

SUBTITLE H

NEIGHBORHOOD MIXED USE (N) ZONES

SUBTITLE H	NEIGHBORHOOD MIXED USE (N) ZONES	1
Chapter 1	NEIGHBORHOOD MIXED USE (N) ZONES	3
100	GENERAL PROVISIONS	3
101	DEVELOPMENT STANDARDS	4
102	USE PERMISSIONS	4
Chapter 2	MACOMB-WISCONSIN NEIGHBORHOOD MIXED USE ZONE (N-1)	5
200	PURPOSE AND INTENT	5
201	DEVELOPMENT STANDARDS TABLE	5
202	RESERVED.....	5
203	FLOOR AREA RATIO	5
204	LOT OCCUPANCY	6
205	REAR SETBACKS	6
206	SIDE SETBACK	6
207	COURTYARD	6
Chapter 3	TAKOMA NEIGHBORHOOD MIXED USE ZONE (N-2) (C-2-A/TK)	7
300	PURPOSE AND INTENT	7
301	DEVELOPMENT STANDARDS TABLE	8
302	RESERVED.....	8
303	FLOOR AREA RATIO	8
304	LOT OCCUPANCY	8
305	REAR SETBACKS	8
306	SIDE SETBACK	8
307	COURTYARD	9
308	DESIGN REQUIREMENTS TAKOMA NEIGHBORHOOD MIXED USE ZONE (N-2) (C-2-A/TK) 9	
Chapter 4	CLEVELAND PARK NEIGHBORHOOD MIXED USE (N-3) (C-2-A/CP)	10
400	PURPOSE AND INTENT	10
401	DEVELOPMENT STANDARDS TABLE	10
402	RESERVED.....	11
403	FLOOR AREA RATIO	11
404	LOT OCCUPANCY	11
405	REAR SETBACKS	11
406	SIDE SETBACK	11
407	COURTYARD	11
Chapter 5	WOODLEY PARK NEIGHBORHOOD MIXED USE (N-4 and N-5).....	12
500	PURPOSE AND INTENT	12
501	DEVELOPMENT STANDARDS TABLE	12
502	RESERVED.....	12
503	LOT OCCUPANCY	13
504	REAR SETBACK	13
505	SIDE SETBACK	13
506	COURTYARD	13
Chapter 6	EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED USE ZONE (N-6)	14
600	PURPOSE AND INTENT	14
601	DEVELOPMENT STANDARDS TABLE	14
602	RESERVED.....	15
603	RESERVED.....	15
604	LOT OCCUPANCY	15
605	REAR SETBACK	15
606	SIDE SETBACK	15
607	COURTYARD	15
Chapter 7	GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES (N-7 and N-8).....	16
700	PURPOSE AND INTENT	16
701	DEVELOPMENT STANDARDS TABLE	16
702	RESERVED.....	17

703	LOT OCCUPANCY	17
704	REAR SETBACK	17
705	SIDE SETBACK	17
706	COURTYARD	18
707	DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES 18	
708	PLANNED UNIT DEVELOPMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES 19	
Chapter 8 H	STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES (N-9 through N-13)	20
800	PURPOSE AND INTENT	20
801	DEVELOPMENT STANDARDS TABLE	22
802	RESERVED.....	22
803	FLOOR AREA RATIO - BONUS DENSITY	22
804	LOT OCCUPANCY	23
805	REAR SETBACK	24
806	SIDE SETBACK	24
807	COURTYARD	24
808	DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES 24	
809	PLANNED UNIT DEVELOPMENT AND INCLUSIONARY ZONING PROVISIONS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES	25
Chapter 9	DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES (N)	27
900	PURPOSE AND INTENT	27
901	PARKS AND RECREATION USE	27
Chapter 10	GENERAL DEVELOPMENT STANDARDS (N)	28
1000	GENERAL DEVELOPMENT STANDARDS	28
1001	GREEN AREA RATIO	28
1002	FLOOR AREA RATIO	28
1003	RESERVED	28
1004	REAR SETBACK	29
Chapter 11	USE PERMISSIONS FOR N ZONES	30
1100	DESIGNATED AND RESTRICTED USES	30
1101	USES IN N ZONES.....	31
1102	USES ALLOWED BY SPECIAL EXCEPTION IN N ZONES	35
1103	USES NOT PERMITTED IN N ZONES	40
Chapter 12	RELIEF FROM DEVELOPMENT STANDARDS	41
1200	SPECIAL EXCEPTION RELIEF	41
1201	SPECIAL EXCEPTIONS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES	42
1202	SPECIAL EXCEPTION- H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES 42	

