

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF VIRTUAL PUBLIC HEARING**

**TIME AND PLACE:** **October 30, 2025 @ 4:00 p.m.**

**Via WebEx:** <https://dcoz.dc.gov/ZC25-12> (to participate & watch)

**Via Telephone:** 1-650-479-3208 **Access code:** 2314 304 7867 (audio participation & listen)

**Via YouTube:** <https://www.youtube.com/c/DCOfficeofZoning> (to watch)

**Instructions:** <https://dcoz.dc.gov/release/virtual-public-hearings>

**Witness Sign Up:** <https://dcoz.dc.gov/service/sign-testify>

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 25-12 (Office of Planning – Omnibus Text Amendments to Subtitles A-I, U, & Y)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

**Oral and Written Testimony**

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On June 30, 2025, the Office of Planning (OP) filed with the Office of Zoning a report (OP Setdown Report) that served as a petition to the Zoning Commission for the District of Columbia (Commission) proposing amendments to Title 11 of the DCMR (Zoning Regulations of 2016 [Zoning Regulations] to which all references herein refer unless otherwise specified) that would provide amendments, additional clarity, updates, and corrections to various provisions of the Zoning Regulations of 2016.

The proposal would make the following amendments to the Zoning Regulations:

- **SUBTITLE A – AUTHORITY AND APPLICABILITY**
  - Chapter 2 Administrative and Zoning Regulations
    - § 206 Zone Boundary Lines – add a reference to the new location and amended regulations for split zoned lots in Subtitle C Chapter 16 Zone Boundary Line Crossing a Lot; and
    - § 207 – Zone Boundary Line Crossing a Lot – delete and move to new location and amended regulations for split zoned lots in Subtitle C Chapter 16 Zone Boundary Line Crossing a Lot; and
  - Chapter 3 Administration and Enforcement
    - § 304 Deviations and Modifications Permitted by Zoning Administrator's Ruling – amend Zoning Administrator authority to approve flexibility from BZA approved Orders.

- **SUBTITLE B – DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**
  - Chapter 1 Definitions
    - § 100 Definitions – amend the definition of “Structure” to add reference to “light poles”;
    - Chapter 3 General Rules of Measurement;
    - § 304 Rules of Measurement for Gross Floor Area (GFA) – exempt inset balconies no more than 8 feet in depth from GFA, and therefore FAR, for the building; and
    - § 312 Rules of Measurement for Lot Occupancy – exempt external lifts providing access to the ground level, uncovered porches level with or below the ground level, and balconies no more than 8 feet in depth from lot occupancy calculations.
- **SUBTITLE C, GENERAL RULES**
  - Chapter 3 Subdivision
    - § 303 Lot Frontage – exempt conversion of existing buildings to apartment buildings; expansion of an existing apartment building, and conversion of a pre-May 12, 1958 tax lot to a record lot from the lot frontage requirement for a subdivision to create a new apartment building;
  - Chapter 5 Pervious Surfaces
    - § 502 Rules of Measurement for Pervious Surfaces - address main floor decks located over impervious surface;
  - Chapter 6 Green Area Ratio
    - § 601 Applicability of Green Area Ratio Standards – exempt building modifications that are internal only from GAR calculation requirements; and to clarify how to calculate GAR on a split-zoned lot; and
    - § 604 Submittal Requirements for Green Area Ratio – update list of Certified Landscape Experts;
  - Chapter 7 Vehicle Parking
    - § 701 Minimum Vehicle Parking Requirements – remove requirement that projects must retain all required parking for projects constructed under the former ZR-58 regulations;
    - § 702 Exemptions From Minimum Vehicle Parking Requirements- update Priority Bus Corridors with new High Frequency Bus Corridors;
    - § 711 Access Requirements – exempt a garage for a single-family dwelling, flat, or RF-1 conversion from garage door setback and height requirements; and
    - § 714 Screening Requirements For Surface Parking - clarify that screening for surface parking is not required along the alley where parking is accessed directly from the alley
  - Chapter 10 Inclusionary Zoning
    - § 1001 Applicability – remove reference to special exception process to opt into IZ in the low-density R, RF, and RA-1 residential zones;
  - Chapter 15 – Penthouses and Rooftop Structures
    - § 1507 Affordable Housing Production Requirement Generated by Construction on a Nonresidential Building of Penthouse Space- clarify that this provision is not limited to non-residential buildings, and clarify when service spaces such as stairwells and elevators count towards a zoning requirement;

- Chapter 16 Zone Boundary Line Crossing a Lot
  - § 1601 Zone Boundary Line Crossing a Lot – new section based on Subtitle A, Subsection 207 to clarify and amend the split zoned lot provisions; remove redundant criteria, and add a missing zone to the list of groups of decreasing use restrictions.
- **SUBTITLE D, RESIDENTIAL HOUSE (R) ZONES**
  - Chapter 2 General Development Standards for Residential House (R) Zones
    - § 202 Lot Dimensions.- remove special exception requirement to voluntarily opt into the IZ program in the R zones; and
    - § 203 Height – remove setback requirement for light poles of up to 90 feet in height for a district owned (DCPS or DPR) athletic or recreation field in the R Zones
  - Chapter 11 Georgetown Residential House Zones – R-1B/GT and R-3/GT;
    - § 1105 Accessory Buildings – require a setback of three feet minimum from a side lot line shared with an abutting property; and
    - § 1105 Accessory Buildings – increase the permitted footprint for an accessory building from 450 square feet to 600 square feet in the R-1B/GT zone, and to 550 square feet in the R-3/GT zones;
  - Chapter 49 Public Schools
    - § 4904 Height - remove setback requirement for light poles of up to 90 feet in height for a public school athletic or recreation field in the R zones;
  - Chapter 50 Accessory Building Regulations For Residential House (R) Zones
    - § 5003 Maximum Building Area - amend the permitted footprint for an accessory building from 450 square feet to 600 square feet in the R-1 and R-2 zones and 550 square feet in the R-3 zones, or 30% of the required rear yard (unchanged), whichever is greater, in the R zones;
    - § 5004 Rear Yard – for an accessory building, add a required setback of five feet minimum from a rear lot line shared with an abutting property in the R zones; and
    - § 5005 Side Yard- for an accessory building, add a required setback of three feet minimum from a side lot line shared with an abutting property in the R zones;
  - Chapter 52 Relief From Required Development Standards For R Zones
    - § 5201 Special Exception Relief From Certain Required Development Standards – add “front setback” to the list of areas for which special exception relief is permitted for the principal dwelling; and “setback from a rear or side lot line” to the list of areas for which special exception relief is permitted for the accessory building in the R zones.
- **SUBTITLE E RESIDENTIAL FLAT (RF) ZONES**
  - Chapter 2 Development Standards for Residential Flat (RF) Zones
    - § 202 Lot Dimensions- remove special exception requirement to voluntarily opt into the IZ program in the RF zones; and
    - § 203 Height – remove setback requirement for light poles of up to 90 feet in height for a district owned (DCPS or DPR) athletic or recreation field in the RF zones;
  - Chapter 49 Public Schools
    - § 4904 Height - remove setback requirement for light poles of up to 90 feet in height for a public school athletic or recreation field in the RF zones;

