

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** <sup>JLS</sup>  
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** October 5, 2018

**SUBJECT:** ZC 17-23: Further Hearing Report – Request for a Text Amendment to the Zoning Regulations: Subtitle B - Definitions and Rules of Measurement and Other Changes and Correlating Rules in Subtitles D, E, and F.

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### **I. RECOMMENDATION**

The Office of Planning (OP) recommends approval of text amendments to the following zoning regulations as detailed in Section III.

1. Revisions to Building Permits (Subtitle A, Chapter 3).
2. Revisions to Definitions (Subtitle B, Chapter 1) of:
  - a. Building, Attached;
  - b. Building, Detached; and
  - c. Building, Semi-detached.
3. Revisions to Rules of Measurement (Subtitle B, Chapter 3).
4. Revisions to General Rules (Subtitle C):
  - a. Vehicle Parking (Chapter 7); and
  - b. Inclusionary Zoning (Chapter 10).
5. Revisions to zone specific Development Standards (Subtitles D, E, and F).
6. Revisions to Special Purpose Zones, Saint Elizabeths (Subtitle K, Chapter 6).
7. Revisions to Use Permissions (Subtitle U, Chapter 2).

### **II. BACKGROUND**

The Office of Planning (OP) brought forward a proposed text amendment that would more closely align the treatment of side yards in the zoning regulations with past practice and Office of the Zoning Administrator (OZA) practice. The Zoning Commission set down the case on December 11, 2017,

and held a public hearing on April 19, 2018, at which time it took public testimony related to the proposed text amendment.

The Commission requested that OP explore alternate text to address certain concerns raised at the April hearing. OP provided a report to the Commission on July 20, 2018, which included revised draft text that reflected the discussion at the hearing related to terminology, preservation of existing side yards, and relief. On July 30, 2018, the Commission voted to set down the amended text. A further public hearing was scheduled and noticed for October 15, 2018.

### III. REVISED PROPOSED TEXT AMENDMENTS

OP proposes the following amendments to Title 11 DCMR. The proposed text reflects the language that was setdown on July 30, 2018, with the exception of new language in Subtitle F, Section 306.1, which clarifies that a side yard is not required for a row building in the Residential Apartment (RA) zones.

Additions are shown in **bold underlined text**, new additions since setdown are shown in **red bold underlined text**, and deleted text is shown ~~hatched through~~.

#### 1. *Changes to Subtitle A, Authority and Applicability*

Amend the text in Subtitle A § 301, Building Permits, as follows:

#### CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

...

#### 301 BUILDING PERMITS

...

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of ~~an attached~~ **a row** or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Consumer and Regulatory Affairs on or before March 27, 2017 and not substantially changed after filing.

#### 2. *Changes to Subtitle B, Definitions, Rules of Measurement, and Use Categories*

Amend the text in Subtitle B § 100, Definitions, as follows:

**Building, Row Attached:** A building that **has no side yards** ~~abuts or shares walls on both side lot lines with other buildings on adjoining lots.~~ **The terms “row dwelling” and “row house” shall have the same meaning.**

**Building, Detached:** A freestanding building that ~~does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot~~ **is completely separated from all other buildings and has two (2) side yards.**

Building, Semi-detached: A building that ~~abuts or shares one (1) wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lot lines~~ **has only one (1) side yard**.

Amend the text in Subtitle B § 315, Rules of Measurement for Front Setbacks for Residential House (R) and Residential Flat (RF) Zones, as follows:

## CHAPTER 3 GENERAL RULES OF MEASUREMENT

...

### 315 RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) AND RESIDENTIAL FLAT (RF) ZONES

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

...

- (c) In the case of an interior-lot ~~attached~~**row** or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

...

Amend the text in Subtitle B § 320, Rules of Measurement for Side Yards, as follows:

### 320 RULES OF MEASUREMENT FOR SIDE YARDS

320.1 A required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures. If a required side yard intersects with a required rear yard, the larger yard shall apply for the required distance of the larger yard.

~~320.2 An addition to an existing semi-detached or detached principal building must meet the side yard requirements for that type of building in the zone. An existing detached or semi-detached building may not be treated as an attached building through the construction of additions. **[DELETED]**.~~

### 3. *Changes to Subtitle C, General Rules*

Amend the text in Subtitle C § 702, Exemptions from Minimum Parking Requirements, as follows:

## CHAPTER 7 VEHICLE PARKING

### 702 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS

702.3 Vehicle parking shall not be required:

- (a) For a **building containing a** ~~detached single~~ **principal** dwelling unit, ~~a semi-detached single dwelling unit, an attached single dwelling unit, rowhouse, or flat~~ within the **an R and or RF zone** zones, if the lot does not have access to an open,

improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

Amend the text in Subtitle C § 1001, Applicability, as follows:

## CHAPTER 10 INCLUSIONARY ZONING

...

