

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case Nos. 18-16, 19-27, 19-27A, & 19-27B**  
**(Text & Map Amendments – Subtitles A-H, J, K, & U, W-Z of Title 11 DCMR –**  
**Reorganization & Rename Certain Zones)**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend the following provisions of the Zoning Map and Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- Zoning Map – names of certain zones;
- Subtitle A (Authority and Applicability) §§ 101, 200, 202, and 207;
- Subtitle B (Definitions, Rules of Measurement, and Use Categories) §§ 301 and 318;
- Subtitle C (General Rules) §§ 204, 601, 701, 706, 707, 709, 903, 1001, 1003, 1004, 1303, 1309, 1313, 1401, 1700, and Chapter 16
- Subtitle D (Residential House (R) Zones) Chapters 1-13 and §§ 4903, 4904, 4907, 4908, 4910, 5000-5001, 5100, and 5200-5207;
- Subtitle E (Residential Flats (RF) Zones) Chapters 1-6 and §§ 4904, 4910, 5001, 5100, and 5201-5207;
- Subtitle F (Residential Apartment (RA) Zones) Chapters 1-6 and §§ 4902, 4903, 4906, 4907, 4909, 5001, 5002, 5100, and 5201-5206;
- Subtitle G (Mixed-Use (MU) Zones) Chapters 1-12 and §§ 4902, 5100, and 5200;
- Subtitle H (Neighborhood Mixed-Use (NC) Zones) Chapters 1-12 and 49;
- Subtitle J (Production, Distribution, and Repair Zones) Chapters 1-5 and 49;
- Subtitle K (Special Purpose Zones) § 100 and Chapter 7;
- Subtitle U (Use Permissions) §§ 100, 200, 202, 203, 204, 252-254, 301, 320, 321, 401, 410, 420-422, 500, 504, 512-516, 518, 600-602, 801, 802, and Chapters 6 and 8;
- Subtitle W (Specific Zone Boundaries) §§ 102-123;
- Subtitle X (General Procedures) §§ 101, 102, 200, 300, 301, 303, 306, 311, 502, 601, 604, 900, and 1001;
- Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure) § 1600; and
- Subtitle Z (Zoning Commission Adjustment Rules of Practice and Procedure) § 1601.

**SET DOWN**

**Z.C. Case No. 18-16**

The Office of Planning (“OP”) filed a November 8, 2019 petition, proposing changes to the names of zones used in the Zoning Regulations and Zoning Map, which OP stated would result in specific benefits:

- Present a naming scheme familiar to the previous 1958 base zone plus overlay scheme;

- Reduce duplication of development standards by locating the primary development standards within the base zone chapter and only including those standards that are different in the modified zone chapter;
- Create an easier understanding of the relationship between zones especially zones within the same base zone (i.e., all the R-1B share the same general standards);
- Create an easier understanding of the relationship between the geographically modified zones especially as seen on a zoning map (i.e., all the CAP zones will be easily identified);
- Still accommodate the creation of new city-wide zones (i.e., MU-3A and MU-3B), new neighborhood specific zones (i.e., MU-4/CAP and RF-1/CAP), and project specific zones (i.e., USN); and
- Result in less opportunity for error because amendments can be made once to the base zone.

### **Z.C. Case No. 19-27**

OP submitted a November 8, 2019 petition proposing text amendments to apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of:

- Subtitle D (Residential House (R) Zones);
- Subtitle E (Residential Flat (RF) Zones); and
- Subtitle F (Residential Apartment (RA) Zones).

OP stated that the proposed reorganization would result in the following specific benefits:

- Reduce duplication of development standards by locating primary development standards within a single base zone chapter that would apply unless modified by changes in specific zone chapters;
- Clarify the relationship between zones, especially zones with the same base zone (i.e., all the MU-4 share the same primary standards);
- Clarify the relationship between the geographically modified zones, especially as seen on a zoning map (i.e., all the Capitol Interest (CAP) zones will be easily identified); and
- Simplify the amendment process and reduce potential errors because most amendments would only need to be made to the base zone.

OP's petition did not propose any substantive changes to the current Zoning Regulations.

At its November 18, 2019 public meeting, the Commission voted to grant OP's request to set down the proposed text amendments for a public hearing.

OP filed a December 5, 2019 supplemental report, requesting to expand the proposed text amendments to include moving the provisions of Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) applying to the RA zones to Subtitle F (Residential Apartment Zones) as a new Chapter 6 (Reed-Cooke Residential Apartment Zone).

At its December 9, 2019 public meeting, the Commission voted to grant OP's supplemental request to move the RA zone provisions of the Reed-Cooke zones to Subtitle F, and also requested that for clarity OP include a "clean" version of the proposed text amendments in the record in addition to the blackline version showing the proposed text amendments as edits to the current text.

### **Z.C. Case No. 19-27A**

OP submitted an April 17, 2020 petition proposing text amendments to:

- Apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of:
  - Subtitle G (Mixed-Use (MU) Zones);
  - Subtitle H (Neighborhood Mixed-Use (NC) Zones); and
  - Subtitle U (Use Permissions);
- Reorganize Chapter 16 (Public Recreation or Library Buildings or Structures) of Subtitle C (General Rules) by moving its provisions to Subtitles D, E, F, G, and H as appropriate and deleting Chapter 16; and
- Move the remaining provisions of Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) applying to MU zones and permitted uses to Subtitles G (Mixed-Use Zones) and U (Use Permissions) and deleting Subtitle K, Chapter 7, as all of its provisions were proposed to be moved to Subtitles F, G, and U.

The Commission voted at its April 27, 2020 public meeting, to grant OP's request to set down the proposed text amendment in Z.C. Case No. 19-27A for a public hearing as part of the public hearing for Z.C. Case No. 19-27, with flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

OP submitted "clean" versions of the proposed text amendments for Subtitles D-F in the record of Z.C. Case No. 19-27 and for Subtitles G-H in the record of Z.C. Case No. 19-27A on June 10, 2020 and a July 20, 2020 report, summarizing OP's suggested changes to these proposed text amendments since the Commission voted to set them down for the public hearing.

### **Z.C. Case No. 19-27B**

OP submitted an October 19, 2020 petition, proposing text amendments to:

- Apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of Subtitle J (Production Distribution and Repair) following the proposed reorganization of Subtitles C-H and K in Z.C. Case Nos. 19-27 and 19-27A; and
- Make conforming amendments to the Subtitles A-C, G, J, U, W, and X-Z.

At its October 29, 2020 public meeting, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing, with flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

### **PUBLIC HEARINGS**

#### **Z.C. Case No. 18-16**

ANC 3D submitted a November 10, 2018 letter (the "ANC Report"), requesting that the Commission revise the proposed renaming of zones to add:

- "Overlay" back into the title of the zones that had been in overlay districts under the 1958 Zoning Regulations;
- The text from the 1958 Zoning Regulations describing each overlay district to the "Purpose and intent" section for each of the zones that had been in overlay districts under the 1958 Zoning Regulations; and

- References to the specific boundaries of the zones that had been in overlay districts under the 1958 Zoning Regulations in Subtitle W.

The Chain Bridge Road/University Terrace Preservation Committee submitted a November 14, 2018 letter (the “Chain Bridge Letter”), supporting the ANC Report’s proposal to add “overlay” back into the title of each zone that had been subject to an overlay under the 1958 Zoning Regulations.

OP submitted a November 26, 2018 report, that responded to the ANC Report by stating that:

- The zones created by integrating the overlay and base zone provisions of the 1958 Zoning regulations are currently identified by name and the proposed amendments would expand that by including an acronym of those names in the zone identifier;
- The purpose sections of the individual zones already include the description of the zone based on the overlays; and
- The zone boundary descriptions of Subtitle W are currently referenced in Subtitle A (Authority and Applicability) as well as Subtitles D (Residential House (R) Zones), E (Residential Flat (RF) Zones), and F (Residential Apartment (RA) Zones).

At its December 3, 2018 public hearing, the Commission heard testimony from OP in support of the proposed text amendment and responded to ANC 3D’s concerns by noting that:

- Overlays had covered multiple zones under the 1958 Zoning Regulations;
- The current Zoning Regulations created new zones that integrated the overlay provisions with the base zone provisions; and
- The proposed name changes would bring back the names of the overlays for these zones that had incorporated the overlay provisions into the base zone provisions.

A representative of ANC 3D testified and reiterated the ANC Report’s concerns, echoed by those of the Chain Bridge Letter, that adding “overlay” and the description of each overlay back into the Zoning Regulations was necessary to ensure the protection of the areas covered by the zones that had been in overlay districts under the 1958 Zoning Regulations.

### **Z.C. Case Nos. 19-27 & 19-27A**

On July 2, 2020, the Committee of 100 on the Federal City requested the Commission postpone the hearing for Z.C. Case Nos. 19-27 and 19-27A citing insufficient time to review the proposed text. The Commission denied the request noting that the cases were set down in December 2019 and April 2020.

At its July 28, 2020 public hearing, the Commission heard testimony from OP in support of the proposed text amendment. No other person or entity testified or submitted comments prior to the public hearing.

### **Z.C. Case No. 19-27B**

At its February 22, 2021 public hearing, the Commission heard testimony from OP in support of the proposed text amendment. No other person or entity testified or submitted comments prior to the public hearing.

## **PROPOSED ACTION**

### **“Great Weight” to the Recommendations of OP**

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds persuasive OP’s recommendations that the Commission take proposed action to adopt the proposed map and text amendments, including that the ANC Report’s proposed addition of “overlay” in the title of applicable zones is inapplicable as the overlay provisions have been integrated into the provisions of each zone, the purpose statements for each zone include descriptions based on the overlays, and Subtitles A and D-F specifically refer to Subtitle W, and concurs in that judgment.

### **“Great Weight” to the Written Report of an ANC**

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission concurs with the ANC Report’s concern that the protections in the Zoning Regulations for the zones that had been subject to overlays in the 1958 Zoning Regulations be enforced, but does not find the ANC Report’s proposed changes necessary to address this concern because:

- The protections afforded by the overlays under the 1958 Zoning Regulations have been incorporated into the specific zones, as OP testified, and the proposed text amendments would include in the titles of these zones the descriptions that had been use for the overlays;
- The purposes section of each of these zones currently includes the description of the zone; and
- Subtitles A and D-F refer to the zoning boundaries contained in Subtitle W.

### **Z.C. Case No. 18-16**

At its December 17, 2018 public meeting, the Commission voted to:

- Take PROPOSED ACTION to grant the proposed map amendment as published in the Public Hearing Notice as revised by the OP reports in this case and with flexibility to work with the Office of the Attorney General; and
- Authorize the publication of a Notice of Proposed Rulemaking.

**VOTE (December 17, 2018): 4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to **APPROVE**; Peter A. Shapiro not present, not voting)

**Z.C. Case Nos. 19-27 and 19-27A**

At its July 28, 2020 public hearing, the Commission voted to:

- Take PROPOSED ACTION to grant the proposed text amendments as published in the Public Hearing Notice as revised by the OP reports in these cases and with flexibility to work with the Office of the Attorney General; and
- Authorize the publication of a Notice of Proposed Rulemaking

**VOTE (July 28, 2020): 4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**; Peter G. May not present, not voting)

**Z.C. Case No. 19-27B**

At its February 22, 2021 public hearing, the Commission voted to:

- Take PROPOSED ACTION to grant the proposed text amendments as published in the Public Hearing Notice as revised by the OP reports in this case and with flexibility to work with the Office of the Attorney General; and
- Authorize the publication of a Notice of Proposed Rulemaking

**VOTE (February 22, 2021): 5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

**NATIONAL CAPITAL PLANNING COMMISSION**

The Commission referred the Petition to the National Capital Planning Commission (“NCPC”) for the thirty- (30) day review period required by Section 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.) on:

- December 18, 2018 – Z.C. Case No. 18-16;
- October 28, 2020 – Z.C. Case Nos. 19-27 and 19-27A; and
- February 23, 2021 – Z.C. Case No. 19-27B.

NCPC filed responses to Z.C. Case Nos. 19-27 and 19-27A on December 3, 2020, and to Z.C. Case No. 19-27B on April 2, 2021, stating that per delegated authority, NCPC determined that the proposed text amendments were not inconsistent with the *Comprehensive Plan for the National Capital* and would not adversely impact any other identified federal interests.

The complete record in these cases, including the OP reports and transcript of the public hearings and meetings, as well as black-lined and “clean” versions of the proposed text amendments, can be viewed online in the record for Z.C. Case Nos. 19-27 (Subtitles D, E, and F), 19-27A (Subtitles C, G, H, K, and U) and 19-27B (Subtitle J) at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, NW, Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*.

### **UPDATES**

This NOPR reflects the zoning text of final orders approved by the Zoning Commission since February 22, 2021, and a technical correction to Subtitle E § 211.1 to reflect the correct language for pervious surface requirements under Order No. 12-10.

The current regulations apply the “10-foot” rule to semi-detached and row houses in the R-1 and R-2 zones but not the R-6, R-7, R-8, R-9, R-10, R-11, R-14, R-15, R-16, and R-21 zones, which are either R-1 or R-2 modified zones. This has created an inconsistency under the current regulations where semi-detached or row houses in the modified zones do not have the ten-foot (10 ft.) rule whereas the R-1 and R-2 zones do. This NOPR clarifies that the ten-feet (10 ft.) applies to geographically modified zones with R-1 or R-2 designations for either semi-detached or row houses.

### **PROPOSED MAP AMENDMENTS<sup>1</sup>**

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

1958 Regulations	2016 Regulations	Proposed Amendment
<b>Subtitle D – Residential House (R) Zones</b>		
R-1-A	<del>R-1-A</del>	<u>R-1A</u>
R-1-B	<del>R-1-B</del>	<u>R-1B</u>
R-2	R-2	
R-3	R-3	
R-1-A/TSP	<del>R-6</del>	<u>R-1A/TS</u>
R-1-B/TSP	<del>R-7</del>	<u>R-1B/TS</u>
R-1-A/FH-TSP	<del>R-8</del>	<u>R-1A/FH</u>
R-1-B/FH-TSP	<del>R-9</del>	<u>R-1B/FH</u>
R-2/FH-TSP	<del>R-10</del>	<u>R-2/FH</u>

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<sup>1</sup> This supersedes the Notice of Proposed Rulemaking in Z.C. Case No. 18-16 published in the January 18, 2019, *D.C. Register* (66 DCR 000690, *et seq.*).

1958 Regulations	2016 Regulations	Proposed Amendment
R-1-A/NO/TSP	<del>R-11</del>	<u>R-1A/TS/NO</u>
R-1-B/NO	<del>R-12</del>	<u>R-1B/NO</u>
R-3/NO	<del>R-13</del>	<u>R-3/NO</u>
R-1-A/WH	<del>R-14</del>	<u>R-1A/WH</u>
R-1-B/WH	<del>R-15</del>	<u>R-1B/WH</u>
R-1-B/SSH1 and R-1-B/SSH2	<del>R-16</del>	<u>R-1B/SH</u>
R-3/FB	<del>R-17</del>	<u>R-3/FB</u>
R-1-B (Georgetown)	<del>R-19</del>	<u>R-1B/GT</u>
R-3 (Georgetown)	<del>R-20</del>	<u>R-3/GT</u>
R-1-A/CBUT	<del>R-21</del>	<u>R-1A/CBUT</u>
<b>Subtitle E – Residential Flat (RF) Zones</b>		
R-4	RF-1	
R-4/DC	<del>RF-2</del>	<u>RF-1/DC</u>
R-4/CAP	<del>RF-3</del>	<u>RF-1/CAP</u>
	<del>RF-4</del>	
	<del>RF-5</del>	
<b>Subtitle F – Residential Apartments (RA) Zones</b>		
R-5-A	RA-1	
R-5-B and DD/R-5-B	RA-2	
R-5-C	RA-3	
R-5-D	RA-4	
R-5-E	RA-5	
R-5-A/NO	<del>RA-6</del>	<u>RA-1/NO</u>
R-5-B/CAP	<del>RA-7</del>	<u>RA-2/CAP</u>
R-5-B/DC	<del>RA-8</del>	<u>RA-2/DC</u>
R-5-D/DC	<del>RA-9</del>	<u>RA-4/DC</u>
R-5-E/DC	<del>RA-10</del>	<u>RA-5/DC</u>
R-5-B/RC	<del>RC-1</del>	<u>RA-2/RC</u>
<b>Subtitle G – Mixed-Use (MU) Zones</b>		
SP-1	MU-1	
SP-2	MU-2	
C-1	<del>MU-3-A</del>	<u>MU-3A</u>
	<del>MU-3-B</del>	<u>MU-3B</u>
C-2-A	MU-4	
C-2-B	<del>MU-5-A</del>	<u>MU-5A</u>
C-2-B-1	<del>MU-5-B</del>	<u>MU-5B</u>
	MU-6A	
C-2-C	MU-6B	
	MU-7A	
C-3-A	MU-7B	
	MU-8A	
C-3-B	MU-8B	
	MU-9A	
C-3-C	MU-9B	
CR	MU-10	
W-0	MU-11	
W-1	MU-12	



1958 Regulations	2016 Regulations	Proposed Amendment
W-2	MU-13	
W-3	MU-14	
SP-1/DC	<del>MU-15</del>	<u>MU-1/DC</u>
SP-2/DC	<del>MU-16</del>	<u>MU-2/DC</u>
C-2-A/DC	<del>MU-17</del>	<u>MU-4/DC</u>
C-2-B/DC	<del>MU-18</del>	<u>MU-5A/DC</u>
C-2-C/DC	<del>MU-19</del>	<u>MU-6B/DC</u>
C-3-B/DC	<del>MU-20</del>	<u>MU-8B/DC</u>
C-3-C/DC	<del>MU-21</del>	<u>MU-9B/DC</u>
CR-DC	<del>MU-22</del>	<u>MU-10/DC</u>
SP-2/DC	<del>MU-23</del>	<u>MU-2/CAP</u>
C-2-A/CAP	<del>MU-24</del>	<u>MU-4/CAP</u>
C-2-A/CHC	<del>MU-25</del>	<u>MU-4/CHC</u>
C-2-A/CAP/CHC	<del>MU-26</del>	<u>MU-4/CAP/CHC</u>
C-2-A/NO	<del>MU-27</del>	<u>MU-4/NO</u>
C-3-A/FT	<del>MU-28</del>	<u>MU-7B/FT</u>
CR/FT	<del>MU-29</del>	<u>MU-10/FT</u>
C-2-A/RC	<del>RC-2</del>	<u>MU-4/RC</u>
C-2-B/RC	<del>RC-3</del>	<u>MU-5A/RC</u>
C-4	<del>MU-30</del>	<u>MU-15</u>
<b>Subtitle H – Neighborhood Mixed-Use (NMU) Zones</b>		
C-1/MW	<del>NC-1</del>	<u>NMU-3A/MW</u>
C-2-A/TK	<del>NC-2</del>	<u>NMU-4/TK</u>
C-2-A/CP	<del>NC-3</del>	<u>NMU-4/CP</u>
C-2-A/WP	<del>NC-4</del>	<u>NMU-4/WP</u>
C-2-B/WP	<del>NC-5</del>	<u>NMU-5A/WP</u>
C-3-A/ES	<del>NC-6</del>	<u>NMU-7B/ES</u>
C-2-A/GA	<del>NC-7</del>	<u>NMU-4/GA</u>
C-3-A/GA	<del>NC-8</del>	<u>NMU-7B/GA</u>
C-2-A/HS-H	<del>NC-9</del>	<u>NMU-4/H-H</u>
C-2-B/HS-H	<del>NC-10</del>	<u>NMU-5A/H-H</u>
C-2-C/HS-H	<del>NC-11</del>	<u>NMU-6B/H-H</u>
C-3-A/HS-H	<del>NC-12</del>	<u>NMU-7B/H-H</u>
C-3-B/HS-H	<del>NC-13</del>	<u>NMU-8B/H-H</u>
C-2-A/HS-A	<del>NC-14</del>	<u>NMU-4/H-A</u>
C-3-A/HS-A	<del>NC-15</del>	<u>NMU-7B/H-A</u>
C-2-A/HS-R	<del>NC-16</del>	<u>NMU-4/H-R</u>
C-2-B/HS-R	<del>NC-17</del>	<u>NMU-5A/H-R</u>
<b>Subtitle J – Production, Distribution, and Repair (PDR) Zones</b>		
CM-1 and CM-1/LO	PDR-1	
CM-2	PDR-2	
CM-3	PDR-3	
M	PDR-4	
CM-1/CAP	<del>PDR-5</del>	<u>PDR-1/CAP</u>
CM-1/FT	<del>PDR-6</del>	<u>PDR-1/FT</u>
M/FT	<del>PDR-7</del>	<u>PDR-4/FT</u>

## PROPOSED TEXT AMENDMENT

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

### I. Proposed Amendments to Subtitle A, AUTHORITY AND APPLICABILITY

Subsections 101.9, 101.10, and 101.11 of § 101, INTERPRETATION AND APPLICATION, of Chapter 1, INTRODUCTION TO TITLE 11, of Subtitle A, AUTHORITY AND APPLICABILITY, are proposed to be amended to read as follows:

101.9 The following ~~zone-zones districts~~ are considered residential ~~zone-zones-districts~~:

- (a) ~~R~~, Residential House (~~single-family~~**R**) **zones**;
- (b) ~~RF~~, Residential Flat (**RF**) **zones**;
- (c) ~~RA~~, Residential Apartment (~~multi-family~~**RA**) **zones**;
- ~~(d) — RC-1, Reed-Cooke (multi-family);~~
- ~~(e) (d)~~ **CG-1, CapitalCapitol Gateway (multi-familyCG) zone**;
- ~~(f) (e)~~ **D-1, Downtown (multi-familyD) zone**; and
- ~~(g)(f)~~ **BF-Barry Farm (BF) zones**.

101.10 The following zones ~~districts~~ are considered mixed-use zones, ~~commercial zones~~, or special purpose zones:

- (a) **ARTS**, Mixed-Use Uptown Arts (**ARTS**) **zones**;
- (b) ~~CG, Capital Gateway (except CG-1)~~**Capitol Gateway (CG) zones, except CG-1**;
- (c) ~~D, Downtown (except D-1)~~ **Downtown (D) zones, except D-1**;
- (d) ~~HE~~, Hill East (**HE**) **zones**;
- (e) ~~MU~~, Mixed-Use (**MU**) **zones**;
- (f) Neighborhood Mixed-Use (NMU) zones**;
- (g) North Howard Road (NHR) zone**;
- ~~(g) — RC, Reed-Cooke (except RC-1);~~

- (g) ~~NC, Neighborhood Mixed-Use;~~
- (h) ~~SEFC,~~ Southeast Federal Center (SEFC) zones;
- (i) ~~StE,~~ Saint Elizabeths East Campus (StE) zones;
- (j) ~~USN,~~ Union Station North (USN) zones; and
- (k) ~~WR,~~ Walter Reed (WR) zones.

101.11 ~~Industrial zone districts are considered PDR,~~ Production, Distribution, and Repair (PDR) zones zone districts are considered industrial zones.

Paragraph (g) of § 200.2 of § 200, CODE ORGANIZATION, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended to read as follows:

200.2 The Zoning Regulations consist of:

- (a) Subtitle B – Definitions, Use Categories, and Rules of Measurement;  
...
- (g) Subtitle H - Neighborhood Mixed-Use ~~(NC)~~ (NMU) Zones;

The title of § 202, ZONE DISTRICTS, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended to read as follows:

## 202 ZONES ~~DISTRICTS~~

Paragraph (d) of § 202.1 of § 202, ZONES, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended to read as follows:

- 202.1 For the purpose of this title, the District of Columbia shall be divided into the following zones ~~districts~~:
- (a) Residential House (R) – low-density single dwelling unit residential;  
...
  - (d) Mixed-Use (MU) and Neighborhood Mixed-Use ~~(NC)~~ (NMU) – mixed-use commercial-residential zones;

<sup>2</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

...

Section 202, ZONES, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended by including a new § 202.4 as follows:

**202.4**            **Geographically modified zones are indicated by letters following the base zone name.**

Section 203, DEVELOPMENT STANDARDS, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended by revising § 203.1 and including a new § 203.2 as follows:

**203            DEVELOPMENT STANDARDS**

203.1            The development standards for a zone shall be determined by the combination of the general rules in Subtitle C, general standards in each land use subtitle, and **base** zone-specific regulations as stated in the development standard tables and text in each land use subtitle.

**203.2**            **Development standards for geographically modified zones shall always be those of the base zone unless otherwise modified by a specific geographically modified zone.**

Section 207, ZONE BOUNDARY LINE CROSSING A LOT, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended by revising §§ 207.2 and 207.3, to read as follows:

207.1            When a zone boundary line divides a lot ...

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

...

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

- (a)        R and MU-11 zones;
- (b)        RF, RA, MU-1, MU-2, ~~MU-15, MU-16, and MU-23,~~ **and** D-2 zones, ~~and RC-1;~~

- (c) MU-3 through MU-9, ~~MU-15, MU-17 through 21, MU-24 through MU-28~~, D-1, D-3 through D-7, NMU zones ~~NC zones~~, and ARTS-1 through ARTS-3 ~~zones, RC-2, and RC-3~~;
- (d) MU-10, MU-12, MU-13, MU-14, ~~MU-22, and MU-29~~, and ARTS-4 ~~zones~~; and
- (e) PDR zones.

## **II. Proposed Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**

**Section 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising § 100.2 to read as follows:**

### **100            DEFINITIONS**

...

100.2            When used in this title, the following terms and phrases shall have the meanings ascribed:

#### **1958 Zoning Regulations:**

...

**Gasoline Service Station:** An area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include a car wash or a repair garage.

**Geographically Modified Zones: Base zones that are amended through the adoption of specific regulations and limited to a specified geographic boundary.**

**Subsection 301.4 of § 301, DENSITY, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is proposed to be amended to read as follows:**

301.4            Each use within a zone may or may not have the same density entitlements within the same zone. In the MU, ~~NMUNC~~, D, and Subtitle K zones, there may be a limit on non-residential density or a residential requirement.

**Subsection 318.7 of § 318, RULES OF MEASUREMENT FOR REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is proposed to be amended to read as follows:**

318.7 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, NMU-8B/H-H, MU-16, MU-20, MU-21, MU-23, MU-30, NC-13, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

### **III. Proposed Amendments to Subtitle C, GENERAL RULES**

**Subparagraph (4) of § 204.9(a) of § 204, NONCONFORMING USES, of Chapter 2, NONCONFORMITIES, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

204.9 ~~If approved by the Board of Zoning Adjustment, a~~ A nonconforming use may be changed to another nonconforming use, ~~subject to the general~~ if approved by the Board of Zoning Adjustment as a special exception ~~criteria of pursuant to~~ Subtitle X, Chapter 9, and subject to the following conditions:

(a) The proposed non-conforming use would be permitted as a matter of right in the most restrictive subtitle in which the existing non-conforming use is permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:

(1) Subtitle D – Residential House (R) zones;

...

(4) Subtitle H – Neighborhood Mixed-Use ~~(NC)~~ (NMU) zones;

...

**Subsection 601.2 of § 601, APPLICABILITY OF GREEN AREA RATIO STANDARDS, of Chapter 6, GREEN AREA RATIO, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

601.2 Except as provided in Subtitle C § 601.3 and pursuant to the conditions and requirements of this chapter, properties in all zones except the R and RF zones shall provide a GAR as specified in the development standards chapter for the specific zone.

**Subsection 701.1 of § 701, MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

701.1 The minimum parking requirements set forth in this section shall apply to the R, RF, RA, MU, NMUNC, and PDR zones; and only as specified in zones within Subtitle K.

**Paragraph (a) of § 706.3 of § 706, MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

706.3           The provision of excess parking spaces shall require the following transportation demand management features:

- (a)     For any site which the parking requirements of Subtitle C § 701.5 is twenty (20) parking spaces or greater, any excess parking spaces greater than ~~two times (2 X)~~ **twice** the minimum parking required for that use shall require the following transportation demand management ...

**Paragraph (a) of § 707.3(a) of § 707, MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

707.3           The provision of excess parking spaces shall require the following transportation demand management features:

- (a)     For any site for which the parking requirement of Subtitle C § 701.5 is twenty (20) parking spaces or greater, any excess parking spaces greater than ~~two times (2 X)~~ **twice** the minimum parking required for that use shall require the following transportation demand management measures:
  - (1)     Bicycle parking spaces ...
  - ...

