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ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.1H

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CHAPTER 1 NEIGHBORHOOD MIXED USE (N) ZONES

100 GENERAL PROVISIONS

100.1 The Neighborhood Mixed Use (N) zones are designed to provide for stable mixed use areas permitting a range of commercial and multi-family residential development in defined neighborhood commercial areas.

100.2 The provisions of subtitle H are intended to:

(a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;

(b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;

(c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;

(d) Encourage a general compatibility in scale between new and older buildings;

(e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;

(f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;

(g) Identify designated roadways within N zones with limitations on driveways and curb cuts; and

(h) Identify designated use areas within N zones within which use restriction shall apply to the ground floor.

100.3 Non-residential floor area in the N zones shall be the total gross floor area of a building not dedicated to uses in one of the following categories:

(a) Residential;

(b) Emergency Shelter;

(c) Lodging uses; or

(d) Education uses that are operated or chartered by the District government.

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100.4 In the N zones, except as specifically stated, the matter-of-right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments.

100.5 The Board of Zoning Adjustment may grant special exception relief from the below requirements. Additional zone specific special exception criteria, if applicable, shall be considered and are found at Subtitle H, Chapter 4.

101 DEVELOPMENT STANDARDS

101.1 The bulk of structures in the N zones shall be controlled through the combined requirements of development standards table and development regulations of this subtitle.

101.2 The development standards are intended to:

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

(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, and the relationship of buildings to street lot lines;

(c) Regulate the mixture of uses;

(d) Ensure the environmental performance of development.

102 GREEN AREA RATIO

102.1 In the N zones a Green Area Ratio as set forth in each Development Standards Table shall be provided consistent with Subtitle C, Chapter 17.

103 FLOOR AREA RATIO

103.1 The maximum floor area ratio in all N zones may be used for residential purposes. All other non-residential uses shall be limited as set forth in the Development Standards Tables.

103.2 The following general development standards apply to all N zones, except N-13:

(a) If the subject lot does not abut an alley, the rear yard setback shall be measured as follows:

(1) Measure a horizontal plane, from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table, corresponding to the zone included in Subtitle F, Chapter 2; and

(2) From the furthest point from the rear lot-line, along the horizontal plane, identified in the previous paragraph, define a vertical plane, up

to the maximum height limit of the zone. This vertical plane will form the rear setback.

(b) If the subject lot abuts an alley, the rear setback shall be measured as follows:

(1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum setback identified in the development standards table, corresponding to the zone included in Subtitle F, Chapter 2; and

(2) From the furthest point from the rear lot-line, along the horizontal plane identified in the previous paragraph, measure a vertical plane, up to the maximum height limit of the zone. This vertical plane will form the rear setback.

103.3 No drive-through accessory to any use shall be permitted in any N zone.

103.4 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted within the area of an N zone.

104 USE PERMISSIONS

104.1 Use categories are identified in use table provided for each zone, in the zone chapter.

104.2 Uses in the N zones are either permitted by right without conditions (P), by right subject to conditions (C), or as a special exception.

104.3 Use categories are permitted as either principal or accessory uses.

104.4 Any building that occupies or is constructed on a lot in a designated use area within an N zone shall provide designated retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the zone.

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CHAPTER 2 NEIGHBORHOOD MIXED USE ZONE – GROUP 1 (MACOMB-WISCONSIN (N-1))

200 PURPOSE AND INTENT

200.1 The purpose of the N-1 zone (C-1/MW) is to:

(a) Permit low density mixed use development designed to provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development; and to:

200.2 The N-1 (C-1/MW) zone is intended to:

(a) Provide for public review of large developments to ensure that they are compatible with and enhance the primary neighborhood retail function of the area; and

(b) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is general compatibility in scale with existing buildings;

200.3 The designated use area zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets in the N-1-D.

200.4 The designated roadway in the N-1-D zone shall be Wisconsin Avenue and Macomb Street, N.W.

201 DEVELOPMENT STANDARDS

201.1 Development in the N-1-D zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Stories	Max. Residential FAR	Max. FAR Other Uses	Max. FAR	Green Area Ratio
N-1 (C-1/MW)	40 ft.	3	1 1.2 (IZ)	1	1 1.2 (IZ)	0.3

202 HEIGHT AND ROOF STRUCTURES

203 FLOOR AREA RATIO

203.1 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, shall be permitted, subject to review and

approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Y § Chapter 8.

204 LOT OCCUPANCY

204.1 In the N-1 zone, a one-family detached dwelling shall be permitted a lot occupancy of sixty percent (60%).

204.2 In the N-1 zone, a hotel shall be permitted a lot occupancy of one-hundred percent (100%).

205 REAR SETBACKS

205.1 In the N-1 zone a rear setback no less than twenty feet (20 ft.) shall be provided.

206 SIDE SETBACK

206.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

206.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

207 COURTYARD

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

	Open Courtyard Width:	**Closed Courtyard Width:**	**Closed Courtyard Area:**
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

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CHAPTER 3 TAKOMA NEIGHBORHOOD MIXED USE ZONE (N-2 (C-2-A/TK))

300 PURPOSE AND INTENT

300.1 The Takoma Neighborhood Mixed use zone (N-2) applies to Squares 3188 and 3278 in their entirety, and certain lots and portions of lots on:

(a) Square 3187 along the frontages of Blair Road and Cedar Street, N.W.;

(b) Squares 3275 and 3276 along the frontage of 4th Street, N.W.;

(c) Squares 3352, 3353, 3354, 3356, and 3357 along the frontages of Cedar Street and Carroll Street, N.W.; and

(d) Square 3280 along the frontages of Blair Road, Butternut Street, and 4th Street, N.W.

