, Chapter 8;
- (e) Institutional uses, subject to the following conditions:
 - (1) The application for a certificate of occupancy include evidence demonstrating that the established mission of the use will serve the community, neighborhood, or District of Columbia population;
 - (2) There is no outdoor storage of materials; and
 - (3) The use shall not be a community-based institutional facility, or a substance abuse treatment facility.
 - (4) An Institutional use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Subtitle Y, Chapter 8.
- (f) Local Government uses, subject to the following conditions:
 - (1) The use shall be limited to administrative offices of District government agencies, provided the agencies are not part of the criminal justice system;
 - (2) The use shall not extend outside the building unless accessory and incidental to the principal administrative use; and
 - (3) Any storage shall be fully enclosed.
 - (4) A Local Government use or office use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Subtitle Y, Chapter 8, provided that the use is operated by the District government.
- (g) The following arts uses:
 - (1) Art center;
 - (2) Art incubator;
 - (3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking;

1608.4 The following uses shall be permitted as a temporary use by right within a former school building subject to the following conditions:

- (a) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section for a period no longer than one year; and
- (b) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation).

1608.5 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, Chapter 8:

- (a) A use permitted by D § 1605 that does not meet one or more conditions or provisions that apply to it; and
- (b) A use government or not for profit use not otherwise permitted by this section.

1608.6 No former school building housing a use permitted by this section may be expanded without the approval of the Board.

1608.7 In addition to any other conditions of approval, the Board may impose setbacks, screening, lighting requirements, or other safeguards that the Board deems necessary for the protection of the neighborhood.

1609 ALLEY LOT USE GROUPS PERMITTED BY RIGHT (R)

1609.1 The following Use Groups shall be permitted by right or by right subject to conditions on alley lots in the R zones:

Use Group	(R-1s) R-1, R-2, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-19	(R-2s) R-3, R-10	(R-3s) R-4, R-13, R-16, R-20
Agriculture, Residential	P	P	P
Arts Design and Creation	C (§ 1709.2)	C (§ 1709.2)	C (§ 1709.2)
Parking	C (§ 1709.3)	C (§ 1709.3)	C (§ 1709.3)
Residential	N/A	N/A	C (§ 1709.4)

- 1609.2 Arts Design and Creation uses are permitted by right subject to the following conditions:
- (a) Occupancy of the building shall be limited to one artist and one apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area of a building on an alley lot;
 - (b) All operations and storage of materials shall occur inside the building;
 - (c) Incidental sales of art work produced by the occupants of the studio shall be permitted within the studio; and
 - (d) The artist may teach one or more apprentices.
- 1609.3 Parking uses are permitted by right subject to the following conditions:
- (a) External parking spaces are permitted subject to the requirements of Subtitle D, Chapter 22.
 - (b) Car-sharing spaces are permitted subject to the requirements of Subtitle D, Chapter 22.
 - (c) A parking garage on a lot not containing another use shall meet the following conditions:
 - (1) No more than two (2) motor vehicles may be housed on the lot;
 - (2) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (3) The building shall open directly onto an alley.
- 1609.4 Residential use is permitted, subject to the following conditions:
- (a) The alley lot is fully in R-4, R-13, R-16, R-20 zone;
 - (b) The use shall be limited to one dwelling unit on an alley lot;
 - (c) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area; and
 - (d) The alley lot abuts an improved alley twenty-four feet (24 ft.) or more in width and has access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width.

1610 ALLEY LOT USE GROUPS PERMITTED BY SPECIAL EXCEPTION (R)

1610.1 The following Use Groups shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, Chapter 8 and subject to the conditions of each section.

Use Group	(R-1s) R-1, R-2, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-19	(R-2s) R-3, R-10	(R-3s) R-4, R-13, R-16, R-20
Residential	N/A	N/A	S (§ 1610.2)

1610.2 Residential uses shall be approved subject to the following conditions:

- (a) The use shall be limited to one dwelling unit on an alley lot;
- (b) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
- (c) The alley lot abuts an improved alley twenty-four feet (24 ft.) or less in width or has access to a street through an alley or alleys at less than twenty-four feet (24 ft.) in width; and
- (d) The Board shall consider relevant agency comments concerning:
 - (A) Public safety relating to fire concerns;
 - (B) Water and sewer services;
 - (C) Waste management; and
 - (D) Traffic and parking.
- (e) The Board shall determine there is no adverse impact to the adjoining properties and that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining properties.

