

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup>Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** April 9, 2018  
**SUBJECT:** ZC 17-23: 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 the text amendments to the following zoning regulations as detailed in Sections III and IV:

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

### **II. BACKGROUND**

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

OP has continued to work with the OZA and provides the following analysis and recommended text for further discussion and consideration by the Commission.

### **III. ANALYSIS**

#### **1920 Zoning Regulations**

Regulation of Yards, justified by the need for light and air in buildings, in the District of Columbia date back as far as the 1897 Congressional Act. The Zoning Regulations for the District of Columbia, (August 30, 1920) defined a side yard as the following.

*Yard, side:* An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard.

Side yard regulations were promulgated for Residential Districts and required the following.

*Side Yard:* There shall be at least one side yard not less than 5 feet wide, nor less than 2 inches wide for each foot of building height, nor less than 2 inches wide for each foot of building length.

### 1958 Zoning Regulations

The 1920 Regulations were comprehensively updated in 1958 following the publication of *A New Zoning Plan for the District of Columbia: Final Report of the Rezoning Study* (Lewis Plan) on November 9, 1956.

The 1958 Zoning Regulations introduced definitions for dwellings and distinguished among one-family detached, one-family semi-detached, and row dwellings. The 1958 Regulations also refined the definition of side yard by including other structures that may exist on a lot.<sup>1</sup>

*Dwelling, one-family detached:* a one-family dwelling completely separated from all other buildings and having two side yards.

*Dwelling, one-family semi-detached:* a one-family dwelling, the wall on one side of which is either a party-wall, or lot line wall, having one side yard.

*Dwelling, row:* a one-family dwelling having no side yards.

*Yard, side:* a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

The 1958 Regulations included minimum lot width and lot area requirements to ensure an appropriate density of development.

The 1958 Regulations increased the minimum side yard width from 5 feet to 8 feet, but included further refinements based on the inclusion of a range of residential zone districts. The 1958 Regulations also clarified that a side yard was not required along a side street abutting a corner lot in any Residence District (Section 3305.4).

### **Section 3305—Side Yards**

**3305.1** *Side yards* shall be provided on *lots* in Residence Districts as prescribed in the following table, subject to the special requirements of other paragraphs of this Section:

<u>District</u>	<u>Minimum width of each side yard</u>
R-1-A, R-1-B, R-2.....	8 feet
R-3, R-4.....	None required, except as provided under paragraphs 3305.2, 3305.3, and 3305.6.
R-5-A.....	Three inches per foot of <i>height of building</i> , but not less than eight feet.
R-5-B, R-5-C, R-5-D.....	None required, except as provided under paragraphs 3305.2, 3305.3, and 3305.6.

<sup>1</sup> See Attachment 1 for a comparison of definitions from the 1958 and 2016 Regulations and the setdown text.

**3305.2** In an R-2, R-3, R-4, or R-5 District, a *one-family detached dwelling* shall be subject to the *side yard* requirements of an R-1 District.

**3305.3** In an R-3, R-4, or R-5 District, a *one-family semi-detached dwelling* shall be subject to the *side yard* requirements of an R-2 District.

**3305.4** In an R-5-A District one *side yard* shall be provided for all *structures* except that in the case of an *apartment house* containing three or more *dwelling units* per floor there shall be provided two *side yards*, each with the minimum width set forth in paragraph 3305.1.

**3305.5** A *side yard* is not required along a *side street* abutting a *corner lot* in a Residence District.

**3305.6** Except as provided in paragraphs 3305.2 and 3305.3, a *side yard* is not required in an R-3, R-4, R-5-B, R-5-C, or R-5-D Districts. However, if such *yard* is provided, it shall be at least three inches wide per foot of *height of building*, but not less than eight feet wide.

In Section 3307, the 1958 Regulations allowed for exception to the Area and Density Regulations for Groups of Buildings and contemplated new construction in R-5-A Districts and stated the following.

### **Section 3307—Exceptions to Area and Density Regulations for Groups of Buildings**

**3307.1** In an R-5-A District a group of *one-family dwellings*, *flats*, *apartment houses*, or a combination thereof, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single *building* for the purpose of these regulations, provided that:

**3307.11** All *buildings* in such group are erected simultaneously;

**3307.12** The group does not consist of more than 12 *dwelling units* per floor, nor more than 12 *one-family dwellings*, and provided further, that the number of *dwelling units* or *one-family dwellings*, the front entrances of which do not face a *street*, shall not exceed four in depth from any *street* abutting the *lot*;

**3307.13** Such group and its *accessory buildings* do not occupy more than 25% of the *lot area*, nor exceed a *floor area ratio* of 0.65;

**3307.14** There are provided two *side yards* for such group, each of which is not less than 20 feet in width;

**3307.15** The width of all *open courts* is at least eight inches for each foot of *length of court*, and provided further, that the *length of court* of any *court* abutting the front entrance of any *dwelling unit* is at least 40 feet and the depth of such *court* is not less than 30 feet.