- Chapter 50 Accessory Building Regulations for Residential Flat (RF) Zones
  - § 5003 Building Area - amend the permitted footprint for an accessory building from 450 square feet to 550 square feet, or 30% of the required rear yard (unchanged), whichever is greater, in the RF zones;
- Chapter 52 Relief From Required Development Standards For Residential Flat (RF) Zones
  - § 5201 Special Exception Relief From Certain Required Development Standards – add “front setback” to the list of areas for which special exception relief is permitted for the principal dwelling; and “maximum building area of an accessory building” to the list of areas for which special exception relief is permitted for the accessory building.
- **SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES**
  - Chapter 2 Development Standards for Residential Apartment (RA) Zones
    - § 201 Density- clarify that an accessory apartment is not a permitted use in the RA zones; and
    - § 203 Height – remove setback requirement for light poles of up to 90 feet in height for a district owned (DCPS or DPR) athletic or recreation field in the RF zones;
  - Chapter 49 Public Schools
    - § 4904 Height - remove setback requirement for light poles of up to 90 feet in height for a public school athletic or recreation field in the RF zones.
- **SUBTITLE G MIXED USE (MU) ZONES**
  - Chapter 1 Introduction to Mixed Use (MU) Zones
    - § 101 Purpose and Intent- amend descriptions for the MU-4 from “moderate density” to “low to moderate density”); MU-5 (from “medium density” to “moderate density”), and MU-7 (from “medium density” to “moderate to medium density”) zones;
  - Chapter 2 Development Standards for Mixed Use (MU) Zones – MU-1 Through MU-15
    - § 201 Density- clarify that an accessory apartment is not a permitted use in the RA zones; and
    - § 207 Rear Yard – remove rear yard special exception specific review criteria;
  - Chapter 4 Capitol Interest And Capitol Hill Commercial Mixed-Use Zones – MU-2/CAP, MU-4/CAP, MU-4/CHC, And MU-4/CAP/CHC
    - § 403 Penthouse and Rooftop Structure – amend permitted penthouse height from ten feet to twelve feet for habitable space or fifteen feet for mechanical space.
- **SUBTITLE H NEIGHBORHOOD MIXED USE (NMU) ZONES**
  - Chapter 60 Use Permissions for Neighborhood Mixed Use (NMU) Zones
    - § 6001 Designated and Restricted Uses- amend list of designated uses to include “daytime care.”
- **SUBTITLE I DOWNTOWN ZONES**
  - Chapter 2 Development Standards for Downtown (D) Zones
    - § 205 Rear Yard – remove rear yard special exception specific review criteria.
- **SUBTITLE U USE PERMISSIONS**
  - Chapter 2 Use Permissions For Residential House (R) Zones

- § 201 Matter-Of-Right Uses – R-Use Groups A, B, C, and D - remove building type descriptions from use permissions for R zones;
- Chapter 3 Use Permissions For Residential Flat (RF) Zones
  - § 301 Matter Of Right Uses (RF) - clarify that an accessory apartment is not a permitted use in the RF zones;
  - § 301 Matter Of Right Uses (RF) – remove special exception requirements for a dwelling unit within a new or expanded accessory building; amend alley width requirements for a dwelling unit within an accessory building; and clarify special exception permissions for a dwelling unit within an accessory building; and
  - § 310 Accessory Uses (RF) - clarify that an accessory apartment is not a permitted use in the RF zones;
- Chapter 4 Use Permissions For Residential Apartment (RA) Zones
  - § 401 Matter Of Right Uses (RA) - clarify that an accessory apartment is not a permitted use in the RA zones; and
  - § 410 Accessory Uses (RA) - clarify that an accessory apartment is not a permitted use in the RA zones;
- Chapter 5 Use Permissions For Mixed Use (MU) Zones
  - § 501 Matter Of Right Uses (MU) - clarify that an accessory apartment is not a permitted use in the RF zones.
- **SUBTITLE Y BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**
  - Chapter 7 Approvals and Orders
    - § 702 – Validity of Approvals and Implementation – clarify Zoning Administrator flexibility with regards to projects subject to an BZA Order.

At its July 10, 2025 public meeting, the Commission voted to set down the proposed amendments for a public hearing and authorized flexibility for OP to work with the Office of Zoning Legal Division to refine the proposed amendments, add any conforming language as necessary, and determine groupings of proposed amendments for the purposes of the Public Hearing. The Zoning Commission also determined that both individuals and organizations will be granted one additional minute for testimony beyond the normal amount (three (3) minutes for individuals and five (5) minutes for organizations) regarding these proposed zoning text amendments.

The OP Setdown Report also serves as the pre-hearing report required by Subtitle Z § 501.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=25-12](https://app.dcoz.dc.gov/Home/ViewCase?case_id=25-12)

For the public hearing, the grouping of proposed text amendments will be as follows, with each grouping followed by a question period, and public testimony related to the topics in the grouping.

