

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS}Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: July 20, 2018
SUBJECT: ZC 17-23A: Hearing Report – Request for a Text Amendment to the Zoning Regulations: Subtitle B - Definitions and Rules of Measurement and Other Changes and Correlating Rules in Subtitles D, E, and F.

I. RECOMMENDATION

OP recommends the Zoning Commission set down the following text amendments for a public hearing.

1. Revisions to Definitions (Subtitle B, Chapter 1) of:
 - a. Building, Attached;
 - b. Building, Detached; and
 - c. Building, Semi-detached.
2. Revisions to Rules of Measurement (Subtitle B, Chapter 3).
3. Revisions to zone specific Development Standards (Subtitle D, E, and F).

II. BACKGROUND

The Office of Planning (OP) brought forward a proposed text amendment, which the Zoning Commission set down on December 11, 2017, that would have more closely aligned the treatment of side yards in the zoning regulations with past practice and Office of the Zoning Administrator (OZA) practice. The proposed text amendment also included formatting changes that would result in a consolidation of the side yard regulations. Finally, the proposal sought to increase the minimum nonconforming side yard from two to three feet to provide adequate space for access and maintenance.

The Zoning Commission held a public hearing on April 19, 2018, at which time it took public testimony related to the proposed text amendment. At that hearing, the Commission directed OP to draft new text that reflected the discussion at the hearing related to terminology, lot width, preservation of existing side yards, combined side yards, and relief. A summary of the discussion is below and revised draft proposed text is contained in Section III of this report.

It was determined at the April hearing that the revised proposed text would be sufficiently different that it would merit a new setdown. OP requests flexibility to work with the Office of the Attorney General to refine the language prior to notice if necessary.

III. REVISED PROPOSED TEXT AMENDMENTS

OP has noted in the “Comment” column below text changes that are being proposed. The proposed language reflects the preferred alternative for OP and DCRA and provides the most straightforward and easy to administer option. At the hearing, the Commission requested OP to consider alternate text for certain scenarios. OP has provided that alternate text at the end of this report and noted where in the regulations it could be included.

Section	Proposed Amendment	Comments
Subtitle B		
Chapter 1 Definitions		
§ 100.2	<u>Building, Row Attached:</u> A building that has no side yards abuts or shares walls on both side lot lines with other buildings on adjoining lots.	OP recommends that attached buildings be defined as “row buildings”. This is consistent with the 1958 Regulations. A row building need not share a common division wall to be considered “attached.” If setdown, OP would review all subtitles to ensure consistent use of the term row building versus attached building. OP recommends that use of the term “flat” be cleaned up in a future Text Amendment case.
	<u>Building, Detached:</u> A freestanding building that does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot <u>is completely separated from all other buildings and has two (2) side yards.</u>	
	<u>Building, Semi-detached:</u> A building that abuts or shares one (1) wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lot lines <u>has only one (1) side yard.</u>	
Subtitle B		
Chapter 3 General Rules of Measurement		
320 Rules of Measurement for Side Yards	320.1 A required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures. If a required side yard intersects with a required rear yard, the larger yard shall apply for the required distance of the larger yard.	OP is not proposing changes to this rule of measurement.
	320.2 An addition to an existing semi-detached or detached principal building must meet the side yard requirements for that type of building in the zone. An existing detached or semi-detached building may not be treated as an attached building through the construction of additions. <u>[DELETED]</u>.	OP recommends deletion of this rule of measurement as it is addressed in the land use subtitles.

Section	Proposed Amendment	Comments
Subtitle D Residential (R) House Zones		
Chapter 2 General Development Standards (R)		
202 Lot Occupancy	202.1 In the R zones, a detached or semi-detached building shall not be considered an attached unit for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached dwelling. <u>[DELETED].</u>	OP recommends deletion of this provision as it is addressed by the side yard regulations.
206 Side Yard	<p>206.1 Side yard requirements are as provided in each zone. <u>Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.</u></p> <p><u>206.2 Two side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.</u></p> <p><u>206.3 One side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.</u></p> <p><u>206.4 One side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.</u></p> <p><u>206.5 No side yards are required for row buildings.</u></p> <p><u>206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.</u></p> <p><u>206.7 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be</u></p>	<p>OP proposes regulating side yards in a manner more closely tied to the building form as has been done since 1958.</p> <p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p> <p>The proposed text clarifies that existing side yards should not be reduced or eliminated.</p>