300.2 The N-2 zone begins at the street right-of-way lines abutting the Squares named in § 102.1, and extends to a depth of one hundred feet (100 ft.).

300.3 The N-2 zone (C-2-A/TK) is intended to:

(a) Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station;

(b) Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service and office uses; and

(c) Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses.

(d) Permit moderate density mixed use development;

(e) Encourage residential development to enhance safety and provide resident population to support neighborhood serving commercial uses;

(f) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings; and

300.4 The street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W., or any addition to an existing building frontage on any of these streets, shall set back for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curbline.

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300.5 Except as provided in § 202.4, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

300.6 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).

300.7 The designated use area shall coincide with the boundaries of the N-2 zone.

300.8 The designated roadways shall be portions of 4th Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the N-2-H zone.

301 DEVELOPMENT STANDARDS

301.1 Development in the N-2 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Occupancy	Max. Residential FAR	Max. FAR Other Uses	Max. FAR	Green Area Ratio	Min. Street wall setback
N-2 (C-2-A/TK)	50 ft. 55 ft. (IZ)	100%	2.5 3.0 (IZ)	1.5	2.5 3.0 (IZ)	0.3	13 ft.

302 HEIGHT

302.1 Except as provided in § 302.3, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

302.2 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).

302.3 Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the Takoma Neighborhood Mixed Use zones, do not have to provide the designated retail and service establishments on the ground floor level required by § 102.4 , nor comply with the ground floor level floor-to-ceiling height requirement of § 302.1, if the ground floor level is devoted exclusively to residential uses.

302.4 If ground floor residential uses are established pursuant to § 302.3, no certificate of occupancy for a permitted non-residential use on the ground floor level may be issued, unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of § 302.1.

303 FLOOR AREA RATIO

303.1 An existing building on a lot ten thousand (10,000) square feet or less may exceed the maximum floor area ratio standard for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

304 LOT OCCUPANCY

304.1 In the N-2 zone, a one-family detached dwelling or multi-family residential building shall be permitted a lot occupancy of sixty percent (60%). A multi-family residential building shall be permitted a lot occupancy of seventy-five percent (75%) under Inclusionary Zoning.

304.2 In the N-2 zone, a hotel shall be permitted a lot occupancy of one-hundred percent (100%).

305 FRONT SETBACK

305.1 The street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W., or any addition to an existing building frontage on any of these streets, shall setback for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curb line.

306 REAR SETBACKS

306.1 In the N-2 zone a rear setback no less than fifteen feet (15 ft.) shall be provided.

307 SIDE SETBACK

307.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

307.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

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308 COURTYARD

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

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

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CHAPTER 4 CLEVELAND PARK NEIGHBORHOOD MIXED USE (N-3 (C-2-A/CP))

400 PURPOSE AND INTENT

400.1 The Cleveland Park Neighborhood Mixed use zone (N-3-M) is applied to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those non-residentially zoned lots in Squares 2218, 2219, 2222, 2068, 2069, and 2082.

400.2 The N-3 zone (C-2-A/CP) is intended to:

(a) Encourage compatibility of 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. Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))); and

(b) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings;

(c) Provide for retention of existing housing within the Cleveland Park commercial area to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area; and

(d) Permit moderate density Mixed Use development.

400.3 The designated use area shall include any lot within the N-3-M zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.

400.4 The designated roadway in the N-3 zone shall be Connecticut Avenue NW.

401 DEVELOPMENT STANDARDS

401.1 Development in the N-3 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Occupancy	Max. Residential FAR	Max. FAR Other Uses	Max. FAR	Green Area Ratio
N-3 (C-2-A/CP)	40 ft. 45 ft. (IZ)	100%	2.0 2.4 (IZ)	1.0	2.0 2.4 (IZ)	0.3

401.2 No dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use as hotel or inn; provided, that

this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk.

402 HEIGHT

402.1 In the N-3 zone, the maximum building height shall be forty feet (40 ft.) for one-family detached dwellings and hotels.

403 FLOOR AREA RATIO

403.1 In the N-3 zone, the maximum FAR shall be 2.0 for one-family detached dwellings and hotels.

404 LOT OCCUPANCY

404.1 In the N-3 zone, a one-family detached dwelling or multi-family residential building shall be permitted a lot occupancy of sixty percent (60%). A multi-family residential building shall be permitted a lot occupancy of seventy-five percent (75%) under Inclusionary Zoning.

404.2 In the N-3 zone, a hotel shall be permitted a lot occupancy of one-hundred percent (100%).

405 FRONT SETBACK

406 REAR SETBACKS

406.1 In the N-3 zone a rear setback no less than fifteen feet (15 ft.) shall be provided.

407 SIDE SETBACK

407.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

407.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

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408 COURTYARD

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

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

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CHAPTER 5 WOODLEY PARK NEIGHBORHOOD MIXED USE (N-4 AND N-5)

500 PURPOSE AND INTENT

500.1 The Woodley Park Neighborhood Mixed Use zones shall apply only to a compact geographic area comprising those non-residentially zoned lots in Squares 2202 and 2203 and in Square 2204.

500.2 The Woodley Park Neighborhood Mixed Use zones (N-4 and N-5) are intended to limit the height of new buildings and encourage a scale of development and a mixture of building uses that is general compatibility in scale with existing buildings.

500.3 The Woodley Park Neighborhood Mixed Use zones shall be divided into the N-4 and N-5 zones.

500.4 The designated use area shall include any lot within the N-4 and N-5 zones that fronts on Connecticut Avenue, Calvert Street, or 24th Street.

500.5 The designated roadway in the N-4 and N-5 shall be Connecticut Avenue NW.

500.6 The N-4 zone (C-2-A/WP) is intended to:

(a) Permit moderate density Mixed Use development; and

(b) Permit development in accordance with the development standards found at Chapter 3, Table 14.