**Group 1:**

- Split Zoned Lots (OP Setdown Report Item #1)
- Zoning Administrator Flexibility (OP Setdown Report #2)
- Light Pole Setback for District Recreation Fields (OP Setdown Report #3)

**Group 2:**

- Balcony and Gross Floor Area (FAR) Exemption (OP Setdown Report #4)
- Balconies and Lot Occupancy Exemption (OP Setdown Report #5)
- Ground Level Deck Lot Occupancy Exemption (OP Setdown Report #6)

**Group 3:**

- Thirty Foot Frontage for Apartment Building Subdivision (OP Setdown Report #7)
- Green Area Ratio Amendments (OP Setdown Report #8)

**Group 4:**

- Retention of ZR-58 Required Vehicle Parking (OP Setdown Report #9)
- Priority Metro Bus Corridor Update (OP Setdown Report #10)
- Garage Door Height and Setback for Low Density Residential (OP Setdown Report #11)
- Surface Parking Lot Screening (OP Setdown Report #12)

**Group 5:**

- Penthouse Affordable Housing Contribution Calculation (OP Setdown Report #13)
- Inclusionary Zoning Voluntary Opt-In in R, RF and RA-1 Zones (OP Setdown Report #14)
- Special Exception Relief from Front Setback (OP Setdown Report #15)

**Group 6:**

- Accessory Building Permitted Size (OP Setdown Report #16)
- Accessory Building Required Setbacks (OP Setdown Report #17)
- Accessory Apartments in RF, RA, and MU Zones (OP Setdown Report #18)

**Group 7:**

- Align Zone Descriptions with Comp Plan – MU-4, MU-5, MU-7 (OP Setdown Report #19)
- Penthouse Height Limit in CAP Zones (OP Setdown Report #20)
- Rear Yard Special Exception Criteria, MU & Downtown Zones (OP Setdown Report #21)

**Group 8:**

- “Daytime Care” as a Designated Use in NMU Zones (OP Setdown Report #22)
- Remove Building Form Descriptions from R Zone Use Permissions (OP Report #23)
- New Dwelling Within an Accessory Building in RF Zones (OP Setdown Report #24)

### **PROPOSED TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **bold and strikethrough** text; new text is shown in **bold and underline** text):

#### **I. AMENDMENTS TO SUBTITLE A AUTHORITY AND APPLICABILITY**

**Chapter 2 ADMINISTRATIVE AND ZONING REGULATIONS** is proposed to be amended as follows:

**A new § 206.8 is added to § 206 ZONE BOUNDARY LINES to read as follows:**

...<sup>1</sup>

---

<sup>1</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

**206.8**

**For rules determining bulk and use provisions for a split zoned lot, refer to Subtitle C GENERAL RULES Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT**

**Subsection 207 ZONE BOUNDARY LINE CROSSING A LOT is deleted in its entirety and moved to a new Subtitle C Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT.**

**Chapter 3 ADMINISTRATION AND ENFORCEMENT** is amended as follows:

**A new subsection 304.2(e) is added to § 304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING to read as follows:**

304.2 The Zoning Administrator is authorized to permit the following deviations from the Zoning Regulations for building permits that are not otherwise authorized by an approved order of the Zoning Commission or the Board of Zoning Adjustment, if the Zoning Administrator, pursuant to Subtitle A § 304.3, determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:

...

(c) Deviations not to exceed the lesser of ten percent (10%) or twelve inches (12 in.) of the linear requirements governing minimum rear yard, minimum side yard, and minimum court width; **and**

(d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9(a); **and**

**(e) Deviations not to exceed twelve inches (12 in.) of the linear requirements governing front setback.**

...

**Subsection 304.10 of § 304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR is amended to read as follows:**

304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment (the Order), the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.11, is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment **Order**, and the modifications would not:

...

(d) Change a **principal** use from that approved in the Order, **provided:**

(1) **The use may change to another use permitted as a matter of right in the zone; and**

- (2) Notwithstanding paragraph (1) of this subsection, residential uses subject to the Inclusionary Zoning provisions where the approved plans utilize bonus density or zoning modifications pursuant to Subtitle C, Section 1002 must maintain the Inclusionary Zoning set-aside;
  - (e) Increase the number of stories;
  - (f) Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; ~~provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;~~
  - (g) Notwithstanding subsection (d), Increase increase by more than two percent (2%) or one (1) unit, whichever is greater, the number of dwelling units or hotel rooms, or institutional rooms; within the approved square footage; or
  - (h) Increase or decrease by more than two percent (2%) or one space, whichever is greater, the number of parking or loading spaces depicted on the approved plans.

## II. AMENDMENTS TO SUBTITLE B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

**Subsection 100.2 of Chapter 1 DEFINITIONS is amended as follows:**

**The definition of Structure in § 100.2 DEFINITIONS is amended to amend as follows:**

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include light poles, and mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

**Chapter 3 GENERAL RULES OF MEASUREMENT is amended as follows:**

**Subsection 304.8 of § 304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA) is amended to read as follows:**

304.8 GFA shall not include: ~~cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes,~~

~~vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

- (a) Cellars;
- (b) Exterior balconies that do not exceed a projection of ~~six~~ eight feet (68 ft.) beyond the exterior walls of the building;
- (c) Inset balconies open and unenclosed on at least one side, to a maximum depth of eight feet (8 ft.) in from the adjacent exterior façade of the building;
- (d) All projections beyond the lot line that may be allowed by other Municipal codes;
- (e) All projections beyond the lot line that may be allowed by other Municipal codes;
- (f) Vent shafts, and pipe chase shafts above the ground floor;
- (g) Atriums above the ground floor;
- (h) Ramps on the ground floor leading down to areas of parking on a lower level; and
- (i) In residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

**Subsection 312.4 of § 312 RULES OF MEASUREMENT FOR LOT OCCUPANCY is amended to read as follows:**

312.4 For the purposes of calculating Lot Occupancy, Building area shall not include:

- (a) Building components or appurtenances dedicated to the environmental sustainability of the building;
- (b) Cornices and eaves;
- (c) Sills, leaders, belt courses, and similar ornamental or structural features;
- (d) Awnings, serving a window, porch, deck, or door;

- (e) Uncovered stairs, landings, and wheelchair ramps or lifts that serve the main floor;
- (f) Chimneys, smokestacks, or flues; **and**
- (g) Uncovered porches and decks that are no more than four feet (4 ft) in height above the ground level at any point; **;**
- (h) Uncovered porches and decks that are more than four feet (4 ft.) in height above the ground level at any point but level with or below the main floor of the building, to a maximum cumulative area of 200 sq. ft.; provided that this section shall not be used to exclude any portion of uncovered porches or decks from yard requirements; and
- (i) Exterior balconies that do not exceed a projection of eight feet (8 ft.) beyond the exterior walls of the building.

