


SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Joel Lawson, Associate Director, Development Review
Joshua Mitchum, Development Review Specialist

DATE: December 11, 2025

SUBJECT: **ZC Case 25-12: OP Supplemental Report for an “Omnibus” Zoning Text Petition, to modify and clarify the text of various provisions of the Zoning Regulations**

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **approve** this amended Office of Planning petition for various amendments to the Zoning Regulation text, with the various modifications to the text proposed in the OP Public Hearing Report, as requested by the Zoning Commission at its November 25, 2025 Public Meeting.

II. BACKGROUND

The proposed modifications in this report respond to input from the public and Zoning Commission members at the Public Hearings, held between October 30, 2025 and November 13, 2025, and more specifically to Zoning Commission direction provided at the Public Meeting of November 25, 2025. They remain not inconsistent with Comprehensive Plan policy direction, and help to fulfill direction from the Zoning Commission to update and rectify issues in the zoning regulations, including ones arising from the adoption of the ZR-16 Zoning Regulations. For a complete OP description and analysis of the originally proposed changes against policy direction of the Comprehensive Plan, including when viewed through a racial equity lens, please refer to the OP Setdown Report at [Exhibit 2](#) and the OP Hearing Report as reformatted for the Public Hearing, at [Exhibit 82](#).

In completing this supplemental report, OP continued to work closely with Zoning Administrator (ZA) Staff. One additional clarification to Zoning Administrator Flexibility (Item #2) has been raised by ZA Staff – it is a section proposed to be modified as part of the Omnibus. The Commission had not instructed OP to consider further modifications, but in a public comment filed prior to the Hearing, issues were raised with the proposed modifications, which Staff feel should be addressed as non-substantive clarifications for certainty in administration of IZ requirements.

In the OP Setdown and Hearing reports, proposed modifications are shown in **bold underline red text** for added text, and **~~bold strikethrough red text~~** for deletions. Additional modifications proposed in this report are shown in **red text**. Only those portions of text receiving further modifications are included in this report. This supplemental report also notes actions taken by the Zoning Commission at its November 25, 2025 for ease of use by members of the public.

OP also continues to request flexibility to work with Department of Buildings (DoB) and Office of Zoning Legal Division (OZLD) staff to make any necessary and non-substantive legal sufficiency or technical corrections to the proposed text prior to final action by the Commission.

III. PROPOSED TEXT AMENDMENTS

1. ZONE BOUNDARY LINE FOR A SPLIT ZONED LOT SUBTITLE A § 207

OP proposes to clarify and amend the regulations pertaining to zoning on split zoned lots, to provide more clarity and consistency in the interpretation and application.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide modified language that would:

- Incorporate a suggested change for the “trigger” date, from ZR-58 to ZR-16, in proposed new Subtitle C § 1601.1.
- Retain the review criteria contained in existing A § 207.2 (c) (to be renumbered C § 1601.2(c)).

Revised Draft Text Amendment:

SUBTITLE C GENERAL RULES

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~~ September 6, 2016, the permitted use and ~~density~~ bulk of a structure located on that lot may be determined as follows:

...

~~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.

2. ZONING ADMINISTRATOR FLEXIBILITY SUBTITLES A § 304 AND Y § 702

OP proposes to amend and clarify Zoning Administrator flexibility for the review of permit plans for developments subject to a BZA Order.

At the November 25, 2025 public meeting, the Zoning Commission indicated general support for the proposed modification and requested that OP incorporate specific modifications raised by a land use law firm as follows, but did not support other, broader modifications proposed by that firm:

- Proposed changes regarding Zoning Administrator (ZA) flexibility for pervious surface provisions in Subtitle A § 304.2; and
- ZA flexibility for Zoning Commission cases in Subtitle A § 304.5.