500.7 The N-5 zone (C-2-B/WP) is intended to:

(a) Permit medium density, compact Mixed Use development with an emphasis on residential development; and

(b) Permit development in accordance with the development standards found at Chapter 3, Table 15.

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501 DEVELOPMENT STANDARDS

501.1 Development in the N-4 and N-5 zones shall be in accordance with the combined regulations of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Lot Occupancy	Max. Residential FAR	Max. FAR Other Uses	Max. Residential FAR	Green Area Ratio
N-4 (C-2-A/WP)	40 ft. 50 ft. (IZ)	Residential = 60% Residential (IZ) = 75% All Other uses = 100%	2.5 3.0 (IZ)	1.0	2.5 3.0 (IZ)	0.3
N-5 (C-2-B/WP)	50 ft. 55 ft. (IZ)	Residential = 60% Residential (IZ) = 80% All Other uses = 100%	3.0 3.6 (IZ)	1.0	3.0 3.6 (IZ)	0.3

502 HEIGHT

502.1 In the N-4 zone, the maximum building height shall be forty feet (40 ft.) for one-family detached dwellings.

502.2 In the N-5 zone, the maximum building height shall be fifty feet (50ft.) for one-family detached dwellings.

503 FLOOR AREA RATIO

504 LOT OCCUPANCY

505 REAR SETBACK

505.1 In the N-4 and N-5 zones a rear setback no less than fifteen feet (15 ft.) shall be provided.

506 SIDE SETBACK

506.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

506.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

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507 COURTYARD

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

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

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CHAPTER 6 EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED USE ZONE (N-6)

600 PURPOSE AND INTENT

600.1 The Eighth Street Southeast Neighborhood Mixed Use zone is applied to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those properties zoned C-3-A in Squares 906, 907, 929, and 930.

600.2 The N-6 zone (C-3-A/ES) is intended to:

(a) Encourage and allow new neighborhood-serving retail and service businesses and office development in close proximity to the Navy Yard, with emphasis on firms that will conduct business with the Navy, as well as;

(b) Allow and encourage medium density Mixed Use development, in the interest of securing economic development, while restricting building heights to a low level to respect the historic scale of buildings and the entrance to the adjacent Navy Yard; and

(c) Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail and other businesses in the area.

600.3 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the N-6 zone.

600.4 The designated roadways shall be Eighth Street SE, M Street SE; and Potomac Avenue SE.

601 DEVELOPMENT STANDARDS

601.1 Development in the N-6 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Lot Occupancy	Max. Residential FAR	Max. FAR Other Uses	Max. FAR	Green Area Ratio
N-4 (C-2-A/WP)	45 ft.	Residential = 75% All Other uses = 100%	3.0	3.0	3.0	0.25

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602 RESERVED

603 RESERVED

604 RESERVED

605 REAR SETBACK

605.1 In the N-6 zone a rear setback no less than twelve feet (12 ft.) shall be provided.

606 SIDE SETBACK

606.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

606.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

607 COURTYARD

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

	Open Courtyard Width:	**Closed Courtyard Width:**	**Closed Courtyard Area:**
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

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CHAPTER 7 GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES (N-7 AND N-8)

700 PURPOSE AND INTENT

700.1 The Georgia Avenue Neighborhood Mixed Use zones (N-7 and N-8) applies to non-residential properties along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street.

700.2 The Georgia Avenue Neighborhood Mixed Use zones shall be divided into the N-7 and N-8 zones.

700.3 The Georgia Avenue Neighborhood Mixed Use zones are intended to:

(a) Implement the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia on July 7, 2006 (Res. 16-686; 53 DCR 5444);

(b) Implement the goals of the Great Streets Framework Plan for 7th Street - Georgia Avenue, published by the District Department of Transportation and dated 2006;

(c) Encourage additional residential uses along the Georgia Avenue corridor;

(d) Encourage improved commercial uses;

(e) Provide uniform building design standards;

(f) Set guidelines for development review through PUD and special exception proceedings; and

(g) Encourage vertically-mixed uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue - Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.

700.4 The designated use area shall coincide with the boundaries of the N-7 and N-8 zones.

700.5 The designated roadway in the N-7 and N-8 zones shall be Georgia Avenue N.W.

700.6 The N-7 zone (C-2-A/GA) is intended to:

(a) Permit moderate density mixed use development, including additional residential uses above improved commercial uses; and

(b) Permit development in accordance with the development standards found at Chapter 3, Table 3.

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700.7 The N-8 zone (C-3-A/GA) is intended to:

(a) Permit medium density mixed use development with a focus on employment, including additional residential uses above improved commercial uses; and

(b) Permit development in accordance with the development standards found at Chapter 3, Table 4.

701 DEVELOPMENT STANDARDS

701.1 Development in the N-7 and N-8 zones shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. No. Stories	Max. Lot Occupancy	Max. Residential FAR	Max. FAR Other Uses	Max. FAR Permitted	GAR
N-7 (C-2-A/GA)	50 ft.	3	Residential = 70% All Other uses = 100%	2.5 3.0 (IZ)	1.5	2.5 3.0 (IZ)	0.3
N-8 (C-3-A/GA)	65 ft.	N/A	Residential = 70% All Other uses = 100%	4.0 4.8 (IZ)	2.5	4.0 4.8 (IZ)	0.25

702 RESERVED

703 COURTYARD

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

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

704 LOT OCCUPANCY

705 REAR SETBACK

705.1 In the N-7 zone a rear setback no less than fifteen (15 ft.) shall be provided.

705.2 In the N-8 zone a rear setback no less than twelve feet (12 ft.) shall be provided

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706 SIDE SETBACK

706.1 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

706.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

707 DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES

707.1 The following design requirements shall apply to any lot in the N-7-I and N-8-S zones:

(a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to all property lines abutting public streets;

(b) In the N-4-S zone, seventy percent (70%) lot occupancy shall be permitted for mixed use buildings that include residential use;

(c) On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;

(d) Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building's main lobby, and to display windows having clear or clear/low emissivity glass. Decorative or architectural accents do not count toward the fifty percent (50%) requirement;

(e) Security grilles over windows or doors shall have no less than seventy percent (70%) transparency;

(f) The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

(g) Buildings subject to § 303.6 (f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter-of-right in the underlying zone;

(h) Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk.;

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(i) Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby; and

(j) Off-street surface parking shall be permitted in rear yards only.