### III. AMENDMENTS TO SUBTITLE C, GENERAL RULES

Chapter 3 SUBDIVISION is amended as follows:

Subsection 303.4 of § 303 LOT FRONTAGE is amended to read as follows:

303.4 In the RF and RA zones, each ~~Each~~ new record lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.), subject to the following provisions:

- (a) The requirement shall not apply where:
  - (1) An existing building is being converted into an apartment house pursuant to Subtitle U, §§ 301.2, 320.2, or 320.3;
  - (2) An existing apartment house is being renovated or expanded, either structurally or through changing the number of units; or
  - (3) In the case of a Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, the Tax Lot may be converted into a Record Lot so long as the street frontage measured along the street line is a distance of not less than eighteen feet (18 ft.).
- (b) Relief from Subtitle C § 303.4(a) may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

**Chapter 5 PERVIOUS SURFACES** is amended as follows:

**Subsection 502.1(c) of § 502 RULES OF MEASUREMENT FOR PERVIOUS SURFACES** is amended to read as follows:

(c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil, or are located directly above a surface as defined in Subtitle C § 502.2.

**Chapter 6 GREEN AREA RATIO** is amended as follows:

**Subsections 601.3 and 601.9 of § 601 APPLICABILITY OF GREEN AREA RATIO STANDARDS** are amended to read as follows:

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, and interior renovations, ~~or both~~ within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except that GAR standards shall not apply to a development which meets any of the following conditions:

(a) New buildings or alterations to existing buildings that do not require certificates of occupancy;

(b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;

(c) The interior renovation of an existing building that meets all of the following:

(1) The project does not include the construction of new enclosed space on the exterior of the building which counts towards gross floor area;

(2) Alterations to the building facade include only minor improvements including, but not limited to, replacement of doors or windows, addition of solar panels or wind generation devices, or replacement of mechanical equipment; and

(3) Site work does not include any regrading of the site, the addition of impervious surface materials or the removal of existing trees or vegetation;

(e) (d) Within the Central Employment Area, the interior renovation of an existing building that meets all of the following:

~~(1) Is located in the Central Employment Area;~~

(2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;

(3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and

(4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or

~~(d) (e) A historic resource and any additions thereto subject to the provisions of Subtitle C § 601.7.~~

...

**601.9 Minimum required GAR score for a split zoned lot shall be calculated based on the weighted average of the score for each portion of the lot in each zone.**

**Subsection 604.2 § 604 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO is amended to read as follows:**

604.2 For the purposes of this section, the term “Certified Landscape Expert” means a person who ~~is-a~~ holds one of the following licenses or certifications that is current, valid, and in good standing:

(a) Landscape Architect licensed by the District of Columbia ~~or, until September 1, 2021, by either the Commonwealth of Virginia or the State of Maryland;~~

(b) International Society of Arboriculture Certified Arborist;

(c) Maryland Certified Professional Horticulturist; ~~or~~

(d) Landscape Contractors Association MD-DC-VA Landscape Industry Certified Technician; ~~or~~

**(e) Certified Chesapeake Bay Landscape Professional Level 2.**

**Chapter 7 VEHICLE PARKING is amended as follows:**

**Subsections 701.10 and 701.14 of § 701 MINIMUM VEHICLE PARKING REQUIREMENTS are deleted, and Subsections 701.11 through 701.13 are renumbered, to read as follows:**

...

~~701.10 The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence~~

701.~~11~~ **10** Dedicated car-share parking spaces may be counted toward fulfillment of a minimum parking requirement.

701.~~12~~ **11** Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

701.~~13~~ **12** Parking spaces provided in an amount which exceeds that required by this section shall be subject to the provisions of Subtitle C § 707.

~~701.14 Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.~~

**The title and Subsection 702.1 of § 702 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS is amended to read as follows:**

**702 EXEMPTIONS FROM MINIMUM VEHICLE PARKING REQUIREMENTS**

702.1 Except as provided in Subtitle C § 702.2, within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:

- (a) Within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; ~~or~~
- (b) Within one-quarter mile (0.25 mi.) of ~~a~~ streetcar line ~~that is currently in operation or for which a construction contract has been awarded~~; or
- (c) Within one-quarter mile (.25 mi.) of one (1) of the following ~~Priority Corridor Network~~ Metrobus corridors served by high-frequency routes ~~Routes~~ located entirely or partially within the District of Columbia, ~~provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program:~~
  - (1) Georgia Avenue/7<sup>th</sup> Street NW (Routes 70, 79 Archives Metrorail Station to Eastern Avenue NW);
  - (2) Wisconsin Avenue NW / M Street NW / Pennsylvania Avenue NW (Routes 31, 32, 34, 36, 37, 39 Western Avenue NW to Union Station Metrorail Station);

