



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Matt Jesick, Development Review Specialist
JL Joel Lawson, Associate Director, Development Review

DATE: January 2, 2026

SUBJECT: ZC #25-06 – OP Public Hearing Report for a Proposed Text Amendment to Amend the Zoning Regulations Governing Alley Lots

I. APPLICATION-IN-BRIEF AND RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **approve** proposed text amendments to facilitate the reuse of vacant or underutilized alley lots and to standardize and clarify existing alley lot regulations citywide. The Commission considered the amendments at their May 29, 2025 public meeting, and voted to set the application down for a public hearing. On balance, the proposed amendments would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens.

The proposed amendments are in response to requests from the Zoning Commission and the Board of Zoning Adjustment, and are intended to address direction provided by those bodies and concerns raised by property owners and other DC agencies. They are intended to implement the Comprehensive Plan by furthering several policies regarding infill development, efficient land utilization, and innovative approaches to housing development in neighborhoods, balanced against neighborhood character and life and safety issues.

The amendments would, among other technical and clarification changes:

- Allow residential use on alley lots in R-1 and R-2 zones;
- Allow a second residential unit within an alley lot building (an accessory dwelling unit or second principal unit, depending on the zone) based on the lot size;
- Modify maximum lot occupancy and minimum yard requirements for alley lots in R-1 and R-2 zones;
- Establish a Special Exception process for review of alley lot subdivisions which seek relief from minimum requirements; and
- Permit additional building height by special exception.

II. BACKGROUND

Zoning Commission case #19-13 was a previous text amendment addressing the rules governing alley lots. During the public hearing for that case, the Commission heard testimony from alley lot

owners that more was needed to be done to facilitate the use of their lots, which often face significant hurdles impeding their development, such as burdensome infrastructure costs. In response, the Commission directed OP to further study the alley lot regulations, including specific direction to examine alley width requirements and the potential for a special exception mechanism for subdivision relief before the Board of Zoning Adjustment (BZA). BZA members have also asked OP to examine alley lot subdivision and development standards, as part of their review of BZA alley lot cases. Furthermore, alley lot property owners have regularly petitioned OP to bring forward amendments to address their concerns.

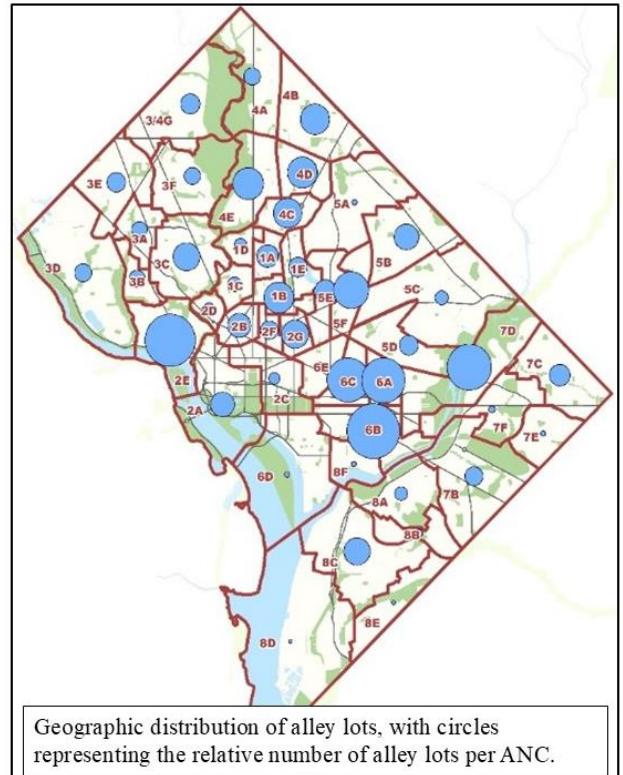
In response to these requests, OP undertook additional alley lot research and proposes a series of text amendments to further facilitate the reuse of vacant or underutilized alley lots in all residential zones in the city. The goals of the text amendment include:

- Implement the policies of the Comprehensive Plan, especially with regard to infill development, efficient land utilization, and innovative approaches to housing development in neighborhoods while also addressing safety issues;
- Implement Plan policies which seek to match the character of new development to existing communities;
- Facilitate the use of vacant or underutilized alley lots where current regulations render use or development of the properties infeasible; and
- Clarify the Regulations where necessary to make them easier to use by the public, and easier to administer by the ZC, BZA, and staff.

III. BACKGROUND DATA REGARDING ALLEY LOTS

OP, based on GIS analysis, estimates that there are 1,897 alley lots in the District. The largest concentrations are in older neighborhoods near the center of the city. Locations near the edge of the city tend to have fewer alley lots. ANC 6B has the most, with 198, and ANC 8D and 8E have the fewest, with 1 each. A table with the number of alley lots by ANC can be found in Attachment 1.

Nearly half of all alley lots, 887, are located in the RF-1 zone. R-3 is next, with about 17% of lots (329) falling in that zone. Please see Attachment 1 for the quantities for each zone category. Many of the alley lots are very small, with 661 of the total number of alley lots having less than 450 square feet of land area. Attachment 1 contains tables that quantify the number of alley lots in each zone, the number that are less than 450 sq.ft. in area, and a more detailed breakdown by lot size of the alley lots in three of the most common zone categories – RF-1, R-3, and R-1B.



OP estimates that the existing uses for alley lots are as shown in the following table.

Existing Uses on Alley Lots

Use	Total Number	Lots < 450 sq.ft. in area	Lots => 450 sq.ft. in area
Residential	319	19	300
Residential Parking Garage	454	222	232
Commercial, Institutional, Government	92	3	89
Surface Parking	80	16	64
Vacant	890	379	511
Recreational	3	0	3
Unknown	59	22	37
TOTAL	1,897	661	1,236

The vacant lots would be the most likely to experience new development. Of those, 379 (43%) are less than 450 square feet in size, so would not be permitted to have a residential use unless they were enlarged through a lot consolidation. 511 (57%) have an area of 450 square feet or more. The median lot area for the vacant lots is 552.5 square feet. Of all vacant lots, the zone categories reflect the quantity of alley lots in general, with RF-1 having the most vacant lots, followed by R-2, R-3 and R-1B. See the relevant table in Attachment 1.

OP also reviewed the results of the 29 alley lot BZA cases that have been decided since the approval of ZR-16. Data derived from those cases is summarized in the table to the right.

Category	Number
Total BZA alley lot cases since ZR-16	29
Approved by the Board	21
Denied by the Board	6
Withdrawn	2
Number that had alley widths of => 15 feet	20
Of the 29 cases, number which sought SE or VAR relief for alley width in order to subdivide or establish a residential use	15
Approved by BZA	11
Denied by BZA	3
Withdrawn	1
Of the 15, number that had alley widths < 15 feet	8
Of the 8 cases, number approved by the Board	7
	(1 w/d)

IV. ZONING COMMISSION COMMENTS FROM SETDOWN

The following table summarizes the Commission's comments from the time of hearing action.

Commission Comment	OP Response
FEMS should be consulted on the text amendment.	OP met with FEMS, and their feedback resulted in changes to the proposed text as noted in this report.
Is there an estimate of the number of housing units that could be produced by the text amendment?	No firm estimate of the number of housing units can be produced, as the actual development outcome depends on how existing lots are used, how zoning changes may influence property owners' decision making, and how existing lots are divided or combined. However, OP believes that the most likely lots to develop new housing units are vacant lots. OP estimates that at present there are 890 vacant alley lots, and of those, about 511 are equal to or greater than 450 square feet in lot area, the minimum required for a dwelling unit. Those lots are the most likely candidates for new development, but other lots, such as existing garages, for example, could also add a residential unit or be converted entirely to a residential unit. OP's proposal also would allow by right or by special exception two units per lot in most circumstances, which would also add housing opportunities. Overall, it is one of the goals of the text amendment to remove barriers to development of long-vacant properties.