**3307.16** No *closed court* is provided in such group;

**3307.17** The front entrances of not more than four *one-family dwellings* nor more than four *dwelling units* per floor face any *street* which abuts the *lot*;

**3307.18** All front entrances of such group abut a *street*, front *yard*, or front *court*, provided, a front entrance may abut a *side yard* if all *one-family dwellings* or *dwelling units* to which such entrance is appurtenant are located no nearer a *street* upon which the *lot* abuts than the rear of any part of the group having a front entrance abutting a *street*, front *yard*, or front *court*.

**3307.19** No rear or service entrance abuts a *street*, front *yard* or front *court*, unless located below the *main floor*; and,

**3307.110** No exterior stairway is constructed above the level of the joists of the *main floor*, unless located entirely within the *building area* of such group.

The 1958 Zoning Regulations remained largely in effect when the Zoning Commission contemplated and embarked on the Zoning Regulations Review (ZRR) process.<sup>2</sup>

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<sup>2</sup> The 20-foot side yard requirement in the R-5-A District was replaced by a more comprehensive Special Exception review for new residential development (Section 353)

### 2016 Zoning Regulations

The Zoning Commission held numerous public hearings and provided guidance to OP on proposed concepts for revising and updating the Zoning Regulations during the ZRR process. The Commission held a Public Hearing on April 9, 2009 and a Guidance Public Meeting on June 8, 2009, regarding the Low/Moderate Density Residential Districts (Case 08-06-8). The guidance for side yards included applying a standard based on the ratio of building width to lot width. A minimum yard would be maintained on each side, but the two side yards could be of a different width if the aggregate ratio was met. This approach was not brought forward nor was a matter-of-right permission to extend non-conforming side yards of whatever width.

The Commission again provided guidance in 2014 and the draft regulations contemplated side setbacks, as measured from the property line inward to the building as opposed to yards which are measured from the building outward.

The concept of setbacks was not adopted and the 2016 Zoning Regulations ultimately reverted to the concept of side yards and maintained the required width for the R-1-A, R-1-B, and R-2 zones. The provision that a side yard was not required along the side street for corner properties was carried forward in 2016 for the RF and RA zones. The R-3 zone maintained the 8-foot requirement for detached buildings. The required side yard was reduced to 5 feet, if provided, in the RF zones and 4 feet, if provided, in the RA zones.

The 2016 Regulations sought to prevent a property owner from constructing an addition that would connect a detached or semi-detached building to the property line to gain additional lot occupancy (11 DCMR B § 320.2 and D § 202.1). The revisions to definitions made in the 2016 Regulations, in combination with the common division wall language, resulted in a stricter interpretation of the side yard requirements by the OZA. A side yard was required for any free-standing side of a building not sharing a common division wall with an adjoining building, even when the lot is a rowhouse lot. Attachment 2 provides a side-by-side comparison of the 1958, 2016, and setdown text.

### Proposed Amendments

OP evaluated the prevailing development patterns in the R zones throughout the District (see Attachment 3: Maps) and found the following.

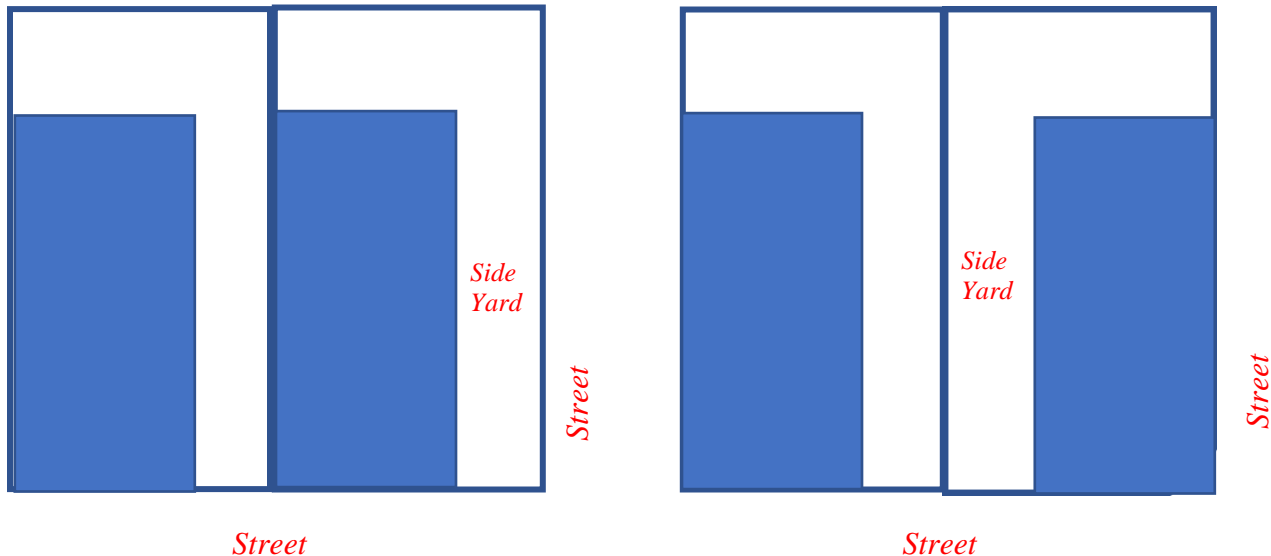
Definitions: OP continues to recommend that buildings be defined by the presence or absence of a side yard, a practice that was codified in the 1958 Regulations. This approach would permit lot line development, which is consistent with past Zoning Administrator practice, minimizes nonconforming properties, and allows flexibility for infill construction on existing record lots.