708 SPECIAL EXCEPTIONS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES

708.1 Exceptions from the design requirements of the Georgia Avenue Neighborhood Mixed Use zones, as set forth in § 303.6, shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance §102 and Subtitle Y Chapter8, and subject to the following criteria:

(a) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;

(b) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;

(c) Parking and traffic conditions associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences; and

(d) Noise associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences.

708.2 The Board may impose requirements pertaining to design, appearance, massing, landscaping, and other such factors as it deems necessary to protect neighboring property and to achieve the purposes of the Georgia Avenue Neighborhood Mixed Use zones.

709 PLANNED UNIT DEVELOPMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES

709.1 A planned unit development (PUD) in the N-7 and N-8 zones shall be subject to the following provisions in addition to those of Chapter 2, Subtitle X, of this Title:

(a) Any additional height and floor area above that permitted as a matter-of-right in the underlying zone shall be for residential use only;

(b) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 sq. ft.).

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CHAPTER 8 H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES (N-9 THROUGH N-13)

800 PURPOSE AND INTENT

800.1 The H Street Northeast Neighborhood Mixed Use zones apply to the H Street NE commercial corridor between the western side of 2nd Street, NE and the eastern side of 15th Street, NE.

800.2 The H Street Northeast Neighborhood Mixed Use zones include a housing, retail and arts subarea.

800.3 The H Street Northeast Neighborhood Mixed Use is divided into the N-9, N-10, N-11, N-12, N-13, N-14, N-15, N-16, and N-17 zones.

800.4 The H Street Northeast Neighborhood Mixed Use zones are intended to:

(a) Implement the policies and goals of the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia on February 17, 2004 (R15-460);

(b) Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.; and

(c) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street NE commercial corridor; and

(d) Encourage new construction to preserve existing façades constructed before 1958.

800.5 The designated street lot lines in the N-9 , N-10, N-11, N-12, N-13, N-14, N-15, N-16, and N-17 zones, are:

(a) The street lot lines abutting H Street, NE; and

(b) The street lot lines abutting Florida Avenue NE, Maryland Avenue NE, 13th Street NE, 14th Street NE, and 15th Street NE, applicable only if the building would have ground floor space occupied by one (1) or more service, retail, or office uses permitted by-right in the underlying zone.

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800.6 The H Street Northeast Neighborhood Mixed Use Housing sub-district zones are intended to:

(a) Encourage residential uses along the H Street, N.E. corridor, particularly provision of affordable units and reuse of upper floors;

(b) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street NE commercial corridor; and

(c) Encourage the reuse of existing buildings along the corridor.

800.7 The H Street Northeast Neighborhood Mixed Use Housing sub-district is divided into the N-9, N-10, N-11, N-12, and N-13 zones.

800.8 The N-9 zone (C-2-A/HS-H) is intended to permit moderate density Mixed Use areas with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

800.9 The N-10 zone (C-2-B/HS-H) is intended to permit moderate to medium density Mixed Use areas with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

800.10 The N-11 zone (C-2-C/HS-H) is intended to permit medium density Mixed Use areas with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

800.11 The N-12 zone (C-3-A/HS-H) is intended to permit medium density Mixed Use areas with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

800.12 The N-13 zone (C-3-B/HS-H) is intended to permit medium density Mixed Use areas with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

800.13 The H Street Northeast Neighborhood Mixed Use Commercial Arts sub-district zones are intended to:

(a) Encourage arts and entertainment uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings;

800.14 The H Street Northeast Neighborhood Mixed Use Commercial Arts sub-district is divided into the N-14 and N-15 zones.

800.15 The N-14 zone (C-2-A/HS-A) is intended to permit moderate density Mixed Use areas with an emphasis on arts and arts-related uses.

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800.16 The N-15 zone (C-3-A/HS-A) is intended to permit medium density Mixed Use areas with an emphasis on employment and the provision of arts and arts-related uses.

800.17 The H Street Northeast Neighborhood Mixed Use Retail sub-district zones are intended to encourage retail uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.

800.18 The H Street Northeast Neighborhood Mixed Use Retail sub-district is divided into the N-16 and N-17 zones.

800.19 The N-16 zone (C-2-A/HS-R) is intended to permit moderate density Mixed Use areas with an emphasis on the provision of retail uses.

800.20 The N-17 zone: (C-2-B/HS-R) is intended to permit moderate density Mixed Use areas with an emphasis on the provision of retail uses.