V. SUMMARY OF PROPOSED TEXT AMENDMENTS

Most of the proposed text amendments fall into three main categories: alley lot subdivision, uses, and development standards. A version of the complete proposed zoning amendments is provided in Attachment 3.

Changes Since Setdown

Since setdown, OP has continued to work with other government agencies, including DOB and FEMS, on the proposed zoning text, and to gather feedback on the proposal from ANCs, property owners, and interested groups. These interactions have led to a number of changes from the draft text proposed at setdown. The following table summarizes the changes.

Type	Relevant Section	Description of Change
Subdivision – Alley Width	C § 306.1(a)	OP had at setdown proposed to reduce the matter of right (MOR) alley width for a subdivision to 15 feet. OP discussed that proposal with FEMS personnel, who indicated a preference to keep the existing standard but allow review of

Type	Relevant Section	Description of Change
		<p>applications on a case-by-case basis to ensure adequate emergency vehicle access.</p> <p>In response, OP now proposes to leave the MOR alley width at 24 feet, but to allow subdivision by special exception on alleys of less than 24 feet in width, to allow FEMS and community review.</p>
Subdivision – Lot Dimensions	C § 306.1(d)	<p>At setdown OP had proposed to include a row in the Development Standards tables of Subtitles D and E indicating that the minimum lot area was as prescribed by the zone.</p> <p>After discussions with ZA staff, that information was included in Subtitle C, and removed from the individual subtitles. This change was made to make the regulations more clear, user friendly, and easier to administer.</p>
Subdivision – Lot Area	C § 306.1(d)	<p>At setdown OP had proposed to leave unchanged the language of this section regarding lot area minimums.</p> <p>After discussions with ZA staff, it was decided to specify that in any R-2, R-3 and RF zones, the minimum area shall be the minimum required, regardless of building type. This change was made to avoid confusion at the time of subdivision, when the future building type may not yet be known, and to comply with past DOB precedent for how subdivisions have been processed.</p>
Use – Alley Width	U § 600.1(f)(6) and I § 210.4(b)	<p>OP had at setdown proposed to reduce the matter of right (MOR) alley width for all residential uses to 15 feet, whereas today the standard is 24 feet, or 15 feet if the property is within 300 feet of a street.</p> <p>OP discussed that proposal with FEMS personnel, who indicated a preference to keep the existing standard, which includes a special exception for alleys not meeting the MOR standard.</p> <p>In response, OP now proposes to leave the MOR alley width for residential uses as-is, including the existing special exception process, which allows FEMS and community review.</p>
Development Standards – Height Relief	D, E and F § 5201; G § 5200; I § 210	<p>At the time of setdown, OP had proposed only a minor change to height allowances for alley lots, to align the maximum height for alley buildings to that for accessory buildings at 22 feet.</p> <p>After significant feedback from members of the public, ANCs, and alley lot owners, OP now proposes to add height to the list of development standards for alley lots for which the Board can grant relief as a special exception. Maximum height through a special exception would be 35 feet and 3 stories in residential zones, and 40 feet and 4 stories in commercial zones.</p>

Type	Relevant Section	Description of Change
		This change is based on feedback stating that additional height would make alley development, which is subject to large infrastructure costs, more financially feasible, and would provide greater opportunity for housing, including larger sized units. The special exception process would allow review of potential impacts on adjacent lots and overall character.
Clarification – Purpose Statements	D, E, F and G § 5100, and I § 210	Since the time of setdown, OP has continued to refine the purpose statements proposed for each alley lot regulation section. This change was based on feedback from owners and city agencies, and on a desire to better reflect the purposes of the alley lot zoning regulations.
Development Standards – Yards	D, E, F and G § 5100; I § 210; J § 500	The existing alley lot regulations have separate entries in the development standards tables for rear yard and side yard, and at the time of setdown, OP had not been proposing changes to that arrangement. After setdown, because they were identical, the rear and side yard provisions were combined to simplify the development standards table and reduce user confusion about yard location. Further clarifications were also made to the wording of the yard regulation.
Development Standards – Yards	D § 5100	At the time of setdown, OP had proposed to require larger yards for R-1-zoned alley lots, where those lots abut the rear yard of a street-facing lot. In the current proposal, OP also proposes to require larger yards for R-2-zoned alley lots. This change was made in an effort to treat lots in the lowest-density zones in a similar manner regarding the expectation of greater open space in those zones.
Development Standards – Front Setback	D and E § 5100	At the time of setdown, OP made no proposed text changes regarding front setbacks. Now OP proposes to add a line to the development standards table to clarify that front setback rules do not apply on alley lots. This change was made in an effort to clarify the regulations, particularly regarding which regulations do or do not apply to alley lots, and in recognition of the differences in configuration between alley lots and street-facing lots, and the differences in historic development patterns.
Development Standards – Pervious Surface	D, E and F § 5100	At the time of setdown, OP had proposed to apply a GAR standard to RA zones, where GAR typically applies. OP's proposal also would have kept pervious surface requirements in R and RF zones at 10%.

Type	Relevant Section	Description of Change
		<p>DOEE reviewed the proposed zoning text and recommended keeping the pervious surface standard for alley lots in RA zones, but increasing the pervious surface standard to 25% in all zones.</p> <p>OP made DOEE's suggested changes because of their feedback that GAR is not an enforceable mechanism for the most likely development type on alley lots – single family dwellings or flats – because they do not require a certificate of occupancy. DOEE also stated that an increased pervious surface requirement could minimize stormwater runoff.</p>
Use – Residential	U §§ 600 and 601	<p>At the time of setdown, OP had proposed to limit residential uses on R-1-zoned alley lots to those alley lots existing as of the effective date of the proposed alley regulations.</p> <p>In the current proposal, OP also seeks to apply that same limitation to R-2-zoned alley lots. This change was made in an effort to treat lots in the lowest-density zones in a similar manner regarding the ability to establish a residential use.</p>
Use – Variance Types	X § 1001.3(d)	<p>At the time of setdown, OP made no proposed text changes to Subtitle X. Now OP proposes to add language to the examples of area variances to clarify that some aspects of relief from alley use regulations can be reviewed as area variances, and others must be reviewed as use variances.</p> <p>This change was made after feedback from DOB that it can be difficult to determine the type of variance – area or use. Their recommendation was that clarifying language would be helpful for the future administration of the Regulations.</p>

Lists of Amendments

The following table summarizes the major proposed amendments.

Type	Relevant Section	Amendment
Subdivision	C § 306.5	Establish a special exception mechanism to review applications for subdivision that do not meet MOR requirements.
Use	U §§ 600 and 601	Permit residential use on alley lots in the R-1 and R-2 zones, but only on existing alley lots, lots subdivided from existing alley lots, or existing alley lots that are expanded in area.
Use	U § 600.1(f)(3), (4) and (5)	Permit a second residential unit on an alley lot, which could be an accessory unit or a second principal unit depending on the zone, and could be matter of right or by special exception, depending on the zone and lot area.

Type	Relevant Section	Amendment
Use	U § 600.1(h)	Add home occupations as a permitted use in an alley lot dwelling
Development Standards – Lot Occupancy	D § 5100.2(c)	Establish lot occupancy standards for the R-1 and R-2 zones, separate from the standards for the R-3 zone
Development Standards – Yards	D § 5100.2(e) and (g)	Establish increased yard requirements for alley buildings in the R-1 and R-2 zones.
Development Standards – Height Relief	D, E and F § 5201; G § 5200; I § 210	Add height to the list of development standards for alley lots for which the Board can grant special exception relief.