**Paragraph (d) of § 709.1 of § 709, RULES OF CALCULATION, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

709.1           Gross floor area shall be as defined in Subtitle B, except that for purposes of calculating off-street parking requirements:

- (a)     In all zones, gross floor area shall not include ...
  - ...
- (d)     In the MU-3, MU-4, MU-7, ~~MU-17, MU-24, MU-25, MU-26, MU-27, NMU-3, NMU-4, NMU-7, NC-1, NC-2, NC-3, NC-4, NC-6, NC-7, NC-8, NC-9, NC-12, NC-14, NC-15, NC-16, RC-2~~, ARTS-1, ARTS-3, PDR-1, **and** PDR-4 zones, gross floor area shall include ...
- (e)     In the PDR-2 and PDR-3 zones ...

**Subsections §§ 903.1 and 903.2 of § 903, LOCATION RESTRICTIONS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, are proposed to be amended by revising, to read as follows:**

- 903.1 Except as provided in this section, all loading berths and service/delivery spaces shall be located as follows:
- (a) Within the building or structure, the berths ...
  - ...
  - (c) Within a court or side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to an R, RF, or RA zone, or ~~NC NMU zones~~, the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.
- 903.2 Loading facilities in PDR zones are not subject to the requirements of Subtitle C 903.1. However, loading facilities:
- (a) Located in a side yard on a lot that is within or adjacent to an R, RF, or RA zone, or ~~NC zone NMU zones~~ shall be at least six feet (6 ft.) from any side lot line; and
  - (b) May be located within ...

**Subparagraph (3) of § 1001.2(b) of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

- 1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:
- (a) A “Mandatory Inclusionary Development” – a development ...
  - (b) A “Voluntary Inclusionary Development” – any single household dwelling, ~~row-dwelling~~, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:
    - (1) Is proposing new gross floor area beyond that existing ...
    - ...
    - (3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development



standards of the ~~individual zones in the~~ R-2, R-3, ~~R-10, R-13, R-17, R-20~~, RF-1, ~~RF-2, RF-3~~, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9, ~~and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.~~

**Section 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended by revising § 1001.6, to read as follows:**

1001.6 The requirements of this chapter shall not apply to:

...

- (f) Any development, other than an IZ Plus Inclusionary Development, that is located in the portion of the R-3 zone within the Anacostia Historic District, in the portion of the MU-13 zone within the Georgetown Historic District, or in the RA-5, RA-10, MU-27 MU-4/NO, NC-6 NMU-7/ES, or CG-1 zones if:

...

**Section 1002, MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended by revising § 1002.3, to read as follows:**

1002.3 Inclusionary Developments, except those located in the BF, HE, NHR, R, RF, ~~NHR~~, SEFC, StE, and WR zones, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right (“bonus density”) as reflect in the zone-specific development standards and subject to all other zoning requirements (as may be modified by the zone) and the limitations established by the Height Act.

...

**Tables C §§ 1003.3 and 1003.4 of § 1003, SET-ASIDE REQUIREMENTS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, are proposed to be amended to read as follows:**

**TABLE C § 1003.3 SET-ASIDE FOR INCLUSIONARY UNITS**

Type of Map Amendment		Required Set-Aside
From a PDR zone or unzoned land to an ARTS, CG, D, MU, <u>NMUNC</u> , R, RA, or RF zone		20%
From any zone other than a PDR zone to a D zone without a prescribed residential FAR		20%
	Up to and including 20%	12.5%
	More than 20% up to and including 40%	14%

All Other Map Amendments – Percent Increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)	More than 40% up to and including 60%	16%
	More than 60% up to and including 80%	18%
	More than 80%	20%

**TABLE C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS**

Type of Map Amendment		Required Set-Aside
From a PDR zone or unzoned land to an ARTS, CG, D, MU, <del>NMUNC</del> , R, RA or RF zone		20%
From any zone other than a PDR zone to a D zone without a prescribed residential FAR		20%
All Other Map Amendments – Percent Increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)	Up to and including 20%	8.5%
	More than 20% up to and including 50%	10%
	More than 50% up to and including 75%	12%
	More than 75% up to and including 100%	14%
	More than 100% up to and including 125%	16%
	More than 125%	18%

**Subsection 1004.1 of § 1004, PURCHASE AND TENANCY REGULATIONS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1004.1 Except as provided for in Subtitle C § 1004.2, all inclusionary units created pursuant to this chapter shall be leased or sold only to eligible households for so long as the inclusionary ~~residential~~ development exists.

**Paragraphs (a) and (b) of § 1303.1 of § 1303, GROUND MOUNTED ANTENNAS, of Chapter 13 ANTENNAS, of Subtitle C, GENERAL RULES, are proposed to be amended to read as follows:**

1303.1 All ground mounted antennas, except those regulated by Subtitle C § 1306 or exempted by Subtitle C § 1307, shall comply with the following conditions:

- (a) In any R, RA, MU-1, MU-2, MU-10 through MU-14, ~~MU-16, MU-17, MU-23, MU-24, and MU-36~~ zone, only one (1) antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;
- (b) In any R, RA, ~~NMUNC~~, D, PDR, MU-3 through MU-9, ~~and MU-15MU-18 through MU-22, MU-25 through MU-35~~ zones, and any zone of Subtitle K, an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground on which it is located;

...

**Section 1309, ANTENNA TOWERS AND MONOPOLES IN THE PDR-4 AND PDR-7 ZONES (BY-RIGHT), of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended by revising the title and § 1309.1 to read as follows:**

**1309            ANTENNA TOWERS AND MONOPOLES IN THE PDR-4 AND ~~PDR-7~~ ZONES (~~BY-RIGHT~~) (MATTER OF RIGHT)**

1309.1            An antenna tower or monopole, either alone or in conjunction with a studio or in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment, shall be permitted in the PDR-4 ~~and PDR-7~~ zones as a matter of right; provided that the antenna tower or monopole complies with the conditions set forth in this section.

**Subsections 1313.2 and 1313.4 of § 1313, ANTENNA TOWERS AND MONOPOLES SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1313.2            A monopole may be permitted as a special exception use in the R, RF, RA, MU, D and PDR (except PDR-4 zones ~~and PDR-7~~, where antenna towers are permitted as a matter of right) zones, and the zones of Subtitle K, where monopoles are permitted as a matter of right subject to Subtitle C § 1309.

...

1313.4            An antenna tower may be permitted as a special exception in the following zones ~~of~~:

- (a)            ~~MU~~ Mixed-Use (MU) zones, except MU-3 zone;
- (b)            ~~D~~ Downtown (D) zones;
- (c)            ~~Those zones listed in~~ Subtitle K zones; and
- (d)            ~~PDR~~ Production Distribution and Repair (PDR) zones, except PDR-4 zones ~~and PDR-7~~, where antenna towers are permitted as a matter of right.

**Paragraphs (c) and (d) of § 1401.3 of § 1401, GENERAL PROVISIONS, of Chapter 14, RETAINING WALLS, of Subtitle C, GENERAL RULES, are proposed to be amended to read as follows:**

1401.3            A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C §§ 1401.5 and 1401.6:

- (a)            Along a street frontage or property line;

...

- (c) In the R-1A, and R-1B, ~~R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21~~ zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and
- (d) In the R-2, R-3, ~~R-10, R-13, R-17, R-20~~, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

**Chapter 16, PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be deleted in its entirety and renamed RESERVED**

#### **Chapter 16 RESERVED**

**Subsection 1700.3 of § 1700, INTRODUCTION, of Chapter 17, PLAZA, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1700.3 Plaza regulations apply only on lots of ten thousand square feet (10,000 sq. ft.) or more in area in the MU-10, ~~MU-22, MU-29~~, and CG-4 zones.

#### **IV. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES**

**Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 1 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:**

#### **CHAPTER 1 INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES**

##### **100 GENERAL PROVISIONS**

##### **100.1 Subtitle D is to be read and applied in addition to the regulations included in:**

- (a) Subtitle A, Authority and Applicability;**
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c) Subtitle C, General Rules; and**
- (d) Subtitle U, Use Permissions.**

##### **100.2 Geographically modified zones are indicated by letters following the base zone name, such as R-1A/TS/NO or R-3/FB.**

**100.3** **For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

**101** **PURPOSE AND INTENT**

**101.1** **The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses.**

**101.2** **The R zones are intended to:**

- (a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;**
- (b) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;**
- (c) Allow for limited compatible accessory and non-residential uses;**
- (d) Allow for the matter-of-right development of existing lots of record;**
- (e) Establish minimum lot area and lot width for the subdivision and creation of new lots of record; and**
- (f) Discourage multiple dwelling unit development.**

**101.3** **The purposes of the R-1A and R-1B zones are to:**

- (a) Protect quiet residential areas now developed with detached houses and adjoining vacant areas likely to be developed for those purposes; and**
- (b) Stabilize the residential areas and promote a suitable environment for family life.**

**101.4** **The R-1A zone is intended to provide for areas predominantly developed with detached houses on large lots.**

**101.5** **The R-1B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.**

**101.6**            **The purpose of the R-2 zone is to:**

**(a)     Provide for areas with semi-detached houses; and**

**(b)     Protect these areas from invasion by denser types of residential development.**

**101.7**            **The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses.**

**101.8**            **The purpose of the R-3 zone is to allow for row houses, while including areas within which row houses are mingled with detached houses, semi-detached houses, and groups of three (3) or more row houses.**

**101.9**            **The R-3 zone is intended to permit attached row houses on small lots.**

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 2 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES**

**200**            **DEVELOPMENT STANDARDS**

**200.1**            **The development standards of this chapter shall apply to all Residential House (R) zones except as changed by a geographically modified zone.**

**200.2**            **The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

**(a)     Height and number of stories;**

**(b)     Density and lot occupancy;**

**(c)     Yards and setbacks; and**

**(d)     Environmental performance.**

**200.3**            **A principal building on a lot in any of the R-1 zones shall be a detached building.**

**200.4**            **A principal building on a lot in any of the R-2 zones shall be a detached building or a semi-detached building.**

**200.5**      **A principal building on a lot in any of the R-3 zones shall be a detached building, a semi-detached building, or a row building.**

**200.6**      **Except for new penthouse habitable space as described in Subtitle C § 1507.2, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to any of the R-1 zones.**

**200.7**      **The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards shall apply to any of the R-2 and R-3 zones, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.**

**201**            **DENSITY**

**201.1**      **In all R zones, one (1) principal dwelling unit and one (1) accessory apartment shall be permitted per lot of record, subject to Subtitle U, Use Permissions.**

**201.2**      **A public recreation and community center shall not exceed a gross floor area (GFA) of forty thousand square feet (40,000 sq. ft.) unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle D § 212.2.**

**201.3**      **Except as permitted pursuant to Subtitle D § 212.2, public recreation and community centers shall be permitted a maximum floor area ratio (FAR) as follows:**

**(a)      In any of the R-1 or R-2 zones, the maximum permitted FAR for a public recreation and community center shall be 0.9; and**

**(b)      In any of the R-3 zones, the maximum permitted FAR for a public recreation and community center shall be 1.8.**

**202**            **LOT DIMENSIONS**

**202.1**      **Except as provided elsewhere in this title, the minimum required lot width and lot area for the creation of a new lot of record shall be as set forth in the following table:**

**TABLE D § 202.1: MINIMUM LOT WIDTH AND LOT AREA**

<b><u>Zones</u></b>	<b><u>Type of Structure</u></b>	<b><u>Minimum Lot Width (ft.)</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>
<b><u>R-1A</u></b>	<b><u>All Structures</u></b>	<b><u>75</u></b>	<b><u>7,500</u></b>
<b><u>R-1B</u></b>	<b><u>All Structures</u></b>	<b><u>50</u></b>	<b><u>5,000</u></b>
<b><u>R-2</u></b>	<b><u>Semi-detached</u></b>	<b><u>30</u></b>	<b><u>3,000</u></b>
	<b><u>All Other Structures</u></b>	<b><u>40</u></b>	<b><u>4,000</u></b>
<b><u>R-3</u></b>	<b><u>Row</u></b>	<b><u>20</u></b>	<b><u>2,000</u></b>

<u>Zones</u>	<u>Type of Structure</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
	<u>Semi-detached</u>	<u>30</u>	<u>3,000</u>
	<u>All Other Structures</u>	<u>40</u>	<u>4,000</u>

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

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

<u>Zones</u>	<u>Type of Structure</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-2</u>	<u>Semi-detached</u>	<u>30</u>	<u>2,500</u>
	<u>Detached</u>	<u>40</u>	<u>3,200</u>
<u>R-3</u>	<u>All Structures</u>	<u>20</u>	<u>1,600</u>

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

**TABLE D § 202.3: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS**

<u>Zones</u>	<u>Type of Structure</u>	<u>Minimum Lot Width (ft.)</u>
<u>R-2</u>	<u>Semi-detached</u>	<u>25</u>
	<u>Detached</u>	<u>32</u>
<u>R-3</u>	<u>All Structures</u>	<u>16</u>

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

**TABLE D § 202.4: MINIMUM LOT WIDTH AND LOT AREA BY SPECIAL EXCEPTION FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

<u>Zones</u>	<u>Type of Structure</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-2</u>	<u>Semi-detached</u>	<u>25</u>	<u>2,500</u>
	<u>Detached</u>	<u>32</u>	<u>3,200</u>
<u>R-3</u>	<u>All Structures</u>	<u>16</u>	<u>1,600</u>



## 203                    HEIGHT

203.1                    Except as provided elsewhere in this title, the maximum height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in this section.

203.2                    The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle D §§ 203.3 through 203.6, shall be as set forth in the following table:

TABLE D § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

<u>Zones</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>	<u>Maximum Number of Stories</u>
<u>R-1</u>	<u>40</u>	<u>3</u>
<u>R-2</u>	<u>40</u>	<u>3</u>
<u>R-3</u>	<u>40</u>	<u>3</u>

203.3                    A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including a penthouse or rooftop structure.

203.4                    A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.) with no limit on number of stories, not including a penthouse or rooftop structure.

203.5                    A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.6                    An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

## 204                    SOLAR ENERGY SYSTEM PROTECTION

204.1                    Any new semi-detached or row building, or an alteration or addition to an existing semi-detached or row building, including a penthouse or rooftop structure (the “proposed construction”), at the time of application, shall not be designed or constructed such that it will significantly interfere with the operation of a solar energy system on an abutting property, unless agreed to by the owner of the solar energy system, subject to the following:

(a)                    “Time of application” shall mean the earlier of either:

- (1) The Department of Buildings officially accepts as complete the application for the building permit for the proposed construction; or
- (2) The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;
- (b) “Solar energy system” shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:
  - (1) Legally permitted, installed, and operating; or
  - (2) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit, not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;
- (c) “Significantly interfere” shall mean that the proposed construction increases the shading incident on the solar energy system by more than five percent (5%) as determined by a comparative solar shading study acceptable to the Zoning Administrator; and
- (d) All applications for the proposed construction, whether for a building permit or for zoning relief, must include one of the following:
  - (1) An affidavit by the applicant stating that there is no solar energy system on an abutting property;
  - (2) A comparative solar shading study which meets the minimum standard established by the Zoning Administrator for the purpose of determining the increased annual incident solar shading by percent; or
  - (3) A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.

## 204.2

The Board of Zoning Adjustment may grant relief from the requirements of Subtitle D § 204.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The application demonstrates the applicant has made its best efforts to minimize and mitigate the potential shading impact to solar energy systems on abutting properties to the extent reasonably practical,

including possible design alternatives to the application's proposed construction and potential solar access easements;

(b) The application shall include illustrations of the shading impact on solar energy systems on abutting properties:

(1) As proposed by the application;

(2) As allowed as a matter of right; and

(3) Of possible design alternatives considered by the applicant; and

(c) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate shading impacts identified in the consideration of the application.

**205 PENTHOUSE AND ROOFTOP STRUCTURE**

**205.1 A penthouse or rooftop structure on a single household dwelling or flat shall be permitted pursuant to Subtitle C § 1501.**

**205.2 A mechanical penthouse or rooftop structure with a maximum height of eighteen feet, six inches (18 ft. 6 in.) shall be permitted on a non-residential building constructed pursuant to Subtitle D §§ 203.3 through 203.6.**

**205.3 For all other buildings and uses, the maximum permitted height of a penthouse or rooftop structure shall be twelve feet (12 ft.) and one (1) story.**

**206 FRONT SETBACK**

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

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

**207 REAR YARD**

**207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:**

**TABLE D § 207.1: MINIMUM REAR YARD**

<b><u>Zones</u></b>	<b><u>Minimum Rear Yard (ft.)</u></b>
<b><u>R-1</u></b>	<b><u>25</u></b>
<b><u>R-2</u></b>	<b><u>20</u></b>
<b><u>R-3</u></b>	<b><u>20</u></b>

- 207.2 In the case of a lot proposed to be used by a public recreation and community center or public library where a rear lot line abuts or adjoins a public open space, recreation area, or reservation, no rear yard shall be required.
- 207.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.
- 207.4 Notwithstanding Subtitle D §§ 207.1 through 207.3, a rear wall of 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 any adjacent property.
- 207.5 A rear wall of 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 any adjacent property if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle D § 5201 if applicable.
- 208 SIDE YARD
- 208.1 Except as provided elsewhere in this title, the minimum side yard requirements shall be as set forth in this section.
- 208.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- 208.3 In any of the R-2 zones, one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings.
- 208.4 In any of the R-3 zones, one (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings.
- 208.5 No side yards are required for row buildings. An existing detached or semi-detached building shall not be treated as a row building through construction or additions.
- 208.6 Existing conforming side yards shall not be reduced to a non-conforming width or eliminated.
- 208.7 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.).

**208.8** In the case of a lot proposed to be used by a public library or public recreation and community center where a side lot line abuts or adjoins a public open space, recreation area, or reservation, no side yard shall be required.

**209** **COURT**

**209.1** Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

**TABLE D § 209.1: MINIMUM COURT DIMENSIONS**

<u>Type of Structure</u>	<u>Open Court Minimum Width</u>	<u>Closed Court</u>	
		<u>Minimum Width</u>	<u>Minimum Area</u>
<u>Single-Household Dwellings</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>All Other Structures</u>	<u>2.5 in. per 1 ft. of height of court, but not less than 6 ft.</u>	<u>2.5 in. per 1 ft. of height of court, but not less than 12 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.</u>

**210** **LOT OCCUPANCY**

**210.1** Except as provided elsewhere in this title, the maximum permitted lot occupancy shall be as set forth in the following table:

**TABLE D § 210.1: MAXIMUM LOT OCCUPANCY**

<u>Zones</u>	<u>Type of Structure</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<u>R-1 R-2</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>Places of Worship</u>	<u>60</u>
	<u>All Other Structures</u>	<u>40</u>
<u>R-3</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>Places of Worship</u>	<u>60</u>
	<u>Single Household Row Building</u>	<u>60</u>
	<u>All Other Structures</u>	<u>40</u>

**211** **PERVIOUS SURFACE**

**211.1** Except as provided elsewhere in this title, the minimum required percentage of pervious surface of a lot shall be as set forth in the following table:

**TABLE D § 211.1: MINIMUM PERVIOUS SURFACE**

<u>Zones</u>	<u>Type of Structure</u>	<u>Minimum Percentage of Pervious Surface (%)</u>
<u>R-1</u>	<u>Public Recreation and Community Center</u>	<u>30</u>
	<u>All Other Structures</u>	<u>50</u>
<u>R-2</u>	<u>All Structures</u>	<u>30</u>
<u>R-3</u>	<u>Public Recreation and Community Center</u>	<u>30</u>
	<u>All Other Structures</u>	<u>20</u>

**212 SPECIAL EXCEPTION FOR PUBLIC LIBRARIES AND PUBLIC RECREATION AND COMMUNITY CENTERS**

**212.1 Relief from the development standards of this subtitle may be permitted for public libraries if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.**

**212.2 Relief from the development standards of this subtitle may be permitted for public recreation and community centers if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:**

- (a) Relief from the GFA limitations of Subtitle D § 201.2 and the FAR limitations of Subtitle D § 201.3(a) shall be limited to a maximum of 1.8 FAR; and**
- (b) Relief from the lot occupancy limitations of Subtitle D § 210.1 shall be limited to a maximum forty percent (40%) lot occupancy provided the applicant demonstrates to the Board's satisfaction that the proposed increase is consistent with the Department of Parks and Recreation's policy of preserving open space.**

**Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, and R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 3 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:**

**CHAPTER 3 TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-1A/TS AND R-1B/TS**

**300 PURPOSE AND INTENT**

**300.1 The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1A/TS and R-1B/TS zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**300.2** **In addition to the purposes of the R-1 zones, the purposes of the Tree and Slope Protection Residential House (R-1A/TS and R-1B/TS) zones are to:**

- (a) Preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces;**
- (b) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;**
- (c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and**
- (d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.**

**300.3** **The R-1A/TS and R-1B/TS zones shall be mapped in residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.**

## **301** **TREE PROTECTION**

**301.1** **The tree protection regulations of Subtitle C, Chapter 4, shall apply to the R-1A/TS and R-1B/TS zones.**

## **302** **LOT OCCUPANCY**

**302.1** **In the R-1A/TS and R-1B/TS zones, except for public recreation and community centers, the maximum permitted lot occupancy for all structures shall be thirty percent (30%).**

**302.2** **In the R-1A/TS and R-1B/TS zones, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.**

**Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES - R-6 AND R-7, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.**

A new Chapter 4 is proposed to be added to of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 4 FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES –  
R-1A/FH, R-1B/FH, AND R-2/FH**

**400**            **PURPOSE AND INTENT**

**400.1**            **The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1A/FH, R-1B/FH, and R-2/FH zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**400.2**            **In addition to the purposes of the R-1 and R-2 zones, the purposes of the Forest Hills Tree and Slope Protection Residential House (R-1A/FH, R-1B/FH, and R-2/FH) zones are to:**

- (a)    Preserve and enhance the park-like setting of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, NW on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park;**
- (b)    Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods;**
- (c)    Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and**
- (d)    Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.**

**400.3**            **The R-1A/FH, R-1B/FH, and R-2/FH zones have a significant quantity of steep slopes, stands of mature trees, are located at the edge of stream beds and public open spaces, and have undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system.**



**401**            **TREE PROTECTION**

**401.1**            **The provisions of this section shall apply to R-1A/FH zoned lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.**

**401.2**            **The tree protection regulations of Subtitle C, Chapter 4 shall apply.**

**401.3**            **To the extent that any person seeks permission for building or terrain alteration on a lot with a slope steeper than twenty-five percent (25%) or with "highly erodible land" as defined at 7 C.F.R. § 12.2 (2005), a professional certification that the plans for alteration and/or construction will follow best geo-technical, structural engineering, and arboreal practices shall be supplied with the building permit application.**

**402**            **LOT DIMENSIONS**

**402.1**            **In the R-1A/FH zone, the minimum required lot width and lot area for the creation of a new lot of record shall be as set forth in the following table:**

**TABLE D § 402.1: MINIMUM LOT WIDTH AND LOT AREA**

<b><u>Zone</u></b>	<b><u>Square</u></b>	<b><u>Type of Structure</u></b>	<b><u>Minimum Lot Width (ft.)</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>
<b><u>R-1A/FH</u></b>	<b><u>Lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282</u></b>	<b><u>All Structures</u></b>	<b><u>75</u></b>	<b><u>9,500</u></b>
	<b><u>Lots in all other Squares</u></b>	<b><u>All Structures</u></b>	<b><u>75</u></b>	<b><u>7,500</u></b>

**403**            **SIDE YARD**

**403.1**            **In the R-1A/FH, R-1B/FH, and R-2/FH zones, the minimum side yard requirement for all buildings, accessory buildings, or additions to buildings 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.).**

**404**            **LOT OCCUPANCY**

**404.1**            **In the R-1A/FH, R-1B/FH, and R-2/FH zones, except for public recreation and community centers, the maximum permitted lot occupancy for all structures shall be thirty percent (30%).**

**404.2**            **In the R-1A/FH, R-1B/FH, and R-2/FH zones, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.**

**405**            **PERVIOUS SURFACE**

**405.1**            **In the R-1A/FH, R-1B/FH, and R-2/FH zones, the minimum required percentage of pervious surface of a lot shall be fifty percent (50%); provided this subsection shall not:**

- (a)      Preclude enlargement of a principal building in existence as of May 18, 2007; or**
- (b)      Create nonconformity of a structure as regulated by this title.**

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9, AND R-10, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 5 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 5 NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE**  
**ZONE - R-1A/TS/NO**

**500**            **PURPOSE AND INTENT**

**500.1**            **The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1A/TS/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**500.2**            **In addition to the purposes of the R-1 zones, the purposes of the Tree and Slope Protection/Naval Observatory Residential House (R-1A/TS/NO) zone are to:**

- (a)      Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;**
- (b)      Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;**
- (c)      Reflect the importance of the Naval Observatory to the District of Columbia and to the Nation;**

(d) Protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence; and

(e) Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

**501 TREE PROTECTION**

**501.1 The tree protection regulations of Subtitle C, Chapter 4, shall apply to the R-1A/TS/NO zone.**

**502 HEIGHT**

**502.1 In the R-1A/TS/NO zone, the maximum permitted height and number of stories for all buildings, not including a penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.**

**502.2 In the R-1A/TS/NO zone, the height of a building shall be measured as follows:**

**(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and**

**(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear line.**

**503 PENTHOUSE AND ROOFTOP STRUCTURE**

**503.1 A mechanical penthouse or rooftop structure with a maximum height of fifteen feet (15 ft.) and one (1) story shall be permitted on a place of worship, public recreation and community center, or an institutional building.**

**503.2 A penthouse or rooftop structure permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck.**

**504 LOT OCCUPANCY**

**504.1 In the R-1A/TS/NO zone, except public recreation and community centers, the maximum permitted lot occupancy for all structures shall be thirty percent (30%).**

**504.2 In the R-1A/TS/NO zone, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.**

**505**                    **PLANNED UNIT DEVELOPMENT**

**505.1**                    **In the R-1A/TS/NO zone, the provisions of Subtitle X, Chapter 3, shall not operate to permit a planned unit development to exceed the height limits of Subtitle D § 502, or the area, bulk, and yard standards that apply as a matter of right in the R-1A zone.**

**506**                    **SPECIAL EXCEPTION REVIEW CRITERIA**

**506.1**                    **In reviewing an application for a special exception in the R-1A/TS/NO zone, in addition to the applicable criteria of this title and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:**

- (a)     Present and proposed development within and adjacent to the R-1A/TS/NO zone;**
- (b)     Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the R-1A/TS/NO zone; and**
- (c)     Role, mission, and functions of the federal facilities within the R-1A/TS/NO zone, considering the effect that the proposed development would have on such facilities.**

**506.2**                    **Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:**

- (a)     Office of Planning;**
- (b)     District Department of Transportation;**
- (c)     Department of Housing and Community Development;**
- (d)     The Historic Preservation Office if a historic district or historic landmark is involved; and**
- (e)     The National Capital Planning Commission.**

**506.3**                    **The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.**

Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-11, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 6 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 6 NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-1B/NO  
AND R-3/NO**

**600**            **PURPOSE AND INTENT**

**600.1**            **The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1B/NO and R-3/NO zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**600.2**            **In addition to the purposes of the R-1 and R-3 zones, the purposes of the Naval Observatory Residential House (R-1B/NO and R-3/NO) zones are to:**

- (a)    Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;**
- (b)    Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;**
- (c)    Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;**
- (d)    Protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and**
- (e)    Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.**

**601**            **HEIGHT**

**601.1**            **In the R-1B/NO and R-3/NO zones, the maximum permitted height and number of stories for all buildings, not including a penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.**

**601.2** **In the R-1B/NO and R-3/NO zones, the height of a building shall be measured as follows:**

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and**
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear line.**

**602** **PENTHOUSE AND ROOFTOP STRUCTURE**

**602.1** **A mechanical penthouse or rooftop structure with a maximum height of fifteen feet (15 ft.) and one (1) story shall be permitted on a place of worship, public recreation and community center, or an institutional building.**

**602.2** **A penthouse or rooftop structure permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck.**

**603** **PLANNED UNIT DEVELOPMENT**

**603.1** **In the R-1B/NO zone, the provisions of Subtitle X, Chapter 3, shall not operate to permit a planned unit development to exceed the height limits of Subtitle D § 601, or the area, bulk, and yard standards that apply as a matter of right in the R-1B zone.**

**603.2** **In the R-3/NO zone, the provisions of Subtitle X, Chapter 3, shall not operate to permit a planned unit development to exceed the height limits of Subtitle D § 601, or the area, bulk, and yard standards that apply as a matter of right in the R-3 zone.**

**604** **SPECIAL EXCEPTION REVIEW CRITERIA**

**604.1** **In reviewing an application for a special exception in the R-1B/NO or R-3/NO zones, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:**

- (a) Present and proposed development within and adjacent to the subject zone;**
- (b) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the subject zone; and**

(c) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities.