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

...

- (e) Any semi-detached, ~~attached~~**row**, flat, or multiple dwelling development not described in Subtitle C § 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

...

### 4. *Changes to Subtitle D, Residential House (R) Zones*

Amend the text in Subtitle D, Chapter 2 General Development Standards (R) §§ 202 and 206, as follows:

#### 202 LOT OCCUPANCY

- 202.1 ~~In the R zones, a detached or semi-detached building shall not be considered an attached unit for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached dwelling.~~  
**[DELETED].**

...

#### 206 SIDE YARD

- 206.1 ~~Side yard requirements are as provided in each zone.~~ **Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.**
- 206.2 **Two side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.**
- 206.3 **One side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.**
- 206.4 **One side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.**

**206.5 No side yards are required for row buildings.**

**206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.**

**206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).**

Amend the text in Subtitle D, Chapter 3 Residential House Zones – R-1-A, R-1-B, R-2, AND R-3 §§ 302, 304, 306, and 307, as follows:

**302 DENSITY – LOT DIMENSIONS**

302.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) for building type; applicable to all zones in left column	Minimum Lot Area (sq. ft.)
...	...	...
R-3	40 (detached) 30 (semi-detached) 20 ( <del>attached</del> <u>row</u> ) 16 (IZ <del>attached</del> <u>row</u> ) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 ( <del>attached</del> <u>row</u> ) 1,600 (IZ <del>attached</del> <u>row</u> ) 4,000 (all other structures)

**304 LOT OCCUPANCY**

304.1 The maximum permitted lot occupancy in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

TABLE D § 304.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
...	...	...
R-3	<del>Attached</del> <u>Row</u> Dwellings Places of Worship All Other Structures	60% 60% 40%

**306 REAR YARD**

...

- 306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of ~~an attached~~ **a row** or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.
- 306.4 A rear wall of ~~an attached~~ **a row** or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

307 SIDE YARD

- ~~307.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-1-A, R-1-B, and R-2 zones.~~
- ~~307.2 A detached single dwelling unit in the R-2 and R-3 zone shall be subject to the side yard requirements of an R-1-B zone.~~
- ~~307.3 No side yard shall be required for attached dwellings in the R-3 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).~~
- ~~307.4 In the R-2 and R-3 zones, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~
- ~~307.5 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). **[DELETED]**.~~

Amend the text in Subtitle D, Chapter 4 Tree and Slope Protection Residential House Zones – R-6 and R-7, § 407 as follows:

407 SIDE YARD

- ~~407.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-6 and R-7 zones.~~
- ~~407.2 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). **[DELETED]**.~~

Amend the text in Subtitle D, Chapter 5 Forest Hills Tree and Slope Residential House Zones – R-8, R-9, and R-10, § 507 as follows:

507 SIDE YARD

507.1 The minimum side yard requirement for all buildings, accessory buildings, or additions to buildings in the R-8, R-9, and R-10 zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).

~~507.2 In the R-10 zone when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. **[DELETED]**.~~

Amend the text in Subtitle D, Chapter 6 Naval Observatory/Tree and Slope Residential House Zone – R-11, § 607, as follows:

#### 607 SIDE YARD

~~607.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-11 zone.~~

~~607.2 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). **[DELETED]**.~~

Amend the text in Subtitle D, Chapter 7 Naval Observatory Residential House Zones – R-12 and R-13, §§ 700, 702, 704, 706, and 707, as follows:

#### 700 PURPOSE AND INTENT

...

700.3 The R-13 zone is intended to permit single dwelling unit ~~attached~~ row houses on small lots, include areas where ~~attached~~ **row** houses are mingled with detached houses and semi-detached houses, and retain the single dwelling unit nature of these areas.

...

#### 702 DENSITY – LOT DIMENSIONS

702.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-12 and R-13 zones shall be as set forth in the following table:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
...	...	...
R-13	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 ( <del>attached</del> <b>row</b> )	2,000 ( <del>attached</del> <b>row</b> )
	16 (IZ <del>attached</del> <b>row</b> )	1,600 (IZ <del>attached</del> <b>row</b> )
	40 (all other structures)	4,000 (all other structures)

...