Other modifications would build on the direction of these proposed amendments or clarify the Regulations for owners and for administration and permitting, as described in the list below:

- B § 308.2 – Align the method of establishing the BHMP to that for street-facing lots;
- C § 306.1(c) – Move the alley frontage standard to its own subsection for clarity;
- C § 306; D, E and F § 5201; G § 5200; I § 210; and U § 601 – Add DOEE as a referral agency for alley-lot-related special exceptions;
- C § 710.2(c)(2) – Allow vehicle parking between the building and an alley lot line;
- D, E, F and G § 5100, and I § 210 – Add purpose statements and introductory language;
- D and E § 5100 – Clarify lot occupancy regulation;
- D, E, F and G § 5100 – Increase height maximum from 20 feet to 22 feet;
- D, E and F § 5201 – Add lot occupancy to the list of development standards for alley lots for which the Board can grant relief under § 5201;
- D, E and F § 5201 – Conforming amendments to address the potential for height relief;
- D, E, F and G § 5100, I § 210; and J § 500 – Clarify the applicability of the yard requirement; Combine yard requirements in the development standards table;
- F § 5100 – Add a lot occupancy standard where none exists today;
- I § 210 – Reformat the entire section to match alley regulations in other subtitles;
- I § 210.5 – Add referral requirement for special exception applications;
- I § 210.4 (former) – Delete statement that residential uses must meet building code, which is required for any new construction;
- I § 210.5 – Delete reference to ZA or building official determining access suitability;
- J § 500 – Clarify introductory language and add rows in the development standards table as appropriate; and

- X § 1001.3(d) – Clarify variance types for certain areas of relief from alley use regulations.

The proposed zoning changes would not:

- Rezone any property, or allow a use on an alley lot not otherwise permitted within that zone;
- Alter the matter of right alley width, lot area or frontage minimums for subdivision;
- Change the existing methods of combining or converting alley record lots or alley tax lots;
- Alter the special exception mechanism for residential uses not meeting the matter of right use requirements;
- Impact other uses presently permitted;
- Substantively change the matter of right development standards for alley buildings in the RF or MU zones; or
- Result in the closure of any public alleys.

VI. COMPREHENSIVE PLAN

Comprehensive Plan Land Use Maps

This proposed text amendment would apply citywide, so would not fall under any particular Generalized Policy Map or Future Land Use Map designation. However, many alley lots can be found in areas shown as Neighborhood Conservation Areas on the Policy Map. The proposed text amendment could facilitate infill development on underutilized lots, at a scale compatible with existing alley buildings and surrounding street-fronting development. This would be consistent with the guidelines of the Plan regarding Neighborhood Conservation Areas (§§ 225.4 and 225.5) which say, in part:

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area.

Similarly, infill development would be compatible with the relevant designations of the Future Land Use Map. Many alley lots are found in areas described as appropriate for moderate or low-density residential development, and the development standards and use regulations for alley lots would ensure the compatibility of any new buildings in terms of height, bulk and intensity and types of uses permitted.

Comprehensive Plan Analysis through a Racial Equity Lens and the Zoning Commission’s Racial Equity Tool

The Comprehensive Plan requires the Zoning Commission and staff to examine city policies, including the implementation of policy in zoning, through a racial equity lens. The Commission created a Racial Equity Tool to assist in its evaluation of zoning actions through a racial equity lens. The four parts of the tool ask the applicant to provide analysis of the relevant policies from the Comprehensive Plan and other planning documents, descriptions of community outreach and input, data that describes the racial and economic characteristics of the subject planning area, and analysis of specific factors related to equity.

Racial Equity Tool Part 1 – Comprehensive Plan Guidance

Racial equity is a broad and encompassing goal of the entire District government. As explained in the Framework Element of the Plan,

[t]he District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality. Framework Element, § 213.6

Section 2501.8 of the Implementation Element calls for “the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.”

The direction to consider equity “as part of [the Zoning Commission’s] Comprehensive Plan consistency analysis” indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and whether a proposed zoning action is “not inconsistent” with the Comp Plan. Whenever the Commission considers Comprehensive Plan consistency, the scope of the review and Comprehensive Plan policies that apply will depend on the nature of the proposed zoning action.

Equity is discussed throughout the Comprehensive Plan. In the context of zoning, certain priorities stand out, including affordable housing, displacement, and access to opportunity. The Plan provides a number of policies that informed the creation of proposed zoning and which, when viewed through a racial equity lens, give the Commission a framework for evaluating the proposal. Below is an analysis of how the text amendment could further some of the larger policy focus areas relevant to alley lots. Please refer to OP’s setdown report, [Exhibit 2](#), for a compilation of relevant Plan policies.

Framework Element Guiding Principles:

The Comprehensive Plan seeks to create and support an equitable and inclusive city, and embodies those goals in several guiding principles. The text amendments could further the guiding principles of the Plan by providing additional housing options while protecting the character of neighborhoods, in all parts of the District. The text amendment was also generated in-part by and informed by public input, through conversations with ANC commissioners, alley lot owners, and other residents as well as through discussions as part of BZA hearings for alley lots.

Land Use Element:

The proposed text amendments could address some of the key equity issues identified by the Land Use Element, including allowing opportunities for new growth and balancing competing demands for finite land resources while minimizing impacts to adjacent residential properties. The Land Use Element puts a strong emphasis on infill development, which would be facilitated by the text amendment. Specifically, Policies LU-1.5.1 and LU-1.5.2 call for infill on “*vacant lots that create gaps in the urban fabric*” and state that the District should “*facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints.*” The text amendments, however, attempt to accomplish those goals while also addressing other Land Use policies, such as 2.1.5 and 2.1.7, which seek to protect low-density and rowhouse residential neighborhoods. Policy 2.1.8 acknowledges that guidance, but also recommends the exploration of approaches, including zoning changes, to accommodate the “*appropriate production of additional housing*”, and a “*modest increase in density and more diverse housing types*” in residential neighborhoods.

Housing Element:

The Housing Element of the Plan seeks to further equity by expanding the production of housing, and providing opportunities for all forms of housing throughout the District. The amendments could help to achieve these goals by eliminating regulatory barriers to developing certain vacant lots, and by permitting housing to be developed in zones on lots where it is currently prohibited. See, for example, Action H-1.5.E, which asks the District to “*Continue to identify and review regulatory impediments to the production of market rate and affordable housing.*” It also states that the government should “*Remove unnecessary and burdensome regulations and propose more efficient and effective alternatives for achieving important policy and regulatory goals.*”

Area Elements:

The area elements of the Plan call for equitable outcomes such as maintaining and enhancing the built form of neighborhoods, and taking advantage of vacant land to create more housing. The proposed amendments could further those objectives by facilitating the use of long-vacant sites, while also maintaining and strengthening regulations meant to ensure an appropriate scale of development.

On balance, including when evaluated through a racial equity lens, the proposed zoning text amendments would not be inconsistent with the Comprehensive Plan and would further a number of written Plan policies.

Racial Equity Tool Part 2 - Community Outreach and Engagement

Alley lot owners have periodically provided feedback to OP since the approval of case #19-13. OP began formal outreach to the owners for the present text amendment in October 2024. In April, October and November 2025, OP held virtual open houses for ANC members and had further engagement with alley owners and owner representatives. OP also presented the proposal to individual ANCs that requested additional consultation, as well as other interested groups who requested a meeting. The purpose was to solicit feedback on potential amendments and answer questions about the proposed zoning.