Corner Lots: A side yard was not required along the side street abutting a corner lot in the 1958 Regulations. A side yard was not required along the side street abutting a corner lot in the RF or RA zones in the 2016 Regulations. OP notes that while examples of side yards can be found on corner lots, a side yard is not the prevailing development pattern. Furthermore, development to the street side lot line can help to hold a corner and frequently aligns with the front façade of the adjacent buildings.

In the instance of new development, where a subdivision is required, the minimum lot width and lot area provisions combined with the development standards would provide for sufficient

separation, open space, and light and air to adjoining properties. New residential construction in the RA-1 zone is by Special Exception, which requires review and approval by the Board of Zoning Adjustment and allows for an evaluation of site design. Concerns about building siting and setbacks can be addressed at this time. The same would hold true for any reviews conducted for a theoretical lot subdivision.

OP recommends flexibility with respect to corner lots and supports a more flexible approach that would regulate side yards more closely with building form. Therefore, a semi-detached building on a corner lot could provide its side yard at the side street lot line or the interior lot line.



Additions: OP continues to recommend that extensions and additions be permitted provided that an existing non-conforming side yard not be decreased and that a minimum width of 5 feet be maintained in the R zones and a minimum of 3 feet be maintained in the RF and RA zones.

Relief: OP continues to recommend relief from the side yard requirements via special exception for additions or extensions to existing buildings. OP continues to recommend relief via variance for new construction of buildings that would not meet the side yard requirements.

#### IV. PROPOSED TEXT AMENDMENTS

The Office of Planning recommends approval of the proposed text amendments outlined in this section. OP has noted in the “Comment” column below new text changes are being proposed in this report that were not included in the original set down report. The text in **red** is new proposed text. The text is **blue** with a ~~strikethrough~~ is a new proposed deletion. The text in black with a ~~strikethrough~~ is proposed to be deleted.

Section	Proposed Amendment	Comments
Subtitle B		
Chapter 1 Definitions		
§ 100.2	<del>Building, Attached: A building that abuts or shares walls on both side lot lines with other buildings on adjoining lots</del> <b><u>has no side yards.</u></b>	OP recommends that attached, detached, and semi-detached buildings continue to be defined by the presence or absence of side yards.
	<del>Building, Detached: A freestanding building that <b>is</b> does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot</del> <b><u>completely separated from all other buildings and has two (2) side yards.</u></b>	
	<del>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</del> <b><u>has only one (1) side yard.</u></b>	
Subtitle B		
Chapter 3 General Rules of Measurement		
320 Rules of Measurement for Side Yards	320.1 A required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures. If a required side yard intersects with a required rear yard, the larger yard shall apply for the required distance of the larger yard.	OP is not proposing changes to this rule of measurement.
	<del>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.</del> <b><u>[DELETED].</u></b>	OP continues to recommend the deletion of this rule of measurement as it is addressed in the land use subtitles.

Section	Proposed Amendment	Comments
<b>Subtitle D Residential (R) House Zones</b>		
<b>Chapter 2 General Development Standards (R)</b>		
202 Lot Occupancy	202.1 <del>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. <b>[DELETED]</b>.</del>	OP continues to recommend the deletion of this provision as it is addressed by the side yard regulations.
206 Side Yard	<p>206.1 <del>Side yard requirements are as provided in each zone. <b>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.</b></del></p> <p><b><u>206.2 Two side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.</u></b></p> <p><b><u>206.3 One side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.</u></b></p> <p><b><u>206.4 One side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.</u></b></p> <p><b><u>206.5 No side yards are required for attached buildings.</u></b></p> <p><del><b><u>206.2 Side yards in an R-1 A, R-1 B, R-6, R-7, R-11, R-12, R-14, R-15, R-16, or R-21 zone shall be a minimum of eight feet (8 ft.).</u></b></del></p> <p><del><b><u>206.3 Side yards for detached buildings in the R-2, R-3, R-13, or R-17 zone shall be a minimum of eight feet (8 ft.).</u></b></del></p> <p><del><b><u>206.4 Side yards for semi-detached buildings in the R-2 zone shall be a minimum of eight feet (8 ft.).</u></b></del></p>	<p>OP proposes regulating side yards in a manner more closely tied to the building form as been done since 1958.</p> <p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

Section	Proposed Amendment	Comments
	<p><del>206.5 No side yards are required in an R-3, R-13, or R-17 zone; however, if a side yard is provided, it shall be a minimum of five feet (5 ft.).</del></p> <p><del>206.6 In the R-3, R-13, and R-17 zones, side yards shall be maintained for detached or semi-detached buildings existing on or before the effective date of this title.</del></p> <p><del>206.6</del><sup>67</sup> 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 <del>reduced or eliminated</del><sup>decreased</sup>; 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.).</p> <p><del>206.7 Notwithstanding 206.6, in the R-3, R-13, and R-17 zones, existing side yards shall not be eliminated.</del></p>	<p><del>Red</del> is new proposed text.</p> <p><del>Blue</del> is setdown text OP no longer recommends.</p>
<b>Chapter 3 Residential House Zones – R-1-A, R-1-B, R-2, and R-3</b>		
307 Side Yard	<p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.).</del></p> <p><del>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</del></p>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>