801 DEVELOPMENT STANDARDS

801.1 Development in the N-9, N-10, N-11, N-12, N-13, N-14, N-15, N-16, and N-17 zones shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

Zone	Max. Height	Max. Residential FAR	Max. FAR Other Uses	Max. FAR Permitted	GAR
N-9 (C-2-A/HS-H)	50 ft.	2.5	0.5	2.5 3.0 (IZ)	0.3
N-10 (C-2-B/HS-H)	65 ft. 70 ft. (IZ)	3.5	.5	3.5 4.2 (IZ)	0.3
N-11 (C-2-C/HS-H)	90 ft.	6.0	0.5	6.0 7.2 (IZ)	0.3
N-12 (C-3-A/HS-H)	65 ft.	4.0	0.5	4.0 4.8 (IZ)	0.25
N-13 (C-3-B/HS-H)	70 ft.	5.0	0.5	5.0 6.0 (IZ)	0.25
N-14 (C-2-A/HS-A)	50 ft.	2.5	1.0	2.5 3.0 (IZ)	0.3
N-15 (C-3-A/HS-A)	65 ft.	4.0	1.0	4.0 4.8 (IZ)	0.25
N-16 (C-2-A/HS-R)	50 ft.	2.5	1.5	2.5 3.0 (IZ)	0.3
N-17 (C-2-B/HS-R)	65 ft. 70 ft. (IZ)	3.5	1.5	3.5 4.2 (IZ)	0.3

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802 FLOOR AREA RATIO- BONUS DENSITY

802.1 In the N-9, N-10, N-11, N-12, N-13, N-14, N-15 zones, new construction that preserves a building façade constructed before 1958 is permitted a non-residential FAR of 1.5 maximum, provided that at least 1.0 FAR shall be occupied by uses in the following categories:

(a) Office, provided that the Office use shall not be on the ground story;

(b) Retail;

(c) Service; or

(d) Eating and Drinking Establishments; and

802.2 In the N-9, N-10, and N-11 zones, a building which includes a grocery store is permitted a non-residential FAR of 1.5 maximum.

802.3 In the N 9 through N-17 zones, new construction that preserves an existing façade constructed before 1958 is entitled to an increase of 0.5 FAR in the building's total FAR, provided that the additional FAR shall be occupied by residential uses.

802.4 In the event that a grocery store is constructed on Square 776, a maximum non-residential density of 1.5 FAR shall be permitted on that Square in which the grocery store shall be included.

803 LOT OCCUPANCY

803.1 For the purposes of this chapter, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

803.2 In the N-9, N-10, N-11 zones, a residential building shall be permitted a maximum lot occupancy of seventy percent (70%) and seventy-five percent (75%) under Inclusionary Zoning.

803.3 In the N-12 zone, a residential building shall be permitted a maximum lot occupancy of sixty percent (60%) and seventy-five percent (75%) under Inclusionary Zoning.

804 REAR SETBACK

804.1 In the N-9, N-10, N-11, N-14, N-16 and N-17 zones, a rear setback no less than fifteen (15 ft.) shall be provided.

804.2 In the N-12, N-13, and N-15zones, a rear setback no less than twelve feet (12 ft.) shall be provided.

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805 SIDE SETBACK

805.1 In the N zones, no side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than six feet (6 ft.).

805.2 In the N zones, a side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

806 COURTYARD

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

	Open Courtyard Width:	**Closed Courtyard Width:**	**Closed Courtyard Area:**
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of court; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of court; Fifteen feet (15 ft.) minimum	Twice the square of the required width of court dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 $^{1}/_{2}$ in./ft.) of height of court; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; Twelve feet (15 ft.) minimum	Twice the square of the required width of court dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

807 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

807.1 The following design requirements of §§ 807.2 through 807.14 apply to all lots in the H Street Northeast Neighborhood Mixed Use zones:

807.2 Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.

807.3 In the N-9, N-14 and N-16 zones, seventy percent (70%) residential lot occupancy shall be permitted. For the purposes of this section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

807.4 For the purposes of § 807.3,"residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses.

807.5 Parking structures with frontage on H Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.

807.6 Each new building on a lot that fronts on H Street, N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.

807.7 Security grilles shall have no less than seventy percent (70%) transparency.

807.8 Each commercial use with frontage on H Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street directly accessible from the sidewalk.

807.9 Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.

807.10 The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

807.11 Buildings subject to § 807.10 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.

807.12 Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.

807.13 Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.

807.14 Roof signs are prohibited.

808 SPECIAL EXCEPTION- H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

808.1 The buildings, structures, and uses permitted only by special exception and exceptions from the requirements of the H Street Northeast Neighborhood Mixed Use zones shall be permitted as a special exception if approved by the Board of Zoning Adjustment after public hearing, based on Subtitle Y, Chapter 8, provided the following criteria and the requirements of Chapter 11 are met:

(a) The project is consistent with the design intent of the design requirements of § 807 and the design guidelines of the H Street N.E. Strategic Development Plan;

(b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the

Board shall include review by the State Historic Preservation Officer and a status of the project's review by the Historic Preservation Review Board;

(c) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;

(d) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;

(e) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and

(f) The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent with the design guidelines of the H Street N.E. Strategic Development Plan.

808.2 An applicant may demonstrate compliance with § 807 by demonstrating that the signage will be exclusively located on upper facades, awnings, and transom windows, constructed of durable materials, and sensitively designed; and will not affect more than twenty percent (20%) of display windows, consist of backlit box signs or neon product advertisements, block visibility into a store, or be overly obtrusive.

808.3 The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Northeast Neighborhood Mixed Use zones.

808.4 Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 807 and the design guidelines of the H Street N.E. Strategic Development Plan.

809 PLANNED UNIT DEVELOPMENT AND INCLUSIONARY ZONING PROVISIONS - H Street Northeast Neighborhood Mixed Use zones

809.1 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed Use zones shall be subject to the following provisions in addition to those of Chapter 2, Subtitle X of this Title:

(a) Any additional height and floor area above that permitted as a matter-of-right shall be used only for housing or the preferred uses; and

(b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses.

(c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square

feet (10,000 sq. ft.).

(d) Developments properties subject to the set-aside requirements of Inclusionary Zoning pursuant to C Chapter 22 may use the height and lot occupancy and bonus to FAR as the basis of calculating the set-aside requirements for Inclusionary Zoning units.