Meetings were held on the following dates:

- October 17, 2024, 12:30 – 1:30, for alley lot owners group;
- October 21, 2024, 1:00 – 1:30, for an individual owner;
- April 1, 2025, 5:30 – 6:30, for all ANC commissioners;
- April 3, 2025, 12:00 – 1:00, for all ANC commissioners;
- April 4, 2025, 1:00 – 2:00, for alley lot owners group;
- April 7, 2025, 12:00 – 1:00, for owner representatives;
- April 11, 2025, 12:30 – 1:00, for an individual owner;
- July 21, 2025, 6:30 – ANC 1B;
- October 20, 2025, 12:00 – 1:30, for all ANC commissioners;
- October 20, 2025, 5:00 – 6:30, for all ANC commissioners;
- October 27, 2025, 12:00 – 1:00, DC Yimbys;
- October 31, 2025, 10:00 – 10:30, Coalition for Smarter Growth;
- November 14, 2025, 10:00 – 11:00, for alley lot owners group;
- November 24, 2025, 6:30 – ANC 3/4G; and
- December 4, 2025, 12:00 – 1:00, for the staff of a councilmember.

Comments were generally positive, but feedback resulted in the following changes to OP's proposal:

- Increase yard requirements for R-1 and R-2 alley lots where they abut the rear yards of street-facing lots;
- Limit new alley lot residential uses in R-1 and R-2 zones to existing alley lots, or lots created from existing alley lots;
- Allow height relief by special exception;
- Refine language of the proposed purpose statements;
- Add DOEE as a referral agency for special exceptions involving alley lots; and
- Establish Home Occupations as a permitted use on alley lots.

Some suggestions from the meetings have not been incorporated in the current proposal, including exempting alley dwellings from parking requirements, and allowing higher lot occupancies for alley buildings in the R-1 and R-2 zones.

Community Comments

As of this writing, the record contains a letter in support from a Councilperson (Exhibit 173), five formal comments from ANCs, and over 150 individual letters generally supporting the proposal but asking for further changes. There appear to be two letters in opposition, both from the same individual. ANC comments can be found at the following exhibits:

- ANC 3E – Exhibit 175
- ANC 2E – Exhibit 177
- ANC 4D – Exhibit 181
- ANC 6B – Exhibit 182
- ANC 1A – Exhibit 186

OP also launched a project [webpage](#)¹ through the Office of Planning's website that provides an overview of the proposal, meeting recordings and transcripts, and basic data about alley lots. A project-specific email address was also established, alleylots@dc.gov, for members of the public to submit questions or comments about the proposal.

Agency Comments

In addition to meetings and discussions with DDOT, DOEE, and FEMS staff, OP referred the application to those agencies and other relevant government agencies for review and comment, and edited the text amendment proposal based on the feedback received.

- DC Water provided an email to OP stating that they had no comments on the text amendment.
- DOEE provided written comments to OP, seen below at Attachment 2. DOEE requested that the previously proposed change from a pervious surface requirement to a GAR requirement, in those zones where GAR applies to street-facing lots, be removed. They noted that the most likely development types on alley lots – single family dwellings and flats – do not require a certificate of occupancy, and therefore do not have a mechanism through which GAR could be enforced. The also recommended increasing the pervious surface requirement from 10% to 25%, to assist in reducing stormwater runoff.
- As of this writing DDOT has not submitted written comments, but in discussions with OP they indicated that they have no concerns with the amendment and support its adoption.
- OP met with FEMS to review the proposal. They have not yet provided OP with written comments, but in the meeting indicated support for retention of the existing alley width requirements for subdivision and residential use, and support for the inclusion of a special exception mechanism for relief from subdivision requirements. They described the importance of an ability to review building proposals on a case-by-case basis, as individual alleys may differ in their configurations, as would the ability to safely access them with fire-fighting equipment.
- The Office of the Attorney General submitted comments generally supportive of the application, but proposing numerous edits. As of this writing OP has not had an opportunity to fully review the edits and, in particular, to review them with the ZA's Office to assess administration of the proposed changes, but will continue to review the proposals and address any appropriate changes to the zoning text.

Racial Equity Tool Part 3 – Planning Area Data

As this proposal is for a citywide text amendment, the demographic data from individual planning areas would not be applicable. Although the proposal would provide new housing opportunities, likely including home-ownership opportunities, throughout the District, it is not anticipated that the proposed zoning changes would have significant impacts on citywide demographic trends.

¹ <https://planning.dc.gov/node/1770551>

District-wide data was provided as part of the OP Setdown Report at Exhibit 2, including population, housing cost burden, and housing tenure, using data from the 2012-2016 and the 2019-2023 American Community Surveys (ACS), disaggregated by race where available. Data can be found at the OP State Data Center Data Hub [website](#).

Racial Equity Tool Part 4 – Zoning Commission Evaluation Factors

According to the Racial Equity Tool, the Commission will use the following criteria, themes and questions in its evaluation of a zoning action's consistency with the Comprehensive Plan, as viewed through a racial equity lens.

- *What Comprehensive Plan policies related to racial equity will potentially be advanced by approval of the zoning action?*

Please refer to OP's analysis above, under Part 1 of the Racial Equity Tool discussion.

- *What Comprehensive Plan policies related to racial equity will potentially not be advanced by approval of the zoning action?*

It is possible that some residents could be impacted by the future development of vacant sites, particularly as they relate to construction, additional person-trips in the alleys, or changes to the perception of privacy. However, overall, the proposed text amendment is intended to be consistent with the policies of the Comprehensive Plan, would provide important opportunities for alley lot owners and new, alternative housing opportunities for DC residents in all parts of the city; and could potentially lessen concerns raised by some residents about alley lot safety and maintenance. The proposed provisions would ensure that alley lot dwellings would be consistent with prevailing neighborhood character in terms of use and building form, placement, and height. Although this analysis did not identify any significant inconsistencies with the Comprehensive Plan, any Plan policies not advanced by the zoning action would be outweighed by the furtherance of other important District priorities.

- *When considering the following themes/questions based on Comprehensive Plan policies related to racial equity, what are the anticipated positive and negative impacts and/or outcomes of the zoning action? Note: Additional themes may also apply.*

Factor	Question	OP Response
Direct Displacement	Will the zoning action result in displacement of tenants or residents?	The text amendment should not result in direct displacement. Existing alley dwellings or businesses should not be impacted.
Indirect Displacement	What examples of indirect displacement might result from the zoning action?	OP does not anticipate indirect displacement as a result of this zoning action. Additional development of vacant or underutilized lots could occur, but it is unlikely to be at a scale which would significantly impact a surrounding neighborhood.
Housing	Will the action result in changes to: ▪ Market Rate Housing	The text amendment could result in additional market rate housing development. No affordable housing requirement is proposed with the amendments and it is