Section	Proposed Amendment	Comments
	<p><del>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.</del></p> <p><del>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.).</del></p> <p><b><u>[DELETED]</u></b>.</p>	
<b>Chapter 4 Tree and Slope Protection Residential House Zones – R-6 and R-7</b>		
407 Side Yard	<p><del>407.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-6 and R-7 zones.</del></p> <p><del>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.).</del></p> <p><b><u>[DELETED]</u></b>.</p>	The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.
<b>Chapter 5 Forest Hills Tree and Slope Residential House Zones – R-8, R-9, and R-10</b>		
507 Side Yard	<p><del>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.).</del></p> <p><del>507.2 In the R-10 zone when a single dwelling unit, flat, or multiple dwelling unit development is</del></p>	<p>OP is not proposing to change the requirement for an aggregate side yard width of 24 feet in the R-8, R-9, and R-10 zones.</p> <p>The OZA recommends deleting this section because it resulted in a more strict</p>

Section	Proposed Amendment	Comments
	<del>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. <b>[DELETED]</b>.</del>	<p>interpretation of the side yard regulations when read in conjunction with the revised definitions.</p>
<b>Chapter 6 Naval Observatory/Tree and Slope Residential House Zone – R-11</b>		
607 Side Yard	<del>607.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-11 zone.</del> <del>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.). <b>[DELETED]</b>.</del>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 7 Naval Observatory Residential House Zones – R-12 and R-13</b>		
707 Side Yard	<del>707.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-12 zone.</del> <del>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.).</del> <del>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.).</del> <del>707.4 In the R-13 zone, when a single dwelling unit, flat, or multiple dwelling unit development is</del>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<p><del>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. <b>[DELETED]</b>.</del></p>	
<b>Chapter 8 Wesley Heights Residential House Zones – R-14 and R-15</b>		
807 Side Yard	<p><del>807.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-14 and R-15 zones.</del></p> <p><del>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.). <b>[DELETED]</b>.</del></p>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 9 Sixteenth Street Heights Residential House Zone – R-16</b>		
907 Side Yard	<p><del>907.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-16 zone.</del></p> <p><del>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.). <b>[DELETED]</b>.</del></p>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 10 Foggy Bottom Residential House Zones – R-17</b>		
1007 SIDE YARD	<p><del>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.).</del></p>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends</p>

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	<p><del>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.</del></p> <p><del>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.).</del>  <b><u>[DELETED].</u></b></p>	<p>placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 12 Georgetown Residential House Zones – R-19 and R-20</b>		
1204 Lot Occupancy	<p>1204.1 ...</p> <p>1204.2 <b><u>In the R-20 zone, a detached or semi-detached building shall not be considered an attached building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.</u></b></p>	<p>OP is not proposing substantive changes to the lot occupancy regulations for the R-19 and R-20 zones.</p>
1207 Side Yard	<p>1207.1 <del>A minimum</del> <b><u>Side yards in the R-19 zone shall be a minimum</u></b> of eight feet (8 ft.) <del>shall be provided in the R-19 zone.</del></p> <p>1207.2 <del>No</del> <b><u>Side yards in the R-20 zone</u></b> shall be required for an attached building in the R-20 zone; however, if a side yard is provided, it shall be at least <b><u>a minimum of</u></b> five feet (5 ft.).</p> <p>1207.3 <del>A minimum side yard of five feet (5 ft.) shall be provided for all buildings other than attached</del></p>	<p>OP is not proposing substantive changes to the side yard regulations for the R-19 and R-20 zones. Changes are proposed to make the language consistent with other chapters.</p>

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	<p><del>buildings in the R-20 zone.</del>  <b><u>[DELETED]</u></b>.</p> <p>1207.43 <del>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</del> 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 side yard <b><u>adjacent to the extension or addition</u></b> 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.</p> <p>1207.5 <del>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.</del> <b><u>[DELETED]</u></b>.</p>	
<b>Chapter 13 Chain Bridge Road/University Terrace Residential House Zone – R-21</b>		
1307 Side Yard	<p>1307.1 <del>A minimum side yard of eight feet (8 ft.) shall be provided in the R-21 zone.</del></p> <p>1307.2 <del>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</del></p>	<p>The side yards requirements are generally consistent throughout the R zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