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

100.3 Identify Designated Use Areas within N zones within which use restriction shall apply to the ground floor.

101 DEVELOPMENT STANDARDS

101.1 The bulk of structures in the N zones shall be controlled through the combined requirements set forth in the Development Standards Table, development standard requirements of each zone chapter, the General Development Standards of H Chapter 10 and the requirements and standards of Subtitle C.

101.2 The development standards are intended to:

- (a) Control the bulk or volume of structures, including height, floor-area-ratio, and lot occupancy;
- (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, and the relationship of buildings to street lot lines;
- (c) Regulate the mixture of uses;
- (d) Ensure the environmental performance of development.

102 USE PERMISSIONS

102.1 Use permissions are identified in for each zone Chapter 11.

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

102.3 Uses are permitted as either principal or accessory uses.

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

200 PURPOSE AND INTENT

200.1 The purpose of the N-1 zone (C-1/MW) is 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;
- (b) Ensure new construction is compatible with and enhances the primary neighborhood retail function of the area
- (c) Limit the scale and massing of new buildings and a mix of uses that is general compatibility in scale with existing buildings.

200.2 The N-1 (C-1/MW) zone is intended to permit mixed use development at a low density.

200.3 The N-1 zone (C-1/MW) shall be mapped on the mixed use area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those non-residentially zoned lots in Squares 1920 and 1920N.

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

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

201 DEVELOPMENT STANDARDS TABLE

201.1 The following development standards table applies to the N-1 zone:

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

202 RESERVED

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 The lot occupancy requirements in the N-1 zone are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	60%.
All other buildings	100%

205 REAR SETBACKS

205.1 In the N-1 zone a minimum rear setback of 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 minimum side setback of eight feet (8 ft.) shall be provided for a single family detached or semi-detached dwelling.

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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

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

300 PURPOSE AND INTENT

300.1 The purpose of the N-2 zone (C-2-A/TK) is 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 mixed use development at a moderate density;
- (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

300.2 The N-2 zone (C-2-A/TK) shall be mapped on Squares 3188 and 3278 in their entirety, and on the mixed use area of 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.

300.3 The N-2 zone begins at the street right-of-way lines abutting the squares listed § 300.2 and extends to a depth of one hundred feet (100 ft.).

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

300.5 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 zone.

301 DEVELOPMENT STANDARDS TABLE

301.1 The following development standards table applies to the N-2 (C-2-A/TK) zone:

Zone	Max. Height	Max. Residential FAR	Max. FAR Other Uses	Max. FAR Permitted	Green Area Ratio
N-2 (C-2-A/TK)	50 ft. 55 ft. (IZ)	2.5 3.0 (IZ)	1.5	2.5 3.0 (IZ)	0.3

302 RESERVED

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 The lot occupancy requirements in the N-2 (C-2-A/TK) zone are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	60%. 75% (IZ)
All other buildings	100%

305 REAR SETBACKS

305.1 In the N-2 zone a minimum rear setback of fifteen feet (15 ft.) shall be provided.

306 SIDE SETBACK

306.1 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.).

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

307 COURTYARD

307.1 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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

308 DESIGN REQUIREMENTS TAKOMA NEIGHBORHOOD MIXED USE ZONE (N-2) (C-2-A/TK)

308.1 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.

308.2 Except as provided in § 308.4, 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.).

308.3 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.).

308.4 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 § 1100.1, nor comply with the ground floor level floor-to-ceiling height requirement of §308.2, if the ground floor level is devoted exclusively to residential uses.

308.5 If ground floor residential uses are established pursuant to § 308.4, 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 § 308.2.