Factor	Question	OP Response
	<ul style="list-style-type: none">▪ Affordable Housing▪ Replacement Housing	unlikely that alley lot development would be of a scale to trigger IZ. However, given the typical smaller scale of dwellings on alley lots, it is possible that the total cost of the units could, in some cases, be lower than dwellings on nearby street-facing lots, which could typically be larger. The proposal to allow, in some instances, accessory dwelling units would also provide more affordable options.
Physical	Will the action result in changes to the physical environment such as: <ul style="list-style-type: none">▪ Public Space Improvements▪ Infrastructure Improvements▪ Arts and Culture▪ Environmental Changes▪ Streetscape Improvements	The action could result in the creation of new infrastructure, such as the installation of water, sewer and electric utilities by property owners to serve their alley lots. The alleys themselves in some cases may need improvement. The zoning changes, if they result in new development, could improve the security and physical appearance of some alleys and alley lots, which can sometimes be overgrown and neglected, or even used as illegal dumping grounds.
Access to Opportunity	Is there a change in access to opportunity? <ul style="list-style-type: none">▪ Job Training/Creation▪ Healthcare▪ Addition of Retail/Access to New Services	OP does not anticipate any significant impacts regarding access to job opportunities or trainings. There should not be a major impact on access to retail or services, but the amendments would permit Home Occupations, which would be an avenue for small businesses to get established.
Community	How did community outreach and engagement inform/change the zoning action? <ul style="list-style-type: none">▪ (e.g., did the architectural plans change, or were other substantive changes made to the zoning action in response to community input/priorities etc.?)	OP's meetings with ANC members and others resulted in substantive changes to the proposal, including: <ul style="list-style-type: none">• Increase in yard requirements for R-1 and R-2 alley lots where they abut the rear yards of street-facing lots;• Limiting new alley lot residential uses in R-1 and R-2 to existing alley lots, or lots created from existing alley lots;• Refined language of the proposed purpose statements;• Adding DOEE as a referral agency for special exceptions involving alley lots; and• Establishing Home Occupations as a permitted use on alley lots.

VII. ATTACHMENTS

1. Alley Lot Background Data
2. DOEE Comments
3. Proposed Text Amendments

Attachment 1
Alley Lot Background Data

Number of Alley Lots by Zone

Zone	Number
ARTS	4
D	15
MU-12	25
MU-4	92
Other MU	28
NMU	14
PDR	13
R-1	172
R-2	182
R-3	329
RA-1	44
RA-2	84
Other RA	8
RF-1	887
TOTAL	1897

Existing Uses on Alley Lots

Use	Number
Residential	319
Residential Parking Garage	454
Commercial, Institutional, Government	92
Surface Parking	80
Vacant	890
Recreational	3
Unknown	59
TOTAL	1897

Number of Alley Lots by ANC

ANC	Estimated # of Alley Lots	Estimated # < than 450 sq.ft.
1A	34	4
1B	64	14
1C	14	9
1D	11	8
1E	26	4
2A	41	5
2B	39	6
2C	9	4
2D	8	4
2E	180	75
2F	23	8
2G	53	9
3A	17	12
3B	19	7
3C	51	29
3D	21	3
3E	25	14
3F	19	3
3/4G	27	14
4A	20	7
4B	61	5
4C	59	24
4D	64	46
4E	68	48
5A	2	1
5B	44	13
5C	13	1
5D	26	6
5E	35	2
5F	88	62
6A	134	50
6B	198	53
6C	129	29
6D	2	0
6E	4	0
7B	24	2
7C	31	5
7D	140	63
7E	2	1
7F	3	2
8A	12	4
8B	4	1
8C	49	2
8D	1	0
8E	1	0
8F	2	2

Lot Size Breakdown RF-1 Zones		Lot Size Breakdown R-3 Zones		Lot Size Breakdown R-1B Zone	
Category	Number	Category	Number	Category	Number
Total # of Lots	887	Total # of Lots	329	Total # of Lots	152
Lots < 450 sf	302	Lots < 450 sf	160	Lots < 450 sf	35
Lots >= 450 sf	585	Lots >= 450 sf	169	Lots >= 450 sf	117
Lots >= 900 sf	326	Lots >= 2,000 sf	29	Lots >= 5,000 sf	28
Lots >= 1,800 sf	147	Lots >= 3,000 sf	14	Lots >= 7,500 sf	13
Lots >= 2,700 sf	67	Lots >= 5,000 sf	8	Lots >= 10,000 sf	8
		Lots >= 10,000 sf	2		

Vacant Alley Lots by Zone

Zone	Number
RF-1	367
R-2	111
R-3	109
R-1B	105
R-3/GT	48
RA-1	41
MU-4	26
RA-2	24
RF-1/CAP	14
NMU-7B/GA	9
RA-2/DC	6
MU-12	3
MU-5A	3
RA-3	3
ARTS-3	2
MU-3A	2

Zone	Number
R-1A	2
RA-5/DC	2
D-5	1
D-6	1
D-6-R	1
MU-13	1
MU-6B/DC	1
NMU-4/GA	1
PDR-1	1
PDR-1/CAP	1
R-1A/FH	1
R-1B/SH	1
R-3/FB	1
RA-4/DC	1
RF-1/DC	1

Attachment 2 DOEE Comments

DOEE Development Review Comments ZC 25-06: Alley Lot Text Amendment

DOEE supports the proposed text amendment to facilitate the reuse of vacant and underutilized alley lots. The text amendment will encourage efficient land use and higher density neighborhoods while advancing Sustainable DC's goal of sustainably and equitably accommodating future population growth. Additionally, DOEE continues to be supportive of including urban agriculture as a permissible use in alley lots.

DOEE is generally supportive of the proposed change to align the Green Area Ratio (GAR) requirement of alley lots with the equivalent requirement for street-facing lots in zones with GAR requirements, but suggests two considerations:

- *Increase pervious surface requirements for alley lots in the residential (R) and residential flat (RF) zones to 25%:* Under the proposed text amendment, development will be allowed on alley lots in zones without a GAR requirement (e.g., R and RF zones). These zones currently have a 10% pervious surface requirement. After analysis of the perviousness and zoning of existing alley lots, DOEE suggests increasing the pervious surface requirement to 25% for alley lots in zones that do not have a GAR requirement. This higher requirement will help to minimize localized flooding issues during and after storm events.
- *Keep pervious surface requirement for single- and two-family dwelling units in alley lots:* In zones with GAR requirements, DOEE suggests adding language to the text amendment to clarify that buildings in alley lots that do not require a Certificate of Occupancy are still subject to the 25% pervious surface requirement. Single- and two-family residences, including townhomes and condos, are exempt from needing a Certificate of Occupancy and therefore do not have a GAR enforcement mechanism.

Attachment 3
Draft Text Amendments

Subtitle B – Section 308, Rules of Measurement for Building Height

308 RULES OF MEASUREMENT FOR BUILDING HEIGHT:
RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9

308.1 The height of buildings, not including a penthouse or rooftop structure, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line, or in the case of an alley lot, that is closest to an alley lot line. For any excavations projecting from the building's façade other than an exception to grade as defined at Subtitle B § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

308.3 The height of a building with a flat roof shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.

308.4 The height of a building with a roof that is not a flat roof shall be measured as follows:

(a) From the BHMP to the average level between the highest eave, not including the eave of a dormer and the highest point of the roof; and

(b) Where there are no eaves, the average level shall be measured between the top of the highest wall plate and the highest point of the roof.

308.5 The height of a building permitted to be ninety feet (90 ft.) shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.

308.6 Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the BHMP to the highest point of the roof or parapet.

308.7 If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building

shall be established by the street selected as the front of the building.

308.8 A conforming structure in existence on June 14, 2013, that would have been rendered nonconforming as a result of the adoption of amendments to this section made in Z.C. Order No. 12-11, shall be deemed conforming; provided that the height of the structure may neither be increased or extended.

308.9 ~~For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the alley lot line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be measured in accordance with Subtitle B §§ 308.2 through 308.4 and the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.~~

308.**910** The building height of accessory buildings shall be measured from (i) the lower of the finished or natural grade at the middle of the side of the accessory building that faces the principal building, or (ii) the midpoint of the alley lot line if required for vehicular access to the alley, to the highest point of the roof of the building including parapets, penthouses, and rooftop structures.