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	<del>the existing side yard shall be a minimum of five feet (5 ft.).</del> <b><u>[DELETED]</u></b> .	
<b>Chapter 50 Accessory Building Regulations for R Zones</b>		
5005 Side Yard	5005.1 An accessory building in an R zone may be located within a side yard or beside the <del>main</del> <b><u>principal</u></b> building; provided, if the accessory building is located beside the <del>main</del> <b><u>principal</u></b> building, it shall be removed from the side lot line a distance equal to the required side yard and from <del>all</del> <b><u>the principal</u></b> building lines a distance <b><u>minimum</u></b> of <del>not less than</del> ten feet (10 ft.).	OP proposes revisions for consistency.
<b>Subtitle E – Residential Flat (RF) Zones</b>		
<b>Chapter 2 General Development Standards (RF)</b>		
<b><u>207 Side Yard</u></b>	<p><b><u>207.1</u></b> <del>Two side yards shall be provided for detached buildings; one side yard shall be provided for semi-detached buildings; and n</del><del>No side yards are required for attached buildings.; however,</del></p> <p><b><u>207.2</u></b> <del>A</del><del>any side yard provided shall be at least a minimum of five feet (5 ft.).</del></p> <p><b><u>207.23</u></b> <del>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</del><del>reduced or eliminated</del>; 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.).</p>	<p>OP proposes regulating side yards based on building form.</p> <p><b>Red</b> is new proposed text.</p> <p><b>Blue</b> is setdown text OP no longer recommends.</p>
<b>Chapter 3 Residential Flat Zone – RF-1</b>		
307 Side Yard	<del>307.1 When a new dwelling or flat is erected that does not share a</del>	The side yards requirements are generally consistent

Section	Proposed Amendment	Comments
	<p><del>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.</del></p> <p><del>307.2 A side yard shall not be required along a side street abutting a corner lot in an RF-1 zone.</del></p> <p><del>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.</del></p> <p><del>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.). <b><u>DELETED</u></b>.</del></p>	<p>throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 4 Dupont Circle Residential Flat Zone – RF-2</b>		
<p>407 Side Yard</p>	<p><del>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.</del></p> <p><del>407.2 A side yard shall not be required along a side street abutting a corner lot in an RF-2 zone.</del></p> <p><del>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.</del></p>	<p>The side yards requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>

Section	Proposed Amendment	Comments
	<p><del>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.).</del> <b>[DELETED]</b>.</p>	
<b>Chapter 5 Capitol Precinct Residential Flat Zone – RF-3</b>		
<p>507 Side Yard</p>	<p><del>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.</del></p> <p><del>507.2 A side yard shall not be required along a side street abutting a corner lot in an RF-3 zone.</del></p> <p><del>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.</del></p> <p><del>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.).</del> <b>[DELETED]</b>.</p>	<p>The side yards requirements are generally consistent throughout the RF zones; therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Chapter 6 Residential Flat Zone – RF-4 and RF-5</b>		
<p>607 Side Yard</p>	<p><del>607.1 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division</del></p>	<p>The side yards requirements are generally consistent throughout the RF zones;</p>



Section	Proposed Amendment	Comments
	<p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.). <b><u>[DELETED]</u></b>.</del></p>	<p>therefore, OP recommends placing them in Chapter 2 as a General Development Standard.</p>
<b>Subtitle F – Residential Apartment (RA) Zones</b>		
<b>Chapter 3 Residential Apartment Zones – RA-1, RA-2, RA-3, RA-4, and RA-5</b>		
<p>306 Side Yard</p>	<p>306.1 <del>An eight foot (8 ft.) s</del> <u>Side yards shall be provided for a detached or semi-detached dwelling building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.).</u></p> <p>306.2 <del>For all other buildings</del> <u>Except as provided in F § 306.1, the following side yard rules apply:</u></p> <p>(a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum</p>	<p>OP proposes revisions for consistency.</p>

Section	Proposed Amendment	Comments
	<p>distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and</p> <p>(b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards <u>are</u> <del>shall be</del> required; however, if a side yard is provided, it shall be <del>no less than a</del> <u>minimum of</u> four feet (4 ft.).</p> <p>306.3 <del>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.</del> <b>[DELETED]</b>.</p> <p>306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.</p> <p>306.5 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 <del>decreased</del> <u>reduced</u> <b>or eliminated</b>; and provided further, that the width of the existing side yard <u>adjacent to the extension or addition</u> shall be a minimum of <del>two</del> <u>three</u> feet (<del>23</del> ft.).</p>	<p><b>Red</b> is new proposed text.</p> <p><b>Blue</b> is setdown text OP no longer recommends.</p>
<b>Chapter 4 Naval Observatory Residential Apartment Zone</b>		
406 Side Yard	406.1 <del>In the RA-6 zone, A minimum of</del> one (1) side yard shall be provided for all <del>structures</del> <u>buildings</u> unless the <del>structure</del> <u>building</u> contains three (3) or more dwelling units per floor, in which case two (2)	OP proposes revisions for consistency.

Section	Proposed Amendment	Comments
	<p>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.).</p> <p>406.2 <del>An eight foot (8 ft.)</del> <b><u>sSide 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.)</u></b> in the RA-6 zone.</p> <p>406.3 <del>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.</del> <b><u>[DELETED]</u></b>.</p> <p>406.4 A side yard shall not be required along a side street abutting a corner lot in an RA-6 zone.</p> <p>406.5 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 <del>decreased</del> <b><u>reduced</u></b> or <b><u>eliminated</u></b>; and provided further, that the width of the existing side yard <b><u>adjacent to the extension or addition</u></b> shall be a minimum of <del>two</del> <b><u>three</u></b> feet (2<b><u>3</u></b> ft.).</p>	<p><b><u>Red</u></b> is new proposed text.</p> <p><b><u>Blue</u></b> is setdown text OP no longer recommends</p>
<b>Chapter 5 Capitol Precinct Residential Apartment Zone - RA-7</b>		
506 Side Yard	<p>506.1 <del>In the RA-7 zones, n</del><b><u>No side yards are</u></b> <del>shall be required; however, if a side yard is provided, it shall be no less than</del> <b><u>a minimum of</u></b> four feet (4 ft.).</p> <p>506.2 <del>An eight foot (8 ft.)</del> <b><u>sSide yards shall be provided for a detached and or semi-detached dwelling</u></b></p>	OP proposes revisions for consistency.