604.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

(a) The Office of Planning;

(b) The District Department of Transportation;

(c) The Department of Housing and Community Development;

(d) The Historic Preservation Office if a historic district or historic landmark is involved; and

(e) The National Capital Planning Commission.

604.3 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-12 AND R-13, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 7 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 7 WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-1A/WH AND R-1B/WH**

**700 PURPOSE AND INTENT**

700.1 The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1A/WH and R-1B/WH zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

700.2 In addition to the purposes of the R-1 zones, the purposes of the Wesley Heights Residential House (R-1A/WH and R-1B/WH) zones are to:

(a) Preserve and enhance the low-density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area;

- (b) Preserve in general the current density of the neighborhood;
- (c) Allow reasonable opportunities for owners to expand their houses; and
- (d) Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.

## 701

### DENSITY

#### 701.1

In the R-1A/WH and R-1B/WH zones, the GFA of all buildings and structures on a lot shall not exceed the sum of two thousand square feet (2,000 sq. ft.) plus forty percent (40%) of the area of the lot, subject to the following:

- (a) GFA shall not include:
  - (1) The first two hundred square feet (200 sq. ft.) of an open porch, or total open porch space if there is more than one (1) open porch; and
  - (2) The first six hundred square feet (600 sq. ft.) of a garage shall not count in GFA; and
- (b) GFA shall include basement or cellar floor area with a finished floor and a floor-to-ceiling height is in excess of six feet, six inches (6 ft., 6 in.); provided that this addition to GFA shall count only up to a floor area equal to five (5) times the total fenestration area for the entire basement or cellar floor area, including that with unfinished floor and floor-to-ceiling heights below six feet, six inches (6 ft., 6 in.).

## 702

### FRONT SETBACK

#### 702.1

In the R-1A/WH and R-1B/WH zones, all residential buildings shall have a front setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located as depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this zone and located in the Office of Zoning and in the Office of the Zoning Administrator at the Department of Buildings.

## 703

### LOT OCCUPANCY

#### 703.1

In the R-1A/WH and R-1B/WH zones, except for public recreation and community centers, the maximum permitted lot occupancy for all structures shall be thirty percent (30%); except that:



- (a) Structures on lots between five thousand square feet (5,000 sq. ft.) and six thousand six hundred and sixty-seven square feet (6,667 sq. ft.) may occupy up to two thousand square feet (2,000 sq. ft.); and
- (b) Structures on lots less than five thousand square feet (5,000 sq. ft.) may occupy up to forty percent (40%) of the area of the lot.

703.2 In the R-1A/WH and R-1B/WH zones, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 8 is proposed to be added to of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 8 SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES –  
R-1B/SH**

**800 PURPOSE AND INTENT**

**800.1 The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1B/SH zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**800.2 In addition to the purposes of the R-1 zones, the purposes of the Sixteenth Street Heights Residential House (R-1B/SH) zone are to:**

- (a) Promote the conservation, enhancement, and stability of the low-density, single dwelling unit neighborhood for housing and neighborhood-related uses;
- (b) Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-1B/SH zone in order to preserve neighborhood quality; and
- (c) Allow neighborhoods to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality

and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.

**800.3**      **The R-1B/SH zone is intended to:**

- (a)      Respond to concerns that over a period of years approximately one (1) in every ten (10) houses in the R-1B/SH zone north of Colorado Avenue, NW has been converted to a nonresidential use, a much higher ratio than has been identified for any other similarly zoned neighborhood in the District of Columbia; and south of Colorado Avenue, NW, address concerns that more than twenty percent (20%) of the residentially zoned land is used for nonresidential purposes;
- (b)      Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and to preserve a predominantly single dwelling unit residential character;
- (c)      Respond to the District of Columbia Comprehensive Plan's identification of the number of nonresidential uses in the neighborhood as a problem; and
- (d)      Address the impacts of the number of nonresidential uses and the conversion of houses to these uses in the neighborhood as reflected in the Comprehensive Plan.

**801**              **USE PERMISSIONS**

**801.1**            **The use permissions for the R-1B/SH zone shall be subject to the conditions of Subtitle U §§ 204 and 205.**

Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES - R-16, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 9 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 9 FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-3/FB**

**900**              **PURPOSE AND INTENT**

**900.1**            **The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-3/FB zone except as specifically modified by this chapter. In the event of**

a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**900.2**

In addition to the purposes of the R-3 zone, the purposes of the Foggy Bottom Residential House (R-3/FB) zone are to:

- (a) Enhance the residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character;
- (b) Enhance the human-scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;
- (c) Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential row house neighborhood that formed the basis on which the area was designated a historic district;
- (d) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.), formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)), and preclude demolitions or partial demolitions that would lead to an increase in height and density inappropriate to the area;
- (e) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect the light, air, and privacy that they provide; and
- (f) Encourage greater use of public transportation through use of the nearby Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

**901**

**MISCELLANEOUS**

**901.1**

Buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the R-3/FB zone.

**901.2**

If any building is destroyed by fire, collapse, explosion, or act of God, it may be reconstructed or restored to its previous condition or to a more conforming

residential condition other than a dormitory. Excluded from this provision are uses that:

(a) Were nonconforming prior to April 17, 1992; and

(b) Not authorized by relief granted by the Board of Zoning Adjustment.

**902 PLANNED UNIT DEVELOPMENT**

**902.1 In the R-3/FB zone, the matter-of-right limits on building height, floor area ratio, and penthouse and rooftop structure height of Subtitle D § Chapter 2 shall serve as the maximum permitted building height, floor area ratio, and penthouse and roof structure height for a planned unit development.**

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-17, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 10 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

**CHAPTER 10 CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-1A/CBUT**

**1000 PURPOSE AND INTENT**

**1000.1 The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1A/CBUT zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**1000.2 In addition to the purposes of the R-1A zone, the purposes of the Chain Bridge Road/University Terrace Residential House (R-1A/CBUT) zone are to:**

**(a) Provide for areas predominantly developed with detached houses on large lots;**

**(b) Preserve and enhance the park-like setting of the area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences;**

**(c) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;**

**(d) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;**

(e) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood; and

(f) Limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety, and to achieve the other purposes listed in this subsection.

1000.3 The R-1A/CBUT zone applies to the area bounded on the south by MacArthur Boulevard, on the east by Battery Kemble Park/Chain Bridge Road, on the north by Loughboro Road/Nebraska Avenue, and on the west by University Terrace.

1000.4 The R-1A/CBUT zone is mapped on a residential neighborhood, located at the edge of stream beds and public open spaces that have steep slopes, substantial stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal.

## 1001 LOT DIMENSIONS

1001.1 In the R-1A/CBUT zone, the minimum required lot width and lot area for the creation of a new lot of record shall be as set forth in the following table:

TABLE D § 1001.1: MINIMUM LOT WIDTH AND LOT AREA

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-1A/CBUT</u>	<u>75</u>	<u>9,500 for lots created for dwellings after July 20, 1999</u>
		<u>7,500 for all other lots</u>

## 1002 LOT OCCUPANCY

1002.1 In the R-1A/CBUT zone, the maximum permitted lot occupancy for lots that are less than six thousand five hundred square feet (6,500 sq. ft.) shall be forty percent (40%).

1002.2 In the R-1A/CBUT zone, the maximum permitted lot occupancy for lots that are between six thousand five hundred square feet (6,500 sq. ft.) and eight thousand nine hundred and ninety-nine square feet (8,999 sq. ft.) shall be thirty-five percent (35%), but not less than two thousand six hundred square feet (2,600 sq. ft.).

1002.3 In the R-1A/CBUT zone, the maximum permitted lot occupancy for lots that are over nine thousand square feet (9,000 sq. ft.) shall be thirty percent (30%),

but not less than three thousand one hundred and fifty square feet (3,150 sq. ft.).

1002.4      Notwithstanding Subtitle D §§ 1002.1 through 1002.3, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

1003      PERVIOUS SURFACE

1003.1      In the R-1A/CBUT zone, the minimum percentage of pervious surface of a lot, shall be fifty percent (50%), provided that this subsection shall not:

(a)      Preclude enlargement of a principal building in existence as of July 30, 1999; or

(b)      Create nonconformity of a structure as regulated by Subtitle C, Chapter 2.

1004      TREE PROTECTION

1004.1      The tree protection regulations of Subtitle C, Chapter 4, shall apply to the R-1A/CBUT zone.

Chapter 11, [RESERVED], of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

A new Chapter 11 is proposed to be added to Subtitle D, RESIDENTIAL HOUSE (R) ZONES, to read as follows:

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

1100      PURPOSE AND INTENT

1100.1      The base zone development standards in Subtitle D, Chapter 2 shall apply to the R-1B/GT and R-3/GT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

1100.2      In addition to the purposes of the R-1B and R-3 zones, the purposes of the Georgetown Residential House (R-1B/GT and R-3/GT) zones are to:

(a)      Protect the Georgetown National Historic Landmark District and its historic character, buildings and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic

District Protection Act of 1978, and the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Official Code §§ 6-1201-1206);

- (b) Protect the integrity of “contributing buildings,” as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;
- (c) Recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978;
- (d) Limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and
- (e) Retain the quiet residential character of these areas and control compatible nonresidential uses.

## 1101 HEIGHT

1101.1 Except as provided in Subtitle D §§ 203.3 through 203.6, in the R-1B/GT and R-3/GT zones, the maximum permitted height and number of stories for buildings shall be as follows:

- (a) Thirty-five feet (35 ft.) and three (3) stories, not including a penthouse or rooftop structure; or
- (b) Forty feet (40 ft.), not including a penthouse or rooftop structure, only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.

1101.2 In the R-1B/GT and R-3/GT zones, the maximum height of a building shall be measured to the highest point of the roof or a parapet which is not a required firewall.

1101.3 In R-1B/GT and R-3/GT zones, a two (2) or more story addition to a principal building which has an existing second story side yard shall not exceed the vertical plane of that yard for the length of the second story addition.

1101.4 In R-1B/GT and R-3/GT zones, any parapet, pergola, railing, or similar rooftop structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).

## 1102 LOT OCCUPANCY

1102.1 In the R-3/GT zone, a detached or semi-detached building shall not be considered 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.

**1103**            **FRONT SETBACK**

**1103.1**           In the R-3/GT zone, a front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided.

**1104**            **SIDE YARD**

**1104.1**           In the R-3/GT zone, two (2) side yards, each a minimum of five feet (5 ft.) in width, shall be provided for all detached buildings.

**1104.2**           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-1B/GT zone and a minimum of three feet (3 ft.) in the R-3/GT zone.

**1105**            **ACCESSORY BUILDINGS**

**1105.1**           In the R-1B/GT and R-3/GT zones, notwithstanding Subtitle D § 5000, accessory buildings shall be subject to the development standards of this section.

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

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

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

**1105.5**           In the R-1B/GT and R-3/GT zones, a shed may be permitted in a required rear or side yard provided it is at least five feet (5 ft.) from a public or private vehicular alley.



**1105.6**      **In the R-1B/GT and R-3/GT zones, roof decks are prohibited.**

**CHAPTERS 12 THROUGH 48 [RESERVED]**

**Subsection 4903.1 of § 4903, LOT DIMENSIONS, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:**

4903.1      Unless otherwise permitted or required, **the** use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:

**TABLE D § 4903.1: MINIMUM LOT WIDTH AND ~~MINIMUM~~ LOT AREA FOR PUBLIC SCHOOLS**

<b><u>Zone Zones</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>	<b><u>Minimum Lot Width (ft.)</u></b>
<b><u>R-1A/FH</u> <u>R-1A/CBUT</u></b>	<b><u>As required by zone</u></b>	<b><u>As required by zone</u></b>
<b><u>R-1 A, R-1 B</u> <u>All other R-1 zones</u></b>	15,000	120
<b><u>R-2, R-3, R-10, R-13,</u> <u>R-17, R-20</u> <b><u>All R-2 and R-3 zones</u></b></b>	9,000	120
<b><u>All other R zones</u></b>	<b><u>As required by zone</u></b>	<b><u>As required by zone</u></b>

**Section 4904, HEIGHT, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows**

4904.1      Public schools shall be permitted a maximum building height, not including ~~the a~~ penthouse **or rooftop structure**, as set forth in the following table:

**TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

<b><u>Zone Zones</u></b>	<b><u>Maximum Height, Not Including Penthouse <u>or</u> Rooftop Structure (ft.)</u></b>	<b><u>Maximum Number of Stories</u></b>
<b><u>R-11, R-12, R-13</u> <u>R-1A/TS/NO</u> <u>R-1B/NO</u> <u>R-3/NO</u></b>	40	No Limit
<b><u>All other R zones</u></b>	60	No Limit

**Subsection 4907.1 of § 4907, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:**

4907.1      A rear yard shall be provided for each public school the minimum depth of which shall be as set forth in the following table:

**TABLE D § 4907.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS**

<u>Zone Zones</u>	<u>Minimum Rear Yard (ft.)</u>
<u>All R-1 zones</u>	<u>25</u>
<u>All R-2, and R-3 zones, <del>R-10, R-13, R-17, R-20</del></u>	20
<u><del>All other R zones</del></u>	<u>25</u>

Subsections 4908.1 through 4908.3 of § 4908, SIDE YARD, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended to read as follows:

- 4908.1 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided in ~~the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12 R-14, R-15, R-16, R-19, and R-21~~ all R-1 zones.
- 4908.2 In ~~the~~ all R-2 ~~and R-10~~ zones, one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings and two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- 4908.3 In ~~the~~ all R-3, ~~R-13, R-17 and R-20~~ zones, a side yard shall not be required. However, except as provided in Subtitle D §§ 4908.4 and 4908.5, if the yard is provided, it shall be not less than five feet (5 ft.) wide.

Section 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

- 4910.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE D § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<u>Zone Zones</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<del>R-6, R-7, R-8, R-9, R-10, R-11, R-14, R-15</del> <u>R-1A/TS</u> <u>R-1A/FH</u> <u>R-1A/TS/NO</u> <u>R-1A/WH</u> <u>R-1B/TS</u> <u>R-1B/FH</u> <u>R-1B/WH</u> <u>R-2/FH</u>	30
All other R zones	60

- 4910.2 A public school subject to the 60% lot occupancy maximum may occupy the lot upon which it is located in excess of sixty percent (60%) subject to all of the following conditions:

- (a) The portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and
- (b) The total lot occupancy shall not exceed seventy percent (70%) in ~~the~~ all R-2, and R-3, ~~R-13, R-17, and R-20~~ zones.

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

**CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR R RESIDENTIAL HOUSE (R) ZONES**

Subsection 5000.1 of § 5000, GENERAL PROVISIONS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

5000.1 Accessory buildings shall be permitted within an R zone subject to the conditions of this ~~section~~ chapter.

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended by renumbering § 5001.1 as § 5001.2 and adding a new § 5001.1, to read as follows:

**5001.1** The development standards in Subtitle D, Chapter 2, shall apply to accessory buildings in the R zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

~~5001.1~~ **5001.2** The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.

The title of Chapter 51, ALLEY LOT REGULATIONS (R) ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

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

Subsections 5201.1 and 5201.2 of § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy subject to the following table:

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

<u>Zone Zones</u>	<u>Type of Structure</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<u>All R-3 zones except R-3/GT, R-13, and R-17</u>	<u>All Structures</u>	70%
<u>R-20 R-3/GT – Row dwellings</u>	<u>Row</u>	
<u>R-20 R-3/GT – Detached and semi-detached dwellings</u>	<u>Detached Semi-detached</u>	50%
All other R zones	<u>All Structures</u>	

(b) Yards, including alley centerline setback; and

(c) Pervious surface.

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy **as limited in Table D § 5201.1(a); subject to the following table:**

**TABLE D § 5201.2(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

<u>Zone</u>	<u>Maximum Lot Occupancy</u>
<u>R-3, R-13, and R-17</u>	70%
<u>R-20 – Row dwellings</u>	
<u>R-20 – Detached and semi-detached dwellings</u>	50%
<u>All other R zones</u>	

(b) Maximum building area ...  
...

Subsections 5202.1 and 5202.2 of § 5202, SPECIAL EXCEPTION CRITERIA FOR TREE PROTECTION, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

5202.1 ~~The Board of Zoning Adjustment may approve as a special exception, relief~~ **Relief** from the tree and slope protection requirements **of Subtitle C, Chapter 4 of this subtitle may be permitted if approved by the Board of Zoning Adjustment as a special exception** pursuant to Subtitle X, **Chapter 9**, and subject to the following requirements:

- (a) Tree removal ...
- (b) The applicant shall demonstrate ...
- (c) The ~~excepted~~ building and overall site plat of the lot **for which the special exception is sought** shall be generally consistent with the purpose of the ~~R-21 and R-6 through R-11~~ **R-1A/CBUT, R-1A/FH, R-1A/TS, R-1A/TS/NO, R-1B/FH, R-1B/TS, and R-2/FH** zones and will not adversely affect neighboring property; and
- (d) The Board of Zoning Adjustment may impose ...

5202.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

- (a) Office of Planning;
- (b) ~~District~~ Department of Transportation, ~~Tree—Management Administration~~ **Urban Forestry Division**;
- (c) Department of Parks ...
- ...

Section 5203, SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

Section 5204 [RESERVED], of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

Section 5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.

**Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.**

**Section 5207, SPECIAL EXCEPTION CRITERIA ROOF TOP OR UPPER FLOOR ELEMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be deleted in its entirety.**

#### **V. Amendments to Subtitle E, RESIDENTIAL FLAT (RF) ZONES**

**Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 1 is proposed to be added to Subtitle E, RESIDENTIAL FLAT (RF) ZONES, to read as follows:**

#### **CHAPTER 1 INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES**

##### **100 GENERAL PROVISIONS**

##### **100.1 Subtitle E is to be read and applied in addition to the regulations included in:**

- (a) Subtitle A, Authority and Applicability;**
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c) Subtitle C, General Rules; and**
- (d) Subtitle U, Use Permissions.**

##### **100.2 Geographically modified zones are indicated by letters following the base zone name such as RF-1/DC or RF-1/CAP.**

##### **100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

##### **101 PURPOSE AND INTENT**

##### **101.1 The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) principal dwelling units.**

**101.2**      **The RF zones are intended to:**

- (a)    Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;**
- (b)    Allow for limited compatible non-residential uses;**
- (c)    Allow for the matter-of-right development of existing lots of record;**
- (d)    Establish minimum lot area and lot width for the subdivision and creation of new lots of record in RF zones;**
- (e)    Allow for the limited conversion of single household dwellings and other structures for flats; and**
- (f)    Prohibit the conversion of single household dwellings and flats for apartment house as anticipated in the RA zone.**

**101.3**      **The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.**

**101.4**      **The purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two (2) principal dwelling units are permitted.**

**101.5**      **The RF-4 and RF-5 zones are typically, but not exclusively, established residential neighborhoods adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas.**

**101.6**      **The RF-4 and RF-5 zones are intended to promote the continued row house character and appearance, and residential use of larger row buildings.**

**101.7**      **The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with residential row buildings of three (3) or more stories within which no more than three (3) or four (4) principal dwelling units are permitted, respectively.**

**Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.**

A new Chapter 2 is proposed to be added to Subtitle E, RESIDENTIAL FLAT (RF) ZONES, to read as follows:

**CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES**

**200 DEVELOPMENT STANDARDS**

**200.1 The development standards of this chapter shall apply to all Residential Flat (RF) zones except as changed by a geographically modified zone.**

**200.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

**(a) Height and number of stories;**

**(b) Density and lot occupancy;**

**(c) Yards and setbacks; and**

**(d) Environmental performance.**

**200.3 A principal building on a lot in any RF zone shall be a detached building, a semi-detached building, or a row building.**

**200.4 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards shall apply to all RF zones, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.**

**201 DENSITY**

**201.1 In any of the RF-1 zones, two (2) principal dwelling units shall be permitted per lot subject to Subtitle U, Use Permissions.**

**201.2 Notwithstanding Subtitle E § 201.1, a building or structure in any of the RF-1 zones may be used for more than two (2) principal dwelling units pursuant to Subtitle U, Chapter 3.**

**201.3 In any of the RF-4 zones, three (3) principal dwelling units shall be permitted per lot subject to Subtitle U, Use Permissions.**

**201.4 In any of the RF-5 zones, four (4) principal dwelling units shall be permitted per lot subject to Subtitle U, Use Permissions.**

**201.5 No more than one (1) principal dwelling unit may be located within an accessory building, subject to Subtitle U, Use Permissions.**



**201.6**            **Accessory apartments shall not be permitted in any RF zones.**

**201.7**            **A public recreation and community center shall not exceed a gross floor area (GFA) of forty thousand square feet (40,000 sq. ft.) unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle E § 212.2.**

**201.8**            **The maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE E § 201.8: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>Zones</u></b>	<b><u>Type of Structure</u></b>	<b><u>Maximum FAR</u></b>
<b><u>RF-1</u></b>	<b><u>Public Recreation and Community Center</u></b>	<b><u>1.8</u></b>
	<b><u>All Other Structures</u></b>	<b><u>Not applicable</u></b>
<b><u>RF-4</u></b>	<b><u>Public Library</u></b>	<b><u>2.0</u></b>
<b><u>RF-5</u></b>	<b><u>All Other Structures</u></b>	<b><u>1.8</u></b>

**202**            **LOT DIMENSIONS**

**202.1**            **Except as provided elsewhere in this title, the minimum required lot width and lot area for the creation of a new lot of record shall be as set forth in the following table:**

**TABLE E § 202.1: MINIMUM LOT WIDTH AND LOT AREA**

<b><u>Zones</u></b>	<b><u>Type of Structure</u></b>	<b><u>Minimum Lot Width (ft.)</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>
<b><u>RF</u></b>	<b><u>Row</u></b>	<b><u>18</u></b>	<b><u>1,800</u></b>
	<b><u>Semi-detached</u></b>	<b><u>30</u></b>	<b><u>3,000</u></b>
	<b><u>All Other Structures</u></b>	<b><u>40</u></b>	<b><u>4,000</u></b>

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

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

<b><u>Zones</u></b>	<b><u>Type of Structure</u></b>	<b><u>Minimum Lot Width (ft.)</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>
<b><u>RF</u></b>	<b><u>All Structures</u></b>	<b><u>18</u></b>	<b><u>1,500</u></b>

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

**202.4**            **The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table if granted by**

**the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9:**

**TABLE E § 202.4: MINIMUM LOT WIDTH AND LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

**203 HEIGHT**

**203.1 Except as provided elsewhere in this title, the maximum height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in this section.**

**203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle E §§ 203.3 through 203.8, shall be as set forth in the following table:**

**TABLE E § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Type of Structure</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>	<u>Maximum Number of Stories</u>
<b>RF-1</b>	<b>All Structures</b>	<b>35</b>	<b>3</b>
<b>RF-4</b>	<b>All Structures</b>	<b>40</b>	<b>3</b>
<b>RF-5</b>	<b>Detached</b>	<b>40</b>	<b>3</b>
	<b>Semi-detached</b>	<b>40</b>	<b>3</b>
	<b>Row</b>	<b>50</b>	<b>4</b>

**203.3 In any of the RF-1 zones, new construction of three (3) or more immediately adjoining residential row buildings, built concurrently on separate record lots, may be erected to a height not exceeding forty feet (40 ft.) and three (3) stories.**

**203.4 In any of the RF-1 zones, a building or other structure may be erected to a height not exceeding forty feet (40 ft.), not including a penthouse or rooftop structure, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, subject to Subtitle E § 5202.**

**203.5 A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including a penthouse or rooftop structure.**

**203.6 A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.) with no limit on number of stories, not including a penthouse or rooftop structure.**

**203.7 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure; provided that the building or structure shall be removed**

from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.8 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

## 204 ROOF TOP OR UPPER FLOOR ELEMENTS

204.1 Except for properties subject to review by the Historic Preservation Review Board or their designee, or the U.S. Commission of Fine Arts, a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size; provided that:

(a) For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line; and

(b) For all other lots, the roof top architectural elements shall include identified roof top architectural elements on all sides of the structure.

204.2 For the purposes of Subtitle E § 204.1, ordinary repairs to a roof top architectural element shall be permitted. Ordinary repairs may include the replacement of an original roof top architectural element when the Zoning Administrator has determined, based on photographs provided by the owner and other evidence acceptable to the Zoning Administrator, that:

(a) The original roof top architectural element is substantially eroded or damaged due to no overt actions of the owner or affiliates, and

(b) The replacement will be visually indistinguishable from the original in style, dimensions, profile, and appearance when viewed from a public right of way.

204.3 Any new building, or alteration or addition to an existing building, including a penthouse or rooftop structure (the "proposed construction") at the time of application, shall not significantly interfere with the operation of a solar energy system on an abutting property, unless agreed to by the owner of the solar energy system, subject to the following:

**(a) “Time of application” shall mean the earlier of either:**

**(1) The Department of Buildings officially accepts as complete the application for the building permit for the proposed construction; or**

**(2) The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;**

**(b) “Solar energy system” shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:**

**(1) Legally permitted, installed, and operating; or**

**(2) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit, not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;**

**(c) “Significantly interfere” shall mean that the proposed construction increases the shading incident on the solar energy system by more than five percent (5%), as determined by a comparative solar shading study acceptable to the Zoning Administrator; and**

**(d) All applications for the proposed construction, whether for a building permit or for zoning relief, must include one of the following:**

**(1) An affidavit by the applicant stating that there is no solar energy system on an abutting property;**

**(2) A comparative solar shading study that meets the minimum standard established by the Zoning Administrator for the purpose of determining the increased annual incident solar shading by percent; or**

**(3) A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.**

**204.4 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 204.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:**

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

  - (1) The light and air available to neighboring properties shall not be unduly affected;
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
  - (3) The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;
- (b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and
- (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

204.5 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 204.3 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The application demonstrates the applicant has made its best efforts to minimize and mitigate the potential shading impact to solar energy systems on abutting properties to the extent reasonably practical, including possible design alternatives to the application's proposed construction and potential solar access easements;
- (b) The application shall include illustrations of the shading impact on solar energy systems on abutting properties:

  - (1) As proposed by the application;
  - (2) As allowed as a matter of right; and
  - (3) Of possible design alternatives considered by the applicant; and

- (c) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate shading impacts identified in the consideration of the application.

**205 PENTHOUSE AND ROOFTOP STRUCTURE**

- 205.1 A penthouse or rooftop structure on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1501.**
- 205.2 A mechanical penthouse or rooftop structure with a maximum height of eighteen feet, six inches (18 ft. 6 in.) shall be permitted on a building constructed pursuant to Subtitle E §§ 203.5 through 203.8.**
- 205.3 For all other buildings and uses, the maximum permitted height of a penthouse or rooftop structure shall be twelve feet (12 ft.) and one (1) story.**

**206 FRONT SETBACK**

- 206.1 Except as provided elsewhere in this title, the front setback requirements shall be as set forth in this section.**
- 206.2 For all residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.**

**207 REAR YARD**

- 207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:**

**TABLE E § 207.1: MINIMUM REAR YARD**

<b><u>Zones</u></b>	<b><u>Minimum Rear Yard (ft.)</u></b>
<b><u>RF-1</u></b>	<b><u>20</u></b>
<b><u>RF-4</u></b>	<b><u>20</u></b>
<b><u>RF-5</u></b>	<b><u>20</u></b>

- 207.2 In the case of a lot proposed to be used by a public recreation and community center or public library where a rear lot line abuts or adjoins a public open space, recreation area, or reservation, no rear yard shall be required.**
- 207.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.**
- 207.4 Notwithstanding Subtitle E §§ 207.1 through 207.3, a rear wall of 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 any adjacent property.

207.5 A rear wall of 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 any adjacent property if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to Subtitle E § 5201 if applicable.

## 208 SIDE YARD

208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

208.2 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.