- (3) Sixteenth Street NW (Routes S1, S2, S4, S9 Eastern Avenue NW to Archives Metrorail Station);
- (4) H Street/Benning Road (Routes X1, X2, X3, X9 17<sup>th</sup> Street NW to Minnesota Avenue SE);
- (5) Calvert Street NW / 18th Street NW / U Street NW / Garfield Florida Avenue/ 8<sup>th</sup> Street NE / 11<sup>th</sup> Street NE / Marion Barry Avenue SE / Alabama Avenue SE (Routes 90, 92, 93 Woodley Park Metrorail Station to Congress Heights Metrorail Station;
- (6) Anacostia/Congress Heights Martin Luther King Junior Avenue SE / Alabama Avenue SE / Wheeler Road SE / Barnaby Road SE / 8<sup>th</sup> Street SE / Condon Terrace SE / 4<sup>th</sup> Street SE/ 3<sup>rd</sup> Street SE / Livingston Road SE / Southern Avenue SE / 6<sup>th</sup> Street SE (Routes A2, A4, A5, A6, A7, A8, A9, A 42, A46, A48 Anacostia Metrorail Station to Southern Avenue);
- (7) Fourteenth Street NW (Routes 52, 53, 54) Michigan Avenue/ Kenyon Street NW / Irving Street NW/ Porter Street NW (Brookland Metrorail Station to Tenleytown-AU Metrorail Station);
- (8) Riggs Road NW / North Capitol Street / New Hampshire Avenue NW (Route 80 Fort Totten Metrorail Station to Eastern Avenue NW); and
- (9) Rhode Island Avenue NE (Route G8 Rhode Island Ave-Brentwood Metrorail Station to Eastern Avenue);
- (10) Martin Luther King Jr Avenue SE/ 11<sup>th</sup> Street SE/ Potomac Avenue SE/19<sup>th</sup> Street SE/ East Capitol Street/ 15<sup>th</sup> Street SE/ Bladensburg Road NE (Anacostia Metrorail Station to Eastern Avenue);
- (11) Firth Sterling Avenue SE/ South Capitol Street/ Malcolm X Avenue SE/ Alabama Avenue SE/ Pennsylvania Avenue SE/ Southern Avenue/ Benning Road/ Minnesota Avenue NE (Anacostia Metrorail Station to Minnesota Avenue Metrorail Station); and
- (12) South Capitol Street/ Martin Luther King Jr Avenue SE/ Marion Barry Avenue SE/ Minnesota Avenue/ Nannie Helen Burroughs Avenue NE 58<sup>th</sup> Street NE/ Dix Street NE (Navy Yard-Ballpark Metrorail Station to Capitol Heights Metrorail Station).

**Subsection 711.7 of § 711 ACCESS REQUIREMENTS is amended to read as follows:**

711.7 ~~Except for Alley Lots or as provided in Subtitle C § 711.11<sup>2</sup>, when~~ When parking spaces are provided within a building or structure, all vehicular entrances or exits shall be a minimum height of ten feet (10 ft.) and shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley; except these requirements shall not apply to:

- (a) Alley Lots; or
- (b) A building or structure serving a single household, flat, or conversion pursuant to Subtitle U §§ 320.2, 320.3, or 320.4.

**Subsection 714.2 of § 714 SCREENING REQUIREMENTS FOR SURFACE PARKING is amended to read as follows:**

714.2 Screening of external surface parking shall be provided in accordance with the following provisions:

- (a) Screening shall be provided around the entire perimeter of the surface parking area, except where the abutting public space is the access point to individual parking spaces, or the driveway access point to the parking spaces;
- (b) All parking spaces that abut public space, such as sidewalks, streets, or alleys, shall have physical structures, such as wheel bumper guards, curbs, and/or guard rails, installed to separate and protect the abutting public space from vehicular encroachment, except if where the abutting public space is the access point or driveway to the parking space;

...

**Chapter 10 INCLUSIONARY ZONING is amended as follows:**

**Subsection 1001.2(b) of § 1001 APPLICABILITY is amended to read as follows:**

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

...

- (b) A “Voluntary Inclusionary Development” – any single household dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a)

---

<sup>2</sup> C § 711.11 permits special exception relief from this provisions and specified others

if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:

- (1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit; and
- (2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002.; ~~and~~
- (3) ~~Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the R-2, R-3, RF-1, RF-4, RF-5, or RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9.~~

**Chapter 15 PENTHOUSES AND ROOFTOP STRUCTURES** is amended as follows:

**The title and subsections 1507.2 and 1507.8 of § 1507 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION OF PENTHOUSE HABITABLE SPACE** are amended to read as follows:

**1507 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ~~ON A~~ ~~NONRESIDENTIAL BUILDING~~ OF PENTHOUSE HABITABLE SPACE**

...

**1507.2** The construction of penthouse habitable space on a building that is partially or entirely devoted to residential use is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10, Inclusionary Zoning, at 50% MFI in accordance with Subtitle C §§ 1003.7, ~~and~~ 1507.5, and 1507.8 (d), except for:

...

**1507.8** For the purposes of the calculation of Subtitle C § 1507.7:

...

(d) The total gross floor area of the penthouse habitable space shall be determined as follows:

- (1) For entirely non-residential or lodging buildings, all forms of habitable space shall be included in the total gross floor area of the penthouse habitable space;
- (2) For buildings that are partially or entirely devoted to residential use, all forms of habitable space, except space and service spaces devoted exclusively to communal rooftop recreation or amenity space for the

primary use of residents of the building, shall be included in the total gross floor area of the penthouse habitable space; and

(3) For purposes of ~~(i) and (ii)~~ (1) and (2), total gross floor area of the penthouse habitable space includes service spaces such as enclosed hallways, vestibules, washrooms, stairwells and elevators and other service space serving any habitable or non-habitable space; provided that stairwells and elevators shall not count toward the total gross floor area of penthouse habitable space for entirely non-residential or lodging buildings

**Chapter 16 ZONE BOUNDARY LINE CROSSING A LOT is added to replace and amend Subtitle A ADMINISTRATION Subsection 207 ZONE BOUNDARY LINE CROSSING A LOT as follows:**

## **CHAPTER 16 ZONE BUNDARY LINE CROSSING A LOT**

### **207-1601 ZONE BOUNDARY LINE CROSSING A LOT**

**207.1 1601.1** When a zone boundary line divides a lot that was in single ownership on May 12, 1958, the permitted use and density bulk of a structure located on that lot may be determined as follows:

(a) The allowable bulk density for the portion of the lot located in a lesser restrictive use zone may be increased by the bulk density permitted on the portion of the lot located in a more restrictive use zone; provided, that no portion of any structure permitted on the lesser restricted portion of the lot shall be extended to the more restricted restrictive portion of the lot;

(b) ~~The calculation for determining additional bulk shall include only that portion of the lot in the more restrictive use zone that is located within thirty-five feet (35 ft.) of the zone boundary line;~~

(b e) The additional bulk density authorized in this section shall not exceed the maximum bulk density permitted on the portion of the lot located in the lesser restrictive use zone;

(c d) For computation of the maximum permitted density for the purposes of this section:

(1) Any portion of the lot located in an R-1 or R-2 zone shall be deemed to have a density be limited to a floor area ratio (FAR) of 0.4 FAR,

(2) Any portion of the lot located in an R-3 zone shall be deemed to have a density be limited to an FAR of 0.6 FAR, and

~~(3) Any portion of the lot located in an any RF-1, RF-2, or RF-3 zone shall be deemed to have a density be limited to an FAR of 0.9 FAR; and~~

~~(4) Any portion of the lot located in any other zone shall be deemed to have a density as permitted in that zone, including IZ where applicable; and~~

~~(d e) Except for accessory open parking facilities permitted elsewhere in this title, the portion of the lot located in a more restrictive use zone shall be devoted only to required setbacks or courts or other open spaces.~~

**207.2 1601.2** For a lot subject to Subtitle C ~~§ 1601.1 A-§ 207.1~~, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 the regulations applicable to that portion of a lot located in a lesser restrictive ~~use~~ zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);

(b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle ~~A-§ 207.1(d)~~ C § 1601.1(c);

~~(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and~~

~~(d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.~~

**207.3 1601.3** For the purpose of interpreting this section, the zones established in this title are listed in the following groups of decreasing use restrictions:

(a) R and MU-11 zones;

(b) RF, RA, MU-1, MU-2, and D-2 zones;

(c) MU-3 through MU-9, MU-15, D-1, D-3 through D-7, NMU zones, and ARTS-1 through ARTS-3 zones;

(d) MU-10, MU-12, MU-13, MU-14, MU-15, and ARTS-4 zones; and

(e) PDR zones.

#### **IV. AMENDMENTS TO SUBTITLE D, RESIDENTIAL HOUSE (R) ZONES**

**Chapter 2 GENERAL DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES is amended as follows:**

**Subsection 202.2 of § 202 LOT DIMENSIONS is amended and Subsections 202.3 and 202.4 are deleted, to read as follows:**

202.2 Except as provided in Subtitle D § 202.3, the minimum dimensions of lots for **Mandatory or Voluntary** Inclusionary Developments in any of the R-2 and R-3 zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

<b>TABLE D § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS</b>			
<b>Zones</b>	<b>Type of Structure</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
<b>R-2</b>	Semi-detached	<b>30 25</b>	2,500
	Detached	<b>40 32</b>	3,200
<b>R-3</b>	All Structures	<b>20 16</b>	1,600

~~202.3 The minimum lot width and lot area for Mandatory Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

<b>TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS</b>		
<b>Zones</b>	<b>Type of Structure</b>	<b>Minimum Lot Width (ft.)</b>
<b>R-2</b>	Semi-detached	<b>25</b>
	Detached	<b>32</b>
<b>R-3</b>	All Structures	<b>16</b>

~~202.4 The minimum lot width and lot area for Voluntary Inclusionary Developments in any of the R-2 and R-3 zones may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

<b>TABLE D § 202.4: MINIMUM LOT WIDTH AND LOT AREA BY SPECIAL EXCEPTION FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS</b>			
<b>Zones</b>	<b>Type of Structure</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
<b>R-2</b>	Semi-detached	<b>25</b>	2,500
	Detached	<b>32</b>	3,200
<b>R-3</b>	All Structures	<b>16</b>	1,600

Subsection 203.7 is added to § 203 HEIGHT to read as follows:

**203.7 Light poles for athletic and recreation fields for public school and recreation facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

**Chapter 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT ZONES is amended as follows:**

**Subsections 1105.2, 1105.3 and 1105.4 of § 1105 ACCESSORY BUILDINGS are amended to read as follows:**

1105.2 In the R-1B/GT and R-3/GT zones, except for a shed, an accessory building shall be located facing an alley or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building, and shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.

1105.3 In the R-1B/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ ~~six~~ hundred ~~and~~ ~~fifty~~ square feet (~~450~~ ~~600~~ sq. ft.) and a maximum number of two (2) stories.

1105.4 In the R-3/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty-two feet (22 ft.), a maximum building area of ~~four~~ ~~five~~ hundred and fifty square feet (~~450~~ ~~550~~ sq. ft.) and a maximum number of two (2) stories.

**Chapter 49 PUBLIC SCHOOLS is amended as follows:**

**A new subsection 4904.2 is added to § 4904 HEIGHT to read as follows:**

**4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

**Chapter 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES is amended as follows:**

**Subsection 5003.1 is amended and 5003.2 is added to § 5003 MAXIMUM BUILDING AREA to read as follows:**

5003.1 The maximum building area for an accessory building in an R-1 or R-2 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or six hundred ~~four hundred and fifty~~ square feet (600 ~~450~~ sq. ft.).