Subtitle C – Section 306, Alley Lot Subdivision

306 NEW ALLEY RECORD LOTS

306.1 A new Alley Record Lot shall:

(a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), **with the alley frontage no less than fourteen feet (14 ft);**

(b) Have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;

(c) Have alley frontage of not less than fourteen feet (14 ft); Minimum lot width standards prescribed in the zone do not apply;

(de) Meet the lot area standards applicable for non-Alley Lots in the same zone, except that:

(1) In any R-2, R-3 and RF zones, the minimum area shall be the minimum required, regardless of building type; and

(2) ; If no minimum lot area standard is provided in the zone, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and

(e) Not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.

306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

- (a) Has a minimum square footage of four hundred and fifty square feet (450 sq. ft.); or
- (b) Is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (1) Department of Transportation (DDOT);
 - (2) Department of Public Works (DPW);
 - (3) Metropolitan Police Department (MPD);
 - (4) Fire and Emergency Medical Services Department (FEMS);

- (5) DC Water (WASA);
- (6) **Department of Energy and the Environment (DOEE);** and
- (76) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

306.5 A proposed subdivision of an alley lot that does not meet the requirements of Subtitle C § 306.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) **The requirements of Subtitle C § 306.1(e) shall still be met;**
- (b) **The lot or lots connect to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and**
- (c) **The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:**
 - (1) **Department of Transportation (DDOT);**
 - (2) **Department of Public Works (DPW);**
 - (3) **Metropolitan Police Department (MPD);**
 - (4) **Fire and Emergency Medical Services Department (FEMS);**
 - (5) **DC Water (WASA);**
 - (6) **Department of Energy and the Environment (DOEE); and**
 - (7) **If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).**
- (d) **The Board of Zoning Adjustment shall consider relevant agency comments concerning:**
 - (1) **Public safety;**
 - (2) **Water and sewer services;**
 - (3) **Waste management;**

- (4) Traffic and parking;
- (5) Environmental impacts; and
- (6) Historic preservation.

Subtitle C – Section 710, Vehicle Parking Location Restrictions

710 LOCATION RESTRICTIONS

710.1 The intent of this section is to prevent negative impacts on neighboring property from excessive parking, minimize vehicle-pedestrian conflicts, respect the pedestrian environment, foster good urban design, and provide space for active uses to line parking structures.

710.2 Vehicle parking spaces shall be located:

[...]

(c) On an open area of the lot, except:

(1) Between a building restriction line and a front lot line;

(2) In any zone other than a PDR zone, surface parking spaces shall not be located between the front façade of a building, as extended for the full width of the front of the lot, and the front lot line; provided that a building used solely as a parking attendant shelter, or a building on an alley lot, shall not trigger this restriction;

[...]

Subtitle D – Chapter 51, R Zones Alley Lot Development Standards

CHAPTER 51 ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

- (b) Ensure that alley buildings are compatible with the surrounding built environment;**
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses; and**
- (d) In low-density zones, ensure adequate open space consistent with those zones.**

5100.**21** The following development standards shall apply to buildings and structures on Alley Record Lots in the R zones, and are intended to achieve the purposes of Subtitle D § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

TABLE D § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (R)

(a)	Maximum Height	220 ft. and 2 stories, including the penthouse
<u>(b)</u>	<u>Maximum Lot Occupancy – Any R-1 or R-2 zone</u>	
	<u>Less than 3,000 sq. ft. of lot area</u>	<u>80%</u>
	<u>Less than 5,000 sq. ft. of lot area but greater than or equal to 3,000 sq. ft. of lot area</u>	<u>60%</u>
	<u>5,000 square feet of lot area or more</u>	<u>40%</u>
<u>(c)</u>	<u>Maximum Lot Occupancy – Any R-3 zone</u>	
	Less than 1,800 sq. ft. of lot area	<u>No maximum</u> <u>N/A</u>
	Between 1,800 and 2,000 sq. ft. of lot area	90%
	Over 2,000 sq. ft. of lot area	80%
<u>(d)</u>	Minimum <u>Rear</u> Yard Dimensions	<u>25 ft. from any lot line that is also the rear lot line of a street-facing lot;</u> <u>85 ft. from any other lot line abutting another lot of all abutting non-Alley Lots</u>
	<u>Any R-1 Zone</u>	
	<u>Any R-2 Zone</u>	<u>20 ft. from any lot line that is also the rear lot line of a street-facing lot;</u> <u>5 ft. from any other lot line abutting another lot</u>
	<u>Any R-3 Zone</u>	<u>5 ft. from any portion of a lot line that abuts any non-Alley Lot;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(e)</u>	<u>Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(e)</u>	<u>Front Setback</u>	<u>N/A</u>

TABLE D § 5100.24: ALLEY LOT DEVELOPMENT STANDARDS (R)	
(f) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(g) Minimum Pervious Surface	<u>25%</u> <u>10%</u>

5100.32 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle D – Chapter 52, R Zones Relief to Development Standards

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS
[...]

5201.3 For a new or enlarged ~~principal~~ building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;

(b) Lot occupancy;

(c) Yards, including alley centerline setback; and

(d) Pervious surface.

[...]

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, except as permitted for alley lots pursuant to D § 5201.3.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, or relief from any alley lot provision of D § 5201.3, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) District Department of Transportation (DDOT);

(a) Department of Public Works (DPW);

(b) Metropolitan Police Department (MPD);

(c) Fire and Emergency Medical Services Department (FEMS);

- (d) DC Water (WASA);
- (e) Department of Energy and the Environment (DOEE); and**
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).**

Subtitle E – Chapter 51, RF Zones Alley Lot Development Standards

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;**
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and**
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.**

5100.24 The following development standards shall apply to buildings and structures on Alley Record Lots in the RF zones, and are intended to achieve the purposes of Subtitle E § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

TABLE E § 5100.24: ALLEY LOT DEVELOPMENT STANDARDS (RF)

(a) Maximum Height	220 ft. and 2 stories, including the penthouse
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	<u>No maximum</u> <u>N/A</u>
<u>Less than 2,000 sq. ft. of lot area but greater than or equal to 1,800 sq. ft. of lot area</u> <u>Between 1,800 and 2,000 sq. ft. of lot area</u>	90%
Over 2,000 sq. ft. of lot area <u>or more</u>	80%
(c) Minimum <u>Rear</u> Yard <u>Dimensions</u>	5 ft. from any <u>portion of a</u> lot line <u>that abuts any of all abutting</u> non-Alley Lots <u>s</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>

TABLE E § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (RF)	
<u>(d)</u>	Minimum Side Yard
	5 ft. from any lot line of all abutting non-Alley Lots
<u>(d)</u>	Front Setback
	N/A
(e)	Minimum Alley Centerline Setback
	7.5 ft. from the centerline of all abutting alleys
(f)	Minimum Pervious Surface
	25% 10%

5100.32 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle E – Chapter 52, RF Zones Relief to Development Standards

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

[...]

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) **Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;**
- (b) **Lot occupancy;**
- (c) Yards, including alley centerline setback; and
- (d) Pervious surface.

[...]