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

208.4 Existing conforming side yards shall not be reduced to a nonconforming width or eliminated.

208.5 In the case of a building with a nonconforming 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.).

208.6 In the case of a lot proposed to be used by a public library or public recreation and community center where a side lot line abuts or adjoins a public open space, recreation area, or reservation, no side yard shall be required.

## 209 COURT

209.1 Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

TABLE E § 209.1: MINIMUM COURT DIMENSIONS

<u>Type of Structure</u>	<u>Open Court Minimum Width</u>	<u>Closed Court</u>	
		<u>Minimum Width</u>	<u>Minimum Area</u>
<u>Single Household Dwellings and Flats</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>All Other Structures</u>	<u>2.5 in. per 1 ft. of height of court, but not less than 6 ft.</u>	<u>2.5 in. per 1 ft. of height of court, but not less than 12 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.</u>

## **210 LOT OCCUPANCY**

**210.1** Except as provided elsewhere in this title in Subtitle E § 212.2, the maximum permitted lot occupancy shall be as set forth in the following table:

**TABLE E § 210.1: MAXIMUM LOT OCCUPANCY**

<b><u>Zones</u></b>	<b><u>Type of Structure</u></b>	<b><u>Maximum Percentage of Lot Occupancy (%)</u></b>
<b><u>RF-1</u></b>	<b><u>Single Household Dwellings and Flats</u></b>	<b><u>60</u></b>
	<b><u>Conversion of a building or structure to an apartment house</u></b>	<b><u>The greater of 60 or the lot occupancy as of the date of conversion</u></b>
	<b><u>An apartment house that existed prior to 1958 and has been in continuous use as an apartment house</u></b>	<b><u>60</u></b>
	<b><u>Places of Worship</u></b>	<b><u>60</u></b>
	<b><u>Public Recreation and Community Center</u></b>	<b><u>20</u></b>
	<b><u>All Other Structures</u></b>	<b><u>40</u></b>
<b><u>RF-4</u></b>	<b><u>Public Recreation and Community Center</u></b>	<b><u>20</u></b>
<b><u>RF-5</u></b>	<b><u>All Other Structures</u></b>	<b><u>60</u></b>

## **211 PERVIOUS SURFACE**

**211.1** Except as provided elsewhere in this title, the minimum required percentage of pervious surface of a lot shall be as set forth in the following table:

**TABLE E § 211.1: MINIMUM PERCENTAGE OF PERVIOUS SURFACE**

<b><u>Type of Structure</u></b>	<b><u>Minimum Lot Area (sq. ft.)</u></b>	<b><u>Minimum Percentage of Pervious Surface (%)</u></b>
<b><u>Public Recreation and Community Center</u></b>	<b><u>Not applicable</u></b>	<b><u>30</u></b>
<b><u>All Other Structures</u></b>	<b><u>Less than 1,800</u></b>	<b><u>0</u></b>
	<b><u>1,801 to 2,000</u></b>	<b><u>10</u></b>
	<b><u>Larger than 2000</u></b>	<b><u>20</u></b>

## **212 SPECIAL EXCEPTION FOR PUBLIC LIBRARIES AND PUBLIC RECREATION AND COMMUNITY CENTERS**

**212.1** Relief from the development standards of this subtitle may be permitted for public libraries if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

**212.2** Relief from the development standards of this subtitle may be permitted for public recreation and community centers if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, subject to the following conditions:



- (a) Relief from the gross floor area limitation of Subtitle E § 201.7 shall be limited to a maximum of 1.8 FAR; and
- (b) Relief from the lot occupancy limitations of Subtitle E § 201.2 is limited to a maximum 40% lot occupancy provided the applicant demonstrates to the Board's satisfaction that the proposed increase is consistent with the Department of Parks and Recreation's policy of preserving open space.

Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

A new Chapter 3 is proposed to be added to Subtitle E, RESIDENTIAL FLAT (RF) ZONES, to read as follows:

### **CHAPTER 3 DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-1/DC**

#### **300 PURPOSE AND INTENT**

**300.1 The base zone development standards in Subtitle E, Chapter 2 shall apply to the RF-1/DC zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**300.2 In addition to the purposes of the RF-1 zone, the purposes of the Dupont Circle Residential Flat (RF-1/DC) zone are to:**

- (a) Recognize that Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;
- (b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;
- (c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;
- (d) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)));
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;

(f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and

(g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

300.3 The RF-1/DC zone requires a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.

#### 301 PLANNED UNIT DEVELOPMENT

301.1 In the RF-1/DC zone, the matter-of-right limits on building height, floor area ratio, and penthouse and rooftop structure height of Subtitle E, Chapter 2 shall serve as the maximum permitted building height, floor area ratio, and penthouse and roof structure height for a planned unit development.

#### 302 MISCELLANEOUS

302.1 No garage or associated driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W. to Florida Avenue, N.W.

Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

A new Chapter 4 is proposed to be added to Subtitle E, RESIDENTIAL FLAT (RF) ZONES, to read as follows:

### CHAPTER 4 CAPITOL INTEREST RESIDENTIAL FLAT ZONE – RF-1/CAP

#### 400 PURPOSE AND INTENT

400.1 The base zone development standards in Subtitle E, Chapter 2 shall apply to the RF-1/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

400.2 In addition to the purposes of the RF-1 zone, the purposes of the Capitol Interest Residential Flat (RF-1/CAP) zone are to:

(a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States

Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;

- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
- (c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction, having a well-recognized general public interest; and
- (d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

#### 401 HEIGHT

- 401.1 In the RF-1/CAP zone, a place of worship may be erected to a height not exceeding forty feet (40 ft.) and three (3) stories, not including a penthouse or rooftop structure.
- 401.2 In the RF-1/CAP zone, a public recreation and community center may be erected to a height not exceeding forty feet (40 ft.) with no limit on number of stories, not including a penthouse or rooftop structure.
- 401.3 In the RF-1/CAP zone, the provisions of Subtitle E §§ 203.7 and 203.8 shall not apply.

#### 402 PENTHOUSE AND ROOFTOP STRUCTURE

- 402.1 In the RF-1/CAP zone, the maximum permitted height of a penthouse or rooftop structure, excluding those permitted on the roof of a single household dwelling or flat pursuant to Subtitle C § 1501, shall be ten feet (10 ft.) and one (1) story.

#### 403 SPECIAL EXCEPTION REVIEW CRITERIA

- 403.1 In reviewing an application for a special exception in the RF-1/CAP zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:
  - (a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and

(c) In accordance with the plan promulgated under the Act.

**403.2** Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:

(a) The Architect of the Capitol for review and report; and

(b) The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:

(1) The District Department of Transportation;

(2) The Department of Housing and Community Development; and

(3) The Historic Preservation Office if the application involves a historic district or historic landmark.

**403.3** The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Chapter 5, CAPITOL INTEREST RESIDENTIAL FLAT ZONE – RF-3, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Chapter 6, RESIDENTIAL FLAT ZONES – RF-4 AND RF-5, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

## CHAPTERS 5 THROUGH 48 [RESERVED]

Subsection 4904.1, of § 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

4904.1 Public schools shall be permitted a maximum building height, not including a penthouse or rooftop structure, as set forth in the following table:

**TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

<b>Zones</b>	<b>Maximum Height, Not Including Penthouse <u>or</u> Rooftop Structure (ft.)</b>	<b>Maximum Number of Stories</b>
RF-1, <del>RF-2</del> <del>RF-1/DC</del>	60	No limit

Zones	Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)	Maximum Number of Stories
<del>RF-3</del> RF-1/CAP	40	No limit
RF-4, RF-5	90	No limit

Subsection 4910.1 of § 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

4910.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

TABLE E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS

Zones	Maximum Percentage of Lot Occupancy (%)
<u>All RF-1 zones</u> <del>RF-2,</del> <del>RF-3</del>	60
RF-4, RF-5	No limit

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

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

Subsection 5000.1 of § 5000, GENERAL PROVISIONS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

5000.1 Accessory buildings shall be permitted within an RF zone subject to the conditions of this ~~section~~ chapter.

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended by renumbering the current § 5001.1 as § 5001.2 and adding a new § 5001.1, to read as follows:

**5001.1 The development standards in Subtitle E, Chapter 2, shall apply to accessory buildings in the RF zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

~~5001.1~~ **5001.2** The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through ~~5006~~ **5005**.

The title of Chapter 51, ALLEY LOT REGULATIONS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

**CHAPTER 51 ALLEY LOT REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES**  
**(RF)**

The title of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS FOR RF ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

**CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR ~~RF~~**  
**RESIDENTIAL FLAT (RF) ZONES**

Section 5202, SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3), of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Section 5203, SPECIAL EXCEPTION CRITERIA BUILDING HEIGHT, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, is proposed to be renumbered as § 5202.

Section 5204, [RESERVED], of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Section 5206, SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Section 5207, SPECIAL EXCEPTIONS CRITERIA ROOFTOP OR UPPER FLOOR ELEMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

**VI. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES**

Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

A new Chapter 1 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

**CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES**

**100 GENERAL PROVISIONS**

**100.1 Subtitle F is to be read and applied in addition to the regulations included in:**

- (a) Subtitle A, Authority and Applicability;**
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c) Subtitle C, General Rules; and**
- (d) Subtitle U, Use Permissions.**

**100.2 Geographically modified zones are indicated by letters following the base zone name, such as RA-2/RC or RA-4/DC.**

**100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

**101 PURPOSE AND INTENT**

**101.1 The Residential Apartment (RA) zones are residential zones, designed to provide for residential areas suitable for multiple dwelling unit development and supporting uses.**

**101.2 The RA zones are intended to:**

- (a) Permit flexibility by allowing all types of residential development;**
- (b) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;**
- (c) Promote a walkable living environment;**
- (d) Allow limited non-residential uses that are compatible with adjoining residential uses;**
- (e) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; and**

- (f) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.

**101.3**      **The purposes of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones are to:**

- (a) Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and
- (b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

**101.4**      **The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.**

**101.5**      **The RA-2 zone provides for areas developed with predominantly moderate-density residential.**

**101.6**      **The RA-3 zone provides for areas developed with predominantly medium-density residential.**

**101.7**      **The RA-4 zone provides for areas developed with predominantly medium- to high-density residential.**

**101.8**      **The RA-5 zone provides for areas developed with predominantly high-density residential.**

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR RA ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

A new Chapter 2 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

**CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT  
(RA) ZONES**

**200**            **DEVELOPMENT STANDARDS**

**200.1**        **The development standards of this chapter shall apply to all Residential Apartment (RA) zones except as changed by a geographically modified zone.**

**200.2**        **The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**



(a) Height and number of stories;

(b) Density and lot occupancy;

(c) Yards and setbacks; and

(d) Environmental performance.

**200.3** The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards and bonus density shall apply to all RA zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and the zone-specific development standards of this subtitle.

**201** DENSITY

**201.1** Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

TABLE F § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Zones</u>	<u>Type of Structure</u>	<u>Maximum FAR</u>
<u>RA-1</u>	<u>Public Library</u>	<u>2.0</u>
	<u>All Other Structures</u>	<u>0.9</u>
<u>RA-2</u>	<u>Public Library</u>	<u>2.0</u>
	<u>All Other Structures</u>	<u>1.8</u>
<u>RA-3</u>	<u>Public Recreation and Community Center</u>	<u>1.8</u>
	<u>All Other Structures</u>	<u>3.0</u>
<u>RA-4</u>	<u>Public Recreation and Community Center</u>	<u>1.8</u>
	<u>All Other Structures</u>	<u>3.5</u>
<u>RA-5</u>	<u>Public Recreation and Community Center</u>	<u>1.8</u>
	<u>Apartment House or Hotel</u>	<u>6.0</u>
	<u>All Other Structures</u>	<u>5.0</u>

**201.2** A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle F § 212.2.

**201.3** In any of the RA-1 zones, a public recreation and community center may have a 1.8 FAR if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle F § 212.2.

**201.4** The maximum permitted FAR for Inclusionary Developments in any of the RA-1 through RA-5 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in all the RA-1 zones Voluntary Inclusionary Developments shall require

special exception relief pursuant to Subtitle X, Chapter 9, to utilize this modification:

**TABLE F § 201.4: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY**

<b>DEVELOPMENTS</b>	
<b>Zones</b>	<b>Maximum FAR for Inclusionary Developments</b>
<b>RA-1</b>	<b>1.08</b>
<b>RA-2</b>	<b>2.16</b>
<b>RA-3</b>	<b>3.6</b>
<b>RA-4</b>	<b>4.2</b>
<b>RA-5</b>	<b>7.2</b>

## **202 LOT DIMENSIONS**

**202.1** In any of the RA-1 zones, each single household row building shall have at least one thousand eight hundred square feet (1,800 sq. ft.) of gross land area exclusive of any land area in the project used as a basis for determining the floor area ratio of multiple dwelling unit buildings. Each single household row building however, need not have a site of one thousand eight hundred square feet (1,800 sq. ft.) and the difference between the site area and the gross land area may be accumulated into common spaces. Land area used to support this floor area ratio of multiple dwelling unit buildings may also be used for common spaces.

**202.2** In any of the RA-1 zones, lot area and lot width for residential uses permitted as a special exception shall be as prescribed by the Board of Zoning Adjustment.

## **203 HEIGHT**

**203.1** Except as provided elsewhere in this title, the maximum height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in this section.

**203.2** The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle F §§ 203.3 through 203.7, shall be as set forth in the following table:

**TABLE F § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<b>Zones</b>	<b>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</b>	<b>Maximum Number of Stories</b>
<b>RA-1</b>	<b>40</b>	<b>3</b>
<b>RA-2</b>	<b>50</b>	<b>No Limit</b>
<b>RA-3</b>	<b>60</b>	<b>No Limit</b>
<b>RA-4</b>	<b>90</b>	<b>No Limit</b>
<b>RA-5</b>	<b>90</b>	<b>No Limit</b>

**203.3** **A public recreation and community center in any of the RA-1 zones may be erected to a height not exceeding forty-five feet (45 ft.) with no limit on number of stories, not including a penthouse or rooftop structure.**

**203.4** **A public recreation and community center in any of the RA-2 through RA-5 zones may not be erected to a height exceeding forty-five feet (45 ft.), not including a penthouse or rooftop structure.**

**203.5** **In any of the RA-1 or RA-2 zones, a place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including a penthouse or rooftop structure.**

**203.6** **In any of the RA-1, RA-2 or R-3 zones, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure; provided, that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.**

**203.7** **In any of the RA-1, RA-2 or R-3 zones, an institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.**

**204** **[RESERVED]**

**205** **PENTHOUSE AND ROOFTOP STRUCTURE**

**205.1** **The maximum permitted height of a penthouse or rooftop structure and number of stories, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:**

**TABLE F § 205.1: MAXIMUM PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Maximum Height</u>	<u>Maximum Number of Stories</u>
<u>RA-1</u>	<u>12 ft.</u>	<u>1</u>
<u>RA-2</u>	<u>12 ft., except 15 ft. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>RA-3</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>RA-4</u>	<u>20 ft.</u>	<u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u>
<u>RA-5</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u>

<u>Zones</u>	<u>Maximum Height</u>	<u>Maximum Number of Stories</u>
		<u>Second story permitted for penthouse mechanical space</u>

**205.2** **Notwithstanding Subtitle F § 205.1, in any of the RA-1 and RA-2 zones, a mechanical penthouse or rooftop structure with a maximum height of eighteen feet, six inches, (18 ft. 6 in.) shall be permitted on a non-residential building constructed pursuant to Subtitle F §§ 203.3 through 203.6.**

**206** **[RESERVED]**

**207** **REAR YARD**

**207.1** **Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:**

**TABLE F § 207.1: MINIMUM REAR YARD**

<u>Zones</u>	<u>Minimum Rear Yard</u>
<u>RA-1</u>	<u>20 ft.</u>
<u>RA-2</u>	<u>A distance equal to 4 in. per 1 ft. of principal building height, but not less than 15 ft. min.</u>
<u>RA-3</u>	<u>A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft. min.</u>
<u>RA-4</u>	<u>A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft. min.</u>
<u>RA-5</u>	<u>A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft. min.</u>

**207.2** **In the case of a lot proposed to be used by a public recreation and community center or public library where a rear lot line abuts or adjoins a public open space, recreation area, or reservation, no rear yard shall be required.**

**207.3** **In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.**

**208** **SIDE YARD**

**208.1** **Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.**

**208.2** **Side yards for a detached or semi-detached 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 containing one (1) or two (2) dwelling units.**

**208.3** **Except as provided in Subtitle F § 208.2, the following side yard rules apply:**

- (a) In any of the RA-1 zones, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have 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 in any of the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).

**208.4** A side yard shall not be required along a side street abutting a corner lot in any of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones.

**208.5** Existing conforming side yards shall not be reduced to a nonconforming width or eliminated.

**208.6** 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 side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

**208.7** In the case of a lot proposed to be used by a public library or public recreation and community center where a side lot line abuts or adjoins a public open space, recreation area, or reservation, no side yard shall be required.

## **209** COURT

**209.1** Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

**TABLE F § 209.1: MINIMUM COURT DIMENSIONS**

<u>Type of Structure</u>	<u>Open Court Minimum Width</u>	<u>Closed Court</u>	
		<u>Minimum Width</u>	<u>Minimum Area</u>
<u>Residential, 3 units or more</u>	<u>4 in. per 1 ft. of height of court but not less than 10 ft.</u>	<u>4 in. per 1 ft. of height of court but not less than 15 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 350 sq. ft.</u>
<u>All Other Structures</u>	<u>2.5 in. per 1 ft. of height of court but not less than 6 ft.</u>	<u>2.5 in. per 1 ft. of height of court but not less than 12 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.</u>

## **210** LOT OCCUPANCY

**210.1** Except as provided in Subtitle F § 212.2 and elsewhere in this title, the maximum permitted lot occupancy shall be as set forth in the following table:

**TABLE F § 210.1: MAXIMUM LOT OCCUPANCY**

<u>Zones</u>	<u>Type of Structure</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<u>RA-1</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>Public Library</u>	<u>60</u>
	<u>Places of Worship</u>	<u>60</u>
	<u>All Other Structures</u>	<u>40</u>
<u>RA-2</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>All Other Structures</u>	<u>60</u>
<u>RA-3</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>All Other Structures</u>	<u>75</u>
<u>RA-4</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>All Other Structures</u>	<u>75</u>
<u>RA-5</u>	<u>Public Recreation and Community Center</u>	<u>20</u>
	<u>All Other Structures</u>	<u>75</u> <u>80 (IZ)</u>

**211 GREEN AREA RATIO**

**211.1 The minimum required green area ratio (GAR) shall be as set forth in the following table:**

**TABLE F § 211.1: MINIMUM GREEN AREA RATIO**

<u>Zones</u>	<u>Minimum GAR</u>
<u>RA-1</u> <u>RA-2</u>	<u>0.4</u>
<u>RA-3</u> <u>RA-4</u> <u>RA-5</u>	<u>0.3</u>

**212 SPECIAL EXCEPTION FOR PUBLIC LIBRARIES AND PUBLIC RECREATION AND COMMUNITY CENTERS**

**212.1 Relief from the development standards of this subtitle may be permitted for public libraries if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.**

**212.2 Relief from the development standards of this subtitle may be permitted for public recreation and community centers if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, subject to the following conditions:**

- (a) Relief from the limitations of Subtitle F §§ 201.1 and 201.2 shall be limited to a maximum of 1.8 FAR; and**
- (b) Relief from the lot occupancy limitations of Subtitle F § 210.1 shall be limited to a maximum 40 percent (40%) lot occupancy provided the applicant demonstrates to the Board's satisfaction that the proposed increase is consistent with the Department of Parks and Recreation's policy of preserving open space.**

Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4 and RA-5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

A new Chapter 3 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

**CHAPTER 3 NAVAL OBSERVATORY RESIDENTIAL APARTMENT  
ZONE – RA-1/NO**

**300 PURPOSE AND INTENT**

**300.1 The base zone development standards in Subtitle F, Chapter 2 shall apply to the RA-1/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**300.2 In addition to the purposes of the RA-1 zone, the purposes of the Naval Observatory Residential Apartment (RA-1/NO) zone are to:**

- (a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;**
- (b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;**
- (c) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;**
- (d) Protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and**
- (e) Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.**

**301 HEIGHT**

**301.1 In the RA-1/NO zone, the maximum permitted height and number of stories for all buildings, not including a penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.**

**301.2 In the RA-1/NO zone, the height of a building shall be measured as follows:**

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and**
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.**

**302 PENTHOUSE AND ROOFTOP STRUCTURE**

**302.1 A mechanical penthouse or rooftop structure with a maximum height of fifteen feet (15 ft.) and one (1) story shall be permitted on a place of worship, public recreation and community center, or an institutional building.**

**302.2 A penthouse or rooftop structure permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck.**

**303 PLANNED UNIT DEVELOPMENT**

**303.1 In the RA-1/NO zone, the provisions of Subtitle X, Chapter 3, shall not operate to permit a planned unit development to exceed the height limits of Subtitle F § 301, or the area, bulk, and yard standards that apply as a matter of right in the RA-1 zone.**

**304 SPECIAL EXCEPTION REVIEW CRITERIA**

**304.1 In reviewing an application for a special exception in the RA-1/NO zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:**

- (a) Present and proposed development within and adjacent to the subject zone;**
- (b) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plan for the federal facilities within the subject zone; and**
- (c) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities.**



**304.2** **Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:**

- (a) The Office of Planning;**
- (b) The District Department of Transportation;**
- (c) The Department of Housing and Community Development;**
- (d) The Historic Preservation Office if a historic district or historic landmark is involved; and**
- (e) The National Capital Planning Commission.**

**304.3** **The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.**

Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted.

A new Chapter 4 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

**CHAPTER 4 CAPITOL INTEREST RESIDENTIAL APARTMENT ZONE - RA-2/CAP**

**400** **PURPOSE AND INTENT**

**400.1** **The base zone development standards in Subtitle F, Chapter 2 shall apply to the RA-2/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**400.2** **In addition to the purposes of the RA-2 zone, the purposes of the Capitol Interest Residential Apartment (RA-2/CAP) zone are to:**

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;**

- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
- (c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction having a well-recognized general public interest; and
- (d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

#### **401 HEIGHT**

- 401.1 In the RA-2/CAP zone, the maximum permitted height of all buildings or structures, not including a penthouse or rooftop structure, shall not exceed forty feet (40 ft.) and three (3) stories.

#### **402 PENTHOUSE AND ROOFTOP STRUCTURE**

- 402.1 In the RA-2/CAP zone, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be ten feet (10 ft.) and one (1) story.

#### **403 SPECIAL EXCEPTION REVIEW CRITERIA**

- 403.1 In reviewing an application for a special exception in the RA-2/CAP zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

- 403.2 Upon receipt of the application the Board of Zoning Adjustment shall refer the application to:

- (a) The Architect of the Capitol for review and report; and

**(b) The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:**

**(1) The District Department of Transportation;**

**(2) The Department of Housing and Community Development; and**

**(3) The Historic Preservation Office if the application involves a historic district or historic landmark.**

**403.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.**

**Chapter 5, CAPITOL INTEREST RESIDENTIAL APARTMENT ZONE - RA-7, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 5 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:**

**CHAPTER 5 DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-2/DC, RA-4/DC, AND RA-5/DC**

**500 PURPOSE AND INTENT**

**500.1 The base zone development standards in Subtitle F, Chapter 2 shall apply to the RA-2/DC, RA-4/DC, and RA-5/DC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**500.2 In addition to the purposes of the RA zones, the purposes of the Dupont Circle Residential Apartment (RA-2/DC, RA-4/DC, and RA-5/DC) zones are to:**

**(a) Recognize the Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;**

**(b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;**

**(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;**

- (d) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)));
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

500.3 The RA-2/DC, RA-4/DC, and RA-5/DC zones require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.

## 501 MISCELLANEOUS

501.1 No garage or associated driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.

## 502 PLANNED UNIT DEVELOPMENT

502.1 In the RA-2/DC, RA-4/DC, and RA-5/DC zones, the matter-of-right limits on building height, floor area ratio, and penthouse and rooftop structure height of Subtitle F, Chapter 2 shall serve as the maximum permitted building height, floor area ratio, and penthouse and rooftop structure height for a planned unit development.

Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

A new Chapter 6 is proposed to be added to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

### CHAPTER 6 REED–COOKE RESIDENTIAL APARTMENT ZONE – RA-2/RC

## 600 PURPOSE AND INTENT

**600.1**      **The base zone development standards in Subtitle F, Chapter 2 shall apply to the RA-2/RC zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**600.2**      **In addition to the purposes of the RA-2 zone, the purposes of the Reed-Cooke Residential Apartment (RA-2/RC) zone are to:**

- (a)    Protect current housing and provide for the development of new housing;**
- (b)    Maintain heights and densities at appropriate levels;**
- (c)    Encourage small-scale business development that will not adversely affect the residential community;**
- (d)    Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;**
- (e)    Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and**
- (f)    Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.**

**601**            **MISCELLANEOUS**

**601.1**      **In the RA-2/RC zone, in addition to other applicable provisions of this title, the requirements of this chapter shall apply to:**

- (a)    All new construction;**
- (b)    All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;**
- (c)    Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and**
- (d)    Any existing use that requires a new permit from the Alcoholic Beverage Control Board.**

**601.2** **If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle F § 601.1(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:**

**(a) The first shall be selected by the owner;**

**(b) The second shall be selected by the Zoning Administrator; and**

**(c) The third shall be selected by the first two (2) contractors.**

**601.3** **The estimates provided for by Subtitle F § 601.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.**

**601.4** **The cost of estimates shall be at the expense of the property owner.**

**602** **HEIGHT**

**602.1** **In the RA-2/RC zone, the maximum permitted height of all buildings or structures, not including a penthouse or rooftop structure, shall not exceed forty feet (40 ft.).**

**603** **PENTHOUSE OR ROOFTOP STRUCTURE**

**603.1** **In the RA-2/RC zone, the maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:**

**TABLE F § 603.1: MAXIMUM PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<b><u>Zone</u></b>	<b><u>Maximum Height (ft.)</u></b>	<b><u>Maximum Number of Stories</u></b>
<b><u>RA-2/RC</u></b>	<b><u>12, except 15 for penthouse mechanical space</u></b>	<b><u>1</u></b>

**604** **PLANNED UNIT DEVELOPMENT**

**604.1** **In the RA-2/RC zone, the provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development to exceed the matter-of-right limits on floor area ratio, building height, and penthouse and rooftop structure height of Subtitle F §§ 201, 602, and 603.**

**605** **SPECIAL EXCEPTION REVIEW CRITERIA**

**605.1** **In reviewing an application for a special exception in the RA-2/RC zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9,**

the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RA-2/RC zone;
- (b) Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
- (d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and
- (f) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

## **CHAPTER 7 THROUGH CHAPTER 48 [RESERVED]**

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

4902.1 Public schools shall be permitted a maximum ~~floor area ratio~~ **FAR** as set forth in the following table:

**TABLE F § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS**

<b><del>Zone-Zones</del></b>	<b>Maximum FAR</b>
<b><del>RA-1, RA-2, RA-6, RA-7, RA-8</del> <del>All RA-1 and RA-2 zones</del></b>	1.8
<b><del>RA-3, RA-4, RA-5, RA-9, RA-10</del> <del>All RA-3, RA-4, and RA-5 zones</del></b>	3.0

Subsection 4903.1 of § 4903, LOT DIMENSIONS, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

- 4903.1 Unless otherwise permitted or required, use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:

**TABLE F § 4903.1: MINIMUM LOT WIDTH AND ~~MINIMUM~~ AREA FOR PUBLIC SCHOOLS**

<u>Zone-Zones</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<del>RA-1, RA-2, RA-6, RA-7, RA-8, RA-9</del> <u>All RA-1 and RA-2 zones</u>	9,000	80
<del>RA-3, RA-4, RA-5, RA-10</del> <u>All RA-3, RA-4, and RA-5 zones</u>	No minimum	80

Subsection 4906.1 of § 4906, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

- 4906.1 A rear yard shall be provided for each public school the minimum depth of which shall be as set forth in the following table:

**TABLE F § 4906.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS**

<u>Zone-Zones</u>	<u>Minimum Rear Yard (ft.)</u>
<del>RA-1, RA-6,</del> <u>All RA-1 zones</u>	20
<del>RA-2, RA-3, RA-4, RA-7, RA-8, RA-9</del> <u>All RA-2, RA-3, and RA-4 zones</u>	4 in. <u>per 1</u> ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 ft.
<del>RA-5, RA-10</del> <u>All RA-5 zones</u>	3 in. <u>per 1</u> ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 ft.