Section	Proposed Amendment	Comments
	<p><u>building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.)</u> in the RA-7 zone.</p> <p>506.3 <del>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.</del> <b>[DELETED]</b>.</p> <p>506.4 A side yard shall not be required along a side street abutting a corner lot <del>in an RA-7 zone.</del></p> <p>506.5 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 <del>decreased</del><b>reduced</b> <del>or eliminated</del>; and provided further, that the width of the existing side yard <u>adjacent to the extension or addition</u> shall be a minimum of <del>two</del> <u>three</u> feet (≥ <u>3</u> ft.).</p>	<p><b>Red</b> is new proposed text.</p> <p><b>Blue</b> is setdown text OP no longer recommends</p>
<b>Chapter 6 Dupont Circle Residential Apartment Zones – RA-8, RA-9, and RA-10</b>		
606 Side Yard	<p>606.1 No side yards <u>are</u> <del>shall be</del> required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be <del>no less than</del> <u>a minimum of</u> four feet (4 ft.).</p> <p>606.2 <del>An eight foot (8 ft.) s</del><u>Side yards</u> shall be provided for a detached and <del>or</del> semi-detached dwelling <u>building containing one (1) or two (2) dwelling units</u> in the RA-8, RA-9, and RA-10 zones <u>shall be a minimum of eight feet (8 ft.)</u>.</p> <p>606.3 <del>When a new dwelling, flat, or multiple dwelling is erected that</del></p>	<p>OP proposes revisions for consistency.</p>

Section	Proposed Amendment	Comments
	<del>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.</del> <b><u>[DELETED]</u></b> .	
	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 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 <del>decreased</del> <b>reduced</b> <b>or eliminated</b> ; and provided further, that the width of the existing side yard <b><u>adjacent to the extension or addition</u></b> shall be a minimum of <del>two</del> <b>three</b> feet (2 <b>3</b> ft.).	<b>Red</b> is new proposed text. <b>Blue</b> is setdown text OP no longer recommends

## VI. COMMUNITY COMMENTS

ANC 1D submitted a resolution, dated March 20, 2018, in opposition to the proposed text amendment.

## VII. AGENCY COMMENTS

OP has worked closely with the Office of the Zoning Administrator in the Department of Consumer and Regulatory Affairs on the proposed amendments to the regulations. Comments from other agencies were not received.

Attachments:

1. Definitions
2. Comparison
3. Maps

JLS/emv

## Attachment 1: Definitions

1958 Definitions	2016 Definitions	Setdown Definitions
<p><b>Dwelling, one-family detached:</b></p> <p>A one-family dwelling, completely separated from all other buildings and having two (2) side yards.</p>	<p><b>Building, Detached:</b></p> <p>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.</p>	<p><b>Building, Detached:</b></p> <p>A <del>freestanding</del> building that <b>is</b> <del>does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot</del> <b><u>completely separated from all other buildings and has two (2) side yards</u></b></p>
<p><b>Dwelling, one-family semi-detached:</b></p> <p>A one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.</p>	<p><b>Building, Semi-detached:</b></p> <p>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.</p>	<p><b>Building, Semi-detached:</b></p> <p>A building that <del>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</del> <b><u>has only one (1) side yard.</u></b></p>
<p><b>Dwelling, row:</b></p> <p>A one-family dwelling having no side yards.</p>	<p><b>Building, Attached:</b></p> <p>A building that abuts or shares walls on both side lot lines with other buildings on adjoining lots.</p>	<p><b>Building, Attached:</b></p> <p>A building that <del>abuts or shares walls on both side lot lines with other buildings on adjoining lots</del> <b><u>has no side yards.</u></b></p>