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

400 PURPOSE AND INTENT

400.1 The purpose of the N-3 zone (C-2-A/CP) is 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

400.2 The N-3 zone (C-2-A/CP) is intended to permit mixed use development at a moderate density.

400.3 The N-3-M zone (C-2-A/CP) shall be mapped 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.

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

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

401 DEVELOPMENT STANDARDS TABLE

401.1 The following development standards table applies to the N-3 zone:

Zone	Max. Height	Max. Residential FAR	Max. FAR Other Uses	Max. FAR Permitted	Green Area Ratio
N-3 (C-2-A/CP)	40 ft. 45 ft. (IZ)	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 RESERVED

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 The lot occupancy requirements in the N-3 zone are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	60%. 75% (IZ)
All other buildings	100%

405 REAR SETBACKS

405.1 In the N-3 zone a minimum rear setback of fifteen feet (15 ft.) shall be provided.

406 SIDE SETBACK

406.1 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.).

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

407 COURTYARD

407.1 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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

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

500 PURPOSE AND INTENT

- 500.1 The purpose of the N-4 (C-2-A/WP) and N-5 (C-2-B/WP) zones is to:
- (a) Limit the height of new buildings and
 - (b) Encourage a scale of development and a mixture of building uses that is general compatibility in scale with existing buildings in the Woodley Park neighborhood.
- 500.2 The N-4 zone (C-2-A/WP) is intended to permit mixed use development at a moderate density.
- 500.3 The N-5 zone (C-2-B/WP) is intended to permit compact mixed use development at a medium density with an emphasis on residential development.
- 500.4 The N-4 and N-5 zones shall be mapped to a compact geographic area comprising those non-residentially zoned lots in Squares 2202 and 2203 and in Square 2204.
- 500.5 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.
- 500.6 The designated roadway in the N-4 and N-5 shall be Connecticut Avenue NW.

501 DEVELOPMENT STANDARDS TABLE

- 501.1 The following development standards table applies to the N-4 and N-5 zones:

Zone	Max. Height	Max. Residential FAR	Max. FAR Other Uses	Max. Residential FAR	Green Area Ratio
N-4 (C-2-A/WP)	40 ft. 50 ft. (IZ)	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)	3.0 3.6 (IZ)	1.0	3.0 3.6 (IZ)	0.3

502 RESERVED

503 LOT OCCUPANCY

503.1 The lot occupancy requirements in the N-4 zone are set forth in the following table:

Zone	Building Type	Lot Occupancy Maximum
N-4 (C-2-A/WP)	A Building or portion thereof devoted to Residential use	60%. 75% (IZ)
	All other buildings	100%

503.2 The lot occupancy requirements in the N-5 zone are set forth in the following table:

Zone	Building Type	Lot Occupancy Maximum
N-5 (C-2-B/WP)	A Building or portion thereof devoted to Residential use	80%. 80% (IZ)
	All other buildings	100%

504 REAR SETBACK

504.1 In the N-4 and N-5 zones a **minimum** rear setback **of** fifteen feet (15 ft.) shall be provided.

505 SIDE SETBACK

505.1 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.).

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

506 COURTYARD

506.1 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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

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

600 PURPOSE AND INTENT

600.1 The purpose of the N-6 zone (C-3-A/ES) zone is 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 mixed use development at a medium density, 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.

600.2 The N-6 zone (C-3-A/ES) shall be mapped to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those non-residentially zoned properties in Squares 906, 907, 929, and 930.

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 TABLE

601.1 The following development standards table applies to the N-6 zone:

Zone	Max. Height	Max. Residential FAR	Max. FAR Other Uses	Max. FAR Permitted	Green Area Ratio
N-6 (C-3-A/ES)	45 ft.	3.0	3.0	3.0	0.25

602 RESERVED

603 RESERVED

604 LOT OCCUPANCY

604.1 The lot occupancy requirements in the N-6 (C-3-A/ES) zone are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	75%
All other buildings	100%

605 REAR SETBACK

605.1 In the N-6 zone a **minimum** rear setback **of** 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 **minimum** side setback of eight feet (8 ft.) shall be provided for a single family detached or semi-detached dwelling.

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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

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

700 PURPOSE AND INTENT

- 700.1 The purpose of the N-7 (C-2-A/GA) and N-8 (C-3-A/GA) zones is 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.
- 700.2 The N-7 zone (C-2-A/GA) is intended to permit mixed use development at a moderate density, including additional residential uses above improved commercial uses; and
- 700.3 The N-8 zone (C-3-A/GA) is intended to permit mixed use development at a medium density with a focus on employment, including additional residential uses above improved commercial uses.
- 700.4 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.
- 700.5 The designated use area shall coincide with the boundaries of the N-7 and N-8 zones.
- 700.6 The designated roadway in the N-7 and N-8 zones shall be Georgia Avenue N.W.