Subsection 4907.1 of § 4907, SIDE YARD, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

- 4907.1 In ~~the~~ all RA-1 zones, one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided.

Subsection 4909.1 of § 4909, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

- 4909.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:



**TABLE F § 4909.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<b><u>Zone/Zones</u></b>	<b><u>Maximum Percentage of Lot Occupancy (%)</u></b>
<b><u>RA-1, RA-2</u></b> <b><u>All RA-1 and R-2</u></b>	60
<b><u>RA-3, RA-4, RA-5, RA-10, RA-11</u></b> <b><u>All RA-3, RA-4, and RA-5 zones</u></b>	75
<b><u>RA-6, RA-7, RA-8, RA-9</u></b>	40

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

**CHAPTER 50 ACCESSORY BUILDINGS REGULATIONS FOR (RA) RESIDENTIAL APARTMENT (RA) ZONES**

Subsection 5000.1 of § 5000, GENERAL PROVISIONS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

5000.1        Accessory buildings shall be permitted within an RA zone subject to the conditions of this ~~section~~ chapter.

Section 5001, DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS, of Chapter 50, ACCESSORY BUILDINGS REGULATIONS FOR RESIDENTIAL APARTMENT ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

**5001        ~~DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~**

**5001.1        The development standards in Subtitle F, Chapter 2, shall apply to accessory buildings in the RA zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

~~5001.1~~ **5001.2** The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ ~~5001~~ **5002** through 5004.

The title of Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

**CHAPTER 51 ALLEY LOT REGULATIONS ~~(RA)~~ FOR RESIDENTIAL APARTMENT (RA) ZONES**

Section 5202, SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

Section 5203, SPECIAL EXCEPTION CRITERIA FOR RA-6 (NAVAL OBSERVATORY) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL FLAT (RF) ZONES, is proposed to be deleted in its entirety.

Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be deleted in its entirety.

## **VII. Amendments to Subtitle G, MIXED-USE (MU) ZONES**

Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 1 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:

### **CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES**

#### **100 GENERAL PROVISIONS**

##### **100.1 Subtitle G is to be read and applied in addition to the regulations included in:**

- (a) Subtitle A, Authority and Applicability;**
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c) Subtitle C, General Rules;**
- (d) Subtitle H, Neighborhood Mixed-Use (NMU) Zones; and**
- (e) Subtitle U, Use Permissions.**

##### **100.2 Geographically modified zones are indicated by letters following the base zone name, such as MU-4/CAP/CHC or MU-7B/FT.**

##### **100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

**101 PURPOSE AND INTENT**

**101.1 The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities.**

**101.2 The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.**

**101.3 The MU zones are intended to:**

- (a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;**
- (b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;**
- (c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;**
- (d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;**
- (e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas;**
- (f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and**
- (g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.**

**101.4 The purposes of the MU-1 and MU-2 zones are to:**

- (a) Act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone;**
- (b) Preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions**

at a medium to high density, including buildings of historic and architectural merit; and

(c) Permit new residential development at a higher density than new office or institutional developments.

101.5 The MU-1 zone is intended to permit moderate-density development in areas predominantly developed with residential buildings but also permitting non-residential buildings.

101.6 The MU-2 zone is intended to permit medium-density development in areas predominantly developed with residential buildings but also permitting non-residential buildings.

101.7 The MU-3 through MU-10 and MU-15 zones are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one (1) density designation.

101.8 The MU-3 zones are intended to:

(a) Permit low-density mixed-use development; and

(b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

101.9 The MU-4 zone is intended to:

(a) Permit moderate-density mixed-use development;

(b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and

(c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

101.10 The MU-5 zones are intended to:

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

- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

101.11 The MU-6 zones are intended to:

- (a) Permit medium- to high-density mixed-use development with a focus on residential use; and
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.

101.12 The MU-7 zones are intended to:

- (a) Permit medium-density mixed-use development; and
- (b) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

101.13 The MU-8 zones are intended to:

- (a) Permit medium-density mixed-use development with a focus on employment and residential use;
- (b) Be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and
- (c) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

101.14 The MU-9 zones are intended to:

- (a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use; and
- (b) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

101.15 The MU-10 zone is intended to:

- (a) Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;
- (b) Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;
- (c) Require a level of public space at the ground level; and
- (d) Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square.

101.16 The MU-15 zone is intended to:

- (a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and
- (b) Be located in or near the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.

101.17 The MU-11, MU-12, MU-13, and MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.

101.18 The MU-11 zone is intended to:

- (a) Permit open space, park, and low-density and low-height waterfront-oriented retail and arts uses; and
- (b) Be applied in undeveloped waterfront areas.

101.19 The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront.

101.20 The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.

101.21 The MU-14 zone is intended to permit high-density mixed-use development generally in the vicinity of the waterfront.

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 2 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:

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

**200 DEVELOPMENT STANDARDS**

**200.1 The development standards of this chapter shall apply to all the MU-1 through MU-15 zones except as changed by a geographically modified zone.**

**200.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

**(a) Height and number of stories;**

**(b) Density and lot occupancy;**

**(c) Yards and setbacks; and**

**(d) Environmental performance.**

**200.3 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards and bonus density shall apply to all MU zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.**

**200.4 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter of right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:**

**(a) Courts;**

**(b) Floor Area Ratio (FAR);**

**(c) Green Area Ratio (GAR);**

**(d) Height;**

**(e) Lot Occupancy;**

**(f) Waterfront Setback; or**

**(g) Yards.**

**201**                      **DENSITY**

**201.1**                      **Except as provided elsewhere in this title, in any of the MU-1 through MU-14 zones, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE G § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>Zones</u></b>	<b><u>Maximum Total FAR</u></b>	<b><u>Maximum Non-Residential FAR</u></b>
<b><u>MU-1</u></b>	<b><u>4.0</u> <b><u>4.8 (IZ)</u></b></b>	<b><u>2.5</u></b>
<b><u>MU-2</u></b>	<b><u>6.0</u> <b><u>7.2 (IZ)</u></b></b>	<b><u>3.5</u></b>
<b><u>MU-3A</u></b>	<b><u>1.0</u> <b><u>1.2 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-3B</u></b>	<b><u>2.0</u> <b><u>2.4 (IZ)</u></b></b>	<b><u>1.5</u></b>
<b><u>MU-4</u></b>	<b><u>2.5</u> <b><u>3.0 (IZ)</u></b></b>	<b><u>1.5</u></b>
<b><u>MU-5A</u></b>	<b><u>3.5</u> <b><u>4.2 (IZ)</u></b></b>	<b><u>1.5</u></b>
<b><u>MU-5B</u></b>	<b><u>3.5</u> <b><u>4.2 (IZ)</u></b></b>	<b><u>1.5</u></b>
<b><u>MU-6A</u></b>	<b><u>6.0</u> <b><u>7.2 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-6B</u></b>	<b><u>6.0</u> <b><u>7.2 (IZ)</u></b></b>	<b><u>2.0</u></b>
<b><u>MU-7A</u></b>	<b><u>4.0</u> <b><u>4.8 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-7B</u></b>	<b><u>4.0</u> <b><u>4.8 (IZ)</u></b></b>	<b><u>2.5</u></b>
<b><u>MU-8A</u></b>	<b><u>5.0</u> <b><u>6.0 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-8B</u></b>	<b><u>5.0</u> <b><u>6.0 (IZ)</u></b></b>	<b><u>4.0</u></b>
<b><u>MU-9A</u></b>	<b><u>6.5</u> <b><u>7.8 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-9B</u></b>	<b><u>6.5</u> <b><u>7.8 (IZ)</u></b></b>	<b><u>6.5</u></b>
<b><u>MU-10</u></b>	<b><u>6.0</u> <b><u>7.2 (IZ)</u></b></b>	<b><u>3.0</u></b>
<b><u>MU-11</u></b>	<b><u>0.5</u></b>	<b><u>0.5</u></b>
<b><u>MU-12</u></b>	<b><u>2.5</u> <b><u>3.0 (IZ)</u></b></b>	<b><u>1.0</u></b>
<b><u>MU-13</u></b>	<b><u>4.0</u> <b><u>4.8 (IZ)</u></b></b>	<b><u>2.0</u></b>
<b><u>MU-14</u></b>	<b><u>6.0</u> <b><u>7.2 (IZ)</u></b></b>	<b><u>5.0</u></b>



**201.2** **In any of the MU-4 and MU-5 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-residential uses; provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.**

**201.3** **In any of the MU-10 zones, the allowable residential and non-residential FAR may be apportioned between two (2) or more lots in the same square, regardless of the FAR limits, subject to a combined lot agreement in accordance with the provisions of Subtitle C, Chapter 12 and the following:**

**(a)** **The aggregate residential and non-residential FAR may not exceed the zone limits; and**

**(b)** **For the purposes of this subsection, the term "residential FAR" shall include single household dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.**

**201.4** **In any of the MU-11 zones, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; provided that for the purposes of this subsection, FAR shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.**

**201.5** **In any of the MU-11 through MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the "Maximum Total FAR."**

**201.6** **In any of the MU-15 zones, the maximum permitted FAR shall be as set forth in the following table, except as provided elsewhere in this title:**

**TABLE G § 201.6: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>MU-15 Zone Height</u></b>	<b><u>Maximum Total FAR</u></b>	<b><u>Maximum Non-Residential FAR</u></b>
<b><u>Buildings erected to a height of 110 ft. or less</u></b>	<b><u>8.5</u></b> <b><u>10.2 (IZ)</u></b>	<b><u>8.5</u></b>
<b><u>Buildings erected to a height in excess of 110 ft. as permitted in Subtitle G § 203.4</u></b>	<b><u>10.0</u></b> <b><u>12.0 (IZ)</u></b>	<b><u>10.0</u></b>

**201.7** **In any of the MU-1, MU-2 or MU-10 through MU-14 zones a public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.).**

**201.8** **In any of the MU-1, MU-2, and MU-10 through MU-14 zones, relief from the maximum gross floor area of Subtitle G § 201.7 for public recreation and community centers may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.**

**201.9** **In the MU-1, MU-2, or MU-12 through MU-14 zones, a public recreation and community center shall not exceed a 1.8 FAR.**

**202** **[RESERVED]**

**203** **HEIGHT**

**203.1** **Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in section.**

**203.2** **The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle G §§ 203.3 through 203.5, shall be as set forth in the following table:**

**TABLE G § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<b><u>Zones</u></b>	<b><u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u></b>	<b><u>Maximum Number of Stories</u></b>
<b><u>MU-1</u></b>	<b><u>65</u> <b><u>70 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-2</u></b>	<b><u>90</u></b>	<b><u>No Limit</u></b>
<b><u>MU-3A</u></b>	<b><u>40</u></b>	<b><u>3</u></b>
<b><u>MU-3B</u></b>	<b><u>50</u></b>	<b><u>4</u></b>
<b><u>MU-4</u></b>	<b><u>50</u></b>	<b><u>No Limit</u></b>
<b><u>MU-5A</u></b>	<b><u>65</u> <b><u>70 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-5B</u></b>	<b><u>75</u></b>	<b><u>No Limit</u></b>
<b><u>MU-6A</u></b> <b><u>MU-6B</u></b>	<b><u>90</u> <b><u>100 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-7A</u></b> <b><u>MU-7B</u></b>	<b><u>65</u></b>	<b><u>No Limit</u></b>
<b><u>MU-8A</u></b> <b><u>MU-8B</u></b>	<b><u>70</u></b>	<b><u>No Limit</u></b>
<b><u>MU-9A</u></b> <b><u>MU-9B</u></b>	<b><u>90</u> <b><u>100 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-10</u></b>	<b><u>90</u> <b><u>100 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-11</u></b>	<b><u>40</u></b>	<b><u>No Limit</u></b>
<b><u>MU-12</u></b>	<b><u>45</u> <b><u>50 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-13</u></b>	<b><u>60</u> <b><u>80 (IZ)</u></b></b>	<b><u>No Limit</u></b>
<b><u>MU-14</u></b>	<b><u>90</u></b>	<b><u>No Limit</u></b>

	<u>100 (IZ)</u>	
<u>MU-15</u>	<u>110</u>	<u>No Limit</u>

**203.3** **In any of the MU-11 zones, a building or structure located on, in, or over the water; or a watercraft, including a floating home shall have a maximum height of twenty-five feet (25 ft.), not including a penthouse or rooftop structure. For the purposes of this subsection, the maximum height shall be measured from the mean high-water level along the shore directly in front of the building, structure, or watercraft to the highest point of the building or structure, not including sailboat masts.**

**203.4** **In any of the MU-15 zones, a building or other structure may be erected to a height not exceeding one hundred-thirty feet (130 ft.), not including a penthouse or rooftop structure; provided, that the building or other structure shall face or abut a street not less than one hundred-ten feet (110 ft.) wide between building lines.**

**203.5** **In any of the MU-1, MU-2, MU-10, or MU-12 through MU-14 zones, a public recreation and community center may not be erected to a height exceeding forty-five feet (45 ft.), not including a penthouse or rooftop structure.**

#### **204** **TRANSITION SETBACKS IN THE MU-3B ZONE**

**204.1** **In the MU-3B zone, the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone:**

- (a)** **A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone extended as a vertical plane parallel to each abutting lot line. No building or portion of a building shall be constructed within the twenty-foot (20 ft.) transition setback; and**
- (b)** **An additional upper-story transition setback of ten feet (10 ft.) minimum shall be provided above a building height of forty feet (40 ft.), or top of third story.**

**204.2** **Any required transition setback area required by this section shall not be used for loading.**

**204.3** **A minimum of six feet (6 ft.) of any transition setback area required by this section, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:**

- (a)** **The trees shall be maintained in a healthy growing condition;**

(b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Buildings for review and approval according to standards maintained by the Department of Energy and Environment, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

204.4 A required transition setback may include a required side or rear yard provided all conditions of each section are met.

204.5 No residential communal outdoor recreation space shall be located within fifty feet (50 ft.) of any lot line directly abutting an R zone extended as a vertical plane parallel to each abutting lot line.

## 205 PENTHOUSE AND ROOFTOP STRUCTURE

205.1 In any of the MU-1 through MU-15 zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:

**TABLE G § 205.1: MAXIMUM PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Maximum Height</u>	<u>Maximum Number of Stories</u>
<u>MU-1</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-2</u>	<u>20 ft.</u>	<u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u>
<u>MU-3A MU-3B MU-4 MU-11 MU-12</u>	<u>12 ft., except 15 ft. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-5A MU-7A MU-7B MU-13</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-5B MU-8A MU-8B</u>	<u>20 ft.</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-6A MU-6B MU-9A MU-9B</u>	<u>20 ft.</u>	<u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u>

<u>Zones</u>	<u>Maximum Height</u>	<u>Maximum Number of Stories</u>
<u>MU-10</u>		
<u>MU-14</u>		
<u>MU-15</u>		

**205.2** **Notwithstanding Subtitle G § 205.1, in any of the MU-11 zones, a penthouse or rooftop structure less than ten feet (10 ft.) in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of Subtitle C, Chapter 15, if the top of the penthouse or rooftop structure is below the maximum building height prescribed for the MU-11 zone.**

**206** **[RESERVED]**

**207** **REAR YARD**

**207.1** **Except as provided elsewhere in this title, in any of the MU-1 through MU-15 zones, the minimum required rear yard shall be as set forth in this section.**

**207.2** **In all MU zones, where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.**

**207.3** **Except as provided in Subtitle G § 207.4, in any of the MU-1 and MU-2 zones, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.).**

**207.4** **In any of the MU-1 and MU-2 zones, the depth of rear yard required in Subtitle G § 207.4 may be measured as follows:**

**(a) Where a lot abuts an alley, from the center line of the alley to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane; or**

**(b) Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of "rear yard," except a rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane.**

**207.5** **Except as provided in Subtitle G § 207.8, in any of the MU-3 zones, a minimum rear yard of twenty feet (20 ft.) shall be provided.**

- 207.6** **Except as provided in Subtitle G § 207.8, in any of the MU-4 through MU-6 zones, a minimum rear yard of fifteen feet (15 ft.) shall be provided.**
- 207.7** **Except as provided in Subtitle G § 207.8, in any of the MU-7 zones, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided.**
- 207.8** **In any of the MU-3 through MU-7 zones, the depth of rear yard required in Subtitle G §§ 207.5 through 207.7 may be measured as follows:**
- (a) For that portion of the structure below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure from the center line of the alley to the rear wall of the portion; and**
  - (b) For that portion of the structure above the horizontal plane described in Subtitle G § 207.8(a), the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.**
- 207.9** **Except as provided in Subtitle G § 207.10, in any of the MU-8, MU-9, and MU-15 zones, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided.**
- 207.10** **In any of the MU-8, MU-9, and MU-15 zones, the depth of rear yard required in Subtitle G § 207.9 may be measured as follows:**
- (a) Where a lot abuts an alley, from the center line of the alley to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane; or**
  - (b) Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of "rear yard," except a rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane.**

- 207.11** **Except as provided in Subtitle G § 207.12, in any of the MU-10 zones, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided.**
- 207.12** **In any of the MU-10 zones, rear yards are required only for residential uses and shall be established subject to the following conditions:**
- (a) A rear yard shall be established no lower than the first level of residential use; and**
  - (b) Where a lot abuts an alley, the rear yard may be measured from the centerline of the alley to the rear wall of the building or other structure.**
- 207.13** **In any of the MU-11 through MU-14 zones, a minimum rear yard of twelve feet (12 ft.) shall be provided subject to the following conditions:**
- (a) A rear yard is required only for residential uses and shall be established no lower than the first level of residential use;**
  - (b) Where a lot abuts an alley, the rear yard may be measured from the centerline of the alley to the rear wall of the building or other structure; and**
  - (b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.**
- 207.14** **Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:**
- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;**
  - (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;**
  - (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;**
  - (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and**

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

(1) The District Department of Transportation;

(2) The Department of Housing and Community Development; and

(3) The Historic Preservation Office if the application involves a historic district or historic landmark.

## 208 SIDE YARD

208.1 Except as provided elsewhere in this title, in any of the MU-1 through MU-15 zones, the minimum side yard shall be as set forth in this section.

208.2 In any of the MU-1 through MU-10 and MU-15 zones, no side yard is required for a building or structure other than a detached or semi-detached single household dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).

208.3 In any of the MU-1 through MU-10 and MU-15 zones, a minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached single household dwelling.

208.4 In any of the MU-11 zone, for any building or structure located in whole or in part on land, the minimum width of each side yard shall be twelve feet (12 ft.).

208.5 In any of the MU-12, MU-13, and MU-14 zones, no side yard shall be required; however, if a side yard is provided, its shall be at least eight feet (8 ft.) in width.

208.6 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

## 209 COURT

209.1 Courts are not required in any of the MU-1 through MU-15 zones; however, where a court is provided, the court shall have the following minimum dimensions:



**TABLE G § 209.1: MINIMUM COURT DIMENSIONS**

<u>Type of Structure</u>	<u>Open Court Minimum Width</u>	<u>Closed Court</u>	
		<u>Minimum Width</u>	<u>Minimum Area</u>
<u>Residential, 3 or more units</u>	<u>4 in. per 1 ft. of height of court but not less than 10 ft.</u>	<u>4 in. per 1 ft. of height of court; but not less than 15 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 350 sq. ft.</u>
<u>All Other Structures</u>	<u>2.5 in. per 1 ft. of height of court but not less than 6 ft.</u>	<u>2.5 in. per 1 ft. of height of court; but not less than 12 ft.</u>	<u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.</u>

**210 LOT OCCUPANCY**

**210.1 Except as provided in Subtitle G § 210.4 and elsewhere in this title, in any of the MU-1 through MU-15 zones, the maximum permitted lot occupancy for a residential use shall be as set forth in the following table:**

**TABLE G § 210.1: MAXIMUM LOT OCCUPANCY FOR RESIDENTIAL USE**

<u>Zones</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<u>MU-1</u>	<u>80</u>
<u>MU-2</u>	<u>80</u> <u>90 (IZ)</u>
<u>MU-3A</u>	<u>60</u>
<u>MU-3B</u>	<u>60</u> <u>75 (IZ)</u>
<u>MU-4</u>	<u>60</u> <u>75 (IZ)</u>
<u>MU-5A</u> <u>MU-5B</u>	<u>80</u>
<u>MU-6A</u> <u>MU-6B</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-7A</u> <u>MU-7B</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-8A</u> <u>MU-8B</u>	<u>N/A</u>
<u>MU-9A</u> <u>MU-9B</u>	<u>N/A</u>
<u>MU-10</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-11</u>	<u>See Subtitle G § 210.3</u>
<u>MU-12</u>	<u>80</u>
<u>MU-13</u>	<u>75</u>

<u>MU-14</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-15</u>	<u>N/A</u>

**210.2** **In any of the MU-10 zones the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin, “residential uses” includes single household dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.**

**210.3** **In any of the MU-11 zones no building or portion of a building, including accessory buildings, shall occupy greater than twenty-five percent (25%) of the lot upon which it is located, provided that:**

**(a)** **The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%); and**

**(b)** **For the purposes of this section, “lot occupancy” shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot**

**210.4** **Notwithstanding Subtitle G § 210.1, lots 835 and 840 in Square 5539 shall not exceed a sixty percent (60%) maximum lot occupancy for all residential and non-residential uses.**

**210.5** **In any of the MU-1, MU-2, or MU-10 through MU-14 zones, except as provided for in Subtitle G § 210.6, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located.**

**210.6** **In any of the MU-1, MU-2, and MU-10 through MU-14 zones, relief from the maximum lot occupancy standards of Subtitle G § 210.5 for public recreation and community centers may be permitted up to a maximum of forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided the applicant demonstrates to the Board’s satisfaction that the increase is consistent with agency policy of preserving open space.**

## **211** **GREEN AREA RATIO**

**211.1** **The minimum required green area ratio (GAR) in any of the MU-1 through MU-10 and MU-12 through MU-15 zones shall be as set forth in the following table:**

**TABLE G § 211.1: MINIMUM GREEN AREA RATIO**

<b><u>Zones</u></b>	<b><u>Minimum GAR</u></b>
<u>MU-1</u> <u>MU-2</u> <u>MU-3</u> <u>MU-4</u> <u>MU-5</u> <u>MU-6</u> <u>MU-12</u> <u>MU-13</u> <u>MU-14</u>	<u>0.30</u>
<u>MU-7</u> <u>MU-8</u>	<u>0.25</u>
<u>MU-9</u> <u>MU-10</u> <u>MU-15</u>	<u>0.20</u>

**212 PLAZA**

**212.1 In any of the MU-10 zones, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.**

**213 WATERFRONT SETBACK**

**213.1 Subtitle C § 1102, General Waterfront Regulations, shall apply to any of the MU-11 through MU-14 zones.**

**213.2 Notwithstanding Subtitle C § 1102.1(a), in any of the MU-11 zones a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.**

Chapter 3, MIXED-USE ZONES – MU-1 AND MU-2, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 3 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:

**CHAPTER 3 DUPONT CIRCLE MIXED-USE ZONES – MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, AND MU-10/DC**

**300 PURPOSE AND INTENT**

**300.1 The base zone development standards in Subtitle G, Chapter 2 shall apply to the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**300.2** **In addition to the purposes of the MU zones, the purposes of the Dupont Circle Mixed-Use (MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC) zones are to:**

- (a) Recognize the Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;**
- (b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;**
- (c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;**
- (d) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)));**
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;**
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and**
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.**

**300.3** **The MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC zones require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.**

## **301** **PLANNED UNIT DEVELOPMENT**

**301.1** **In the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC zones the matter-of-right limits on building height, floor area ratio, and penthouse and rooftop structure height of Subtitle G, Chapter 2 shall serve as the maximum permitted building height, floor area ratio, and penthouse and rooftop structure height for a planned unit development.**

**302.1 No driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, NW, to Florida Avenue, NW.**

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 4 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:

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

**400 PURPOSE AND INTENT**

**400.1 The base zone development standards in Subtitle G, Chapter 2 shall apply to the MU-2/CAP, MU-4/CAP, MU-4/CHC, and MU-4/CAP/CHC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**400.2 In addition to the purposes of the MU zones, the purposes of the Capitol Interest Mixed-Use zones (MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC) are to:**

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;**
- (b) Respect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;**
- (c) Provide particular controls adjacent to properties having a well-recognized general public interest; and**
- (d) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or zone to be protected.**

**400.3** In addition to the purposes of the MU zones, the purposes of the Capitol Hill Commercial Mixed-Use zones (MU-4/CHC and MU-4/CAP/CHC) are to:

- (a)** Encourage the adaptive use and reuse of existing buildings, many of which are located in the Capitol Hill Historic District, particularly with respect to the portions of the buildings that exceed the commercial floor area ratio permitted in the underlying zones;
- (b)** Concentrate non-residential uses in commercial zones in certain areas of Capitol Hill, thereby enhancing and protecting the residential character of the areas surrounding the commercial zones and relieving pressure to use properties zoned residential for commercial uses; and
- (c)** Provide appropriate incentives for new infill construction that is compatible with the Capitol Hill Historic District and its predominance of low-scale row house structures.

**401** DENSITY

**401.1** The maximum permitted FAR in the MU-2/CAP, MU-4/CAP, MU-4/CHC, and MU-4/CAP/CHC zones shall be as set forth in the following table:

**TABLE G § 401.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>Zones</u></b>	<b><u>Maximum Total FAR</u></b>	<b><u>Maximum Non-Residential FAR</u></b>
<b><u>MU-2/CAP</u></b>	<b><u>1.8</u></b> <b><u>2.16 (IZ)</u></b>	<b><u>1.8</u></b>
<b><u>MU-4/CAP</u></b>	<b><u>1.8</u></b> <b><u>2.16 (IZ)</u></b>	<b><u>1.5</u></b>
<b><u>MU-4/CHC</u></b>	<b><u>3.0</u></b> <b><u>3.0 (IZ)</u></b>	<b><u>3.0</u></b>
<b><u>MU-4/CAP/CHC</u></b>	<b><u>2.5</u></b> <b><u>2.5 (IZ)</u></b>	<b><u>2.5</u></b>

**401.2** In the MU-4/CAP zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 1.8 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

**401.3** In the MU-4/CHC and MU-4/CAP/CHC zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

**402**            **HEIGHT**

**402.1**        **In the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, the maximum permitted height of all buildings or structures, not including a penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.**

**403**            **PENTHOUSE AND ROOFTOP STRUCTURE**

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

**404**            **SPECIAL EXCEPTION REVIEW CRITERIA**

**404.1**        **In reviewing an application for a special exception in the MU-2/CAP, MU-4/CAP, and MU-4/CAP/CHC zones, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:**

- (a)    Compatible with the present and proposed development of the neighborhood;**
- (b)    Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and**
- (c)    In accordance with the plan promulgated under the Act.**

**404.2**        **Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:**

- (a)    The Architect of the Capitol for review and report; and**
- (b)    The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:**
  - (1)    The District Department of Transportation;**
  - (2)    The Department of Housing and Community Development; and**
  - (3)    The Historic Preservation Office if the application involves a historic district or historic landmark;**

**404.3**      **The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.**

Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

**A new Chapter 5 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:**

**CHAPTER 5 NAVAL OBSERVATORY MIXED-USE ZONE - MU-4/NO**

**500**              **PURPOSE AND INTENT**

**500.1**              **The base zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**500.2**              **In addition to the purposes of the MU-4 zone, the purposes of the Naval Observatory Mixed-Use zone (MU-4/NO) are to:**

- (a)      Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;**
- (b)      Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special mission of the Naval Observatory;**
- (c)      Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;**
- (d)      Protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence.**
- (e)      Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and**



## **501 HEIGHT**

**501.1 In the MU-4/NO zone, the maximum permitted height for all buildings, not including a penthouse or rooftop structure, shall be forty feet (40 ft.).**

**501.2 In the MU-4/NO zone, the height of a building shall be measured as follows:**

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and**
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.**

## **502 PENTHOUSE AND ROOFTOP STRUCTURE**

**502.1 The maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be twelve feet (12 ft.); except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories shall be one (1).**

**502.2 A penthouse or rooftop structure permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck.**

## **503 PLANNED UNIT DEVELOPMENT**

**503.1 In the MU-4/NO zone, the provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development to exceed the height limits of Subtitle G § 501, or the area, bulk, and yard standards that apply as a matter of right in the MU-4 zone.**

## **504 SPECIAL EXCEPTION REVIEW CRITERIA**

**504.1 In reviewing an application for a special exception in the MU-4/NO zone, in addition to the applicable criteria of this subtitle and Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:**

- (a) Present and proposed development within and adjacent to the MU-4/NO zone;**

- (b) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the MU-4/NO zone; and
- (c) Role, mission, and functions of the Federal facilities within the MU-4/NO zone, considering the effect that the proposed development would have on such facilities;

504.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

- (a) The Office of Planning;
- (b) The District Department of Transportation;
- (c) The Department of Housing and Community Development;
- (d) The Historic Preservation Office if a historic district or historic landmark is involved; and
- (e) The National Capital Planning Commission.