#### 704 LOT OCCUPANCY

- 704.1 The maximum permitted lot occupancy in the R-12 and R-13 zones shall be as set forth in the following table:

TABLE D § 704.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
...	...	...
R-13	<del>Attached</del> <u>Row</u> Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

...

#### 706 REAR YARD

...

- 706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of ~~an attached~~ a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.
- 706.4 A rear wall of ~~an attached~~ a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

#### 707 SIDE YARD

- ~~707.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-12 zone.~~
- ~~707.2 No side yard shall be required in the R-13 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).~~
- ~~707.3 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).~~
- ~~707.4 In the R-13 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].~~



Amend the text in Subtitle D, Chapter 8 Wesley Heights Residential House Zones – R-14 AND R-15, § 807, as follows:

807 SIDE YARD

~~807.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-14 and R-15 zones.~~

~~807.2 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). **DELETED**.~~

Amend the text in Subtitle D, Chapter 9 Sixteenth Street Residential House Zone – R-16, § 907, as follows:

907 SIDE YARD

~~907.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-16 zone.~~

~~907.2 For a building subject to a side yard requirement, but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). **DELETED**.~~

Amend the text in Subtitle D, Chapter 10 Foggy Bottom Residential House Zone – R-17, §§ 1000, 1002, 1004, 1006, and 1007, as follows:

1000 PURPOSE AND INTENT

...

1000.2 The R-17 zone is intended to permit single dwelling unit ~~attached~~ row houses on small lots.

...

1002 DENSITY – LOT DIMENSIONS

1002.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-17 zone shall be as set forth in the following table:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) for building type;	Minimum Lot Area (sq. ft.)
R-17	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 ( <del>attached</del> <u>row</u> )	2,000 ( <del>attached</del> <u>row</u> )
	16 (IZ <del>attached</del> <u>row</u> )	1,600 (IZ <del>attached</del> <u>row</u> )
	40 (all other structures)	4,000 (all other structures)

...

#### 1004 LOT OCCUPANCY

1004.1 The maximum permitted lot occupancy in the R-17 zone shall be as set forth in the following table:

TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-13	<del>Attached</del> <u>Row</u> Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

...

#### 1006 REAR YARD

...

1006.2 Notwithstanding Subtitle D §§ 1006.1, a rear wall of ~~an attached~~ a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

1006.3 A rear wall of ~~an attached~~ a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

#### 1007 SIDE YARD

~~1007.1 No side yard shall be required in the R-17 zone; however, if a side yard is provided, it shall be no less than five feet (5 ft.).~~

~~1007.2 In the R-17 zone, when a single dwelling unit, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~

~~1007.3 For a building with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).~~ **[DELETED]**.

Amend the text in Subtitle D, Chapter 12 Georgetown Residential House Zones – R-19 and R-20, §§ 1200, 1202, 1204, 1206, and 1207, as follows:

## 1200 PURPOSE AND INTENT

...

1200.3 The R-20 zone is intended to retain and reinforce the unique mix of housing types including detached, semi-detached, and ~~attached dwellings~~ **row buildings** and permit ~~attached row houses~~ **buildings** on small lots, and includes areas where ~~attached houses~~ **row buildings** are mingled with detached **buildings** ~~houses~~ and semi-detached **buildings** ~~houses~~.

...

## 1202 DENSITY – LOT DIMENSIONS

1202.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) <del>for</del> <b>building type;</b>	Minimum Lot Area (sq. ft.)
...	...	...
R-20	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 ( <del>attached row</del> )	2,000 ( <del>attached row</del> )
	16 (IZ <del>attached row</del> )	1,600 (IZ <del>attached row</del> )
	40 (all other structures)	4,000 (all other structures)

...

## 1204 LOT OCCUPANCY

1204.1 The maximum permitted lot occupancy in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
...	...	...
R-20	<del>Attached</del> <u>Row</u> Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

1204.2 **In the R-20 zone, a detached or semi-detached building shall not be considered an attached a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.**

...

#### 1206 REAR YARD

...