In conversations with ZA Staff, an additional clarification to Subtitle A § 304.10(d) was determined to be needed. This issue was first raised in comments to the record filed prior to the Public Hearing, pertaining to the determination of IZ requirements for a BZA project which, at the time of permitting, involves a change in use. On further review, Staff agree that some additional clarification is needed to ensure the clarity of the provision and efficiency of administration. In essence, it clarifies that a project approved by the BZA that obtained IZ bonus density does provide IZ consistent with the IZ provisions. As such, in addition to the two modifications requested by the Commission to Subtitle A §§ 304.4.2 and 304.5, OP is recommending an additional clarification to Subtitle A § 304.10(d) as shown below.

Draft Text Amendment:

SUBTITLE A AUTHORITY AND APPLICABILITY

CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR

...

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:

- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, maximum percentage of lot occupancy, **minimum percentage of pervious surface**, and area standards of courts;

...

304.5 For building permits that are authorized by an approved order of the Zoning Commission, the Zoning Administrator, following receipt of a request made pursuant to Subtitle A § 304.6, is authorized to permit only the following minor modifications to approved plans if the Zoning Administrator determines that the proposed modification is consistent with the intent of the Zoning Commission in approving the application and the Zoning Commission did not also grant the same area of relief:

- (a) A change not to exceed two percent (2%) in height, percentage of lot occupancy, or gross floor area of any building ~~that is the direct result of structural or building code requirements~~;

...

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:

- (a) Violate any condition of approval included in the Order;
- (b) Increase, expand, or extend any area of relief granted by the Order;
- (c) Create any need for new relief;
- (d) Change a **principal** use from that approved in the Order, **except that:**
 - (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, where the ~~approved plans and the~~ project at the time of building permit application is subject to Inclusionary Zoning or ~~utilize~~ uses Inclusionary Zoning bonus density or zoning modifications pursuant to Subtitle C § 1002, it must comply with subtitle C, Chapter 10 the Inclusionary Zoning set-aside must be maintained;**

...

3. LIGHT POLE FOR DISTRICT RECREATION FACILITIES **SUBTITLE B § 100; SUBTITLES D, E, & F §§ 203, 212, 4904**

OP had proposed to amend the definition of structure to more clearly address and facilitate light poles for public outdoor athletic fields.

At the November 25, 2025 public meeting, the Zoning Commission raised concerns regarding this proposal, following concerns raised by some ANC and community members at the public hearing. As a result, this amendment has been withdrawn from this Omnibus Text Amendment case.

4. BALCONIES AND GROSS FLOOR AREA (GFA) **SUBTITLE B § 304**

OP proposes to amend and clarify Gross Floor Area provisions, which determine permitted FAR, to exempt balconies that are inset into the building external façade.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item .

5. BALCONIES AND LOT OCCUPANCY **SUBTITLE B § 312**

OP proposes to exempt open balconies of a maximum depth of eight feet from lot occupancy.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide amended language that would remove the RF-1 zone from this lot occupancy exemption, by further amending proposed new Subtitle B § 312.4(I), due to concerns raised about the potential impact on privacy.

OP has discussed this amendment with ZA staff who were concerned that this carve-out for the RF zones only could be confusing to designers and homeowners, and expressed administrative concerns. OP also notes that upper-level balconies would continue to be allowed in the RF zones, and would not be restricted provided the property meets lot occupancy (and other) requirements.

The requested language is provided below.

Draft text amendment:

SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

CHAPTER 3 GENERAL RULES OF MEASUREMENT

312 RULES OF MEASUREMENT FOR LOT OCCUPANCY

...

312.4 **For the purposes of calculating Lot Occupancy, B**building area shall not include:

...

- (i) **Except for the RF zones, exterior balconies that do not exceed a projection of eight feet (8 ft.) beyond the exterior walls of the building.**

6. GROUND LEVEL DECKS AND LOT OCCUPANCY
SUBTITLE B § 312

OP proposes to add flexibility for the provision of uncovered decks off the main level of a house by exempting 200 sq.ft. of deck from lot occupancy calculations.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide language to address stair access landings, expressing concerns about “double dipping” exemptions for landings and decks.