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	<u>reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).</u>	
Chapter 3 Residential House Zones – R-1-A, R-1-B, R-2, and R-3		
307 Side Yard	<p>307.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-1-A, R-1-B, and R-2 zones.</p> <p>307.2 A detached single dwelling unit in the R-2 and R-3 zone shall be subject to the side yard requirements of an R-1-B zone.</p> <p>307.3 No side yard shall be required for attached dwellings in the R-3 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).</p> <p>307.4 In the R-2 and R-3 zones, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>307.5 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p> <p>OP and OZA continue to recommend deletion of the common division wall requirement.</p>
Chapter 4 Tree and Slope Protection Residential House Zones – R-6 and R-7		
407 Side Yard	407.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-6 and R-7 zones.	The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends

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	<p>407.2 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	<p>placing them in Chapter 2 as a General Development Standard.</p>
Chapter 5 Forest Hills Tree and Slope Residential House Zones – R-8, R-9, and R-10		
<p>507 Side Yard</p>	<p>507.1 The minimum side yard requirement for all buildings, accessory buildings, or additions to buildings in the R-8, R-9, and R-10 zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).</p> <p>507.2 In the R-10 zone when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].</p>	<p>OP is not proposing to change the requirement for an aggregate side yard width of 24 feet in the R-8, R-9, and R-10 zones.</p> <p>The OZA recommends deleting this section because it resulted in a stricter interpretation of the side yard regulations when read in conjunction with the revised definitions.</p> <p>OP and OZA continue to recommend deletion of the common division wall requirement.</p>
Chapter 6 Naval Observatory/Tree and Slope Residential House Zone – R-11		
<p>607 Side Yard</p>	<p>607.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-11 zone.</p> <p>607.2 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<p>decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). <u>[DELETED]</u>.</p>	
Chapter 7 Naval Observatory Residential House Zones – R-12 and R-13		
<p>707 Side Yard</p>	<p>707.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-12 zone.</p> <p>707.2 No side yard shall be required in the R-13 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).</p> <p>707.3 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).</p> <p>707.4 In the R-13 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. <u>[DELETED]</u>.</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
Chapter 8 Wesley Heights Residential House Zones – R-14 and R-15		
<p>807 Side Yard</p>	<p>807.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-14 and R-15 zones.</p> <p>807.2 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<p>existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	
Chapter 9 Sixteenth Street Heights Residential House Zone – R-16		
907 Side Yard	<p>907.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-16 zone.</p> <p>907.2 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
Chapter 10 Foggy Bottom Residential House Zones – R-17		
1007 SIDE YARD	<p>1007.1 No side yard shall be required in the R-17 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).</p> <p>1007.2 In the R-17 zone, when a single dwelling unit, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>1007.3 For a building with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	<p>The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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Chapter 12 Georgetown Residential House Zones – R-19 and R-20		
1204 Lot Occupancy	1204.1 ... 1204.2 <u>In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.</u>	OP is not proposing substantive changes to the lot occupancy regulations for the R-19 and R-20 zones.
1207 Side Yard	1207.1 A minimum side yards in the R-19 zone shall be a minimum of eight feet (8 ft.)-shall be provided in the R-19 zone. 1207.2 No side yards in the R-20 zone shall be required for an attached building in the R-20 zone; however, if a side yard is provided, it shall be at least a minimum of five feet (5 ft.). 1207.3 A minimum side yard of five feet (5 ft.) shall be provided for all buildings other than attached buildings in the R-20 zone. [DELETED]. 1207.4 3 In the R-19 and R-20 zones, a building with a side yard less than required may be extended or an addition may be made to the building, provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard <u>In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further,</u>	OP determined that the R-19 and R-20 side yard regulations remain unique and should not be combined with the General Development Standards in Chapter 2. OP is not proposing substantive changes to the side yard regulations for the R-19 and R-20 zones. Changes are proposed to make the language consistent with other chapters.

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	<p><u>that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.</u></p> <p>1207.5 In the R-20 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building, or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].</p>	
Chapter 13 Chain Bridge Road/University Terrace Residential House Zone – R-21		
1307 Side Yard	<p>1307.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-21 zone.</p> <p>1307.2 For a building with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].</p>	The side yard requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.
Chapter 50 Accessory Building Regulations for R Zones		
5005 Side Yard	<p>5005.1 <u>No minimum side yard is required for an accessory building in an R zone, unless</u> An accessory building in an R zone may be located within a side yard or beside the main building; provided, if the accessory building is located beside the main principal building, it shall be removed from the side lot line a distance equal to the required side yard and from all the principal building lines a distance minimum of not less than ten feet (10 ft.).</p>	<p>OZA has requested clarification that no side yard is required for an accessory building in the R zones, unless the accessory building is located beside the principal building.</p> <p>OP proposed revisions for consistency.</p>