(e) The use of bonus FAR by a property also eligible to use the bonus provided for in H §§ 803.4 shall be deemed to first utilize the bonus authorized for inclusionary zoning units.

(f) Use of the bonus FAR authorized in § 804 shall not count towards the Inclusionary Zoning set-aside requirements of Subtitle C Chapter 22.

(g) Bonus density achieved through § 804 that is in addition to the inclusionary zoning requirements shall not count toward the Inclusionary Zoning set-aside requirements of Subtitle C Chapter 22.

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CHAPTER 9 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES (N)

900 PURPOSE AND INTENT

900.1 This chapter contains supplemental development standards for public buildings or structures in N zones.

900.2 Development standards not otherwise addressed by this chapter shall be those development standards for the zone in which the building or structure is proposed.

901 PARKS AND RECREATION USE

901.1 In the N-1 (C-1/MW) zone, a building or structure for a Local Government or Parks and Recreation use shall have a maximum permitted FAR of 1.8.

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CHAPTER 10 USE PERMISSIONS FOR N ZONES

1000 DESIGNATED AND RESTRICTED USES

1000.1 Any building that occupies or is constructed on a lot in a designated use area within an N zone shall provide designated retail and service establishments on the ground level according to the requirements of this chapter and any additional requirements of the particular zone.

1000.2 The N zone designated uses, for the purposes of this subtitle are those permitted in the following use groups subject to any noted provisions:

(a) Animal Sales, Care and Boarding provided that overnight boarding is an accessory use to the sales and care use;

(b) Arts, Design and Creation;

(c) Eating and Drinking Establishments;

(d) Financial and General Services; and

(e) Retail.

1000.3 The N zone designated uses shall be subject to the following condition unless otherwise stated in a specific N zone:

(a) The N zone designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground level of the building, subject to the following requirements.

(1) No more than twenty percent (20%) of the ground level floor area shall be Financial Services travel agencies, or other ticket offices;

(b) Eating and Drinking and Fast Food Establishments shall be subject to the following limitations:

(1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular N zone, as measured along the lots that face designated roadways in the particular district; and

(2) Except for a fast food establishment, such uses may be applied to fulfill the requirements of § 300.3(a); provided, that when such uses are so applied, they shall remain subject to the provisions of paragraph (1) of this subsection.

(c) In those parts of the affected building or lot other than as delineated in this chapter, the by-right use provisions of the zone shall apply.

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1000.4 In the following N zones the designated use categories shall be permitted by-right subject to the cited conditions:

Uses	N-2 (C-2-A/TK)	N-7 GA N-8 GA	N-5 (C-2-A/HS-H) N-6 (C-2-B/HS-H) N-7 (C-2-C/HS-H) N-8 (C-3-A/HS-H) N-9 (C-3-B/HS-H)	N-12 (C-2-A/HS-R) N-13 (C-2-B/HS-R)	N-3 CP	N-6 ES
N Zone Designated Uses	C (300.5) C (300.6)	C (300.7)	C(300.10)	C (300.11)	C (300.8)	C (300.9)

1000.5 In the N-2 zone, If the ground floor level is devoted exclusively to residential uses, buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the N-2 zone, are not required to provide the designated retail and service establishments on the ground floor level required by § 300.1.

1000.6 Ion the N-2 zone, Ground floor residential uses established pursuant to § 300.5 no certificate of occupancy for a permitted non-residential use on the ground floor level may be issued, unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of § 102.5 of this subtitle.

1000.7 In the N-7 and N-8 zones, in a zone subject to this condition, retail uses shall be permitted except for liquor stores and pawn shops.

1000.8 In the N-3 zone, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use as hotel or inn; provided, that this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk.

1000.9 In the N-9 zone, an eating and drinking establishments may occupy no more than fifty percent (50%) of the linear street frontage as measured along the lots that face designated roadways in the zone and up to half (1/2) of the fifty percent (50%) of the linear street frontage may only be occupied by fast food establishments.

1000.10 In the N-5, N-6, N-7, N-8, and N-9 zones, residential uses may also be considered designated uses.

1000.11 In the N-12 and N-13 zones, catering establishments and bakeries may also be considered designated uses.

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1001 USE CATEGORIES IN N ZONES

1001.1 This section establishes use and use category provisions that shall apply to those parts of a building or lot in N zone, that is not regulated by § 500 of this chapter.

1001.2 In areas other than designated use areas, the following use categories shall be permitted by-right (P), permitted by-right subject to conditions (C), permitted by special exception (S) or not permitted (N) in the N Neighborhood zones.

1001.3 When there is a difference between use permissions and condition of this section and the designated use provisions, the more restrictive provisions or conditions shall apply.