Currently, the existing language exempts landings from lot occupancy calculations, although “landing” is not defined, and an exact size for a landing is not established. OP discussed possible language with ZA staff, who expressed concerns that if a landing is included in the 200 sq.ft. deck exemption, a landing required under the building code could trigger a need for BZA relief for a building that is at, over, or close to the lot occupancy and deck exemption limit.

To address this, OP has proposed language to specifically address a landing size that can be exempted from lot occupancy. As the Building Code establishes different landing size minimums for different situations, OP is proposing to reference the limit as that required by the Building Code.

Draft text amendment:

SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

CHAPTER 3 GENERAL RULES OF MEASUREMENT

312 RULES OF MEASUREMENT FOR LOT OCCUPANCY

...

312.4 **For the purposes of calculating Lot Occupancy, B**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 **no larger in size than that required by the building code**, and wheelchair ramps **or accessibility 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; **and**
- (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.**

7. 30-FOOT LOT FRONTAGE FOR SUBDIVISIONS FOR APARTMENT BUILDINGS

SUBTITLE C § 303

OP proposes to clarify a regulation which requires a 30-foot frontage for any subdivision for an apartment building.

At the November 25, 2025 public meeting, the Zoning Commission expressed concerns regarding aspects of the proposal, and initially discussed its' removal from the Omnibus Amendment for further study and potential separate text amendment case to be filed by OP. After further discussion, the Commission requested that OP provide a refined and narrowed proposal to remove the potentially problematic aspects raised by Commission members and members of the public, specifically the potential ability to use the subdivision process to create new flag-lots through a lot consolidation, which is technically referred to as a "subdivision" action.

This is currently possible for any consolidation of lots which would meet the lot frontage requirement – the provision does not currently address flag lots. While OP feels this would be an infrequent and unlikely scenario, OP concurs that the lot form shown in the illustration from an ANC Commissioner would not be consistent with neighborhood or streetscape character.

However, in discussions with DoB staff, an acceptable solution to specifically address this concern was not apparent – any potential wording generally created more and potentially broader issues than they would address. As such, OP is proposing to narrow the scope of this amendment, to retain the existing language – maintaining the requirement for 30 foot frontage, but to provide a special exception review process which would address issues such as privacy, light, air, and streetscape character associated with a proposal under this provision. While this would not address Comp Plan language to lessen regulatory burdens or to encourage new infill development, it would reduce that burden somewhat and provide for a more appropriate relief mechanism than the current requirement, which would be for variance relief.

Draft text amendment:

SUBTITLE C GENERAL RULES

CHAPTER 3 SUBDIVISION

303 LOT FRONTAGE

...

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). **Relief from this subsection may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.)**

8. GREEN AREA RATIO

SUBTITLE C § 601

OP proposes to amend Green Area Ratio (GAR) regulations to not trigger GAR for a project which solely involves internal renovations to a building.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

9. PRE-ZR-16 APPROVED VEHICLE PARKING REQUIREMENTS

SUBTITLES C § 701

OP proposes to remove a provision that vehicle parking spaces required for buildings constructed under the ZR-58 regulations be retained for the life of the building.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

10. PRIORITY CORRIDOR METROBUS ROUTE UPDATE

SUBTITLE C § 702

OP proposes to amend the Priority Corridor Network Metrobus Routes provisions of the zoning regulations for clarity and consistency with current WMATA High Frequency Bus Corridors.

At the November 25, 2025 public meeting, the Zoning Commission requested that, if possible within the timeframe of this case, OP provide additional analysis of Metrobus Routes raised by ANC's and members of the public, but not included in the WMATA High Frequency Bus Corridor network. This would be achieved through further amendments to Subtitle C § 702.1(c). The areas proposed for addition include:

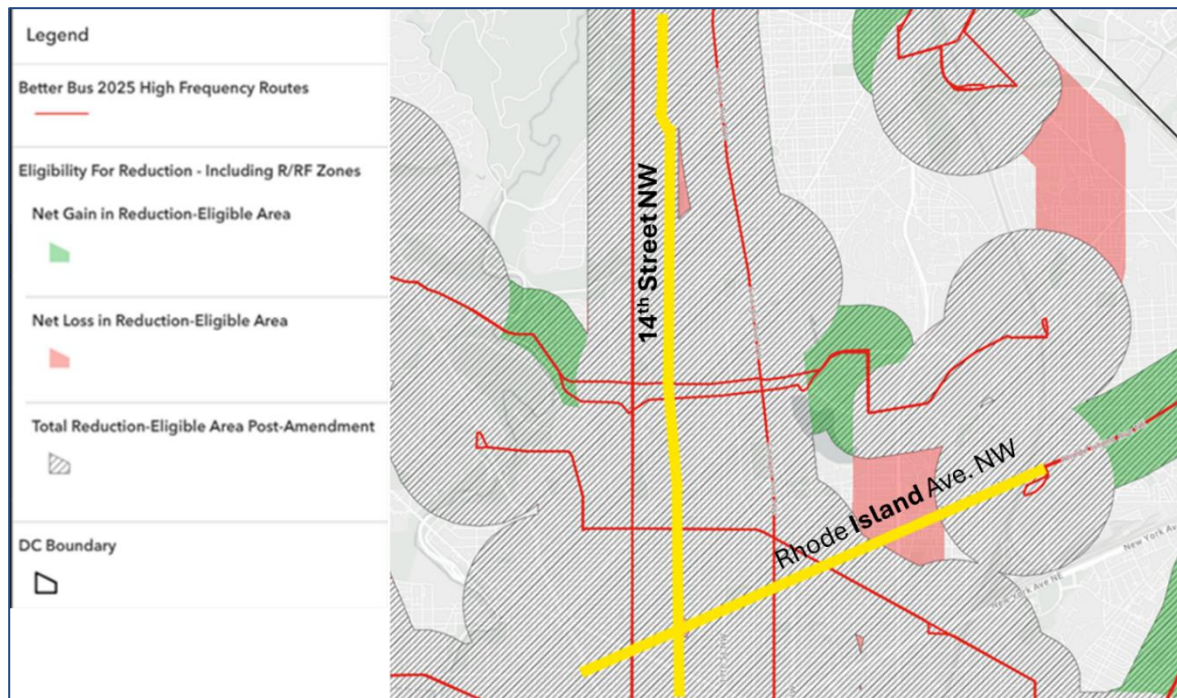
- 14th Street from Downtown to Takoma Metro
- Rhode Island Ave NE from Downtown to Rhode Island Ave Metro
- Independence Avenue / Pennsylvania Avenue NE