701 DEVELOPMENT STANDARDS TABLE

701.1 The following development standards table applies to the N-7 and N-8 zones:

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

702 RESERVED

703 LOT OCCUPANCY

703.1 The lot occupancy requirements in the N-7 (C-2-A/GA) zone are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	70% 75% (IZ)
All other buildings	100%

703.2 The lot occupancy requirements in the N-8 (C-3-A/GA) zones are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	75% 80 % (IZ)
All other buildings	100%

704 REAR SETBACK

704.1 In the N-7 zone a **minimum** rear setback **of** fifteen (15 ft.) shall be provided.

704.2 In the N-8 zone a **minimum** rear setback **of** twelve feet (12 ft.) shall be provided

705 SIDE SETBACK

705.1 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.).

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

706.1 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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED USE ZONES

707.1 The following design requirements shall apply to any lot in the N-7 and N-8 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.
- (b) Buildings on corner lots shall be constructed to all property lines abutting public streets;
- (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 § 707.1 (f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter-of-right in the zone;
- (h) Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk;

- (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 or below grade only.

**708 PLANNED UNIT DEVELOPMENTS - GEORGIA AVENUE
NEIGHBORHOOD MIXED USE ZONES**

708.1 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 X Chapter 3:

- (a) Any additional height and floor area above that permitted as a matter-of-right in the 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.).

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

800 PURPOSE AND INTENT

- 800.1 The purpose of the H Street Northeast Neighborhood Mixed Use zones is 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.;
 - (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.
- 800.1 The H Street Northeast Neighborhood Mixed Use zones include a housing, retail and arts subarea, and are comprised of the N-9, N-10, N-11, N-12, N-13, N-14, N-15, N-16, and N-17 zones.
- 800.2 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.
- 800.3 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.

- 800.4 The N-9 zone (C-2-A/HS-H) is intended to permit mixed use development at a moderate density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 800.5 The N-10 zone (C-2-B/HS-H) is intended to permit mixed use development at a moderate to medium density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 800.6 The N-11 zone (C-2-C/HS-H), N-12 zone (C-3-A/HS-H) and the N-13 zone (C-3-B/HS-H) zones are intended to permit mixed use development at a medium density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 800.7 The H Street Northeast Neighborhood Mixed Use Commercial Arts sub-district is divided into the N-14 and N-15 zones.
- 800.8 The H Street Northeast Neighborhood Mixed Use Commercial Arts sub-district zones are intended to 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;
- 800.9 The N-14 zone (C-2-A/HS-A) is intended to permit mixed use development at a moderate density with an emphasis on arts and arts-related uses.
- 800.10 The N-15 zone (C-3-A/HS-A) is intended to permit mixed use development at a medium density with an emphasis on employment and the provision of arts and arts-related uses.
- 800.11 The H Street Northeast Neighborhood Mixed Use Retail sub-district is divided into the N-16 and N-17 zones.
- 800.12 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.
- 800.13 The N-16 zone (C-2-A/HS-R) is intended to permit mixed use development at a moderate density with an emphasis on the provision of retail uses.
- 800.14 The N-17 zone: (C-2-B/HS-R) is intended to permit mixed use development at a moderate to medium density with an emphasis on the provision of retail uses.
- 800.15 The H Street Northeast Neighborhood Mixed Use zones shall be mapped along the H Street NE commercial corridor between the western side of 2nd Street, NE and the eastern side of 15th Street, NE.
- 800.16 The designated street lot lines in the H Street Northeast Neighborhood Mixed Use 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 zone.

801 DEVELOPMENT STANDARDS TABLE

801.1 The following development standards table applies to the N-9, N-10, N-11, N-12, N-13, N-14, N-15, N-16, and N-17 zones:

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

802 RESERVED

803 FLOOR AREA RATIO - BONUS DENSITY

803.1 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

803.2 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.

803.3 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.

804 LOT OCCUPANCY

804.1 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.