504.3 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Chapter 6, DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 6 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:

#### CHAPTER 6 FORT TOTTEN MIXED-USE ZONES - MU-7B/FT AND MU-10/FT

##### 600 PURPOSE AND INTENT

600.1 The base zone development standards in Subtitle G, Chapter 2 shall apply to the MU-7B/FT and MU-10/FT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

600.2 In addition to the purposes of the MU zones, the purposes of the Fort Totten Mixed-Use zones (MU-7B/FT and MU-10/FT) are to:

- (a) Encourage future residential and commercial development while enabling existing industries to remain in the District; and
- (b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.

## **601 DENSITY**

**601.1 In the MU-10/FT zone, the maximum permitted FAR shall be as set forth in the following table:**

**TABLE G § 601.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zones</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>MU-10/FT</u>	<u>5.0</u> <u>6.0 (IZ)</u>	<u>3.0</u>

## **602 HEIGHT**

**602.1 In the MU-10/FT zone, the maximum building height, including a penthouse or rooftop structure, shall be sixty-five feet (65 ft.).**

**602.2 In the MU-10/FT zone, a building may be erected to a height of eighty feet (80 ft.) or ninety feet (90 ft.) for Inclusionary Developments, including a penthouse or rooftop structure, subject to the provision of special architectural features, roof parapet detailing, and design consideration of penthouses and rooftop structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed. Prior to the issuance of a building permit, the Office of Planning shall review and provide a written report with recommendation on the building's satisfaction of this requirement to the Zoning Administrator.**

## **603 PENTHOUSE AND ROOFTOP STRUCTURE**

**603.1 In the MU-10/FT zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:**

**TABLE G § 603.1: MAXIMUM PERMITTED PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Maximum Height (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-10/FT</u>	<u>A penthouse or rooftop structure shall be included within the maximum permitted building height</u>	<u>1</u>

**604                    LOT OCCUPANCY**

**604.1                    In the MU-10/FT zone, the maximum permitted lot occupancy for residential use shall be as set forth in the following table:**

**TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE**

<u>Zones</u>	<u>Maximum Percentage of Lot Occupancy (%)</u>
<u>MU-10/FT</u>	<u>75</u> <u>75 (IZ)</u>

**605                    SETBACKS AND SCREENING**

**605.1                    In the MU-7B/FT and MU-10/FT zones, a business or industrial use that expands consistent with the development standards of this chapter shall comply with the setback and screening standards of this section.**

**605.2                    If the lot line of the lot being developed coincides with the lot line of a property in a residential zone as defined in Subtitle A § 101.9, or is separated only by a street or alley from a property in such a residential zone, where the property is not owned by a business or industrial user and the property is not being used for residential purposes, the following standards shall apply:**

**(a)                    A setback of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; provided, that the following requirements are met:**

**(1)                    Where there is a street or an alley between the residential lot and the lot subject to the MU-7B/FT or MU-10/FT zones, the required setback shall be fifteen feet (15 ft.) measured from the lot line;**

**(2)                    The yard shall not be used for parking, loading, or accessory uses;**

**(3)                    The yard shall be landscaped with evergreen trees in a healthy growing condition which shall be a minimum of six feet to eight feet (6 ft. to 8 ft.) in height when planted; and**

**(4)                    Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Buildings for review and approval according to standards maintained by the Department of Energy and Environment, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary; and**

- (b) A fence or wall shall be erected as a buffer between the residential lot(s) not owned by a business or industrial user that abut a lot affected by this zone; provided, that the fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence, or a brick or stone wall.**

**Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-23, MU-24, MU-25, AND MU-26, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 7 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:**

**CHAPTER 7 REED-COOKE MIXED-USE ZONES - MU-4/RC AND MU-5A/RC**

**700 PURPOSE AND INTENT**

**700.1 The base zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/RC and MU-5A/RC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**700.2 In addition to the purposes of the MU-4 and MU-5A zones, the purposes of the Reed-Cooke Mixed-Use (MU-4/RC and MU-5A/RC) zones are to:**

- (a) Protect current housing and provide for the development of new housing;**
- (b) Maintain heights and densities at appropriate levels;**
- (c) Encourage small-scale business development that will not adversely affect the residential community;**
- (d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;**
- (e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and**
- (f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.**

**701 MISCELLANEOUS**

**701.1 In the MU-4/RC and MU-5A/RC zones, in addition to other applicable provisions of this title, the requirements of this chapter shall apply to:**

- (a) All new construction;**
- (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;**
- (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and**
- (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.**

**701.2 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle G § 701.1(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:**

- (a) The first shall be selected by the owner;**
- (b) The second shall be selected by the Zoning Administrator; and**
- (c) The third shall be selected by the first two (2) contractors.**

**701.3 The estimates provided for by Subtitle G § 701.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.**

**701.4 The cost of estimates shall be at the expense of the property owner.**

**702 HEIGHT**

**702.1 In the MU-4/RC and MU-5A/RC zones, the maximum permitted height of all buildings or structures, not including a penthouse or rooftop structure, shall be as set forth in the following table:**

**TABLE G § 702.1: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-4/RC</u>	<u>40</u>	<u>No Limit</u>
<u>MU-5A/RC</u>	<u>40</u> <u>50 (IZ)</u>	<u>No Limit</u>

**702.2** In the MU-5A/RC zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including a penthouse or rooftop structure, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined by the Department of Housing and Community Development (DHCD).

**703** PENTHOUSE AND ROOFTOP STRUCTURE

**703.1** In the MU-4/RC zone, the maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:

**TABLE G § 703.1: MAXIMUM PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<u>Zones</u>	<u>Maximum Height</u>	<u>Maximum Number of Stories</u>
<u>MU-4/RC</u>	<u>12 ft., except</u> <u>15 ft. for penthouse or rooftop structure mechanical space</u>	<u>1</u>

**704** PLANNED UNIT DEVELOPMENTS

**704.1** In the MU-4/RC and MU-5A/RC zones, the provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development to exceed the matter-of-right limits on floor area ratio, building height, and penthouse and rooftop structure height of Subtitle G §§ 201, 702, and 703.

**704.2** Notwithstanding Subtitle G § 704.1, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed seventy-two feet (72 ft.) measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

**705** SPECIAL EXCEPTION REVIEW CRITERIA

**705.1** In reviewing an application for a special exception in the MU-4/RC and MU-5A/RC zones, in addition to the applicable criteria of this subtitle and Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the MU-4/RC and MU-5A/RC zones;
- (b) Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
- (d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted;
- (f) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area; and
- (g) If located within a MU-5A/RC zone, the use shall not be within twenty-five feet (25 ft.) of a residentially zoned property, unless separated there from by a street or alley.

Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

Chapter 9, FORT TOTTEN MIXED-USE ZONES – MU-28 AND MU-29, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES, of Subtitle G, MIXED-USE ZONES, is proposed to be renumbered as Chapter 51.

Chapter 12, RELIEF FROM DEVELOPMENT STANDARDS, of Subtitle G, MIXED-USE ZONES, is proposed to be deleted in its entirety.

#### CHAPTER 8 THROUGH 48 [RESERVED]

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, of Subtitle G, MIXED-USE ZONES, is proposed to be amended to read as follows:

4902.1           Public schools shall be permitted a maximum ~~floor area ratio~~ FAR as set forth in the following table:



**TABLE G § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS**

<b>Zones</b>	<b>Maximum FAR</b>
<b><u>All</u> MU-1, MU-2, MU-10, <del>MU-15, MU-16, MU-22, MU-23, MU-29</del> zones</b>	3.0
<b><u>All</u> MU-3 zones</b>	1.8
All other MU zones	As permitted for residential (non-IZ) uses by zone

## **CHAPTER 50 [RESERVED]**

**Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES, of Subtitle G, MIXED-USE ZONES, is proposed to be renumbered as Chapter 51.**

## **CHAPTER ~~44~~ 51 ALLEY LOT REGULATIONS ~~(MU)~~ FOR MIXED-USE (MU) ZONES**

### **~~1100~~ 5100 GENERAL PROVISIONS**

**~~1100.1~~ 5100.1** The following development standards shall apply to buildings on Alley Record Lots in MU zones:

**TABLE G § 1100.1: ALLEY LOT DEVELOPMENT STANDARDS (MU)**

(a) Maximum Height	
<b><u>All</u> MU-6, MU-8, MU-9, MU-10, <del>MU-19, MU-20, MU-22, MU-29,</del> and <del>MU-30</del> MU-15 zones</b>	30 ft. and 3 stories, including <del>the a</del> penthouse <b><u>or rooftop structure</u></b>
All other MU zones	20 ft. and 2 stories, including <del>the a</del> penthouse <b><u>or rooftop structure</u></b>
(b) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(c) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Green Area Ratio	As required by zone

**~~1100.2~~ 5100.2** Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

**~~1102~~ [DELETED]**

**~~1103~~ [DELETED]**

**~~1104~~ [DELETED]**

**~~1105~~ [DELETED]**

**~~1106~~ [DELETED]**

**A new Chapter 52 is proposed to be added to Subtitle G, MIXED-USE ZONES, to read as follows:**

## **CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES**

### **5200 GENERAL PROVISIONS**

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

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

## **VIII. Proposed Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES**

The title of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is proposed to be amended, to read as follows:

### **Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES**

Chapter 1, INTRODUCTION TO MIXED-USE) ZONES, of Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES, is proposed to be deleted in its entirety.

A new Chapter 1 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

### **CHAPTER 1 INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NMU) ZONES**

#### **100** **GENERAL PROVISIONS**

**100.1** **Subtitle H is to be read and applied in addition to the regulations included in:**

- (a)** **Subtitle A, Authority and Applicability;**
- (b)** **Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c)** **Subtitle C, General Rules; and**
- (d)** **Subtitle G, Mixed-Use (MU) Zones.**

**100.2** **Geographically modified zones are indicated by letters following the base zone name, such as NMU-7B/GA or NMU-8B/H-H.**

**100.3** **For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

## **101 PURPOSE AND INTENT**

**101.1 The Neighborhood Mixed-Use (NMU) zones are designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.**

**101.2 In addition to the purpose statements of each MU zone stated in Subtitle G and the individual chapters of this subtitle, the purposes of the NMU zones are to:**

- (a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;**
- (b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;**
- (c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;**
- (d) Encourage a general compatibility in scale between new and older buildings;**
- (e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;**
- (f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;**
- (g) Identify designated roadways within NMU zones with limitations on driveways and curb cuts; and**
- (h) Identify designated use areas within NMU zones within which use restriction shall apply to the ground floor.**

**Chapter 2, GENERAL DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 2 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:**

### **CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES**

## **200 DEVELOPMENT STANDARDS**

**200.1 The development standards of the MU zones of Subtitle G shall apply to the relevant NMU zones except as changed by a geographically modified zone.**

**200.2 In the NMU, the development standards for lodging uses shall be those for non-residential uses except for FAR.**

**200.3 In the NMU zones, no driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted.**

**200.4 The Inclusionary Zoning (IZ) requirements and the available IZ modifications and bonus density shall apply to all NMU zones, except for Square 907 in the NMU-7B/ES zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space, as described in Subtitle C § 1507.2, in Square 907 in the NMU-7B/ES zone shall be subject to the IZ requirements.**

**200.5 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter of right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:**

**(a) Courts;**

**(b) Floor Area Ratio (FAR);**

**(c) Green Area Ratio (GAR);**

**(d) Height;**

**(e) Lot Occupancy; or**

**(f) Yards.**

**200.6 Notwithstanding Subtitle H § 200.5, the requirements for ground floor designated uses of Subtitle H § 6001 shall apply.**

## **201 PLANNED UNIT DEVELOPMENT**

**201.1 In the NMU zones, the matter-of-right building height, floor area ratio, and penthouse and rooftop structure height shall serve as the guidelines for a planned unit development.**

Chapter 3, MACOMB-WISCONSIN MIXED-USE ZONE – NC-1, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 3 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows.

**CHAPTER 3 MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE —**  
**NMU-3A/MW**

**300 PURPOSE AND INTENT**

**300.1 The purposes of the NMU-3A/MW zone shall be those of the MU-3A zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

- (a) Provide for public review of large developments to ensure that they are compatible with and enhance the primary neighborhood retail function of the area;**
- (b) Ensure new construction is compatible with and enhances the primary neighborhood retail function of the area; and**
- (c) Limit the scale and massing of new buildings and a mix of uses that is in general compatible in scale with existing buildings.**

**300.2 The NMU-3A/MW zone is intended to permit mixed-use development at a low density.**

**301 DEVELOPMENT STANDARDS**

**301.1 The MU-3A zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-3A/MW zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**302 DESIGNATED USE AREA**

**302.1 In the NMU-3A/MW zone, the designated use area shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.**

**303 DESIGNATED ROADWAY**

**303.1 In the NMU-3A/MW zone, the designated roadway shall be Wisconsin Avenue and Macomb Street, N.W.**

**304.1                      In the NMU-3A/MW zone, on a lot that has ten thousand square feet (10,000 sq. ft.) or more of land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more may be permitted, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.**

**Chapter 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 4 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:**

**Chapter 4 TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NMU-4/TK**

**400                      PURPOSE AND INTENT**

**400.1                      The purposes of the NMU-4/TK zone shall be those of the MU-4 zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

- (a)                      Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station;**
- (b)                      Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service, and office uses;**
- (c)                      Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses;**
- (d)                      Permit mixed-use development at a moderate density;**
- (e)                      Encourage residential development to enhance safety and provide resident population to support neighborhood-serving commercial uses; and**
- (f)                      Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.**

**401 DEVELOPMENT STANDARDS**

**401.1 The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/TK zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**402 DESIGNATED USE AREA**

**402.1 In the NMU-4/TK zone, the designated use area shall coincide with the zone boundaries.**

**403 DESIGNATED ROADWAY**

**403.1 In the NMU-4/TK zone, the designated roadways shall be portions of 4<sup>th</sup> Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W.**

**404 HEIGHT**

**404.1 In the NMU-4/TK zone, those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).**

**405 DESIGN REQUIREMENTS**

**405.1 In the NMU-4/TK zone, the street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W., or any addition to an existing building frontage on any of these streets, shall setback for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curb line.**

**405.2 In the NMU-4/TK zone, except as provided in Subtitle H § 405.3, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).**

**405.3 In the NMU-4/TK zone, buildings occupying or constructed on lots along the Blair Road, N.W. frontage of Square 3187 and Cedar Street, N.W. frontage of Squares 3352 and 3353 do not have to provide the designated retail and service establishments on the ground floor level required by Subtitle H § 6001.1, nor comply with the ground floor level floor-to-ceiling height requirement of Subtitle H § 405.2, if the ground floor level is devoted exclusively to residential uses.**

**405.4 In the NMU-4/TK zone, if ground floor residential uses are established pursuant to Subtitle H § 405.3, no certificate of occupancy for a permitted non-**

residential use on the ground floor level may be issued unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of Subtitle H § 405.2.

Chapter 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE — NC-3, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 5 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

**CHAPTER 5 CLEVELAND PARK NEIGHBORHOOD MIXED-USE ZONE —**  
**NMU-4/CP**

**500 PURPOSE AND INTENT**

**500.1 The purposes of the NMU-4/CP zone shall be those of the MU-4 zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

- (a) Encourage compatibility of development with the purposes of the Historic Landmark and Historic District Protection Act of 1978;**
- (b) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings; and**
- (c) Provide for retention of existing housing within the Cleveland Park commercial area to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.**

**500.2 The NMU-4/CP zone is intended to permit mixed-use development at a moderate density.**

**501 DEVELOPMENT STANDARDS**

**501.1 The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/CP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**502 DESIGNATED USE AREA**

**502.1 In the NMU-4/CP zone, the designated use area shall include any lot that fronts on Connecticut Avenue, N.W. or Macomb Street, N.W., Newark Street, N.W., Ordway Street, N.W., or Porter Street, N.W.**



**503**            **DESIGNATED ROADWAY**

**503.1**            **In the NMU-4/CP zone, the designated roadway shall be Connecticut Avenue, N.W.**

**504**            **DENSITY**

**504.1**            **In the NMU-4/CP zone, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE H § 504.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zone</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-4/CP</u>	<u>2.0</u> <u>2.4 (IZ)</u>	<u>1.0</u>

**505**            **HEIGHT**

**505.1**            **In the NMU-4/CP zone, the maximum permitted height of buildings or structures, not including a penthouse or rooftop structure, shall be as set forth in the following table:**

**TABLE H § 505.1: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<u>Zone</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>	<u>Maximum Number of Stories</u>
<u>NMU-4/CP</u>	<u>40</u> <u>45 (IZ)</u>	<u>No Limit</u>

Chapter 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 and NC-5, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 6 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

**CHAPTER 6 WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NMU-4/WP AND NMU-5A/WP**

**600**            **PURPOSE AND INTENT**

**600.1**            **The purposes of the NMU-4/WP zone shall be those of the MU-4 zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

**(a)     Limit the height of new buildings; and**

**(b) Encourage a scale of development and a mixture of building uses that are in general compatible in scale with existing buildings in the Woodley Park neighborhood.**

**600.2 The purposes of the NMU-5A/WP zone shall be those of the MU-5A zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

**(a) Limit the height of new buildings; and**

**(b) Encourage a scale of development and a mixture of building uses that are in general compatible in scale with existing buildings in the Woodley Park neighborhood.**

## **601 DEVELOPMENT STANDARDS**

**601.1 The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/WP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**601.2 The MU-5A zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-5A/WP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

## **602 DESIGNATED USE AREA**

**602.1 In the NMU-4/WP and NMU-5A/WP zones, the designated use area shall include any lot that fronts on Connecticut Avenue, NW, Calvert Street, N.W., or 24<sup>th</sup> Street, N.W. For the purposes of Subtitle H § 6001.3, the designated use areas of NMU-4/WP and NMU-5A/WP zones shall be treated as a single use area.**

## **603 DESIGNATED ROADWAY**

**603.1 In the NMU-4/WP and NMU-5A/WP zones, the designated roadway shall be Connecticut Avenue, N.W.**

## **604 DENSITY**

**604.1 In the NMU-4/WP and NMU-5A/WP zones, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE H § 604.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zones</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-4/WP</u>	<u>2.5</u> <u>3.0 (IZ)</u>	<u>1.0</u>
<u>NMU-5A/WP</u>	<u>3.0</u> <u>3.6 (IZ)</u>	<u>1.0</u>

**605 HEIGHT**

**605.1** In the NMU-4/WP and NMU-5A/WP zones, the maximum permitted building height, not including a penthouse or rooftop structure, shall be as set forth in the following table:

**TABLE H § 605.1: MAXIMUM HEIGHT**

<u>Zones</u>	<u>Maximum Height (ft.)</u>
<u>NMU-4/WP</u>	<u>40</u> <u>50 (IZ)</u>
<u>NMU-5A/WP</u>	<u>50</u> <u>55 (IZ)</u>

**606 PENTHOUSE AND ROOFTOP STRUCTURE**

**606.1** In the NMU-5A/WP zone, the maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be twelve feet (12 ft.), except as permitted in Subtitle H § 606.2.

**606.2** In the NMU-5A/WP zone, the maximum permitted height of a penthouse for mechanical space shall be fifteen feet (15 ft.).

**606.3** The maximum number of stories for a penthouse or rooftop structure shall be one (1), except a second story shall be permitted for penthouse mechanical space.

Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 7 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

**CHAPTER 7 EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE**  
**— NMU-7B/ES**

**700 PURPOSE AND INTENT**

**700.1**      **The purposes of the NMU-7B/ES zone shall be those of the MU-7 zone, as set forth in Subtitle G § 101, those of the NMU zones, as set forth in Subtitle H § 101, and the following:**

- (a)      Encourage and allow new neighborhood-serving retail and service businesses and office development in close proximity to the Navy Yard, with emphasis on firms that will conduct business with the Navy, as well as neighborhood-serving retail and service businesses;**
- (b)      Allow and encourage mixed-use development at a medium density, in the interest of securing economic development, while restricting building heights to a low-level density to respect the historic scale of buildings and the entrance to the adjacent Navy Yard; and**
- (c)      Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail and other businesses in the area.**

**701**      **DEVELOPMENT STANDARDS**

**701.1**      **The MU-7B zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-7B/ES zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**702**      **DESIGNATED USE AREA**

**702.1**      **In the NMU-7B/ES zone, the designated use area shall include any lot that fronts on Eighth Street, S.E., L Street, S.E., M Street, S.E., or Potomac Avenue, S.E.**

**703**      **DESIGNATED ROADWAY**

**703.1**      **In the NMU-7B/ES zone, the designated roadways shall be Eighth Street, S.E., M Street, S.E., and Potomac Avenue, S.E.**

**704**      **DENSITY**

**704.1**      **In the NMU-7B/ES zone, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE H § 704.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zone</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-7B/ES</u>	<u>3.0</u> <u>3.6 (IZ)</u>	<u>3.0</u>

**704.2** **Except for new penthouse habitable space as described in Subtitle C § 1507.2, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to Square 907 in the NMU-7B/ES zone.**

**705** **HEIGHT**

**705.1** **In the NMU-7B/ES zone, the maximum permitted building height, not including a penthouse or rooftop structure, shall be as follows:**

**(a)** **Forty-five feet (45 ft.); or**

**(b)** **Fifty-five feet (55 ft.) for Inclusionary Developments provided that a one-to-one (1:1) building setback shall be provided for any portion of a building or structure facing Eighth Street, SE, that exceeds forty-five feet (45 ft.).**

**706** **PENTHOUSE AND ROOFTOP STRUCTURE**

**706.1** **In the NMU-7B/ES zone, the maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a single household dwelling or flat shall be twelve feet (12 ft.), except as permitted in Subtitle H § 706.2.**

**706.2** **In the NMU-7B/ES zone, the maximum permitted height of a penthouse for mechanical space shall be fifteen feet (15 ft.).**

**706.3** **The maximum number of stories for a penthouse or rooftop structure shall be one (1).**

**707** **SPECIAL EXCEPTION**

**707.1** **The Board of Zoning Adjustment may grant as a special exception pursuant to Subtitle X, Chapter 9, the reduction or elimination of the required one-to-one (1:1) building setback under Subtitle H § 705.1(b); provided that the reduction or elimination of the required setback would not unduly impact the viewshed of the Latrobe Gate.**

**707.2** **The Office of Zoning shall refer the application to the Historic Preservation Office (HPO) for their review and recommendation, to be filed in the case record within the forty (40)-day period established by Subtitle A § 211.**

**Chapter 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 and NC-8, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.**

A new Chapter 8 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

**CHAPTER 8 GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES —  
NMU-4/GA and NMU-7B/GA**

**800 PURPOSE AND INTENT**

**800.1 The purposes of the NMU-4/GA and NMU-7B/GA zones shall be those of the MU-4 and MU-7 zones as set forth in Subtitle G § 101, those of the Neighborhood Mixed-Use zones, as set forth in Subtitle H § 101, and the following:**

- (a) Implement the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia, effective July 20, 2006 (Res. 16-686);**
- (b) Implement the goals of the Great Streets Framework Plan for 7<sup>th</sup> Street - Georgia Avenue, published by the District Department of Transportation and dated 2006;**
- (c) Encourage additional residential uses along the Georgia Avenue corridor;**
- (d) Encourage improved commercial uses;**
- (e) Provide uniform building design standards;**
- (f) Set guidelines for development review through planned unit development (PUD) and special exception proceedings; and**
- (g) Encourage vertically mixed-uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue - Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.**

**800.2 The NMU-4/GA zone is intended to permit mixed-use development at a moderate density, including additional residential uses above commercial uses; and**

**800.3 The NMU-7B/GA zone is intended to permit mixed-use development at a medium density with a focus on employment, including additional residential uses above commercial uses.**

## **801 DEVELOPMENT STANDARDS**

**801.1** The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/GA zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**801.2** The MU-7B zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-7B/GA zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

## **802 DESIGNATED USE AREA**

**802.1** In the NMU-4/GA and NMU-7B/GA zones, the designated use area shall coincide with the zone boundaries.

## **803 DESIGNATED ROADWAY**

**803.1** In the NMU-4/GA and NMU-7B/GA zones, the designated roadway shall be Georgia Avenue, N.W.

## **804 PLANNED UNIT DEVELOPMENTS**

**804.1** In the NMU-4/GA and NMU-7B/GA zones, a planned unit development (PUD) shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

- (a)** Any additional height and floor area above that permitted as a matter of right in the zone shall be for residential use only; and
- (b)** The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 sq. ft.).

## **805 HEIGHT**

**805.1** In the NMU-4/GA zone, the maximum permitted building height, not including a penthouse or rooftop structure, shall be as set forth in the following table:

**TABLE H § 805.1: MAXIMUM HEIGHT**

<b><u>Zones</u></b>	<b><u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u></b>
<b><u>NMU-4/GA</u></b>	<b><u>50</u></b> <b><u>55 (IZ)</u></b>

**805.2** **In the NMU-4/GA and NMU-7B/GA zones, buildings subject to the minimum clear floor-to-ceiling height requirements of Subtitle H § 807.1(f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter of right in the zone.**

**806** **LOT OCCUPANCY**

**806.1** **In the NMU-4/GA zone, the maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be as set forth in the following table:**

**TABLE G § 806.1: MAXIMUM PERMITTED LOT OCCUPANCY**

<b><u>Zone</u></b>	<b><u>Maximum Percentage of Lot Occupancy (%)</u></b>	<b><u>Maximum Percentage of Lot Occupancy All Other Uses (%)</u></b>
<b><u>NMU-4/GA</u></b>	<b><u>70 75 (IZ)</u></b>	<b><u>N/A</u></b>

**807** **DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES**

**807.1** **In the NMU-4/GA and NMU-7B/GA zones, the following design requirements shall apply to any lot other than a lot used for a public school:**

- (a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way;**
- (b) Buildings on corner lots shall be constructed to all property lines abutting public streets;**
- (c) On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;**
- (d) Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building's main lobby, and to display windows having clear or clear/low emissivity glass. Decorative or architectural accents do not count toward the fifty percent (50%) requirement;**
- (e) Security grilles over windows or doors shall have no less than seventy percent (70%) transparency;**



- (f) The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.);
- (g) Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk;
- (h) Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby; and
- (i) Off-street surface parking shall be permitted in rear yards or below grade only.

807.2 The Board of Zoning Adjustment may grant as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle H, Chapter 52, relief from the design requirements of Subtitle H § 807.1.

## 808 NEW CONSTRUCTION OR ENLARGEMENT

808.1 In the NMU-4/GA and NMU-7B/GA zones, construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has twelve thousand square feet (12,000 sq. ft.) or more of land area is permitted only if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and Subtitle H, Chapter 52.

Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 through NC-17, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

A new Chapter 9 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

### CHAPTER 9 H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, NMU-8B/H-H, NMU-4/H-A, NMU-7B/H-A, NMU-4/H-R, and NMU-5A/H-R

## 900 PURPOSE AND INTENT

900.1 The purposes of the H Street Northeast NMU zones (NMU-4/H-H, NMU-4/H-A, NMU-4/H-R, NMU-5A/H-H, NMU-5A/H-R, NMU-6B/H-H, NMU-7B/H-H, NMU-7B/H-A, NMU-8B/H-H) are to:

- (a) Implement the policies and goals of the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia, effective February 17, 2004 (Res. 15-460);
- (b) Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, N.E.; a neighborhood-serving retail shopping district from 7<sup>th</sup> Street to 12<sup>th</sup> Street, N.E.; and an arts and entertainment district from 12<sup>th</sup> Street to 15<sup>th</sup> Street, N.E.;
- (c) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E., commercial corridor;
- (d) Encourage new construction to preserve existing façades constructed before 1958; and
- (e) Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, NMU-8B/H-H, NMU-4/H-A, NMU-7B/H-A, NMU-4/H-R, and NMU-5A/H-R zones but not fronting H Street, N.E.