1611 USES NOT IDENTIFIED IN R ZONES

1611.1 Any use or Use Group not included in tables or otherwise permitted by conditions, special exception or as an accessory or home occupation of this chapter shall be deemed to be not permitted unless determined by the Zoning Administration to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

CHAPTER 17 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS

1700 GENERAL PROVISIONS

- 1700.1 The following provisions provide for special exception relief to the development standards and regulations in the R zones where, in the judgment of the Board:
- (a) The special exception will be in harmony with the general purpose and intent of the R zone, the Zoning Regulations and Zoning Maps;
 - (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) Subject in each case to the special conditions specified in this chapter.
- 1700.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

1701 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

- 1701.1 The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle Y, Chapter 8.
- (a) Lot occupancy;
 - (b) Setbacks; and
 - (c) Pervious surface.
- 1701.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to a building with only one principal dwelling unit; or
 - (b) A new or enlarged accessory structure that is accessory to such a building.
- 1701.3 An applicant for special exception under this section shall demonstrate that the proposed 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; and
- (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.
- (e) The Board may approve lot occupancy of all new and existing structures on the lot as specified in the following table:

Zone	Max. Lot Occupancy
R-4 R-13 R-16 R-20 – attached dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

- 1701.4 The Board 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.
- 1701.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.
- 1701.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

1702 SPECIAL EXCEPTION FROM ROOF STRUCTURES

- 1702.1 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.

1703 SPECIAL EXCEPTION FOR NON-RESIDENTIAL PUBLIC BUILDING DEVELOPMENT REQUIREMENTS (R)

- 1703.1 A public recreation and community center in an R zone may have a floor area ratio not to exceed 1.8, if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle Y, Chapter 8.
- 1703.2 A public recreation and community center in an R zone may exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle Y, Chapter 8.
- 1703.3 A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle Y, Chapter 8 and provided that the agency shows that the increase is consistent with agency policy of preserving open space.
- 1703.4 A public library may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle Y, Chapter 8.
- 1703.5 A public school building may exceed the permitted percentage of lot occupancy prescribed in §§ 201 – 210 if approved by the Board of Zoning Adjustment as a special exception subject to the following conditions:
- (a) The portion of the building, excluding closed courtyards, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and
 - (b) The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level
 - (c) Direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public rights-of-way shall be provided to each roof area used for the purposes of 203.5 (b); and

- (d) The total lot occupancy shall be as set forth in the following table:

Zone	Max. Lot Occupancy (percent)
R-3 R-4 R-10 R-13 R-16 R-20	70 %
All other R zones	60%

**1704 SPECIAL EXCEPTION – TREE REMOVAL LIMITATIONS R-5 (CB/UT),
R-6 AND R-7 (TSP) R-8, R-9, AND R-10 (FH/TSP),**

1704.1 Any exception from the requirements of § 301.3 shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 8 and subject to the following requirements:

- (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 this section;
- (b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;
- (c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the R-5-A through R-11-A zones and not adversely affect neighboring property; and
- (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 setback requirements in order to achieve the purposes of this section.

1704.2 Before taking action on an application, the Board shall submit the application to the following agencies for review and written reports:

- (a) D.C. Office of Planning;
- (b) D.C. Department of Transportation, Tree Management Administration;
- (c) D.C. Department of Parks and Recreation;
- (d) D.C. Department of the Environment, Watershed Protection Division, Technical Services Branch; and
- (e) National Park Service, U.S. Department of the Interior.

1704.3 An applicant for a special exception shall submit at least the following materials:

- (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
- (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.

1705 RESERVED

1706 SPECIAL EXCEPTIONS – ALLEY LOTS

1706.1 A reduction in the minimum setback requirements of an alley lot in an R zone may be approved as a special exception pursuant to Subtitle Y, Chapter 8.

1706.2 Parking uses may be approved by the Board as a special exception pursuant to Subtitle Y, Chapter 8 provided that a publicly operating parking area use shall be subject to the following conditions:

- (a) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
- (b) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located.

1706.3 Production, Distribution & Repair uses may be approved by the Board as a special exception pursuant to Subtitle Y, Chapter 8 provided that the use shall be limited to the storage of wares or goods subject to the following:

- (a) No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
- (b) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
- (c) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and
- (d) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located.

1706.4 Residential uses may be approved by the Board through special exception pursuant to Subtitle Y, Chapter 8 provided that the use shall be limited to one dwelling unit on an alley lot, subject to the following:

- (a) The alley lot is fully within the R-4 (R-3), R-13 (R-3/NO) or R-16 (R-3/FB) zone;

- (b) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty (450) square feet square feet of lot area;
- (c) The alley lot abuts an improved alley twenty-four feet (24 ft.) or less in width or has access to a street through an alley or alleys at less than twenty-four feet (24 ft.) in width; and
- (d) The Board of Zoning Adjustment shall consider relevant agency comments concerning:
 - (1) Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department;
 - (2) Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations;
 - (3) Waste management, including any comments from the Department of Public Works; and
 - (4) Traffic and parking, including any comments from the District Department of Transportation.
- (e) An applicant shall submit or arrange for the submission of agency comments to the official case record. If no agency submission occurs, an applicant shall instead describe any communications with relevant agencies.