5003.2 **The maximum building area for an accessory building in an R-3 zone shall be an area equal to the greater of thirty (30%) of the required rear yard area or five hundred and fifty (550 sq. ft.).**

**Subsection 5004.1 to § 5004 REAR YARD is amended to read as follows:**

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

- (a) Not in a required rear yard; **and**
- (b) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley; **and**
- (c) **Set back a minimum of five feet (5 ft.) from a rear lot line, other than where the rear lot line of the property abuts an alley or street.**

**Subsection 5005.3 is added to § 5005 SIDE YARD to read as follows:**

5005.3 **An accessory building other than a shed shall be set back a minimum of three feet (3 ft.) from a side lot line, other than where the side lot line of the property abuts an alley or street.**

**Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES** is amended as follows:

**Subsection 5201.1(b) to § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS** is amended to read as follows:

- (b) Yards, including **front setback and** alley centerline setback; and

**Subsection 5201.2(c) to § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS** is amended to read as follows:

- (c) Yards, **or setback from a rear or side lot line**, including alley centerline setback; and

## **V. AMENDMENTS TO SUBTITLE E, RESIDENTIAL FLAT (RF) ZONES**

**Chapter 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES** is amended as follows:

**Subsection 202.2 of § 202 LOT DIMENTIONS** is amended and Subsections 202.3 and 202.4 are deleted to read as follows:

202.2 Except as provided in Subtitle E § 202.3, the minimum dimensions of lots for Mandatory **or Voluntary** Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

**TABLE E § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS**

<b>Zones</b>	<b>Type of Structure</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
<b>RF</b>	<b>All Structures</b>	<b>48- 16</b>	<b>1,500</b>

~~202.3 The minimum lot width for Mandatory Inclusionary Developments may be reduced to no less than sixteen feet (16 ft.) if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.~~

~~202.4 The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:~~

TABLE E § 202.4: MINIMUM LOT WIDTH AND LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS			
Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	16	1,500

Subsection 203.9 is added to § 203 HEIGHT to read as follows:

203.9 Light poles for athletic and recreation fields for public school and recreation facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.

...

Chapter 49 PUBLIC SCHOOLS is amended as follows:

Subsection 4904.2 is added to § 4904 HEIGHT to read as follows:

4904.2 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines

Chapter 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES is amended as follows:

Subsection 5003.1 to § 5003 BUILDING AREA is amended to read as follows:

5003.1 The maximum building area for an accessory building in an RF zone shall be an area equal to the greater of thirty percent (30%) of the required rear yard or ~~four-hundred~~ five hundred and fifty square feet (~~450~~ 550 sq. ft.).

Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RA) ZONES is amended to read as follows:

Subsection 5201.2 to § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS is amended to read as follows:

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to

the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) Yards, including **front setback and** alley centerline setback;
- (c) Courts; and
- (d) Pervious surface.

5201.2 For a new or enlarged accessory structure to a residential building on a non-alley 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) Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) **Maximum building area of an accessory building;**
- (b) Yards, including alley centerline setback;
- (e) Courts; and
- (d) Green Area Ratio.

## VI. AMENDMENTS TO SUBTITLE F, RESIDENTIAL APARTMENT (RA) ZONES

**Chapter 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES** is amended as follows:

Subsection 201.5 is added to § 201 DENSITY to read as follows:

**201.5 Accessory apartments shall not be permitted in any RA Zone.**

Subsection 203.8 is added to § 203 HEIGHT to read as follows:

**203.8 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

**Chapter 49 PUBLIC SCHOOLS** is amended as follows:

Subsection 4904.3 is added to § 4904 HEIGHT to read as follows:

**4904.3 Light poles for public school recreation fields and facilities may be erected to a height not exceeding ninety (90 ft.) with no required setback from lot lines.**

## VII. AMENDMENTS TO SUBTITLE G, MIXED USE (MU) ZONES

**Chapter 1 INTRODUCTION TO MIXED USE (MU) ZONES** is amended as follows:

**Subsections 101.9(a), 101.10(a), and 101.12(a) of § 101 PURPOSE AND INTENT** are amended to read as follows:

101.9 The MU-4 zone is intended to:

- (a) Permit low to moderate-density mixed-use development;
- ...

101.10 The MU-5 zones are intended to:

- (a) Permit medium-moderate-density, compact mixed-use development with an emphasis on residential use;
- ...

101.12 The MU-7 zones are intended to:

- (a) Permit moderate to medium-density mixed-use development; and

**Chapter 2 DEVELOPMENT STANDARDS FOR MIXED USE (MU) ZONES – MU-1 THROUGH MU-15** is amended as follows:

**Subsection 201.10 is added to § 201 DENSITY to read as follows:**

**201.10 Accessory apartments shall not be permitted in any MU Zone.**

**Subsection 207.14 to § 207 REAR YARD is amended to read as follows:**

207.14 Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions and the general special exception criteria at Subtitle X, Chapter 9:

- (a) ~~No apartment window shall be located within forty feet (40 ft.) directly in front of another building;~~
- (b) ~~No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;~~
- (c) ~~In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;~~

(ad) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and

(be) Upon receiving an application for relief from rear yard requirements of this section, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with coordination of reviews in writing from all relevant District of Columbia departments and agencies, including:

- (1) The District Department of Transportation;
- (2) The Department of Housing and Community Development; and
- (3) The Historic Preservation Office if the application involves a historic district or historic landmark.

## **CHAPTER 4 CHAPTER 4 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC**

**Subsection 403.1 to § 403 PENTHOUSE AND ROOFTOP STRUCTURE is amended to read as follows:**

403.1 In the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be ~~ten feet (10 ft.)~~ twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space, and the maximum number of stories within the penthouse or rooftop structure shall be one (1) with a second story permitted for penthouse mechanical space.

## **VIII. AMENDMENTS TO SUBTITLE H, NEIGHBORHOOD MIXED-USE (NMU) ZONES**

**Chapter 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES is amended as follows:**

**Subsection 6001.2 of § 6001 DESIGNATED AND RESTRICTED USES is amended to read as follows:**

6001.2 The NMU zone designated uses, for the purposes of this subtitle, are those permitted in the following use categories subject to any conditions of this section:

- (a) Animal sales, care, and boarding;
- (b) Arts, design, and creation;
- (c) Daytime Care;**

- (ed) Eating and drinking establishments;
- (de) Entertainment, assembly, and performing arts;
- (ef) Financial and general services; and
- (fg) Retail.