## Attachment 2: Comparisons

	1958 Side Yard Regulations	2016 Side Yard Regulations	Setdown Side Yard Regulations
R-1-A	8 feet	8 feet	8 feet
R-1-B	8 feet	8 feet	8 feet
R-2	8 feet	8 feet	8 feet for a detached building 8 feet for a semi-detached building
R-3	None required, but if provided shall be at least 3 inches per foot of height, but not less than 8 feet.  8 feet for a one-family detached dwelling 8 feet for a one-family semi-detached dwelling	None required, but if provided not less than 5 feet for an attached dwelling.  8 feet for a detached dwelling	None required, but if provided not less than 5 feet.  8 feet for a detached building  Side yards shall be maintained for detached or semi-detached buildings existing on or before the effective date of this title.
R-4/RF	None required, but if provided shall be at least 3 inches per foot of height, but not less than 8 feet.  8 feet for a one-family detached dwelling 8 feet for a one-family semi-detached dwelling	None required, but if provided shall be at least 5 feet.	None required, but if provided shall be at least 5 feet.
R-5-A/RA-1	3 inches per foot of height of building, but not less than 8 ft.	8 feet for a detached or semi-detached dwelling  For all other buildings, one side yard shall be provided unless the building contains 3 or more dwelling units per floor, in which case two side yards shall be provided, each with the minimum distance equal to 3 inches per foot of building height but not less than 8 feet.	8 feet for a detached or semi-detached building containing 1 or 2 dwelling units.  For all other buildings, 1 side yard shall be provided unless the building contains 3 or more dwelling units per floor, in which case 2 side yards shall be provided, each with the minimum distance equal to 3 inches per foot of building height but not less than 8 feet.
R-5-B/RA-2, R-5-C/RA-3, R-5-D/RA-4, R-5-E/RA-5	None required, but if provided shall be at least 3 inches per foot of height, but not less than 8 feet.  8 feet for a one-family detached dwelling 8 feet for a one-family semi-detached dwelling	8 feet for a detached or semi-detached dwelling  For all other buildings, no side yard shall be required, but if provided it shall be no less than 4 feet.	8 feet for a detached or semi-detached building containing 1 or 2 dwelling units.  For all other buildings, no side yard shall be required, but if provided it shall be no less than 4 feet.
Common Division Wall	In R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being	In the R-2, R-3, RF, and RA zones, when a new 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	

## Attachment 2: Comparisons

	1958 Side Yard Regulations	2016 Side Yard Regulations	Setdown Side Yard Regulations
	constructed together with the new building, it shall have a side yard on each resulting free-standing side.  <i>Lot line development permitted.</i>	being constructed together with the new building, it shall have a side yard on each resulting free-standing side.  <i>Lot line development not permitted because of changes to definitions.</i>	  <i>Lot line development permitted.</i>
Extensions and Additions	In the case of a building existing on or before May 12, 1958, 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.).	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.  In the R-1, R-3, and R-3 zones, 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.).  In the RF and RA zones, 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.).	In the R zones, 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 side yard adjacent to the extension or addition shall be a minimum of 5 feet.  In the RF and RA zones, 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 side yard adjacent to the extension or addition shall be a minimum of 3 feet.
Corner lots	A side yard shall not be required along a side street abutting a corner lot in a Residence District.	A side yard shall not be required along a side street abutting a corner lot in an RF or RA zone.	A side yard shall not be required along a side street abutting a corner lot in an RA zone

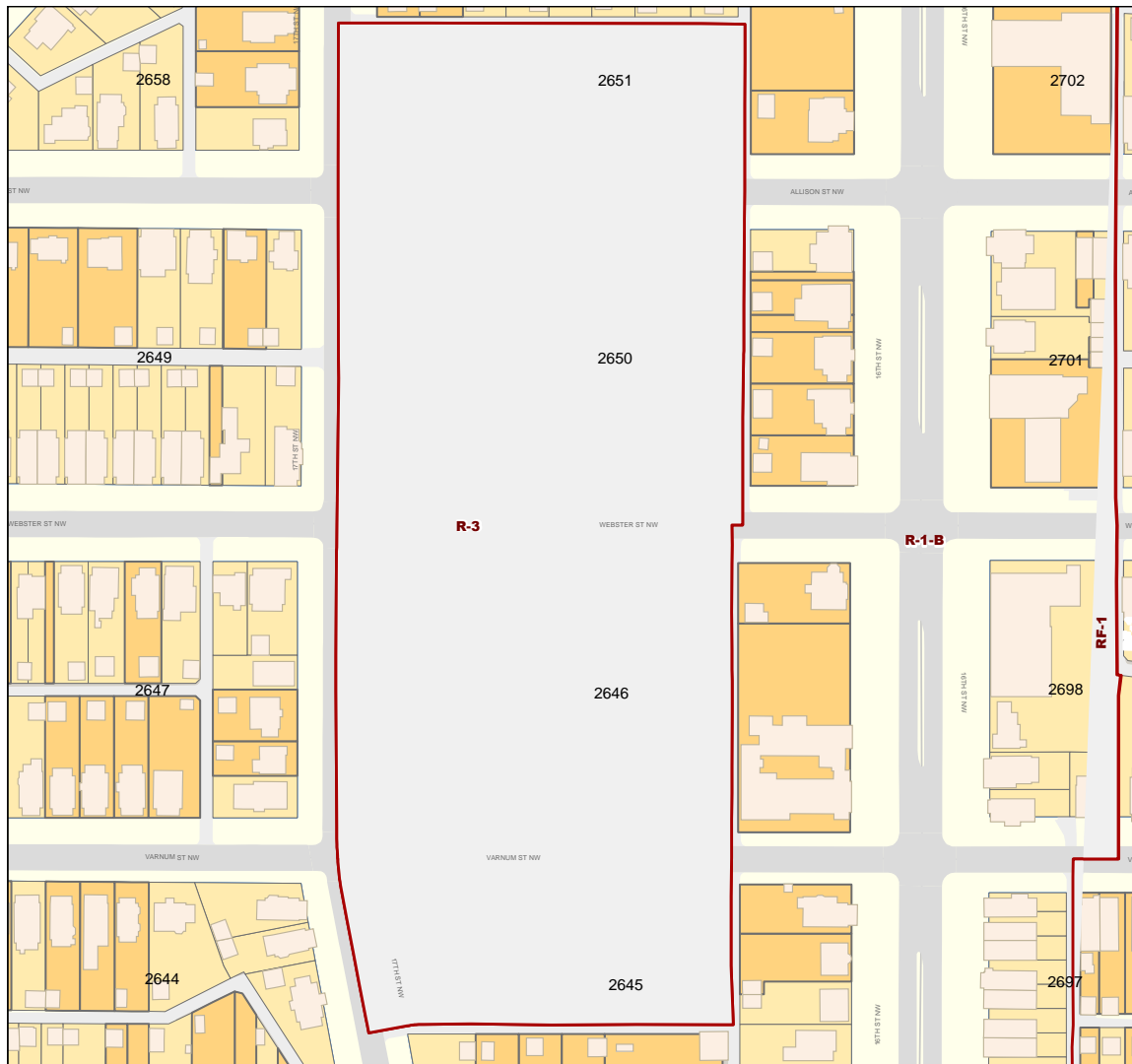
In the Forest Hills Tree and Slope Overlay zone districts (R-8, R-9, and R-10) side yards shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).