804.2 The lot occupancy requirements in the N-9, N-14 and N-16 zones are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	70 % 75 % (IZ)
All other buildings	100 %

804.3 The lot occupancy requirements in the N-12 and N-15 zones are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	75 % 80 % (IZ)
All other buildings	100 %

804.4 The lot occupancy requirements in the N-10, N-11 and N-17 zones are set forth in the following table:

Building Type	Lot Occupancy Maximum
A Building or portion thereof devoted to Residential use	80 % 80 % (IZ)
All other buildings	100 %

804.5 In the N-13 zone all buildings shall be permitted a lot occupancy of one hundred percent (100 %).

805 REAR SETBACK

- 805.1 In the N-9, N-10, N-11, N-14, N-16 and N-17 zones, a **minimum** rear setback **of** fifteen (15 ft.) shall be provided.
- 805.2 In the N-12, N-13, and N-15 zones, a **minimum** rear setback **of** twelve feet (12 ft.) shall be provided.

806 SIDE SETBACK

- 806.1 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.).
- 806.2 A **minimum** side setback of eight feet (8 ft.) shall be provided for a single family detached or semi-detached dwelling.

807 COURTYARD

- 807.1 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; 10 ft. minimum	Four inches per foot (4 in./ft.) of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 6 ft. minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

808 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

- 808.1 The following design requirements of §§ 808.2 through 808.13 apply to all lots in the H Street Northeast Neighborhood Mixed Use zones:
- 808.2 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.
- 808.3 For the purposes of § 808.3, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses.

- 808.4 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.
- 808.5 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.
- 808.6 Security grilles shall have no less than seventy percent (70%) transparency.
- 808.7 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.
- 808.8 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.
- 808.9 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.).
- 808.10 Buildings subject to § 808.10 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the zone.
- 808.11 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.
- 808.12 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.
- 808.13 Roof signs are prohibited.

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 X Chapter 2:
- (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 §§ 803.2 shall be deemed to first utilize the bonus authorized for inclusionary zoning units.
- (f) Use of the bonus FAR authorized in § 803 shall not count towards the Inclusionary Zoning set-aside requirements of Subtitle C Chapter 22.
- (g) Bonus density achieved through § 803 that is in addition to the inclusionary zoning requirements shall not count toward the Inclusionary Zoning set-aside requirements of Subtitle C Chapter 22.

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.

CHAPTER 10 GENERAL DEVELOPMENT STANDARDS (N)

1000 GENERAL DEVELOPMENT STANDARDS

- 1000.1 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.
- 1000.2 The by right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments except if specifically stated otherwise.
- 1000.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in Floor Area Ratio,
- 1000.4 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 11.

1001 GREEN AREA RATIO

- 1001.1 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.

1002 FLOOR AREA RATIO

- 1002.1 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.
- 1002.2 Non-residential floor area in the N zones shall be the total gross floor area of a building not dedicated to one of the following uses:
- (a) Residential;
 - (b) Emergency Shelter;
 - (c) Lodging use with less than thirty (30) rooms;
 - (d) Guest rooms and service areas of a Lodging use with thirty (30) or more rooms; or
 - (e) Education uses that are operated or chartered by the District government.

1003 RESERVED

1004 REAR SETBACK

1004.1 Rear Setbacks as required in the N zones may be measured according to the following rules in , except N-13:

- (a) If the subject lot does not abut an alley, the rear 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 N 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 N zone included in Subtitle H, 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.

CHAPTER 11 USE PERMISSIONS FOR N ZONES

1100 DESIGNATED AND RESTRICTED USES

1100.1 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.

1100.2 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 Care;
- (b) Arts, Design and Creation;
- (c) Eating and Drinking Establishments;
- (d) Financial and General Services; and
- (e) Retail.

1100.3 The N zone designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements.

- (a) No more than twenty percent (20%) of the ground floor level area shall be Financial Services, travel agencies, or other ticket offices;
- (b) Eating and Drinking Establishments, and Fast Food Establishments where permitted, 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 Fast Food Establishments, such uses may occupy the full the ground floor requirements of § 1100.3; provided, that they shall remain subject to the linear street frontage requirement of paragraph 1100.3 (b) (1).
- (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.

1100.4 The following additional permission and conditions shall apply to the by-right designated uses in a designated use area in the specified N zones:

- (a) In the N-2, N-9, N-10, N-11, N-12, and N-13 zones, residential uses may

also be considered designated uses.