1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of ~~an attached~~ a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

1206.4 In the R-20 zone, a rear wall of ~~an attached~~ a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

#### 1207 SIDE YARD

1207.1 ~~A minimum side yards in the R-19 zone shall be a minimum of eight feet (8 ft.) shall be provided in the R-19 zone.~~

1207.2 ~~No side yards in the R-20 zone shall be required for an attached building in the R-20 zone; however, if a side yard is provided, it shall be at least a minimum of five feet (5 ft.).~~

~~1207.3 A minimum side yard of five feet (5 ft.) shall be provided for all buildings other than attached buildings in the R-20 zone. [DELETED].~~

1207.43 ~~In the R-19 and R-20 zones, a building with a side yard less than required may be extended or an addition may be made to the building, provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard~~ **In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.**

~~1207.5 In the R-20 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building, or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. [DELETED].~~

Amend the text in Subtitle D, Chapter 13 Chain Bridge Road/University Terrace Residential House Zone – R-21, § 1307, as follows:

1307 SIDE YARD

~~1307.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-21 zone.~~

~~1307.2 For a building with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.). [DELETED].~~

Amend the text in Subtitle D, Chapter 50 Accessory Building Regulations for R Zones, § 5005, as follows:

5005 SIDE YARD

5005.1 No minimum side yard is required for an accessory building in a R zone, unless ~~An accessory building in an R zone may be located within a side yard or beside the main building;~~ provided, if the accessory building is located beside the main principal building, whereby it shall be removed from the side lot line a distance equal to the required side yard and from all the principal building lines a distance minimum of ~~not less than~~ ten feet (10 ft.).

Amend the text in Subtitle D, Chapter 52 Relief from Required Development Standards, § 5201, as follows:

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

...

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

...

- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy
...	...
R-20 – <del>attached row</del> dwellings only	70%
...	...

...

5. *Changes to Subtitle E, Residential Flat (RF) Zones*

Amend the text in Subtitle E, Chapter 2 General Development Standards (RF), §§ 203, 205, and 207, as follows:

203 COURT

203.1 Where a court is provided, the court shall have the following minimum dimensions:

TABLE E § 203.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Detached Dwellings	Not applicable	Not applicable	Not applicable
Semi-Detached Dwellings			
<del>Attached Row</del> Dwellings and Flats			
...	...	...	...

...

205 REAR YARD

...

205.4 Notwithstanding §§ 205.1 through 205.3, a rear wall of ~~an attached a row~~ or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

205.5 A rear wall of ~~an attached a row~~ or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

...

**207 SIDE YARD**

**207.1 Two side yards shall be provided for detached buildings; one side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.**

**207.2 Any side yard provided shall be a minimum of five feet (5 ft.).**

**207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.**

**207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).**

Amend the text in Subtitle E, Chapter 3 Residential Flat Zone – RF-1, §§ 300, 304, and 307, as follows:

300 PURPOSE AND INTENT

300.1 The purpose of the RF-1 zone is to provide for areas predominantly developed with ~~attached~~ row houses on small lots within which no more than two (2) dwelling units are permitted.

...

304 LOT OCCUPANCY

304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table:

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

Structure	Maximum Percentage Lot Occupancy
Detached dwellings; Semi-detached dwellings; <del>Attached</del> <b>Row</b> dwellings and flats; Places of worship	60%
...	...

...

307 SIDE YARD

~~307.1 When a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~

~~307.2 A side yard shall not be required along a side street abutting a corner lot in an RF-1 zone.~~

~~307.3 No side yard is required for a principal building; however, any side yard provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in this section.~~

~~307.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that~~

~~the width of the existing side yard shall not be decreased and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~ **DELETED**.

Amend the text in Subtitle E, Chapter 4 Dupont Circle Residential Flat Zone – RF-2, §§ 400, 404, and 407, as follows:

400 PURPOSE AND INTENT

400.1 The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with ~~attached~~ row houses within which no more than two (2) dwellings are permitted.

...

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy in the RF-2 zone shall be as set forth in the following table:

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

Structure	Maximum Percentage Lot Occupancy
Detached dwellings; Semi-detached dwellings; <del>Attached</del> <b>Row</b> dwellings and flats; Places of worship	60%
...	...

...

407 SIDE YARD

~~407.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free standing side.~~

~~407.2 A side yard shall not be required along a side street abutting a corner lot in an RF 2 zone.~~

~~407.3 A side yard shall not be required for a principal building, however, any side yard provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 407.4.~~

~~407.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~ **DELETED**.

Amend the text in Subtitle E, Chapter 5 Capitol Precinct Residential Flat Zone – RF-3, §§ 500 and 507, as follows:



500 PURPOSE AND INTENT

500.1 The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with ~~attached~~ **row** houses on small lots within which no more than two (2) dwelling units are permitted.

....