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Subtitle E – Residential Flat (RF) Zones		
Chapter 2 General Development Standards (RF)		
<u>207 Side Yard</u>	<p><u>207.1 Two side yards shall be provided for detached buildings; one side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.</u></p> <p><u>207.2 Any side yard provided shall be a minimum of five feet (5 ft.).</u></p> <p><u>207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.</u></p> <p><u>207.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).</u></p>	<p>OP proposes regulating side yards based on building form.</p> <p>Introduced a new provision that existing conforming side yards may not be eliminated and existing side yards must be maintained at a minimum of 3 feet.</p>
Chapter 3 Residential Flat Zone – RF-1		
307 Side Yard	<p>307.1 When a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>307.2 A side yard shall not be required along a side street abutting a corner lot in an RF-1 zone.</p> <p>307.3 No side yard is required for a principal building; however, any side yard provided on any portion of a principal building shall be at least</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>The side yard requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<p>five feet (5 ft.) except as provided in this section.</p> <p>307.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.). <u>[DELETED]</u>.</p>	
Chapter 4 Dupont Circle Residential Flat Zone – RF-2		
<p>407 Side Yard</p>	<p>407.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>407.2 A side yard shall not be required along a side street abutting a corner lot in an RF 2 zone.</p> <p>407.3 A side yard shall not be required for a principal building, however, any side yard provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 407.4.</p> <p>407.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.). <u>[DELETED]</u>.</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>The side yard requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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Chapter 5 Capitol Precinct Residential Flat Zone – RF-3		
507 Side Yard	<p>507.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>507.2 A side yard shall not be required along a side street abutting a corner lot in an RF-3 zone.</p> <p>507.3 A side yard shall not be required for a principal building, however, any side yard provided for any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 507.4.</p> <p>507.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.) <u>[DELETED].</u></p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>The side yard requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
Chapter 6 Residential Flat Zone – RF-4 and RF-5		
607 Side Yard	<p>607.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.</p> <p>607.2 A side yard shall not be required along a side street abutting a corner lot in an RF-4 and RF-5 zone.</p> <p>607.3 A side yard shall not be required for a principal building, however, any</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>The side yard requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<p>side yard provided for any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 607.4.</p> <p>607.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.). <u>[DELETED].</u></p>	
Subtitle F – Residential Apartment (RA) Zones		
Chapter 3 Residential Apartment Zones – RA-1, RA-2, RA-3, RA-4, and RA-5		
<p>306 Side Yard</p>	<p>306.1 An eight-foot (8 ft.) <u>Side yards shall be provided for a detached or semi-detached dwelling building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.).</u></p> <p>306.2 For all other buildings <u>Except as provided in F § 306.1, the following side yard rules apply:</u></p> <p>(a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and</p> <p>(b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards <u>are</u> shall be required; however, if a side yard is provided, it shall be no less</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>OP recommends increasing the minimum side yard width to 3 feet in § 306.6.</p> <p>OP recommends that conforming side yards not be reduced or eliminated.</p> <p>OP proposes revisions for consistency.</p>

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	<p style="text-align: center;">than <u>a minimum of</u> four feet (4 ft.).</p> <p>306.3 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].</p> <p>306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.</p> <p>306.5 <u>Existing conforming side yards may not be reduced to a non-conforming width or eliminated.</u> In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).</p> <p><u>306.6 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).</u></p>	
Chapter 4 Naval Observatory Residential Apartment Zone		
406 Side Yard	406.1 In the RA-6 zone, <u>A minimum of</u> one (1) side yard shall be provided for all structures <u>buildings</u> unless the structure <u>building</u> contains three	OP and OZA continue to recommend deletion of the

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	(3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.).	common division wall requirement.
406.2	An eight-foot (8 ft.) side yards shall be provided for a detached and or semi-detached dwelling. <u>building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-6 zone.</u>	OP and OZA continue to recommend deletion of the common division wall requirement. OP recommends increasing the minimum side yard width to 3 feet in § 406.6.
406.3	When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].	OP recommends that conforming side yards not be reduced or eliminated. OP proposes revisions for consistency.
406.4	A side yard shall not be required along a side street abutting a corner lot in an RA-6 zone.	
406.5	<u>Existing conforming side yards may not be reduced to a non-conforming width or eliminated.</u> In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).	
406.6	<u>In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the</u>	