## IX. AMENDMENTS TO SUBTITLE I, DOWNTOWN ZONES

**Chapter 2 DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES** is amended as follows:

**Subsection 205.5 of § 205 REAR YARD** is amended to read as follows:

205.5 The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X, **Chapter 9** and subject to the following conditions:

- (a) ~~No window to a residence use shall be located within forty feet (40 ft.) of another facing building;~~
- (b) ~~No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;~~
- (c) ~~A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and~~
- (d) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

## X. AMENDMENTS TO SUBTITLE U, USE PERMISSIONS

**Chapter 2 USE PERMISSIONS FOR RESIDENTIAL HOUSE (R) ZONES** is amended as follows:

**Paragraph (a) of Subsection 201.1 of § 201 MATTER OF RIGHT USES – R-USE GROUPS A, B, C, AND D** is amended to read as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) A principal dwelling unit; ~~shall be permitted as follows:~~

- (1) ~~In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;~~
- (2) ~~In the R-Use Group B, the principal dwelling unit may be in either a detached or semi-detached building and~~
- (3) ~~In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building;~~

**Chapter 3 USE PERMISSIONS FOR RESIDENTIAL FLAT (RF) ZONES** is amended as follows:

**Subsection 301.1 of § 301 MATTER-OF-RIGHT USES (RF) is amended to read as follows:**

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones under Subtitle U §§ 201 and 202, except that an accessory apartment shall not be permitted in any RF Zone;  
...
- (c) A permitted principal dwelling unit within an accessory building subject to the following conditions of:
  - (1) ~~The accessory building was in existence on January 1, 2013;~~
  - (2) ~~No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;~~
  - (13) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and
  - (24) Permanent access shall be provided by one (1) of the following:
    - (A) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or
    - (B) Through an improved public alley or alleys with an minimum alley width of not less than twenty-four feet (24 ft.) fifteen feet (15 ft.) at any point between the lot and a that connects to a public street; or
    - (C) ~~On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;~~

- (d) An accessory building that houses a principal dwelling unit shall not have a roof deck;
- (e) ~~An accessory building constructed as a matter of right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;~~
- (e) An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage, or as an artist studio; and
- (f) Any proposed ~~expansion of an use of an~~ accessory building for ~~a dwelling unit residential purposes not meeting the provisions of Subtitle U §§ 301.1 (c) through (e)~~ shall be permitted only as a special exception approval pursuant to Subtitle X, ~~and shall be evaluated against the standards of this section.~~

...

**Subsection 310.1 of § 310 ACCESSORY USES (RF) is amended to read as follows:**

310.1 The following accessory uses in this section shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any accessory use permitted in the R zones under Subtitle U § 250, except that accessory apartments are not permitted in any RF Zone.

**Chapter 4 USE PERMISSIONS FOR RESIDENTIAL APARTMENT (RA) ZONES is amended as follows:**

**Paragraph (a) of Subsection 401.1 of § 401 MATTER OF RIGHT USES (RA) is amended to read as follows:**

401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions:

- (a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores and accessory apartments are not permitted in any RA zone;

**Paragraph (a) of Subsection 410.1 of § 410 ACCESSORY USES (RA) is amended to read as follows:**

410.1 The following accessory uses shall be permitted as a matter of right subject to the associated conditions:

(a) Any accessory use permitted in the RF zones under Subtitle U § ~~250-310~~, except that accessory apartments are not permitted in any RA zone;

**Chapter 5 USE PERMISSIONS FOR MIXED USE (MU) ZONES is amended as follows:**

**Subsections 501.1, 501.2, and 501.3 of § 501 MATTER OF RIGHT USES (MU) are amended to read as follows:**

501.1 The uses in this section shall be permitted as a matter of right in any MU zone except the MU-11 zone, subject to any applicable conditions.

501.2 Any use permitted as a matter of right in any R, RF, or RA zone shall be permitted as a matter of right in the MU, except the MU-11 zone, except that accessory apartments are not permitted in any MU zone.

501.3 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted, except that accessory apartments are not permitted in any MU zone.

## **XI. AMENDMENTS TO SUBTITLE Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**

**Chapter 7 APPROVALS AND ORDERS is amended as follows:**

**Subsections 702.8 and 702.9 of § 702 VALIDITY OF APPROVALS AND IMPLEMENTATION are amended to read as follows:**

702.8 The Zoning Administrator shall not approve a permit application for zoning compliance unless the plans conform to the plans approved by the Board as those plans may have been modified by any guidelines, conditions, or standards that the Board may have applied, subject to the minor deviations permitted by Subtitle Y § 703 or as provided in Subtitle A, § 304.10.

702.9 The Zoning Administrator also shall not approve an application for a certificate of occupancy unless the requested use is identical to the use approved by the Board, ~~or is for a use permitted as a matter of right, or as otherwise provided in Subtitle A, § 304.10.~~

This public hearing will be conducted in accordance with the rulemaking provisions of Subtitle Z, Chapter 5, of the Zoning Regulations, except that (a) the Commission determined at setdown that it will divide the testimony and questions into the groupings listed above; and (b) the Zoning Commission determined that both individuals and organizations will be granted one additional minute for testimony beyond the normal amount (3 minutes for individuals and 5 minutes for organizations) regarding these proposed zoning text amendments.

### **How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1. Organizations	6 minutes each
2. Individuals	4 minutes each

### **How to participate as a witness - written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing**, unless approved by the Commission upon request to be introduced at the public hearing. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

### **"Great weight" to written report of ANC**

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, TAMMY STIDHAM, GWEN WRIGHT, AND JOSEPH S. IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하는데 도움이 필요하세요? 특별한 편의를 제공해 드려야하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**您需要有人帮助参加活动吗？**如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些都是免费提供的服务。

**Quí vị có cần trợ giúp gì để tham gia không?** Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ደርጅት የሰኔልግግታል? የተለያ እርጅት ከስፈላጊዎች ወይም የቋንቋ እርጅት አገልግሎቶች (ትርጉም ወይም ማሳተፍ) ከስፈላጊዎች እስከዚ ከስተሰባው አምስት ቅዱት በፊት እና ሂሳብ ቁጥር (202) 727-0312 ወይም በእኩል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገኙ:: እኩል አገልግሎቶች የሚሰጠት በነፃ ለው::