900.2 The H Street Northeast Neighborhood Mixed-Use zones include a housing, arts, and retail sub-district, and are comprised of the NMU-4/H-H, NMU-4/H-A, NMU-4/H-R, NMU-5A/H-H, NMU-5A/H-R, NMU-6B/H-H, NMU-7B/H-H, NMU-7B/H-A, and NMU-8B/H-H zones.

900.3 The H Street Northeast Neighborhood Mixed-Use Housing Sub-District is divided into the NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, NMU-8B/H-H zones.

900.4 The H Street Northeast Neighborhood Mixed-Use Housing Sub-District zones are intended to:

- (a) Encourage residential uses along the H Street, N.E., corridor, particularly the provision of affordable units and reuse of upper floors;
- (b) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E., commercial corridor; and
- (c) Encourage the reuse of existing buildings along the corridor.

- 900.5**      **The NMU-4/H-H zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.**
- 900.6**      **The NMU-5A/H-H zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.**
- 900.7**      **The NMU-6B/H-H, NMU-7B/H-H, and NMU-8B/H-H zones are intended to permit mixed-use development at a medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.**
- 900.8**      **The H Street Northeast Neighborhood Mixed-Use Commercial Arts sub-district is divided into the NMU-4/H-A and NMU-7B/H-A zones.**
- 900.9**      **The H Street Northeast Neighborhood Mixed-Use Commercial Arts sub-district zones are intended to encourage arts and entertainment uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.**
- 900.10**     **The NMU-4/H-A zone is intended to permit mixed-use development at a moderate density with an emphasis on arts and arts-related uses.**
- 900.11**     **The NMU-7B/H-A zone is intended to permit mixed-use development at a medium density with an emphasis on employment and the provision of arts and arts-related uses.**
- 900.12**     **The H Street Northeast Neighborhood Mixed-Use Retail Sub-District is divided into the NMU-4/H-R and NMU-5A/H-R zones.**
- 900.12**     **The H Street Northeast Neighborhood Mixed-Use Retail sub-district zones are intended to encourage retail uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.**
- 900.13**     **The NMU-4/H-R zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of retail uses.**
- 900.14**     **The NMU-5A/H-R zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses.**
- 901**        **DEVELOPMENT STANDARDS**
- 901.1**      **The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/H-A, NMU-4/H-H, and NMU-4/H-R zones except as specifically modified by this chapter. In the event of a conflict between the provisions of**

this chapter and other regulations of this title, the provisions of this chapter shall control.

**901.2**      The MU-5A zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-5A/H-H and NMU-5A/H-R zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**901.3**      The MU-6B zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-6B/H-H zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**901.4**      The MU-7B zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-7B/H-A and NMU-7B/H-H zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**901.5**      The MU-8B zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-8B/H-H zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**902.1**      **DESIGNATED ROADWAY**

**902.1**      In the H Street Northeast Neighborhood Mixed-Use zones, the designated roadway shall be H Street, N.E.

**903**      **DENSITY**

**903.1**      Except as provided in Subtitle H §§ 903.2 through 903.5, in the following H Street Northeast Neighborhood Mixed-Use zones, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

**TABLE H § 903.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zones</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-4/H-H</u>	<u>2.5</u> <u>3.0 (IZ)</u>	<u>0.5</u>
<u>NMU-5A/H-H</u>	<u>3.5</u> <u>4.2 (IZ)</u>	<u>0.5</u>
<u>NMU-6B /H-H</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>0.5</u>
<u>NMU-7B/H-H</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>0.5</u>
<u>NMU-8B/H-H</u>	<u>5.0</u> <u>6.0 (IZ)</u>	<u>0.5</u>

<u>Zones</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-4/H-A</u>	<u>2.5</u> <u>3.0 (IZ)</u>	<u>1.0</u>
<u>NMU-7B/H-A</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>1.0</u>

**903.2** **In the NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, and NMU-8B/H-H zones, new construction that preserves a building façade constructed before 1958 is permitted a maximum non-residential FAR of 1.5, provided that at least 1.0 FAR shall be occupied by uses in the following categories:**

- (a) Office, provided that the office use shall not be on the ground story;**
- (b) Retail;**
- (c) Service; or**
- (d) Eating and drinking establishments.**

**903.3** **In the NMU-4/H-A, NMU-4/H-R, NMU-5A/H-R, and NMU-7B/H-A zones, new construction that preserves an existing façade constructed before 1958 is permitted an increase of 0.5 FAR to the maximum permitted non-residential density for non-residential uses.**

**903.4** **New construction that preserves an existing façade constructed before 1958 is permitted an additional 0.5 FAR to the maximum permitted residential density for residential uses.**

**903.5** **On Square 776, a maximum non-residential density of 1.5 FAR shall be permitted in the event that a grocery store is constructed Square 776.**

## **904** **PLANNED UNIT DEVELOPMENT**

**904.1** **In the H Street Northeast Neighborhood Mixed-Use zones, a planned unit development (PUD) shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:**

- (a) Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;**
- (b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;**

- (c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 sq. ft.);
- (d) Inclusionary Developments subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10, may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;
- (e) The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 903.2 shall be deemed to first utilize the bonus authorized for IZ units;
- (f) Use of the bonus density authorized in Subtitle H § 903.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and
- (g) Bonus density achieved through Subtitle H § 903.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.

## **905 LOT OCCUPANCY**

**905.1** In the following H Street Northeast Neighborhood Mixed-Use zones, the maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be as set forth in the following table:

**TABLE H § 905.1: MAXIMUM PERMITTED LOT OCCUPANCY**

<b><u>Zones</u></b>	<b><u>Maximum Percentage of Lot Occupancy (%)</u></b>	<b><u>Maximum Percentage of Lot Occupancy All Other Uses (%)</u></b>
<b><u>NMU-4/H-H</u></b>	<b><u>70</u></b>	<b><u>N/A</u></b>
<b><u>NMU-4/H-A</u></b>	<b><u>75 (IZ)</u></b>	<b><u>N/A</u></b>
<b><u>NMU-4/H-R</u></b>		
<b><u>NMU-5A/H-H</u></b>	<b><u>70</u></b>	<b><u>N/A</u></b>
<b><u>NMU-5A/H-R</u></b>	<b><u>80 (IZ)</u></b>	
<b><u>NMU-6B/H-H</u></b>	<b><u>70</u></b>	<b><u>N/A</u></b>
	<b><u>80 (IZ)</u></b>	

**905.2** For the purposes of Subtitle H § 905.1, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses.

**905.3** For the purposes of this chapter, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

**906                      DESIGN        REQUIREMENTS        -        H        STREET        NORTHEAST**  
**NEIGHBORHOOD MIXED-USE ZONES**

**906.1                      In the H Street Northeast Neighborhood Mixed-Use zones, the following design requirements apply to all new construction for which a building permit is required:**

- (a)        Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets;**
- (b)        New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone for residential uses;**
- (c)        Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street, N.E., or 15<sup>th</sup> Street, N.E., shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;**
- (d)        Each new building on a lot that fronts on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street, N.E., or 15<sup>th</sup> Street, N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building;**
- (e)        Security grilles shall have no less than seventy percent (70%) transparency;**
- (f)        Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street, N.E., or 15<sup>th</sup> Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple dwellings unit developments shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk;**
- (g)        Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.), on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby;**

**(h) The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building:**

**(1) Fronts on H Street, N.E.; or**

**(2) Fronts Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street, N.E., or 15<sup>th</sup> Street, N.E., and would have ground floor space occupied by one (1) or more service, retail, or office uses permitted as a matter of right in the underlying zone;**

**(i) Buildings subject to the minimum clear floor-to-ceiling height requirements of Subtitle H § 906.1(h) shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;**

**(j) Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline;**

**(k) Facade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building; and**

**(l) Roof signs are prohibited.**

**906.2 The Board of Zoning Adjustment may grant as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle H, Chapter 52, relief from the design requirements of Subtitle H § 906.1, subject to the applicant demonstrating to the Board's satisfaction that:**

**(a) The project is consistent with the design intent of the design guidelines of the H Street NE Strategic Development Plan; and**

**(b) The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent with the design guidelines of the H Street NE Strategic Development Plan.**

## **907 NEW CONSTRUCTION OR ENLARGEMENT**

**907.1 In the H Street Northeast Neighborhood Mixed-Use zones, construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area is permitted only if approved by the Board of**



**Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and Subtitle H, Chapter 52.**

Chapter 11, USE PERMISSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be renumbered to Chapter 60.

Chapter 12, RELIEF FROM DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

Chapter 49, PUBLIC SCHOOLS, of Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, is proposed to be deleted in its entirety.

CHAPTERS 10 through 51 [RESERVED]

A new Chapter 52 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

**CHAPTER 52 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

**5200 GENERAL PROVISIONS**

**5200.1 Unless specifically provided for in this subtitle, the Board of Zoning Adjustment may not grant special exception relief from the density, height, and penthouse and rooftop structure development standards.**

**5200.2 The Board of Zoning Adjustment may grant special exception relief from the development standards of this subtitle, pursuant to Subtitle X, Chapter 9 and subject to the following:**

- (a) The building or feature for which the relief is sought, at the size, intensity, and location proposed, will substantially advance the stated purposes of the NMU zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;**
- (b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;**
- (c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the requested relief;**

- (d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;
- (e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;
- (f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and
- (h) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NMU zone.

5200.3 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this subtitle shall be processed as a variance pursuant to Subtitle X, Chapter 10.

A new Chapter 60 is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE ZONES, to read as follows:

## CHAPTER 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES

### 6000 GENERAL USE PERMISSIONS

6000.1 This chapter contains the use permissions, conditions, and special exceptions for the NMU zones.

6000.2 Uses are permitted as a matter of right or as a special exception.

6000.3 A condition on a matter-of-right use may limit a use category to one (1) or more specific uses, modify the characteristic(s) of a use, or limit a use to specific zone.

6000.4 Uses are permitted as either principal or accessory uses unless specifically permitted as only a principal or accessory use.

6000.5 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted.

**6000.6**      **Designated uses, as described by this chapter, shall be provided pursuant to the requirements of Subtitle H § 6001. All other uses shall be provided pursuant to the requirements of this chapter.**

**6000.7**      **Antennas in NMU zones shall be controlled by Subtitle C, Chapter 13.**

**6000.8**      **Use groups for the NMU zones are as follows:**

**TABLE H § 6000.8: NMU USE GROUPS**

<b><u>Use Group A</u></b>	<b><u>Use Group B</u></b>	<b><u>Use Group C</u></b>
<b><u>NMU-3A/MW</u></b>	<b><u>NMU-4/TK</u></b> <b><u>NMU-4/CP</u></b> <b><u>NMU-4/WP</u></b> <b><u>NMU-4/GA</u></b> <b><u>NMU-4/H-H</u></b> <b><u>NMU-5A/H-H</u></b> <b><u>NMU-6B/H-H</u></b> <b><u>NMU-4/H-A</u></b> <b><u>NMU-4/H-R</u></b> <b><u>NMU-5A/H-R</u></b>	<b><u>NMU-5A/WP</u></b> <b><u>NMU-7B/ES</u></b> <b><u>NMU-7B/GA</u></b> <b><u>NMU-7B/H-H</u></b> <b><u>NMU-8B/H-H</u></b> <b><u>NMU-7B/H-A</u></b>

**6001**      **DESIGNATED AND RESTRICTED USES**

**6001.1**      **In the NMU zones, any building that occupies or is constructed on a lot in a designated use area shall provide designated retail and service establishments on the ground level according to the requirements of this chapter and any additional requirements of the particular zone.**

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

- (a)      Animal sales, care and boarding;**
- (b)      Arts, design, and creation;**
- (c)      Eating and drinking establishments;**
- (d)      Entertainment, assembly, and performing arts;**
- (e)      Financial and general services; and**
- (f)      Retail.**

**6001.3**      **The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:**

- (a) No more than twenty percent (20%) of the ground floor level area shall be financial services, travel agencies, or other ticket offices;
- (b) Except in the NMU-4/H-H, NMU-4/H-A, NMU-4/H-R, NMU-5A/H-H, NMU-5A/H-R, NMU-6B/H-H, NMU-7B/H-H, NMU-7B/ES, NMU-7B/H-A, and NMU-8B/H-H zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:

  - (1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NMU zone, as measured along the lots in the designated use area in the particular zone; and
  - (2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of this subsection; provided, that they shall remain subject to the linear street frontage requirement of paragraph (b)(1) of this subsection;
- (c) In the NMU-7B/ES zone, eating and drinking establishments shall occupy no more than fifty percent (50%) of the linear street frontage as measured along the lots that face the designated roadway of which no more than one-half (0.5) of the 50% of the linear street frontage shall be occupied by fast food establishments and prepared food shops;
- (d) In those parts of the affected building or lot other than as delineated in this section, the matter-of-right use provisions of the zone shall apply; and
- (e) For the purposes of this section the designated use areas of the NMU-4/WP and NMU-5A/WP zones shall be treated as a single zone.

**6001.4** The following conditions shall apply to the matter-of-right designated uses in a designated use area in the specified NMU zones:

- (a) In the NMU-3A/MW zone, entertainment and performing arts shall not be considered a designated use;
- (b) In the NMU-4/TK, NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, and NMU-8B/H-H zones, residential uses may also be considered designated uses;
- (c) In the NMU-4/CP zone, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use such as hotel or inn; provided, that this restriction shall

not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk;

(d) In the NMU-4/GA and NMU-7B/GA zones, liquor stores and pawn shops shall not be permitted;

(e) In the NMU-7B/H-H and NMU-8B/H-H zones, catering establishments and bakeries may also be considered designated uses;

(f) In the NMU-4/H-A and NMU-7B/H-A zones, designated uses shall be limited to uses within the arts, design and creation, and the eating and drinking use categories; and

(g) In all NMU zones, animal sales, care, and boarding as a matter-of-right designated use shall be limited to:

(1) An establishment used by a licensed veterinarian for the practice of veterinary medicine subject to the following:

(A) No more than fifty percent (50%) of the gross floor area of the veterinary office may be devoted to the boarding of animals;

(B) The veterinary office shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

(C) The veterinary office shall not abut an existing residential use or a residential zone;

(D) External yards or other external facilities for the keeping of animals shall not be permitted; and

(E) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence shall be permitted as accessory uses;

(2) An animal grooming business provided there are no boarding facilities, and no external yards or other external facilities for the keeping of animals; and

(3) An animal boarding use located in a basement or cellar space subject to the following:

(A) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five

feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;

(B) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;

(C) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall be solid core;

(D) No animals shall be permitted in an external yard on the premises;

(E) Animal waste shall be placed in a closed-waste-disposal containers and shall be collected by a licensed waste disposal company at least weekly;

(F) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and

(G) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable.

(4) Animal sales, including pet shops, shall not be permitted.

6001.5 In a NMU zone, no drive-through or drive-in operation shall be permitted as a principal or accessory use.

## 6002 USES IN NMU ZONES

6002.1 Uses in those parts of a building or lot in a NMU zone that are not within a designated use area shall be permitted by Subtitle H § 6003 and the remainder of this chapter.

6002.2 When there is a difference between use permissions and conditions of this section and the designated use provisions and conditions of this chapter, the more restrictive provisions or conditions shall apply.

**6003**      **MATTER-OF-RIGHT USES (NMU - USE GROUPS A, B, AND C)**

**6003.1**      **The following uses in this section shall be permitted as a matter of right:**

- (a)      NMU zone designated uses;**
- (b)      Agriculture, large;**
- (c)      Arts, design, and creation;**
- (d)      Chancery;**
- (e)      Community solar facility, subject to the following conditions:**
  - (1)      Roof-mounted solar array of any size; or**
  - (2)      Ground-mounted solar array, subject to the following requirements:**
    - (A)      Measures no greater than twenty feet (20 ft.) in height;**
    - (B)      Has an aggregate panel face area of one-and-one half (1.5) acres or less;**
    - (C)      Meets the yard and height development standards of the zone; and**
    - (D)      Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone;**
- (f)      Daytime care;**
- (g)      Education, private;**
- (h)      Education, public;**
- (i)      Government, local;**
- (j)      Institutional, general and religious;**
- (k)      Medical care;**
- (l)      Office, including chancery;**
- (m)      Parking;**

- (n) Parks and recreation;
- (o) Residential;
- (p) Retail;
- (q) Services, financial;
- (r) Short-Term Rental as an accessory use to a principal residential use;  
and
- (s) Transportation infrastructure.

**6004 MATTER-OF-RIGHT USES (NMU – USE GROUP A)**

**6004.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:**

- (a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Any use permitted in Subtitle H § 6003;
- (c) Animal sales, care, and boarding uses subject to the conditions of Subtitle H § 6001.4(g) for these uses;
- (d) Eating and drinking establishment uses, except for:
  - (1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and
  - (2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;
- (e) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (f) Entertainment, assembly, and performing arts uses, except for a bowling alley;
- (g) Motor vehicle uses limited to the following and subject to the corresponding conditions:
  - (1) Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;



(2) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:

(A) All portions of the gasoline service station shall be located entirely within the garage;

(B) No part of the accessory use shall be visible from a sidewalk; and

(C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;

(h) Service (general) uses except that a self-service or full-service laundry, or dry-cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry-cleaning chemicals shall be used or stored on site; and

(i) Utility (basic) uses limited to optical transmission nodes.

#### 6005 SPECIAL EXCEPTION USES (NMU – USE GROUP A)

6005.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use below:

(a) Animal boarding uses not meeting the conditions of Subtitle H § 6001.4(g)(3), subject to the following:

(1) The animal boarding use shall take place entirely within an enclosed building;

(2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

(3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;

- (4) No animals shall be permitted in an external yard on the premises;
- (5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
- (6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- (7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and
- (9) External yards or other exterior facilities for the keeping of animals shall not be permitted.
- (b) Animal care uses, except for animal boarding uses subject to Subtitle H § 6005.1(a), not meeting the conditions of Subtitle H § 6001.4(g), subject to the following:

  - (1) The use shall not be located on a lot that abuts an R, RF, or RA zone;
  - (2) The use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;
  - (3) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed;
  - (4) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High

Efficiently Particulate Air “HEPA” filtration) or an equivalently effective odor control system;

(5) External yards or other external facilities for the keeping of animals shall not be permitted;

(6) The sale of pet supplies shall be permitted as an accessory use;

(7) The principal use shall not be for the housing, feeding and care of stray or abandoned animals whether for profit or not for profit; and

(8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of building entrances or exits; buffers, fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property;

(c) [DELETED];

(d) Community solar facility not meeting the requirements of Subtitle H § 6003.1(e), subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

(e) Emergency shelter uses for up to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

- (1) There shall be no other property containing an emergency shelter for seven (7) or more persons in the same square, or within a radius of five hundred feet (500 ft.) from any portion of the property;
- (2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (2) The proposed shelter shall meet all applicable code and licensing requirements;
- (3) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
- (4) The Board of Zoning Adjustment may approve more than one (1) Emergency Shelter use in a square or within five hundred feet (500 ft.) from the property only when the Board of Zoning Adjustment finds that the cumulative effect of the shelters will not have an adverse impact on the neighborhood because of traffic, noise, or operations;
- (f) Eating and drinking establishment use that is a prepared food shop with more than twenty-four (24) seats;
- (g) Education, college/university uses shall be permitted as a special exception subject to Subtitle X § 102;
- (h) Motor vehicle-related uses limited to the following and subject to the corresponding conditions:

  - (1) The use is a gasoline service station to be established or enlarged, subject to the following conditions:

    - (A) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;
    - (B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
    - (C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;

- (i) Utility (basic) uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; and
- (j) Youth Rehabilitation Home, Adult Rehabilitation Home provided that the use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families.

**6006 MATTER-OF-RIGHT USES (NMU - USE GROUP B)**

**6006.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:**

- (a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Any uses permitted in Subtitle H § 6003;
- (c) Animal sales, care and boarding uses, subject to the conditions of Subtitle H § 6001.4(g);
- (d) Eating and drinking establishment uses, except for:
  - (1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and
  - (2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;
- (e) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (f) Education uses in the MU-5A/H-H, MU-6B/H-H, and MU-5A/H-R zones only;
- (g) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (1) Any R, RF, RA, MU-1, or MU-2 zones; or
  - (2) A place of worship, public or private school, public library, or playground;

- (h) Lodging uses, except that they shall not be permitted in the MU-4/CP and MU-4/WP zones;
- (i) Motor vehicle uses shall be limited to the following and subject to the corresponding conditions:

  - (1) An automobile rental agency;
  - (2) A car wash with stacking spaces for a minimum of fifteen (15) cars;
  - (3) A gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy; and
  - (4) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:

    - (A) All portions of the gasoline service station shall be located entirely within the garage;
    - (B) No part of the accessory use shall be visible from a sidewalk; and
    - (C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
- (j) Service (general) uses subject to the following limitations and corresponding conditions:

  - (1) A self-service or full-service laundry, or dry-cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry-cleaning chemicals shall be used or stored on site; and
  - (2) Any establishment that has as a principal use the administration of massage shall not be permitted as a matter of right; and
- (k) Utility (basic) uses limited to optical transmission nodes.

**6007 SPECIAL EXCEPTION USES (NMU - USE GROUP B)**

**6007.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use as follows:**

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § 6001.4(g) for these uses, subject to the conditions of Subtitle H §§ 6005.1(a) and (b) for these uses;
- (b) [DELETED];
- (c) Community solar facility not meeting the requirements of Subtitle H § 6003.1(e), subject to the following:

  - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

    - (A) Maintains as many existing native trees as possible;
    - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
    - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
  - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (d) Emergency shelter uses for up to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions in Subtitle H § 6005.1(e);
- (e) Eating and drinking establishment uses as follows:

  - (1) Prepared food shop with seating for more than twenty-four (24) patrons; and
  - (2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:

    - (A) The uses shall not be permitted in the MU-4/WP zone;
    - (B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of any R, RA, or RF zone unless separated therefrom by a street or alley;
    - (C) If any lot line of the lot abuts an alley containing a zone boundary line for a residential zone, a continuous brick

wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;

(D) Any refuse dumpsters shall be housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face an R, RA, or RF zone;

(E) The use shall not include a drive-through;

(F) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone boundary line for a residential zone; and

(G) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;

(f) Education, college/university uses subject to Subtitle X § 102, in all the other zones in NMU Use Group B that are not allowed as a matter of right;

(g) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:

(1) The uses shall not be permitted in the NMU-4/H-A and NMU-4/H-R zones; and

(2) A gasoline service station or repair garage not including body or fender work, subject to the following conditions:

(A) The use shall not be located within twenty-five feet (25 ft.) of any R, RF, or RA zone;

(B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and

(C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;



**(h) Motorcycle sales and repair uses subject to the following conditions:**

- (1) The use and all its accessory facilities shall be located within a building; and**
- (2) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of any R, RF, RA, MU-1, and MU-2 zones;**

**(i) Parking as accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:**

- (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;**
- (2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:**
  - (A) Strip zoning or shallow zoning depth;**
  - (B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;**
  - (C) Unusual topography, grades, shape, size, or dimensions of the lot;**
  - (D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or**
  - (E) Traffic hazards caused by unusual street grades or other conditions; and**
- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.**

**(j) Service (general) uses subject to the following limitations and corresponding conditions:**

- (1) A self-service or full-service laundry or dry-cleaning establishment that exceeds two thousand five hundred square feet (2,500 sq. ft.) of gross floor area; and
- (2) An establishment that has as a principal use the administration of massage;
- (k) Utility (basic) uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement;
- (l) Youth Rehabilitation Home, Adult Rehabilitation Home provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families.

6008 MATTER-OF-RIGHT USES (NMU - USE GROUP C)

6008.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Uses permitted in Subtitle H § 6003;
- (c) Animal sales, care, and boarding uses subject to the conditions of Subtitle H § 6001.4(g);
- (d) Eating and drinking establishment uses, except a fast food establishment shall not be permitted as a matter of right;
- (e) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (1) Any R, RF, RA, MU-1, or MU-2 zones; or
  - (2) A place of worship, public or private school, public library, or playground;
- (f) Lodging uses, except these shall not be permitted in the NMU-5A/WP zone;

(g) Service (general) uses subject to the following limitations and corresponding conditions:

(1) A self-service or full-service laundry or dry-cleaning establishment shall not exceed five thousand square feet (5,000 sq. ft.) of gross floor area, and no dry-cleaning chemicals shall be used or stored on site; and

(2) Any establishment that has as a principal use the administration of massage shall not be permitted; and

(h) Utility (basic) uses subject to the following limitations and conditions:

(1) The use is an optical transmission node; and

(2) The use is an EEF that occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building; or

(3) The use is located below ground floor.

#### **6009 SPECIAL EXCEPTION USES (NMU - USE GROUP C)**

**6009.1** In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use as follows:

(a) Animal care and boarding uses not meeting the conditions of Subtitle H § 6001.4(g), subject to the conditions of Subtitle H §§ 6005.1(a) and (b);

(b) Community solar facility not meeting the requirements of Subtitle H § 6003.1(e), subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

- (2) The application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.
- (c) Eating and drinking establishment use that is a fast food establishment, subject to the conditions of Subtitle H § 6007.1(e); except that the use shall not be permitted in the NMU-5A/WP zone;
- (d) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:

  - (1) A gasoline service station or repair garage, subject to the following conditions:

    - (A) The use shall not be located within twenty-five feet (25 ft.) of any R, RF, or RA zone;
    - (B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
    - (C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;
  - (2) Motorcycle sales and repair uses, subject to the following conditions:

    - (A) The use and all its accessory facilities shall be located within a building; and
    - (B) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of any R, RF, RA, MU-1, or MU-2 zones;
- (e) Parking as accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

  - (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;
  - (2) The applicant demonstrates to the Board's satisfaction that it is economically impracticable or unsafe to locate the parking

spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

- (A) Strip zoning or shallow zoning depth;
  - (B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
  - (C) Unusual topography, grades, shape, size, or dimensions of the lot;
  - (D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
  - (E) Traffic hazards caused by unusual street grades or other conditions; and
- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;
- (f) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;
- (g) Service (general) uses not meeting the conditions of Subtitle H § 6008.1(g); and
- (h) Utility (basic) uses not meeting the conditions of Subtitle H § 6008.1(h) and subject to the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

## 6010 PROHIBITED USES IN NMU ZONES

6010.1 Any use not permitted as a matter of right or as a special exception in this chapter shall be deemed to be prohibited.

**IX. Proposed Amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR  
(PDR) ZONES**

**Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be deleted in its entirety.**

**A new Chapter 1 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:**

**CHAPTER 1 INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR  
(PDR) ZONES**

**100 GENERAL PROVISIONS**

**100.1 Subtitle J is to be read and applied in addition to the regulations included in:**

- (a) Subtitle A, Authority and Applicability;**
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (c) Subtitle C, General Rules; and**
- (d) Subtitle U, Use Permissions.**

**100.2 Geographically modified zones are indicated by letters following the base zone name, such as PDR-1/CAP or PDR-4/FT.**

**100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

**101 PURPOSE AND INTENT**

**101.1 The Production, Distribution, and Repair (PDR) zones provide for the following:**

- (a) Heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive zones; and**
- (b) Areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of non-industrial uses that impede the full utilization of properly located industrial sites.**

**101.2        The provisions of the PDR zones are intended to:**

- (a)    Regulate the use of land and structures and the erection and modification of structures in areas characterized by PDR uses, typically with heavy truck traffic and loading and unloading operations;**
- (b)    Encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities;**
- (c)    Allow compatible office and retail uses and development;**
- (d)    Minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities;**
- (e)    Manage transitions between PDR-zoned areas and surrounding neighborhoods; and**
- (f)    Ensure the environmental performance of development.**

**101.3        The PDR-1 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.**

**101.4        The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.**

**101.5        The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.**

**101.6        The PDR-4 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses.**

**Chapter 2, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be deleted in its entirety.**

A new Chapter 2 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

**CHAPTER 2 DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION,  
AND REPAIR (PDR) ZONES**

**200 DEVELOPMENT STANDARDS**

**200.1 The development standards of this chapter shall apply to all Production, Distribution, and Repair (PDR) zones except as changed by a geographically modified zone.**

**200.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

- (a) Height and number of stories;**
- (b) Density and lot occupancy;**
- (c) Yards and setbacks; and**
- (d) Environmental performance.**

**201 DENSITY**

**201.1 Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE J § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>Zones</u></b>	<b><u>Maximum FAR For Subtitle J § 201.2 Use Categories</u></b>	<b><u>Maximum FAR For Subtitle J § 201.3 All Other Uses</u></b>
<b><u>PDR-1</u></b>	<b><u>3.5</u></b>	<b><u>2.0</u></b>
<b><u>PDR-2</u></b>	<b><u>4.5</u></b>	<b><u>3.0</u></b>
<b><u>PDR-3</u></b>	<b><u>6.0</u></b>	<b><u>4.0</u></b>
<b><u>PDR-4</u></b>	<b><u>6.0</u></b>	<b><u>1.0</u></b>

**201.2 The following use categories may achieve the maximum FAR as authorized in Table J § 201.1:**

- (a) Agriculture, Large;**
- (b) Animal Sales, Care, and Boarding;**
- (c) Arts, Design, and Creation;**
- (d) Government, Large Scale;**



(e) Government, Local;

(f) Production, Distribution, and Repair;

(g) Utility (basic); or

(h) Waste-Related Services.