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	<p><u>existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).</u></p>	
Chapter 5 Capitol Precinct Residential Apartment Zone - RA-7		
<p>506 Side Yard</p>	<p>506.1 In the RA-7 zones, no side yards are shall be required; however, if a side yard is provided, it shall be no less than <u>a minimum of</u> four feet (4 ft.).</p> <p>506.2 An eight foot (8 ft.) side yards shall be provided for a detached and or semi-detached dwelling building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-7 zone.</p> <p>506.3 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].</p> <p>506.4 A side yard shall not be required along a side street abutting a corner lot in an RA-7 zone.</p> <p>506.5 <u>Existing conforming side yards may not be reduced to a non-conforming width or eliminated.</u> In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>OP recommends increasing the minimum side yard width to 3 feet in § 506.6.</p> <p>OP recommends that conforming side yards not be reduced or eliminated.</p> <p>OP proposes revisions for consistency.</p>

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	<p><u>506.6 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).</u></p>	
Chapter 6 Dupont Circle Residential Apartment Zones – RA-8, RA-9, and RA-10		
<p>606 Side Yard</p>	<p>606.1 No side yards are shall be required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be no less than <u>a minimum of</u> four feet (4 ft.).</p> <p>606.2 An eight foot (8 ft.) s<u>Side yards</u> shall be provided for a detached and or semi-detached dwelling <u>building containing one (1) or two (2) dwelling units</u> in the RA-8, RA-9, and RA-10 zones <u>shall be a minimum of eight feet (8 ft.).</u></p> <p>606.3 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].</p> <p>606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.</p> <p>606.5 <u>Existing conforming side yards may not be reduced to a non-conforming width or eliminated.</u> In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may</p>	<p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>OP and OZA continue to recommend deletion of the common division wall requirement.</p> <p>OP recommends increasing the minimum side yard width to 3 feet in § 606.6.</p> <p>OP recommends that conforming side yards not be reduced or eliminated.</p> <p>OP proposes revisions for consistency.</p>

Section	Proposed Amendment	Comments
	<p>be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).</p> <p><u>606.6 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).</u></p>	

BZA Case 18611 - Pritchard

At the April 19, 2018, public hearing, OP introduced new proposed text that would prevent the reduction or elimination of an existing conforming or nonconforming side yard below the minimum permitted width required for the zone. Inclusion of the new proposed language also would address the issue of property owners constructing an addition to convert an existing semi-detached building to an attached building to gain additional density.

OP notes that the R-19 and R-20 side yard regulations remain unique from the R-2 and R-3 side yard regulations and could not be supplanted by the proposed text.

Corner Lots

There was discussion regarding corner conditions at the public hearing. The proposed text preventing the reduction or elimination of existing conforming or nonconforming side yards below the minimum permitted width should address concerns for existing buildings. With respect to new construction, side yards were not historically required for corner properties and a wide variety of building patterns are found on corner lots throughout the city.

Penthouse Issues

The Commission requested that OP verify that the proposed changes to the side regulations present any conflicts with the penthouse regulations (Subtitle C, Chapter 15). OP notes that the revisions to the side yard regulations should not present any new issues with respect to the penthouse regulations. All setback requirements would be maintained and penthouses are limited in the R and RF zones.

Existing Side Yard on Adjacent Property/Lot Width

Public testimony at the hearing centered on possible protection through the side yard regulations for a property owner with an existing building that did not span lot-line to lot-line that was adjacent to a vacant property that could be developed with no side yards. Options included requiring a special

exception for the vacant property to be developed with no side yards, which would permit neighbor input. Alternatives also included focusing this provision on properties in Historic Districts.

OP does not believe that it would be appropriate to limit matter-of-right development of row buildings in the RF zones based on the side yard condition on an adjacent property. The RF zones contemplate the development of row buildings that span lot-line to lot-line and the presence of a side yard at one moment in time does not guarantee the presence of a side yard for all time.

Should a property be in a Historic District, the review by the Historic Preservation Review Board would ensure the proposed construction would be compatible with protected historic and architectural characteristics.

The Commission also requested that OP study the possibility of regulating side yards based on lot width. The Commission expressed a desire to maintain a matter-of-right development scenario and indicated that it would not be appropriate to require a side yard on those lots measuring 18 feet or less in width.

OP **does not recommend** that a lot width standard be applied to determine side yard requirements. Furthermore, OP and OZA believe this approach could be overly complicated and difficult to administer.

RA-1 and RA-6 Design Review

At the hearing, the Commission discussed provisions in Subtitle U related to new residential developments and whether the Special Exception criteria addressed the issue of site planning. Subtitle U § 421.3 provides for OP comments on the site plan and arrangement of buildings and structures.

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

Subtitle U § 421 exempts new residential developments of one-family detached and semi-detached dwellings from Special Exception. Should the Commission determine that it would be appropriate to eliminate semi-detached dwellings from this exemption, OP recommends that the below change be implemented through the comprehensive review of Subtitle U.

Subtitle U – Chapter 4 – Use Permissions Residential Apartment (RA) Zones

421 NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6)

421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached ~~and semi-detached~~ dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.

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