1001.4 Antennas in N zones shall be governed by C Chapter 25.

1001.5 Use categories table:

Uses	N-1 (C-1/MW)	N-2 (C-2-A/TK) N-7 (C-2-A/GA) N-9 (C-2-A/HS-H) N-14 (C-2-A/HS-A) N-16 (C-2-A/HS-R) N-3 (C-2-A/CP)	N-10 (C-2-B/HS-H) N-17 (C-2-B/HS-R)	N-11 (C-2-C/HS-H)	N-8 (C-3-A/GA) N-12 (C-3-A/HS-H) N-15 (C-3-A/HS-A) N-6 (C-3-A/ES)	N-13 (C-3-B/HS-H)	N-4 (C-2-A/WP) N-5 (C-2-B/WP)
N Zone Designated uses	P	P	P	P	P	P	P
Agriculture, Large	P	P	P	P	P	P	P
Agriculture, Residential	P	P	P	P	P	P	P
Animal Care and Boarding	C (1001.4)	C (1001.4) S (1002.2)	C (1001.4) S (1002.2)	P S (1002.2)	P S (1002.2)	P S (1002.2)	C (1001.3) S (1002.2)
Art Design and Creation	C	C	C	C	C	C	C
Basic Utilities	C (1001.6)	C (1001.6)	C (1001.6)	C (1001.6)	C (1001.7) S (1002.3)	C (1001.7) S (1002.3)	C (1001.6) S (1002.3)
Chancery	P	P	P	P	P	P	P
Community-based Inst. Facility	S (1002.4)	S (1002.4)	S (1002.4)	S (1002.4)	P	P	S (1002.4)
Daytime Care	P	P	P	P	P	P	
Eating and Drinking Establishments	C (1001.8) S (1002.6)	C(1001.8) S (1002.6)	S (1002.7)	S (1002.7)	C(1001.8) S (402.6)	C(1001.8) S (1002.6)	C (1001.8)
Educ. Coll. And Universities	S	S	P	P	P	P	P
Education, Private	P	P	P	P	P	P	P

Uses	N-1 (C-1/MW)	N-2 (C-2-A/TK) N-7 (C-2-A/GA) N-9 (C-2-A/HS-H) N-14 (C-2-A/HS-A) N-16 (C-2-A/HS-R) N-3 (C-2-A/CP)	N-10 (C-2-B/HS-H) N-17 (C-2-B/HS-R)	N-11 (C-2-C/HS-H)	N-8 (C-3-A/GA) N-12 (C-3-A/HS-H) N-15 (C-3-A/HS-A) N-6 (C-3-A/ES)	N-13 (C-3-B/HS-H)	N-4 (C-2-A/WP) N-5 (C-2-B/WP)
Education. Public	P	P	P	P	P	P	P
Emergency Shelter	C (1001.11) S (1002.5)	C (1001.11) S (1002.5)	C (1001.11) S (1002.5)	C (1001.11) S (1002.5)	P	P	C (1001.11) S (1002.5)
Entertainment and Performing Arts	N	P	P	P	P	P	P
Fast Food	N	S (1002.7)	C (1001.9) S (1002.7)	C(1001.9) S (1002.7)	C (1001.9)	C (1001.9)	N
Firearm Sales	N	C (1001.12)	C (1001.12)	C (1001.12)	C (1001.12)	C (1001.12)	C (1001.12)
Government, Local	P	P	P	P	P	P	P
Health Care	P	P	P	P	P	P	P
Institutional	P						
Lodging	P	P	P	P	P	P	N
Motor vehicle-related	S (1002.8)	C (1001.13) S (1002.9)	C (1001.13) S (1002.9)	C (1001.13) S (1002.9)	C (1001.13) S (1002.10)	C (1001.13) S (1002.10)	C (1001.13) S (1002.10)
Office	P	P	P	P	P	P	P
Parking	P	P	P	P	P	P	P
Parks and Recreation	P	P	P	P	P	P	P
Residential	P	P	P	P	P	P	P
Retail	P	P	P	P	P	P	P
Services, Financial	P	P	P	P	P	P	P
Services, General	C (1001.14)	P	P	P	P	P	P
Transportation Infrastructure	P	P	P	P	P	P	P

1001.6 Animal Sales, Care and Boarding uses shall be permitted by-right subject to the following conditions:

(a) The use is limited to an establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an animal boarding establishment; and

(b) The use may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an

independent line of business.

1001.7 [Reserved]

1001.8 Basic Utilities shall be permitted by-right subject to the following conditions:

(a) The use is not an electronic equipment facility; and

(b) The use is not a public utility pumping station.

1001.9 Basic Utilities uses shall be permitted by-right subject to the following:

(a) If the use is an electronic equipment facility, it shall not be located on the ground floor and must meet at least one of the following conditions:

(1) The use shall not exceed 25% of gross floor area of the building, or

(2) The use shall be located below the ground floor.

1001.10 Eating and Drinking Establishments that meet the definition of a prepared food shop shall be permitted by right subject to the following conditions:

(1) No cooking shall take place on-site, other than reheating by toaster or microwave oven; and

(2) The use shall not provide seating for more than 18 patrons.

1001.11 Fast Food Establishment shall be permitted by-right subject to the following conditions:

(a) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a residence zone, unless separated therefrom by a street or alley;

(b) If any lot line of the lot abuts an alley containing a zone district boundary line for a residence zone, a continuous masonry wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;

(c) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residence zone; and

(d) The use shall not include a drive-through.

1001.12 [RESERVED]

1001.13 Emergency Shelter uses shall be permitted as a matter of right provided that the use shall not house more than four persons, not including resident supervisors or staff and their families.

1001.14 Firearm Sales uses shall be permitted as a matter of right provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of an R, A or AT zone, Institutional use, M [SP zones equivalent] or Parks and Open Space use.

1001.15 Motor Vehicle-related uses shall be permitted by-right subject to the following conditions:

(a) The use shall not include fuel sales; and

(b) The use shall not include vehicle repair or service, except as incidental and accessory to other permitted use categories.

1001.16 Service (General) uses shall be permitted by-right subject to the following conditions:

(a) Self-service or full service laundry, or dry cleaning establishment shall not exceed 2,500 square feet of gross floor area;

(b) No dry-cleaning chemicals shall be used or stored on site.

1002 USES ALLOWED BY SPECIAL EXCEPTION IN N ZONES

1002.1 In areas other than designated use areas, the following use categories shall be permitted by special exception (S) in the N ones as indicated in table 501subject to specific conditions and the general special exception criteria of Y § Chapter 8.