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, **except as permitted for alley lots pursuant to E § 5201.3.**

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, **or relief from any alley lot provision of E § 5201.3,** the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- (a) District Department of Transportation (DDOT);
- (a) Department of Public Works (DPW);

- (b) Metropolitan Police Department (MPD);
- (c) Fire and Emergency Medical Services Department (FEMS);
- (d) DC Water (WASA);
- (e) Department of Energy and the Environment (DOEE);** and
- (f e)** If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

Subtitle F – Chapter 51, RA Zones Alley Lot Development Standards

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;**
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and**
- (c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.**

5100.21 The following development standards shall apply to buildings and structures on Alley Record Lots in RA zones, and are intended to achieve the purposes of Subtitle F § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.:

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)	
(a) Maximum Height	<u>220</u> ft. and 2 stories, including the penthouse
<u>(b) Lot Occupancy</u>	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>No maximum</u>
<u>Less than 2,000 sq. ft. but greater than or equal to 1,800 sq. ft. of lot area</u>	<u>90%</u>
<u>2,000 sq. ft. of lot area or more</u>	<u>80%</u>
<u>(c) Minimum Rear-Yard Dimensions</u>	5 ft. from any <u>portion of a lot line that abuts any of all abutting non-Alley Lots;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(e) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Pervious Surface	<u>25% 10%</u>

5100.32 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle F – Chapter 52, RA Zones Relief to Development Standards

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED
 DEVELOPMENT STANDARDS

[...]

5201.3 For a new or enlarged ~~principal~~ building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;

(b) Lot occupancy;

(c) Yards, including alley centerline setback; and

(d) Green Area Ratio Pervious surface.

[...]

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception, except as permitted for alley lots pursuant to F § 5201.3.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, or relief from any alley lot provision of F § 5201.3. the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) District Department of Transportation (DDOT);

(a) Department of Public Works (DPW);

(b) Metropolitan Police Department (MPD);

(c) Fire and Emergency Medical Services Department (FEMS);

(d) DC Water (WASA);

(e) Department of Energy and the Environment (DOEE); and

(f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

Subtitle G – Chapter 51, MU Zones Alley Lot Development Standards

5100 GENERAL PROVISIONS

5100.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;**
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and**
- (c) Provide for additional housing options and opportunities, and commercial uses;**

5100.**21** The following development standards shall apply to buildings and structures on Alley Record Lots in the MU zones, and are intended to achieve the purposes of G § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

TABLE G § 5100.21**: ALLEY LOT DEVELOPMENT STANDARDS (MU)**

(a) Maximum Height	
MU-6, MU-8, MU-9, MU-10, and MU-15 zones	30 ft. and 3 stories, including <u>thea penthouse</u> or rooftop structure
All other MU zones	220 ft. and 2 stories, including the penthouse or rooftop structure
<u>(b) Maximum Lot Occupancy</u>	<u>No Maximum</u>
<u>(c) Minimum <u>Yard Dimensions Rear Yard</u></u>	5 ft. from any <u>portion of a lot line that abuts any of all abutting</u> non-Alley Lots; <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(e) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Green Area Ratio	As required by zone

5100.**32** Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

Subtitle G – Chapter 52 Relief From Required Development Standards for Mixed-Use (MU) Zones

5200 GENERAL PROVISIONS

5200.1 Except for density, height, and penthouse and rooftop structure, the Board of Zoning Adjustment may grant relief from the development standards of this subtitle, as a special exception subject to the criteria at Subtitle X, Chapter 9.

5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this subtitle shall be processed as a variance pursuant to Subtitle X, Chapter 10.

5200.3 Notwithstanding Subtitle G § 5200.1, the Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) and four (4) stories for a new or enlarged building on an Alley Record Lot, subject to the following conditions:

(a) **The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**

(1) **The light and air available to abutting or adjacent properties shall not be unduly affected;**

(2) **The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and**

(3) **The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that would substantially adversely effect the use or enjoyment of any abutting or adjacent property;**

(b) **In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed building's height to abutting or adjacent buildings and views from public ways; and**

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

Subtitle I – Section 210, D Zones Alley Lot Development Standards

210 ALLEY LOTS

210.1 The purposes of this section are to:

- (a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;**
- (b) Ensure that alley buildings are compatible with the surrounding built environment; and**
- (c) Provide for additional housing options and opportunities, and commercial uses;**

210.21 The following development standards shall apply to buildings and structures on Alley Record Lots alley lots in D zones, and are intended to achieve the purposes of Subtitle I § 210.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

<u>TABLE I § 210.2: ALLEY LOT DEVELOPMENT STANDARDS (D)</u>		
<u>(a)</u>	<u>Maximum Height</u>	<u>30 ft and 3 stories, including the penthouse</u>
<u>(b)</u>	<u>Maximum Lot Occupancy</u>	<u>No Maximum</u>
<u>(c)</u>	<u>Minimum Yard Dimensions</u>	<u>5 ft. from any portion of a lot line that abuts any non-Alley Lot;</u> <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(d)</u>	<u>Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(e)</u>	<u>Minimum Green Area Ratio</u>	<u>As required by zone</u>

- (a) A building or structure shall not exceed the lesser of thirty feet (30 ft.) or three (3) stories, including the penthouse, as measured from the ground level of a building wall fronting on an alley to which the alley building or structure is adjacent;**
- (b) A building or structure on an alley lot shall be set back at least five feet (5 ft.) from any lot line of all abutting non-alley lots; and**
- (c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.**

210.32 With the exception of residential uses, a building or structure on an alley lot shall be subject to the same permissions, conditions, and restrictions as matter-of-right, special exception, and prohibited uses as the zone in which the alley lot is located.

210.43 Residential use is permitted, subject to the following conditions:

- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) The Alley Lot has access to an improved public street as follows:
 - (1) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the Alley Lot and the street; or
 - (2) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley or alleys with an alley width of not less than fifteen feet (15 ft.) at any point.

210.4 ~~The residential dwelling shall meet all building code requirements for a permanent residential structure.~~

210.5 ~~A residential use on an alley lot not meeting the access requirements of Subtitle I § 210.4(b) may be permitted by special exception if approved by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9, and subject to If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment for consideration as a special exception under Subtitle X, Chapter 9 with the following additional criteria:~~

- (a) ~~The Office of Zoning shall refer the application to the following agencies for their review and recommendation:~~
 - (1) ~~Department of Transportation (DDOT);~~
 - (2) ~~Department of Public Works (DPW);~~
 - (3) ~~Metropolitan Police Department (MPD);~~
 - (4) ~~Fire and Emergency Medical Services Department (FEMS);~~
 - (5) ~~DC Water (WASA);~~

(6) Department of Energy and the Environment (DOEE); and

(7) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and

- (ba)** The Board of Zoning Adjustment determines, after considering relevant agency comments concerning water and sewer services, waste management, traffic and parking, and public safety relating to fire concerns, there is no adverse impact to the adjoining properties; and
- (cb)** The Board of Zoning Adjustment determines that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining buildings.

210.6 The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) and four (4) stories for a new or enlarged building on an Alley Record Lot, subject to the following conditions:

- (a) The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**
 - (1) The light and air available to abutting or adjacent properties shall not be unduly affected;**
 - (2) The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and**
 - (3) The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that would substantially adversely effect the use or enjoyment of any abutting or adjacent property;**
- (b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed building's height to abutting or adjacent buildings and views from public ways; and**
- (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building**

materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the nearby area.