507 SIDE YARD

~~507.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~

~~507.2 A side yard shall not be required along a side street abutting a corner lot in an RF-3 zone.~~

~~507.3 A side yard shall not be required for a principal building, however, any side yard provided for any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 507.4.~~

~~507.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.) **[DELETED]**.~~

Amend the text in Subtitle E, Chapter 6 Residential Flat Zone – RF-4 and RF-5, §§ 600 and 607, as follows:

600 PURPOSE AND INTENT

600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with ~~attached~~ row houses of three (3) or more stories and within which may also exist a mix of apartment buildings.

...

607 SIDE YARD

~~607.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~

~~607.2 A side yard shall not be required along a side street abutting a corner lot in an RF-4 and RF-5 zone.~~

~~607.3 A side yard shall not be required for a principal building, however, any side yard provided for any portion of a principal building shall be at least five feet (5 ft.) except as provided in Subtitle E § 607.4.~~

~~607.4 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~ **[DELETED]**.

6. *Changes to Subtitle F, Residential Apartment (RA) Zones*

Amend the text in Subtitle F, Chapter 3 Residential Apartment Zones – RA-1, RA-2, RA-3, RA-4, and RA-5, § 306, as follows:

306 SIDE YARD

306.1 ~~An eight foot (8 ft.)~~s Side yards shall be provided for a detached or semi-detached dwelling **building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.).** **No side yards shall be required for a row building.**

306.2 ~~For all other buildings:~~ **Except as provided in F § 306.1, the following side yard rules apply:**

- (a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and
- (b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards ~~are~~ **shall** be required; however, if a side yard is provided, it shall be ~~no less than~~ **a minimum of** four feet (4 ft.).

306.3 ~~When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting freestanding side.~~ **[DELETED]**.

306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.

306.5 **Existing conforming side yards may not be reduced to a nonconforming width or eliminated.** ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~

**306.6 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).**

Amend the text in Subtitle E, Chapter 4 Naval Observatory Residential Apartment Zone – RA-6, § 406, as follows:

406 SIDE YARD

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

Amend the text in Subtitle E, Chapter 5 Capitol Precinct Residential Apartment Zone – RA-7, § 506, as follows:

506 SIDE YARD

- 506.1 ~~In the RA-7 zones, n~~**No** side yards ~~are~~ shall be required; however, if a side yard is provided, it shall be ~~no less than~~ **a minimum of** four feet (4 ft.).
- 506.2 ~~An eight foot (8 ft.)~~ **Side yards** shall be provided for a detached ~~and or~~ semi-detached dwelling. **building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.)** in the RA-7 zone.
- 506.3 ~~When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free standing side.~~ **[DELETED]**.
- 506.4 A side yard shall not be required along a side street abutting a corner lot ~~in an RA-7 zone.~~
- 506.5 **Existing conforming side yards may not be reduced to a non-conforming width or eliminated.** ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided,~~

~~that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~

**506.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).**

Amend the text in Subtitle E, Chapter 6 Dupont Circle Residential Apartment Zones – RA-8, RA-9, and RA-10, § 606, as follows:

606 SIDE YARD

606.1 No side yards ~~are~~ shall be required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be ~~no less than~~ **a minimum of** four feet (4 ft.).

606.2 ~~An eight foot (8 ft.)~~ **Side yards** shall be provided for a detached ~~and or~~ semi-detached dwelling **building containing one (1) or two (2) dwelling units** in the RA-8, RA-9, and RA-10 zones **shall be a minimum of eight feet (8 ft.).**

606.3 ~~When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~ **[DELETED]**.

606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.

606.5 **Existing conforming side yards may not be reduced to a non-conforming width or eliminated.** ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~

**606.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the existing side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).**

7. *Changes to Subtitle K, Special Purpose Zones*

Amend the text in Subtitle K, Chapter 6 Saint Elizabeths East Campus Zones – STE-1 Through STE-19, § 613, as follows:

613 USE LIMITATIONS (STE)

...

613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle E, Chapter 18, which includes, but is not limited to, ~~rowhouses, flats, attached or detached dwellings,~~ **residential flats with a maximum of two principal buildings**

**containing one (1) or two (2) dwelling units** and other uses compatible with a low- to moderate-density residential zone.

8. *Changes to Subtitle U, Use Permissions*

Amend the text in Subtitle U, Chapter 2 Use Permissions Residential House (R) Zones, § 201, as follows:

201 MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D

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:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an ~~attached~~ **row** building; and

...