1002.2 Animal Sales, Care and Boarding uses may be approved by the Board of Zoning Adjustment:

(a) Animal uses, such as animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters, shall be subject to the following:

(1) Shall not be located on a lot that abuts a Residential zone; and

(2) Shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

(b) Any use that is a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee, or other establishment that permits the boarding of ten or more animals for reasons other than convalescence, shall be subject to the following additional criteria:

(1) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable

to nearby properties. The windows and doors of the premises shall be kept closed.

(2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High Efficiently Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

(3) External yards or other external facilities for the keeping of animals shall not be permitted.

(4) The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances or exits; buffers, barriers and fencing; soundproofing; odor control; waste storage and waste removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.

(c) Any use that trims or cleans domestic pets for a fee shall be subject to the following additional criteria:

(1) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system.

(2) External yards for the keeping of animals shall not be permitted.

(3) The sale of pet supplies is permitted as an accessory use.

(4) The Board may impose additional requirements as it deems necessary to protect nearby properties.

(d) Any use that boards animals as an independent line of business in association with a veterinary hospital for reasons other than convalescence shall be subject to the following additional criteria:

(1) The use may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h) (1), except domesticated dogs.

(2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.

(3) Pet grooming, the sale of pet supplies and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

(4) External yards or other external facilities for the keeping of animals shall not be permitted.

(5) The Board may impose additional requirements as it deems necessary to protect nearby properties.

(e) Any business engaged in the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, as permitted by the D.C. Official Code § 8-1808(h)(1), including related supplies and equipment, shall be subject to the following additional criteria:

(1) External yards or other external facilities for the keeping of animals shall not be permitted;

(2) The Board may impose additional requirements as it deems necessary to protect nearby properties.

(f) Any business that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency shall be subject to the following additional criteria:

(1) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry and acoustical landscaping.

(2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system.

(3) External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred feet (200 ft.) from an existing residential use or Residential Zone.

(4) The Board may impose additional requirements as it deems necessary to protect nearby properties

1002.3 Basic Utilities which cannot meet the conditions of a by-right use may be approved by the Board of Zoning Adjustment subject to the following evaluation standards:

(a) The use may not occupy more than 50% of the constructed gross floor area of the building.

(b) The use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

(c) The Board of Zoning Adjustment shall consider the following, in addition to other relevant factors, when evaluating whether an EEF will have any of the adverse impacts described above:

(1) Absence of retail uses or a design capable of accommodating retail uses in the future;

(2) Presence of security or other elements in the design that could impair street life and pedestrian flow;

(3) Disruption of existing or elimination of officially proposed pedestrian or vehicular routes, and

(4) Inability of the EEF to be adapted in the future for permitted uses.

1002.4 Community Based Institutional Facilities may be approved by the Board of Zoning Adjustment provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families.

1002.5 Emergency Shelters may be approved by the Board of Zoning Adjustment subject to either of the following conditions:

(a) There is a maximum limit of twenty five (25) persons, not including resident supervisors or staff and their families; or

(b) The Board finds that the program goals and objectives of the District of Columbia cannot be achieved without a larger facility 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.

1002.6 Eating and Drinking Establishment uses meeting the definition of a prepared food business with more than eighteen (18) seats may be approved by the Board of Zoning Adjustment.

1002.7 Fast Food Establishment uses or food delivery service that is subject to this section may be approved by the Board of Zoning Adjustment subject to the following conditions:

(a) No part of the lot on which the use is located is within twenty five (25) feet of a residence zone;

(b) There shall be no customer entrance on the side or rear of a building facing an R zone;

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(c) The lot shall have a continuous brick wall at least six (6) feet high along the length of its lot line if abutting an R zone;

(d) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six (6) feet high, whichever is greater, that shall not face an R zone.

(e) The Board of Zoning Adjustment may waive up to two (2) of these conditions by special exception.

(f) Fast Food Establishment uses may be approved by the Board of Zoning Adjustment subject to the following conditions: There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a residence zone.

(g) If any lot line of the lot abuts an alley containing a zone district boundary line for a residence zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.

(h) Refuse must be covered and kept indoors or in an enclosed area;

(i) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater, and the entrance to the enclosure shall include an opaque gate; and

(j) The entrance to a dumpster enclosure shall not face a residential zone.

(k) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.

(l) The use shall provide sufficient off-street parking, but not less than that required by this title, to accommodate the needs of patrons and employees.

(m) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

(n) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.

(o) The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property

(p) An applicant for special exception under this section may request the Board to modify the conditions; provided that the general purposes and intent of this section are complied with.

1002.8 Motor Vehicle-related uses may be approved by the Board of Zoning Adjustment subject to the following conditions:

(a) There shall be no motor vehicle-related use except fuel sales;

(b) The use shall not be located within twenty-five (25) feet of an R or A zone; and

(c) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space.

1002.9 Motor Vehicle Related uses, excluding auto body or fender repair, may be approved by the Board of Zoning Adjustment.

1002.10 Motor Vehicle-related uses may be approved by the Board of Zoning Adjustment subject to the following conditions:

(a) The use shall be limited to vehicle sales or repair;

(b) All aspects of the use shall be conducted within a fully enclosed building or structure; and

(c) The use shall not be located within twenty-five (50) feet of an R, A, M-1, M-2, M-3, M-4, or M-5 zone.

1002.11 Education, College/University uses shall be permitted by a special exception subject to Subtitle X, Chapter 1.

1003 SPECIAL EXCEPTIONS

1003.1 Exceptions from the requirements of this subtitle shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with Subtitle Y, Chapter 8, and subject to the following requirements:

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the N zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

(b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

(d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the N zone.

1003.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any N zone.

1004 USES NOT PERMITTED IN N ZONES

1004.1 Any use or Use Group not included in tables or otherwise permitted by conditions, special exception or as an accessory use 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.

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