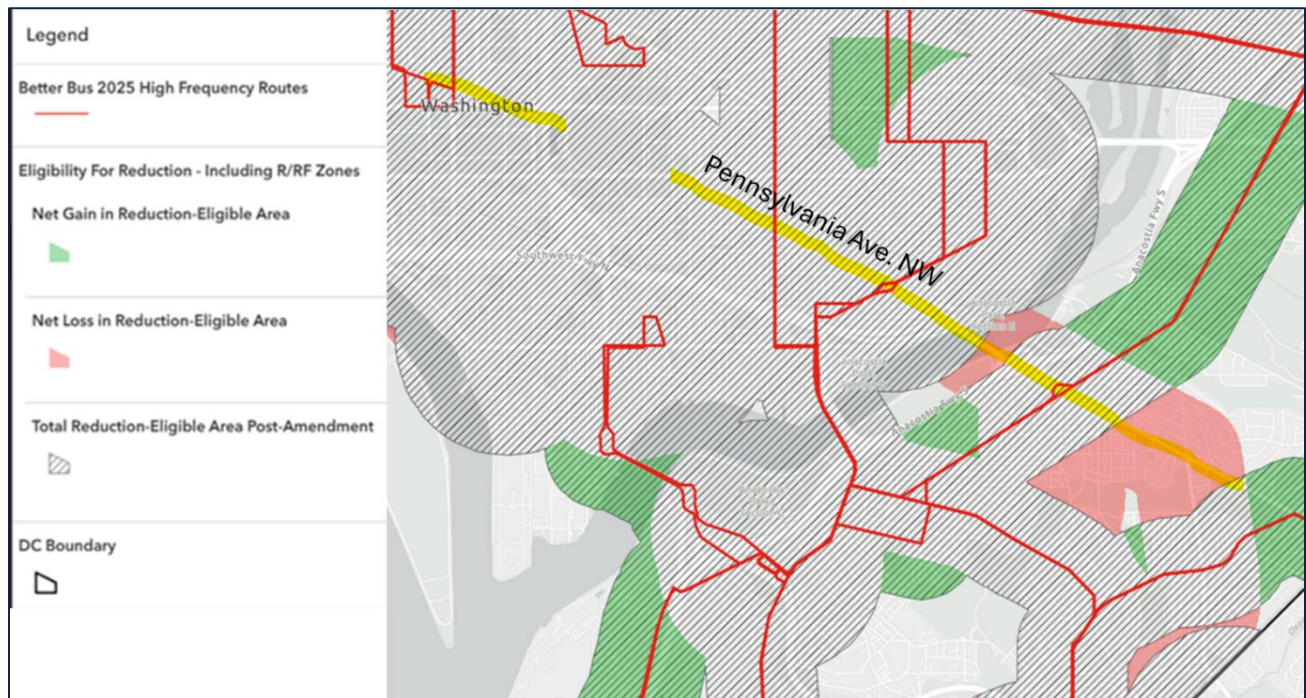
OP had consulted with DDOT prior to the hearing, and agreed that for clarity and consistency, the zoning should utilize the High Frequency Bus Corridor routes as determined by WMATA. All of these routes also offer frequent rush hour service as well as early morning, late evening, and

weekend service, which makes them an appropriate alternative to private automobile ownership. They are also typically on major corridors for which a reduction or significant change in bus service is less likely.

DDOT and OP also further examined the additional sections of corridors requested for addition by the members of the public. In the maps below, produced by DDOT, areas eligible for the reduction are shown hatched; areas that would be removed are shown in red and areas that would be added are shown as green.

Many of the sections of corridors suggested for addition are already within existing half-mile buffers from Metrorail and proposed quarter-mile buffers from the High Frequency bus network, so will remain eligible for the vehicle parking reduction regardless. For example, virtually all of the 14th Street corridor and most of the Rhode Island and Pennsylvania Avenue corridors would be covered by proximity to other metro or High Frequency bus corridor exemption areas. Other portions of some routes run through areas zoned R or RF where the zoning parking reduction does not apply. All of Downtown is covered, as there is no parking requirement in the Downtown area, and because of the many Metro stations and High Frequency Bus Lines.





OP and DDOT also had a very helpful conversation with an ANC Commissioner who continues to strongly advocate the addition of these corridors. OP appreciates the position and the advocacy of the Commissioner, but does not feel it is appropriate that these additional segments be added at this time. The additional complexity to the Zoning Regulations that could require more frequent updates would not be justified by the addition of relatively few properties. It may be that a more comprehensive review of District parking requirements is warranted, OP is not proposing to undertake this study at this time.

11. GARAGE DOOR HEIGHT AND SETBACK SUBTITLE C § 711

OP is proposing amendments to clarify that garage door size and setback requirements do not apply to a garage serving a house or flat.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

12. SURFACE PARKING SCREENING ALONG ALLEY SUBTITLE C § 714

OP proposes to amend surface parking screening requirements to clarify that screening from the alley is not required for a parking space accessed directly from the alley.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

13. PENTHOUSE HABITABLE SPACE AFFORDABLE HOUSING CONTRIBUTION SUBTITLE C § 1507

OP proposes to clarify, consistent with general current interpretation and practice, when stairwells and elevator over-rides to the roof level count towards habitable square footage included in the affordable housing calculation.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

14. IZ OPT-IN PROVISIONS FOR R-2, R-3, AND RF ZONES SUBTITLE C § 1001; D § 201, E § 201

OP proposes to remove a current requirement for special exception review for opting into IZ in the R-2, R-3, and RF zones.