Subtitle J – Section 500, PDR Zones Alley Lot Development Standards

500 GENERAL PROVISIONS

500.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.:

TABLE J § 500.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)	
(a) Maximum Height	
If the alley lot is located in a square with R or RF zoned properties	2 20 ft., including the penthouse
All other alley lots	30 ft., including the penthouse
<u>(b) Maximum Lot Occupancy</u>	<u>No Maximum</u>
<u>(c b) Minimum <u>Yard Dimensions Rear</u> <u>Yard</u></u>	5 ft. from any <u>portion of a lot line that abuts any of all abutting</u> non-Alley Lots; <u>None required for that portion of the Alley Lot that does not abut a non-Alley Lot.</u>
<u>(e) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
<u>(e) Transition setbacks</u>	<u>As stated for the zone</u>
<u>(f) Green Area Ratio</u>	<u>As stated for the zone</u>

Subtitle U – Chapter 6, Alley Lot Use Permissions

600 MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA)

600.1 The following uses shall be permitted as a matter-of-right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:
 - (1) An artist may teach one (1) or more apprentices;

- (2) Regular occupancy of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area;
- (3) All operations and storage of materials shall occur inside the building;
- (4) Incidental sales of artwork produced by the occupants of the studio shall be permitted within the studio;
- (5) Noise volume shall be governed by the regulations of Title 20 DCMR (Environment);
- (6) Rehearsals for performing arts may be undertaken in the artist studio; and
- (7) A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be governed by the regulations of Title 12-H (Fire Code).

(c) Camping by the owner of an alley lot on the alley lot in a tent, wagon, van, automobile, truck, or trailer, subject to the following conditions:

- (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions;
- (2) Open fires shall not be permitted; and
- (3) The use shall not be for more than two (2) consecutive weeks and no more than one (1) month per calendar year;

(d) Community solar facility, subject to the following conditions:

- (1) Roof-mounted solar array of any size; or
- (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

- (C) Meets the yard and height development standards of the zone; and
- (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

(e) Parking, subject to the following conditions:

- (1) Surface parking spaces for use by residents of the square;
- (2) Not more than two (2) car-sharing spaces shall be permitted on any one Alley Lot; and
- (3) Parking garage on an Alley Lot not containing another use shall meet the following conditions:
 - (A) No more than two (2) motor vehicles may be housed on the Alley Lot;
 - (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (C) The garage door shall open directly onto an alley; and

(f) Residential use, subject to the following limitations:

- (1) The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;
- (12) A building may not be constructed as or converted to a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
- (2) In any R-1 or R-2 zone, a residential use is permitted only on an alley record lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley record lot subdivided from an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS] and expanded in land area to form a new alley record lot;
- (3) In any R zone, the use shall be limited to one (1) principal dwelling unit and one (1) accessory apartment per lot; The accessory apartments is are not permitted subject to the conditions of U § 253 and the following lot area minimums;

<u>TABLE U § 600(f)(2): MINIMUM LOT AREA FOR MATTER OF RIGHT ACCESSORY APARTMENT ON AN ALLEY LOT</u>	
<u>Zone</u>	<u>Lot Area Minimum (sq. ft.)</u>
<u>Any R-1A zone</u>	<u>7,500</u>
<u>Any R-1B zone</u>	<u>5,000</u>
<u>Any R-2 zone</u>	<u>3,000</u>
<u>Any R-3 zone</u>	<u>2,000</u>

(4) In any RF zone, the use shall be limited to one principal unit, except that two principal units shall be permitted on lots that have 1,800 square feet of lot area or more;

(5) In any RA zone, the use shall be limited to two principal units;

(64) The Alley Lot has access to an improved public street as follows:

(A) Through an improved public alley or alleys with an alley width of not less than fifteen-twenty-four feet (1524 ft.) at any point between the lot and the public street; or

(B) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley no or alleys with an alley width of not less than fifteen feet (15 ft.) at any point; and

(75) AThe dwelling unit may also contain a parking garage for use by residents of the dwelling.

(g) Short-Term Rental as an accessory use to a principal residential use.

(h) Home occupations, pursuant to U § 251.

601 SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA)

601.1 The following uses shall be permitted on an Alley Lot in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

(a) [RESERVED]

(b) Artist studio not meeting the criteria of Subtitle U § 600.1(b), subject to the following conditions:

- (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and
- (2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to other properties in the square;
- (c) No camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or trailer of any description shall be permitted on an alley lot when not accompanied by the property owner, unless approved as a special exception subject to the following conditions:
 - (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions;
 - (2) Open fires shall not be permitted; and
 - (3) The use shall not be approved for more than two (2) consecutive weeks and no more than one (1) month per calendar year;
- (d) Community solar facility not meeting the requirements of Subtitle U § 600.1(d), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (e) Parking uses not meeting the criteria of Subtitle U § 600.1(e), subject to the following conditions:

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

(f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:

- (1) ~~The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;~~
- (2) ~~In any R-1 or R-2 zone, a residential use is permitted only on an alley record lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley record lot subdivided from an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS] and expanded in land area to form a new alley record lot;~~
- (3) ~~In any R zone, the use shall be limited to a maximum of one (1) principal dwelling unit and one (1) accessory apartment per lot; The accessory apartment is subject to the conditions of U § 253;~~
- (4) ~~In any RF or RA zone, ~~the~~ the use shall be limited to a maximum of two~~one~~ (1) principal dwelling units~~s~~ per lot; ~~accessory apartments are not permitted;~~~~
- (54) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety and infrastructure availability;
- (65) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (A) Department of Transportation (DDOT);
 - (B) Department of Public Works (DPW);

- (C) Metropolitan Police Department (MPD);
- (D) Fire and Emergency Medical Services Department (FEMS);
- (E) DC Water (WASA);

(F) Department of Energy and the Environment (DOEE);
and

- (GF)** If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and
- (76)** The Board of Zoning Adjustment shall consider relevant agency comments concerning:
 - (A) Public safety;
 - (B) Water and sewer services;
 - (C) Waste management;
 - (D) Traffic and parking

(E) Environmental impacts; and

(FE) Historic preservation;~~s and~~

(g) Storage of wares or goods on an Alley Lot provided that the use shall be limited to the following:

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

602.1 Any matter-of-right use permitted within a zone in which an alley lot is located other than an R, RA, or RF zone shall be permitted as a matter of right use on the alley lot, subject to the same conditions or limitations.

602.2 Any special exception use permitted within the zone in which the alley lot is located shall be permitted as a special exception use on the alley lot, subject to the same conditions or limitations.

602.3 Any use not permitted within the zone in which the alley lot is located shall not be permitted on the alley lot, subject to any conditions or limitations.

602.4 Any use permitted as a matter of right pursuant to Subtitle U § 602.1 that does not comply with the required conditions for the matter-of-right use may apply for permission as a special exception.

Subtitle X, Section 1001 – Variance Types

1001 VARIANCE TYPES

1001.1 Variances are classified as area variances or use variances.

1001.2 An area variance is a request to deviate from an area requirement applicable to the zone district in which the property is located.

1001.3 Examples of area variances are requests to deviate from:

- (a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR;
- (b) Minimum parking or loading requirements to an extent greater than what may be permitted by special exception;
- (c) Limitations on the extent to which the gross floor area of a building may be occupied by a matter of right non-residential use;
- (d) Limitations on the alteration or conversion of certain structures on alley lots as stated in Subtitle U § 601; **for residential uses specifically, the requirements of Subtitle U §§ 601.1(f)(1) and (2);**
- (e) The prohibition against certain enlargements and additions to nonconforming structures as stated at Subtitle C § 202;

- (f) Preconditions to the establishment of a matter of right or special exception use provided that the variance would not cause the proposed use to meet the definition of a more intense use; and
- (g) Notwithstanding paragraph (f) of this section, the minimum nine hundred square feet (900 sq. ft.) of land area per dwelling unit required by Subtitle U §§ 301.2(b), 301.5, and 320.2(b).

1001.4 A use variance is a request to permit:

- (a) A use that is not permitted matter of right or special exception in the zone district where the property is located;
- (b) A use that is expressly prohibited in the zone district where the property is located; or
- (c) An expansion of a nonconforming use prohibited by Subtitle C § 204.