- (b) 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 § 1100.1.
- (c) In the N-2 zone, ground floor residential uses established pursuant to § 1100.5 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 § 1100.5 of this subtitle.
- (d) 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.
- (e) In the N-6 zone, in addition to the requirements of 1100.3 (b), up to half (1/2) of the fifty percent (50%) of the linear street frontage may only be occupied by Fast Food Establishments.
- (f) In the N-7 and N-8 zones liquor stores and pawn shops shall not be permitted.
- (g) In the N-12 and N-13 zones, catering establishments and bakeries may also be considered designated uses.

1100.5 No drive-through shall be permitted in any N zone as a principal or accessory use.

1101 USES IN N ZONES

1101.1 This section establishes use provisions that shall apply to those parts of a building or lot in an N zone, that are not within a designated use area regulated by § 1100 of this chapter.

1101.2 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.

1101.3 Antennas in N zones shall be governed by C Chapter 25.

1101.4

Use 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	P	P	P	P	P	P	P
Designated uses							
Agriculture, Large	P	P	P	P	P	P	P
Agriculture, Residential	P	P	P	P	P	P	P
Animal Care and Boarding	C	C S	C S	P S	P S	P S	C S
Art Design and Creation	C	C	C	C	C	C	C
Basic Utilities	C	C	C	C	C S	C S	C S
Chancery	P	P	P	P	P	P	P
Community- based Inst. Facility	S	S	S	S	P	P	S
Daytime Care	P	P	P	P	P	P	
Eating and Drinking Establishments	C S	C S	S	S	C S	C S	C
Educ. Coll. And Universities	S	S	P	P	P	P	P
Education, Private	P	P	P	P	P	P	P
Education. Public	P	P	P	P	P	P	P
Emergency Shelter	C S	C S	C S	C S	P	P	C S
Entertainment and Performing Arts	N	P	P	P	P	P	P
Fast Food Establishments	N	S	C S	C S	C	C	N
Firearm Sales	N	C	C	C	C	C	C
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	C S	C S	C S	C S	C S	C S
Office	P	P	P	P	P	P	P
Parking	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)
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	P	P	P	P	P	P
Transportation Infrastructure	P	P	P	P	P	P	P

1101.5 Animal 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.

1101.6 [Reserved]

1101.7 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.

1101.8 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.

- 1101.9 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.
- 1101.10 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.
- 1101.11 [RESERVED]
- 1101.12 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.
- 1101.13 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.
- 1101.14 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 uses.

- 1101.15 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.

1102 USES ALLOWED BY SPECIAL EXCEPTION IN N ZONES

1102.1 In areas other than designated use areas, the following uses shall be permitted by special exception (S) in the N Zones subject to specific conditions and the general special exception criteria of Y § Chapter 8.

1102.2 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

1102.3 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.
- 1102.4 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.
- 1102.5 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.
- 1102.6 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.
- 1102.7 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;
 - (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.

1102.8 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.

1102.9 Motor Vehicle Related uses, excluding auto body or fender repair, may be approved by the Board of Zoning Adjustment.

1102.10 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.

1102.11 Education, College/University uses shall be permitted by a special exception subject to Subtitle X, Chapter 1.

1103 USES NOT PERMITTED IN N ZONES

1103.1 Any use 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.

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS

1200

SPECIAL EXCEPTION RELIEF

1200.1

Exceptions from the requirements of this subtitle shall be permitted as a special exception, if approved by the Board of Zoning Adjustment pursuant to 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;
- (a) 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;
- (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 encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to 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 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.

1200.2

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

**1201 SPECIAL EXCEPTIONS - GEORGIA AVENUE NEIGHBORHOOD
MIXED USE ZONES**

1201.1 In addition to the requirements of H § 1200, an application for special exception in the Georgia Avenue Neighborhood Mixed Use zones shall demonstrate that the project is consistent with the design intent of the design requirements of H § 707.

**1202 SPECIAL EXCEPTION- H STREET NORTHEAST NEIGHBORHOOD
MIXED USE ZONES**

1202.1 In addition to the requirements of H § 1200, an application for special exception in the H Street Northeast Neighborhood Mixed Use zones shall demonstrate that the project is consistent with the design intent of the design requirements of H § 808 and the design guidelines of the H Street N.E. Strategic Development Plan.