At the November 25, 2025 public meeting, the Zoning Commission accepted the proposed language, but instructed OP to include an additional clarification to C § 1002.2, to remove language that would no longer be relevant, as proposed by Office of the Attorney General (OAG) staff.

Draft Text Amendment:

SUBTITLE C GENERAL RULES

CHAPTER 10 INCLUSIONARY ZONING

1002 MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO
INCENTIVIZE INCLUSIONARY ZONING

...

1002.2 An Inclusionary Development is eligible for modifications to certain development standards as indicated in the specific development standards of each zone; ~~provided that a Voluntary Inclusionary Development may only utilize these modifications pursuant to Subtitle C § 1001.2(b) if applicable.~~

...

15. RELIEF FROM FRONT SETBACK REQUIREMENT SUBTITLES D § 5201 & E § 5201

OP proposes to amend the Subtitle D (R zones) and E (RF zones) special exception provision to include “front setback”.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP examine addition special exception criteria language addressing streetscape character and neighborhood pattern, to augment existing special exception language.

To address this, OP is proposing clarifying language below. OP continues to feel that the existing special exception provision provides appropriate and comprehensive language for this review, specifically “*shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage*” (5201.4(c)), and is concerned that any additional similar language would be duplicative.

However, OP feels that certain additional applicant filings would be helpful, to ensure that both existing and proposed plans are provided, as well as additional photos of the overall streetscape to help in the assessment of streetscape patterns and character – these could help in the BZA, OP, ANC, and community evaluation of proposed relief, so would address the Commission request.

In addition, based on the Zoning Commission discussion at the Proposed Action meeting and follow-up discussions with DoB, OP is also proposing to add additional clarifying language to D and E § 206 Front Setback, related to the required front setback for semi-detached and attached houses. Subtitle B Rules of Measurement for Front Setback in the R and RF Zones, currently establishes the point closest and furthest from the street that a front façade of a building can be placed, but then also includes a separate method for calculating the required front setback required for semi-detached and row houses:

315.1 A proposed building façade or structure facing a street lot line shall:

- (a) Be located not closer to the street than the point of the building façade closest to the street, based on all the buildings located along the blockface;
- (b) Be located not further back from the same street than the building façade furthest from the street, based on all the buildings located along the blockface; and
- (c) **In the case of an interior-lot row or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.**

This existing restriction on semi-detached and attached (row) houses in the rules of measurement can be easily overlooked, so OP is proposing to add this provision to the R and RF zone regulations themselves - to simply state it in the Subtitle D and E provisions themselves. This is NOT a new requirement, as it currently exists in Subtitle B. Rather, it is a clarification in the D and E Zone regulations which OP feels also gets to the issue raised by the Commission as part of their deliberations.

Revised Draft Text Amendment:

SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

206 FRONT SETBACK

206.1 Except as provided elsewhere in this title, the front setback requirements shall be as set forth in this section.

206.2 For all **detached** residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.

206.3 For an interior-lot row or semi-detached building, a front setback shall be provided that is no further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

...

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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 subject to the following table:

...

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

(c) Pervious surface.

...

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as existing and proposed plans, ~~photographs, or~~ elevations, as well as photographs including ones demonstrating the overall streetscape and pattern and character, sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.

...

SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

CHAPTER 2 GENERAL RULES OF DEVELOPMENT FOR RESIDENTIAL HOUSE (RF) ZONES

206 FRONT SETBACK

206.1 Except as provided elsewhere in this title, the front setback requirements shall be as set forth in this section.

206.2 For all **detached** residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.

206.3 For an interior-lot row or semi-detached building, a front setback shall be provided that is no further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

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:

...

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

(d) Courts; and

(e) Pervious surface

...