OP proposes no substantive changes to the R-19 and R-20 Georgetown zones.



## Attachment 3: Maps

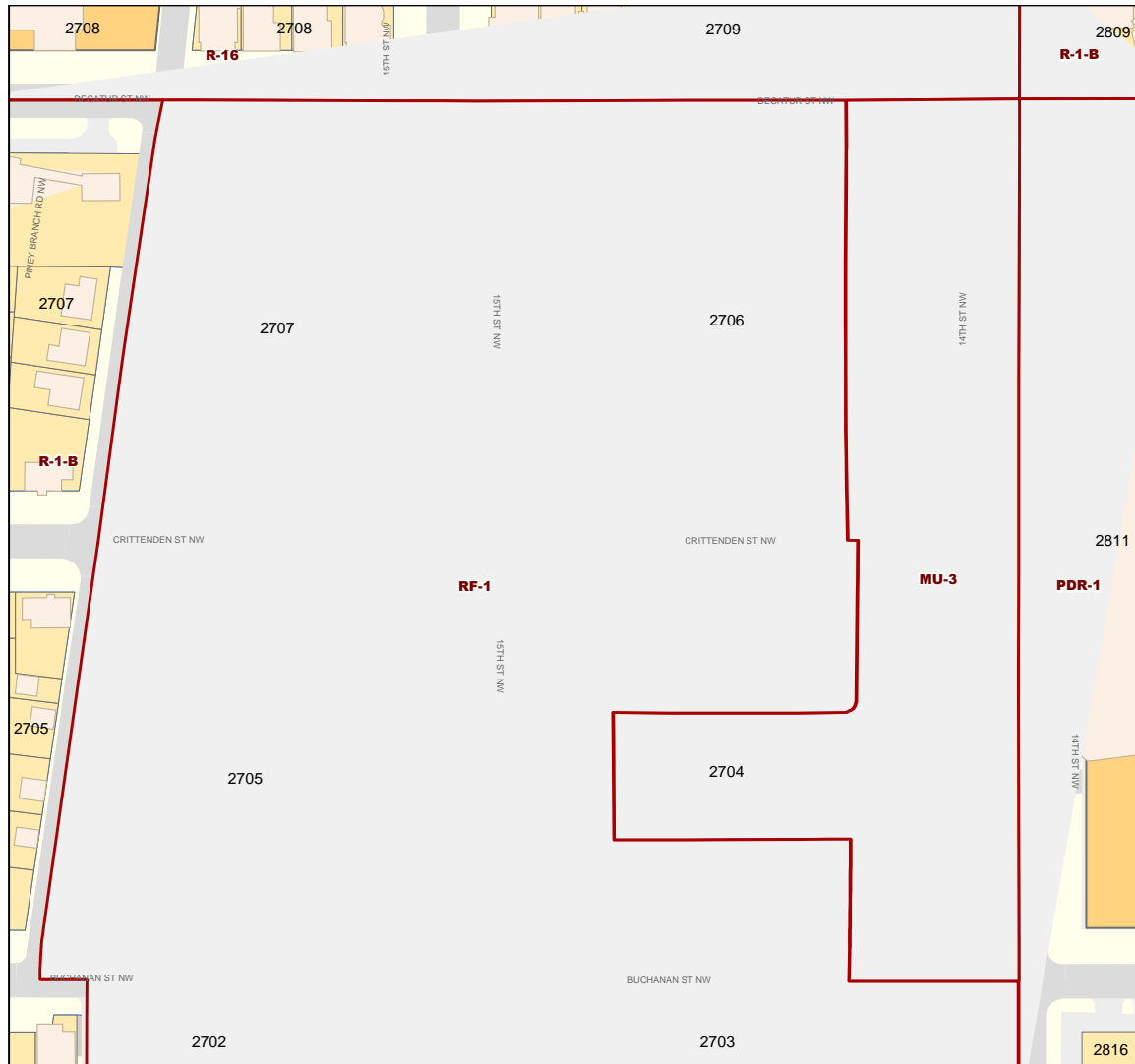
### R-3



# R-3



# RF-1(R-4)



RF-1(R-4)