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The proposed addition or accessory structure, together with the original building, or the proposed new building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage; and

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as **existing and proposed** plans, ~~photographs, or~~ elevations and section drawings, **as well as photographs including ones demonstrating the overall streetscape and pattern and character**, sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.

16. ACCESSORY BUILDING AREA IN R AND RF ZONES SUBTITLES D § 5003, E § 5003

OP proposes to increase the maximum footprint permitted for an accessory building in the R and RF zones.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide responses to the following:

Requested Information	OP Response
Provide information on the difference between the propose accessory building area provisions and the Short Term Rental rules;	<p>The zoning regulations were amended in 2019 to address Short Term Rentals. A short-term rental unit is generally permitted as an accessory use to a principal residential use in all zones which permit residential uses. An accessory dwelling unit in the low-density residential zones is also an accessory use to the principal dwelling unit.</p> <p>A Short-Term Rental unit can be within an accessory building, as can an accessory apartment. However, an accessory building with an accessory apartment cannot also have a Short-Term Rental unit.</p>
Amend the provision to allow 650 sq.ft. in the R1 and R-2 zones; retain the currently proposed 550 sq.ft. in the R-3 and RF zones;	Amended language provided below.
Address lifting the owner-occupancy requirement of the current accessory apartment regulations; and	This would be contrary to the intent of the accessory apartment provision, so is not proposed or supported by OP at this time.
Address whether a larger footprint for a fully accessible one level unit is warranted.	<p>There were proposals from various filings to allow 1,200 sq.ft. on one level, or 650 sq.ft. on one level. A footprint of 650 sq.ft. by right would be allowed under the revised proposal in the R1 and R2 zones. A maximum footprint of 550 sq.ft. is proposed in the R3 and RF zones.</p> <p>While OP is supportive in concept, research and analysis would be needed to address requests to further expand the allowable footprint, in terms of potential impacts on other regulations, such as pervious surface and lot occupancy, or how this would be administered through permitting processes. OP is not proposing this change at this time.</p>

Draft Text Amendment:

SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

CHAPTER 11 GEORGETOWN RESIDENTIAL HOUSE ZONES – R 1B/GT AND R 3/GT

1105 ACCESSORY BUILDINGS

...

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~~ 650 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 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES

5003 MAXIMUM BUILDING AREA

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 (650 ~~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.).

SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES

5003 MAXIMUM BUILDING AREA

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.).

...

17. ACCESSORY BUILDING SIDE AND REAR SETBACKS, R ZONES SUBTITLES D §§ 5004, 5201

OP proposes to establish a minimum side and rear setback requirement for accessory buildings in the R zones.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP make any additional modifications or clarification arising from other recently approved text amendments, principally the Rear Yard Text Amendments of Case 24-20, with respect to a setback requirement

for an accessory building in the R zones. OP did not identify any additional clarification needed for this text amendment, and the Commission did not request any other changes to the proposal.

The Commission decided to not required the setback in the RF zones, due to the smaller and narrower lot size; OP concurs with this. DoB staff noted that the R-3 zone is also a rowhouse zone where the lots tend to be smaller, allowing a 20-foot width minimum for row dwellings. As such, the addition of a side yard requirement for an accessory building could be more restrictive and result in a need for BZA relief not otherwise required. However, OP did not propose this exemption, and it was not discussed by the Zoning Commission at the Proposed Action meeting, so OP has not included it. If the Commission wishes OP to add it, it would be a simple amendment to exempt the R-3 zones from the side yard setback requirement.

18. ACCESSORY APARTMENTS IN RF, RA, & MU ZONES

SUBTITLES F § 201, G § 201, U §§ 201, 210, 410, 501

OP proposes to clarify that an accessory apartment is not a permitted use in the RF, RA, and MU zones.

At the November 25, 2025 public meeting, the Zoning Commission requested that OP provide alternative wording for these provisions. In these zones, which allow two or more units, an “accessory apartment”, as defined in the regulations, is not a permitted use, but this does not restrict an owner of a property in these zones from having a rental unit, or adding a second principal unit if they wish to.

In the OP report, OP had simply copied existing language found in the RF zone to the RA and MU zones in the appropriate places. There was much opposition to what was incorrectly perceived as a “restriction” on these zones, even though an accessory apartment is a more restricted use than a principal units on the lot. The Commission also felt that this wording sounds more “prohibitive” than “clarifying” and requested that OP provide alternative language that better reflects the intent. While this kind of descriptive language is not typically provided in zoning regulations, OP worked with DoB staff and propose the following language, which would be repeated in each relevant provision as provide below:

(a) Any accessory use permitted in the R zones under Subtitle U § 250, **except that accessory apartments are not permitted in any RF Zone; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3.**

Because this language currently exists in Subtitle E, OP is proposing to include this additional clarification in that provision as well, for consistency within the regulations.

Draft Text Amendment:

SUBTITLE E RESIDENTIAL FLAT (RF) ZONES

CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES

201 DENSITY

...

201.6 Accessory apartments shall not be permitted in any RF Zone; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3.

SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES

201 DENSITY

...

201.5 Accessory apartments shall not be permitted in any RA Zone; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4.

SUBTITLE G MIXED USE (MU) ZONES

CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES – MU 1 THROUGH MU-15

201 DENSITY

...

201.10 Accessory apartments shall not be permitted in any MU Zone; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.

SUBTITLE U USE PERMISSIONS

CHAPTER 3 USE PERMISSIONS FOR RESIDENTIAL FLAT (RF) ZONES

301 MATTER OF RIGHT USES (RF)

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; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3;**

...

310 ACCESSORY USES

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; instead, principal dwelling units are permitted pursuant to Subtitle E, Chapter 2 and Subtitle U Chapter 3.**

...

CHAPTER 4 USE PERMISSIONS FOR RESIDENTIAL APARTMENT (RA) ZONES

401 MATTER OF RIGHT USES (RA)

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; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4;**

...

410 ACCESSORY USES (RA)

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; instead, principal dwelling units are permitted pursuant to Subtitle F, Chapter 2 and Subtitle U Chapter 4**

...

CHAPTER 5 USE PERMISSIONS FOR MIXED USE (MU) ZONES

501 MATTER OF RIGHT USES (MU)

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; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.**

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; instead, principal dwelling units are permitted pursuant to Subtitle G, Chapter 2 and Subtitle U Chapter 5.**

19. NEW DWELLING IN AN ACCESSORY BUILDING IN RF ZONES SUBTITLE U § 301

OP proposes to remove the existing requirements that an accessory building must be in existence for five year before a dwelling unit is permitted within it, and expansion of an accessory building for a residence be permitted only by special exception.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

The Commission noted the need to coordinate any approval of the access related text to the corresponding text amendment for alley lots under consideration in Case 25-06.

20. ALIGN ZONE DESCRIPTIONS WITH COMP PLAN CLASSIFICATIONS

SUBTITLE G § 101

OP proposes to amend the description of the MU-4, MU-5, and MU-7 zones to be consistent with the land use descriptions of the Comprehensive Plan.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

21. PENTHOUSE HEIGHT LIMIT IN MU/CAP ZONES

SUBTITLE G § 403

OP proposes to amend the penthouse height limit for these zones to be consistent with the provisions of other low/moderate density mixed use zones.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

22. WINDOW SEPARATION CRITERIA IN MU AND D ZONES

SUBTITLES G § 207.14 AND I § 205.5

OP proposes to amend the conditions for special exception review to remove duplication of review criteria.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

23. REDUNDANT BUILDING FORM LANGUAGE

SUBTITLE U § 201

OP proposes to remove the redundant and misplaced building type descriptions in the Use provisions of U § 201.1(a).

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.

24. DESIGNATED USES IN NEIGHBORHOOD MIXED USE ZONES

SUBTITLE H § 6001

OP proposes to add “daytime care” use as a “designated use” in the Neighborhood Mixed Use (NMU) Zones.

At the November 25, 2025 public meeting, the Zoning Commission took proposed action to approve this item.