201.3 All other matter of right or special exception uses in Subtitle U, Chapter 8 are subject to the maximum FAR authorized in the All Other Uses column in Table J § 201.1.

202 [RESERVED]

203 HEIGHT

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including a penthouse or rooftop structure, shall be as set forth in this section.

203.2 The maximum permitted height of buildings or structures, except as provided in Subtitle J § 203.3, shall be as set forth in the following table:

TABLE J § 203.2: MAXIMUM HEIGHT

<u>Zones</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>
<u>PDR-1</u>	<u>50</u>
<u>PDR-2</u>	<u>60</u>
<u>PDR-3</u>	<u>90</u>
<u>PDR-4</u>	<u>90</u>

203.3 Development on a lot that directly abuts a property in a residential zone as defined by Subtitle A § 101.9 with a lower height limit, shall not project above a plane drawn at a forty-five degree (45°) angle subject to the following:

(a) The plane shall be measured ten feet (10 ft.) above the matter-of-right height of the abutting residential property line; and

(b) The measuring point shall be established at the middle of the abutting residential property line.

204 [RESERVED]

205 PENTHOUSE AND ROOFTOP STRUCTURE

**205.1**        **The maximum permitted height of a penthouse or rooftop structure shall be as set forth in the following table:**

**TABLE J § 205.1: MAXIMUM PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT  
AND NUMBER OF STORIES**

<b><u>Zones</u></b>	<b><u>Maximum Height</u></b>	<b><u>Maximum Number of Stories</u></b>
<b><u>PDR-1</u></b>	<b><u>12 ft., except 15 ft. for penthouse mechanical space</u></b>	<b><u>1; Second story permitted for penthouse mechanical space</u></b>
<b><u>PDR-2</u></b>	<b><u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u></b>	<b><u>1; Second story permitted for penthouse mechanical space</u></b>
<b><u>PDR-3 PDR-4</u></b>	<b><u>20 ft.</u></b>	<b><u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u></b>

**206**        **[RESERVED]**

**207**        **REAR YARD**

**207.1**        **Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.**

**207.2**        **The minimum depth of the rear yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.).**

**207.3**        **Except as required in Subtitle J § 207.5, the rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure.**

**207.4**        **For that portion of the structure above the horizontal plane, the depth of rear yard may be measured as follows:**

- (a)**        **When the lot abuts an alley, from the center line of the alley to the rear wall of the portion immediately above the plane; or**
- (i)**        **When the lot does not abut an alley, from the rear lot line to the rear wall of the portion immediately above the plane.**

**207.5**        **Where the rear lot line of a lot abuts or is separated only by an alley from a residential zone as defined by Subtitle A § 101.9 or residential use of a property, a rear yard shall be provided from the ground up, subject to the transition setback requirements of Subtitle J § 210.**

**207.6**        **A required rear yard may be within a required transition setback provided all transitional setback conditions are met.**

**208**            **SIDE YARD**

**208.1**            **Except as provided elsewhere in this title, no side yard shall be required.**

**209**            **COURT**

**209.1**            **Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:**

**TABLE J § 209.1: MINIMUM COURT DIMENSIONS**

<b><u>Open Court</u></b> <b><u>Minimum Width</u></b>	<b><u>Closed Court</u></b>	
	<b><u>Minimum Width</u></b>	<b><u>Minimum Area</u></b>
<b><u>2.5 in. per 1 ft. of height of court; but not less than 6 ft.</u></b>	<b><u>2.5 in. per 1 ft. of height of court; but not less than 12 ft.</u></b>	<b><u>Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.</u></b>

**210**            **TRANSITION SETBACKS**

**210.1**            **Transition setbacks apply along any and all lot lines of a lot when the lot or portion of the lot directly abuts a residential zone, a lot developed with a residential use, or an alley that abuts a residential zone, unless the PDR-zoned lot is only used for residential purposes. A residential zone is as defined in Subtitle A § 101.9.**

**210.2**            **The following required setbacks shall be provided on a lot subject to the following conditions:**

- (a)    A twenty-five foot (25 ft.) setback shall be provided from each lot line that is directly abutting a lot in a residential zone or developed with a residential use;**
- (b)    A twenty-five foot (25 ft.) setback shall be provided from each lot line that is abutting an alley that serves as the zone boundary line between a PDR zone and a residential zone. The depth of setback shall be measured from property line of the PDR-zoned lot; and**
- (c)    A fifteen-foot (15 ft.) setback shall be provided from each lot line, except a front lot line, that is abutting a street less than seventy feet (70 ft.) in right-of-way width that serves as the zone boundary line between a PDR zone and a residential zone.**

**210.3**            **Any setback required by this section shall be located on the PDR-zoned lot and shall be extended as a vertical plane, parallel to the PDR-zoned lot line.**

210.4 Any setback area required by this section shall not be used for storage, parking, loading, or accessory uses.

210.5 Any setback area required by this section shall be landscaped with evergreen trees subject to the following conditions:

- (a) The trees shall be maintained in a healthy growing condition;
- (b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and
- (c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Buildings for review and approval according to standards maintained by the Department of Energy and Environment, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

210.6 A form of screening shall be erected between the residential and PDR lots, and shall be located along the required setback identified in Subtitle J § 210.2(a). The screening shall be either:

- (a) A solid wood or board-on-board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
- (b) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height.

210.7 A transition setback may be inclusive of a required rear yard provided all conditions of each section are met.

## 211 GREEN AREA RATIO

211.1 A lot shall have a green area ratio (GAR) of at least 0.3, except that:

- (a) A lot with a principal building that is one (1) story in height shall have a GAR of at least 0.1; and
- (b) A lot with a principal building that is two (2) stories in height shall have a GAR of at least 0.2.

211.2 For lots that have more than one (1) building, the GAR requirement shall be that applicable to the tallest building; unless the tallest building has a footprint less than four hundred and fifty square feet (450 sq. ft.). In such case the building with the largest footprint shall constitute the principal building for the purposes of determining the GAR requirement.

Chapter 3, ALLEY LOT REGULATIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Chapter 5.

A new Chapter 3 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

**CHAPTER 3 CAPITOL INTEREST PRODUCTION, DISTRIBUTION, AND REPAIR  
ZONE – PDR-1/CAP**

**300 PURPOSE AND INTENT**

**300.1 The base zone development standards in Subtitle J, Chapter 2 shall apply to the PDR-1/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**300.2 In addition to the purposes of the PDR-1 zone, the purposes of the Capitol Interest Production, Distribution, and Repair (PDR-1/CAP) zone are to:**

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;**
- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;**
- (c) Provide particular controls adjacent to properties having a well-recognized general public interest; and**
- (d) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or zone to be protected.**

**301 DENSITY**

**301.1 In the PDR-1/CAP zone, the maximum permitted floor area ratio (FAR) of buildings or structures shall be as set forth in the following table:**

**TABLE J § 301.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b><u>Zone</u></b>	<b><u>Maximum FAR For Subtitle J § 301.2 Use Categories</u></b>	<b><u>Maximum FAR For Subtitle J § 301.3 All Other Uses</u></b>
<b><u>PDR-1/CAP</u></b>	<b><u>3.5</u></b>	<b><u>1.8</u></b>

**301.2**      **The following use categories may achieve the maximum FAR as authorized in Table J § 301.1:**

- (a)      Agriculture, Large;**
- (b)      Animal Sales, Care, and Boarding;**
- (c)      Arts, Design, and Creation;**
- (d)      Government, Large Scale;**
- (e)      Government, Local;**
- (f)      Production, Distribution and Repair;**
- (g)      Utility (basic); or**
- (h)      Waste-Related Services.**

**301.3**      **All other permitted, conditional, or special exception uses are subject to the maximum FAR authorized in the All Other Uses column in Table J § 301.1.**

**302**      **HEIGHT**

**302.1**      **In the PDR-1/CAP zone, the maximum permitted height of all buildings or structures, not including a penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.**

**303**      **PENTHOUSE AND ROOFTOP STRUCTURE**

**303.1**      **The maximum permitted height of a penthouse or rooftop structure shall be ten feet (10 ft.) and one (1) story.**

**304**      **SPECIAL EXCEPTION REVIEW CRITERIA**

**304.1**      **In reviewing an application for a special exception in the PDR-1/CAP zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:**

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

**304.2** Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:

- (a) The Architect of the Capitol for review and report; and
- (b) The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:
  - (1) The District Department of Transportation;
  - (2) The Department of Housing and Community Development; and
  - (3) The Historic Preservation Office if the application involves a historic district or historic landmark.

**304.3** The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Chapter 4, SPECIAL EXCEPTIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be deleted in its entirety.

A new Chapter 4 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

#### **CHAPTER 4 FORT TOTTEN PRODUCTION, DISTRIBUTION, AND REPAIR ZONES** **– PDR-1/FT AND PDR-4/FT**

#### **400** **PURPOSE AND INTENT**

**400.1** The base zone development standards in Subtitle J, Chapter 2 shall apply to the PDR-1/FT and PDR-4/FT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

**400.2** In addition to the purposes of the PDR zones, the purposes of the Fort Totten PDR zones (PDR-1/FT and PDR-4/FT) are to:

- (a) Encourage future development while enabling existing industries to remain in the District; and
- (b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.

## **401** **HEIGHT**

**401.1** In the PDR-1/FT and PDR-4/FT zones, the maximum building height not including a penthouse or rooftop structure, shall be as set forth in the following table:

TABLE J § 401.1: MAXIMUM HEIGHT	
<u>Zones</u>	<u>Maximum Height, Not Including a Penthouse or Rooftop Structure (ft.)</u>
<u>PDR-1/FT</u>	<u>40</u>
<u>PDR-4/FT</u>	<u>65</u>

**401.2** In the PDR-4/FT zone, a building, not including a penthouse or rooftop structure, may be erected to a height of ninety feet (90 ft.), if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the applicant demonstrates to the Board's satisfaction that the proposed building will not degrade or obstruct views and vistas from the historic fortification of Fort Totten.

Chapter 3, ALLEY LOT REGULATIONS (PDR), of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Chapter 5.

## **CHAPTER 6 THROUGH CHAPTER 48 [RESERVED]**

## **CHAPTER 50 THROUGH CHAPTER 51 [RESERVED]**

A new Chapter 52 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

### **CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES**

## **5200** **GENERAL PROVISIONS**

**5201.1** Except for Density, Height, Penthouse and Rooftop Structure and Green Area Ratio, the Board of Zoning Adjustment may grant relief from the development



standards of this subtitle, as a special exception subject to the criteria at Subtitle X, Chapter 9.

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

#### **X. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Section 100, GENERAL PROVISIONS, of Chapter 1, INTRODUCTION TO SPECIAL PURPOSE ZONES, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be revised, to read as follows:**

- 100.1 Subtitle ~~E~~**K** is to be read and applied in addition to the regulations included in:
- (a) Subtitle A, Authority and Applicability;
  - (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;
  - (c) Subtitle C, General Rules; and
  - (d) Subtitle U, Use Permissions.

**Section 101, GENERAL PROVISIONS, of Chapter 1, INTRODUCTION TO SPECIAL PURPOSE ZONES, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be revised, to read as follows:**

101 **GENERAL PROVISIONS PURPOSE AND INTENT**

...

**Chapter 7, REED-COOKE ZONES, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be deleted in its entirety.**

#### **XI. Proposed Amendments to Subtitle U, USES**

**Subsection 100.4 of Section 100, GENERAL USE PROVISION, of Chapter 1, USE PERMISSIONS, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

- 100.4 The use and locations of antennas in any zones shall be governed by Subtitle C, Chapter ~~25~~**13**.

**Subsection 200.2 of Section 200, GENERAL USE PROVISIONS (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

200.2 Use groups for the R zones are as follows:

TABLE U § 200.2 R-USE GROUPS

R-Use Group A	R-Use Group B	R-Use Group C	R-Use Group D
<del>R-1A, R-1B</del> <del>R-6, R-7, R-8, R-9, R-11,</del> <del>R-12, R-14, R-15, R-19, R-21</del> <u>R-1</u>	R-2 <u>R-10</u>	R-3 <u>R-13, R-17, R-20</u>	<del>R-16</del> <u>R-1B/SH</u>

Subsection § 202.1 of § 202, MATTER-OF-RIGHT USES – R USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

202.1 The following uses shall be permitted as a matter of right in R-Use Groups A, B, and C subject to any applicable conditions:

- (a) Any use permitted as a matter of right in Subtitle U § 201;
- ...
- (n) Public recreation and community centers and public libraries ~~subject to the development standards of Subtitle C, Chapter 16;~~
- ...

Subsection 203.1 of Section 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

203.1 The following uses ~~in this section~~ shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception pursuant to under Subtitle X, Chapter 9 and subject to the applicable conditions ~~of for~~ each paragraph use below:

- ...
- (e) Community Residential Facility subject to the following conditions:
  - (1) The use shall house nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families;
  - (2) In any of the R-2, and R-3, ~~R-10, R-13, and R-17~~ zones there shall be no other lot containing a facility in the same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot; and
  - (3) In all other R zones there shall be no other lot containing a facility in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the lot;

...

- (k) Parking as a principal use, or accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions:

- (1) Parking garages shall not be permitted ...

...

- (7) Parking as a principal use shall be subject to the following conditions:

- (A) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing MU, ~~NMUNC~~, D, or PDR zone;

- (B) The lot shall be contiguous to or separated only by an alley from a MU, ~~NMUNC~~, D, or PDR zone; and

- (C) A majority of the parking spaces shall ...

...

- (10) In the ~~R-19 and R-20~~ R-1B/GT and R-3/GT zones, no commercial parking lots shall be permitted; and

- (11) The application shall be referred to ...

**Paragraph (b) of § 204.1 of § 204, MATTER-OF-RIGHT USES – R-USE GROUP D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

204.1 The following uses shall be permitted in the R-Use Group D zone:

- (a) Any use permitted as a matter of right ...
- (b) An existing non-residential use with a valid certificate of occupancy shall be considered a conforming use and may expand by not more than ten percent (10%) of its gross floor area as a matter of right under the provisions of the ~~R-16~~ R-1B/SH zone; provided, that the following requirements are met ...

**Subsections 252.2 and 252.5 of § 252, REUSE OF FORMER PUBLIC SCHOOLS (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:**

252.2 In the ~~R-16~~ **R-1B/SH** zones, the non-residential uses in a former school building shall be limited to ten percent (10%) of the gross floor area of the school as a matter of right.

...

252.5 The following uses shall be permitted ~~as a special exception~~ within a former school building if approved by the Board of Zoning Adjustment **as a special exception pursuant to under Subtitle X, Chapter 9:**

(a) A use permitted by Subtitle U § 252.3 ...

...

(c) In the ~~R-16~~ **R-1B/SH** zone, any non-residential use in excess of ten percent (10%).

**Section 253, ACCESSORY APARTMENT (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:**

253.1 One (1) accessory apartment may be established ...

253.2 An accessory apartment shall be permitted in a principal dwelling or an accessory building as a matter of right in the R zones, except the ~~R-19~~ **R-1B/GT** or ~~R-20~~ **R-3/GT** zones, subject to the provisions of this section.

...

253.4 In the ~~R-19~~**R-1B/GT** or ~~R-20~~**R-3/GT** zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.

...

253.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the ~~R-19~~**R-1B/GT** or ~~R-20~~**R-3/GT** zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).

253.7 An accessory apartment located in the principal dwelling shall be subject to the following conditions:

(a) The house shall have a minimum of gross floor area, exclusive of garage space in the following zones:

TABLE U § 253.7(a): MINIMUM GROSS FLOOR AREA

Zones	Minimum GFA
<del>R-1A</del> <del>R-1B, R-19 R-1</del>	2,000 sq. ft.
R-2, <del>R-3, R-10, R-13, R-17, R-20</del>	1,200 sq. ft.

...

- (d) An additional entrance to a house in ~~an~~ any of the ~~R-3, R-13, R-17, or R-20 zone~~ zones may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination by the appropriate body that the additional door is compatible with the character of the historic district.

253.8 An accessory apartment in an accessory building in an R zone, except the ~~R-19 R-1B/GT~~ or ~~R-20 R-3/GT~~ zone, shall be permitted as a matter of right subject to the following conditions:

...

253.9 An accessory apartment proposed in the ~~R-19 R-1B/GT~~ and or ~~R-20 R-3/GT~~ zones ~~zone~~ shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following conditions:

...

253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:

- (a) The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;
- (b) Subtitle U § 253.6 shall not be modified or waived in the ~~R-19R-1B/GT~~ or ~~R-20R-3/GT~~ zone; and
- (c) ...

**Section 254, CORNER STORES, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:**

254.1 A corner store shall only be permitted in any of the ~~R-3, R-13, R-17, R-20, or~~ RF-1, RF-2, and RF-3 zones subject to the provisions of this section.

...

254.6 A corner store shall only be located as follows:

- (a) On a lot that is at the intersection of two (2) generally perpendicular streets;

- (b) ...
- (d) In any of the R-3, ~~R-13, or R-17~~ zones other than the R-3/GT zone, on an interior or through lot with a building that was built prior to May 12, 1958 for the purpose of a nonresidential use, as established by a certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator;
- (e) In any of the R-3, ~~R-13, or R-17~~ zones other than the R-3/GT zone, no nearer than five hundred feet (500 ft.) to a property line of a lot in an MU or NMU ~~or NC~~ zone;
- (f) In the ~~R-20~~R-3/GT zone, on an interior or through lot with a building that was built prior to May 12, 1958, for the purpose of a nonresidential use, and only if the building was used for a corner store use within the previous three (3) years established by a certificate of occupancy, permit records, or other historical documents accepted by the Zoning Administrator; and
- (m) In the ~~R-20~~R-3/GT zone, no nearer than seven hundred and fifty feet (750 ft.) to a property line of a lot in an MU or NMU ~~or NC~~ zone.

254.7 A corner store shall not be permitted:

- (a) On an alley ...
- (d) In the ~~R-20~~R-3/GT zone, on an interior or through lot that has not been used for corner store uses for three (3) or more consecutive years shall not be deemed eligible for a corner store use.

...

254.15 The Board of Zoning Adjustment may waive the location restrictions of Subtitle U §§ 254.6(b) and (c) provided the applicant adequately demonstrates that the proposed corner store use will:

- (a) Be neighborhood ...
- (b) Not negatively impact the economic viability or vitality of an area zoned MU or NMU ~~or NC~~ that is closer than seven hundred and fifty feet (750 ft.) to an ~~R-20~~R-3/GT zone or five hundred feet (500 ft.) to any other R zone;
- (c) ...

**Section 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

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

- (a) Any use permitted in the R zones ...
- (b) Residential uses with a maximum number of principal dwelling units per lot as follows:

**TABLE U § 301.1(b): MAXIMUM NUMBER OF PRINCIPAL DWELLING UNITS**

<del>RF Zone</del> Zones	Number of Principal Dwelling Units
RF-1	2
<del>RF-2</del>	<del>2</del>
<del>RF-3</del>	<del>2</del>
RF-4	3
RF-5	4

- (c) A permitted principal dwelling unit ...

301.2 The conversion of an existing non-residential building or structure to an apartment house shall be permitted as a matter of right in **an-any of the** RF-1, ~~RF-2, or RF-3 zone zones~~ subject to the following ...

301.3 An apartment house in **an-any of the** RF-1, ~~RF-2, or RF-3 zone zones~~ converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, except as provided by Subtitle U § 320.4.

301.4 An apartment house in **an-any of the** RF-1, ~~RF-2, or RF-3 zone zones~~ that was converted from a residential building either prior to June 26, 2015, or pursuant to Subtitle A §§ 301.9, 301.10, or 301.11, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, except as provided by Subtitle U § 320.2.

301.5 An apartment house in **an-any of the** RF-1, ~~RF-2, or RF-3 zone zones~~ that was constructed as an apartment house prior to May 12, 1958, or that was lawfully constructed as an apartment house prior to August 7, 1981, in compliance with the then-applicable zoning regulations, shall be considered a conforming use and may renovate or expand in conformance with the applicable provisions of this title, provided that:

...

**Section 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is proposed to be amended to read as follows:**

- 320.1 The uses in this section shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception pursuant to ~~under~~ Subtitle X, Chapter 9, subject to any applicable ~~provisions of~~ conditions for each section use below:
- (a) Any use or structure permitted ...
- ...
- (d) A corner store use in ~~a-any of the~~ RF-1, RF-2, or RF-3 zone zones not meeting the matter-of-right conditions of Subtitle U § 254, subject to the special exception conditions of Subtitle U § 254.14;
- 320.2 The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use ~~under pursuant to~~ Subtitle U § 301.4 that increases the number of units, shall be permitted ~~as a special exception~~ in ~~an any of the~~ RF-1 zone zones if approved by the Board of Zoning Adjustment as a special exception under pursuant to Subtitle X, Chapter 9, and subject to the following ...
- 320.3 The conversion of a non-residential building or other structure to an apartment house and not compliant with Subtitle U § 301.2(b), shall be permitted ~~as a special exception~~ in ~~an-any of the~~ RF-1 zone zones if approved by the Board of Zoning Adjustment as a special exception under pursuant to Subtitle X, Chapter 9, and subject to the following ...
- 320.4 An existing apartment house deemed a conforming use ~~under pursuant to~~ Subtitle U § 301.3 ...

**Subsection 321.2 of § 321, ADDITIONAL USE RESTRICTIONS AND CONDITIONS, of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

- 321.2 In the ~~RF-3 zones~~ RF-1/CAP zone, the following uses shall not be permitted as a matter of right or as a special exception:
- (a) Parking lot . . .
- ...

**Section 401, MATTER-OF-RIGHT USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising §§ 401.1 and 401.2 and by adding a new § 401.3, to read as follows:**

- 401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions for each use below:



(a) Any use permitted in the RF zones ...

...

(d) Except for the RA-1 ~~and RA-6~~ zones:

(1) Multiple dwellings ...

...

401.2 A chancery is a permitted use in RA-4, and RA-5, ~~RA-10, or RA-11~~ zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of Subtitle X, Chapter 2 ~~of this title~~.

**401.3 In the RA-2/RC zone, the uses of this section shall be permitted as a matter of right unless prohibited in Subtitle U § 514.3.**

A new § 410.2 is proposed to be added to § 410, ACCESSORY USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, to read as follows:

**410.2 In the RA-2/RC zone, a drive-through accessory to any use shall be prohibited.**

Subsection 420.1 of § 420 SPECIAL EXCEPTION USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by adding a new § 420.1(j) to read as follows:

420.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under pursuant to Subtitle X, Chapter 9, and subject to any applicable ~~provisions of~~ conditions for each ~~section~~ use below:

(a) Any use or structure permitted ~~under~~ pursuant to Subtitle U § 320 ...

...

(h) Nonresidential adjunct uses as an accessory use within an apartment house, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs subject to the following conditions:

(1) The ~~adjuncts~~ adjunct uses authorized ~~under~~ pursuant to this paragraph ...

...

(5) The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest MU, ~~NMUNC~~, or PDR zone;

...

- (7) In considering an application ~~under~~ pursuant to this paragraph, the Board of Zoning Adjustment shall ~~give consideration to~~ consider the following:
- (A) The proximity of MU and NMUNC zones;
  - (B) The adequacy and convenience of parking spaces existing in or for the MU and NMUNC zones;
  - (C) The adequacy and scope of commodities and services provided within those MU and NMUNC zones; and
  - (D) The size and character of the apartment house...
- (i) A parking garage constructed as a principal use on a lot ...
- (1) The use shall comply with all provisions ...
- ...
- (4) Before taking final action on an application for the use, the Board of Zoning Adjustment shall submit the application to the D.C. Department of Transportation for review and report; ~~and~~
- (j) In any of the RA-1 ~~and RA-6~~ zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1~~(f)(g)~~, except for the ability to include ancillary uses pursuant to Subtitle U § subparagraph 203.1~~(f)(3)~~(g)(3); and
- (k) In the RA-2/RC zone, the uses of this section shall be permitted as a special exception unless prohibited by Subtitle U § 514.3.

The title of § 421, NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

**421 NEW RESIDENTIAL DEVELOPMENTS (RA-1~~and RA-6~~)**

Subsection 421.1 of § 421, NEW RESIDENTIAL DEVELOPMENTS (RA-1), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, OF Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

421.1 In any of the RA-1~~and RA-6~~ zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions ~~under~~ pursuant to

Subtitle X, **Chapter 9**, in accordance with the standards and requirements in this section.

**Subsection 422.2 of § 422, ADDITIONAL USE RESTRICTIONS AND CONDITIONS (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

422.2 In the ~~RA-7 zones~~ **RA-2/CAP zone**, the following uses shall not be permitted as a matter of right or as a special exception:

- (a) Parking lot ...

**Subsection 500.2 of § 500 GENERAL USE PROVISIONS (MU), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

500.2 Use groups for the MU zones are as follows:

**TABLE U § 500.2: MU-USE GROUPS**

MU-Use Group A	MU-Use Group B	MU-Use Group C	MU-Use Group D	MU-Use Group E	MU-Use Group F	MU-Use Group G
MU-1 MU-2 <del>MU-15,</del> <del>MU-16</del> <del>MU-23</del>	MU-11	MU-12, MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5, MU-6, <del>MU-17,</del> <del>MU-18,</del> <del>MU-19,</del> MU-24, <del>MU-25</del> <del>MU-26,</del> MU-27, CG-2	MU-7, MU-8 MU-9, <del>MU-20,</del> <del>MU-21,</del> <del>MU-28</del> CG-3, <del>MU-30</del> <del>MU-15</del> <del>CG-3</del>	MU-10 <del>MU-22</del> <del>MU-29</del> CG-4

**Subsection 504.1 of § 504 SPECIAL EXCEPTION USES (MU-USE GROUP A), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

504.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception pursuant to ~~under~~ Subtitle X, Chapter 9, and subject to any applicable ~~provisions of~~ conditions for each ~~section~~ use below:

- (a) Chancery use, subject to disapproval by the Board of Zoning Adjustment in accordance with Subtitle X, **Chapter 2**;
- (b) College or university use ...

- (j) Retail, service (general), and eating and drinking establishment uses subject to the following conditions:
  - (1) The properties are in any of the MU-2 ~~or MU-23~~ zone ~~district~~;
  - (2) The properties are those located south of ...
- (k) Utility (basic) uses ...

**Subsection 512.1 of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:**

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions for each use below:

- (a) Uses permitted as a matter of right in any of the R, RF, and RA zones ...
- (d) College or university uses ...
- (e) Eating and drinking establishment uses, subject to the following conditions:
  - (1) A fast food establishment or food delivery service shall not be permitted within any of the MU-4, ~~MU-17, MU-24, MU-25, MU-26, and MU-27~~ zones; and
  - (2) A fast food establishment ...
- (f) Education uses ...
- (i) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
  - (1) All portions of the gasoline service station ...
  - (4) The use shall not be permitted in any of the MU-4, ~~MU-17, MU-25, and MU-27~~ zones;
- (j) Optical transmission ...
- (l) Service (general) uses subject to the following conditions:

- (1) A laundry or dry cleaning facility ...
- (2) In any of the MU-4, ~~MU-17, MU-25, and MU-27~~ zones, uses involving the installation of automobile accessories shall not be permitted; ~~and~~
- (m) Veterinary office ...

...

**512.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a matter of right unless prohibited by Subtitle U § 514.3.**

**Section 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising § 513.1 and by adding a new § 513.2, to read as follows:**

513.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception pursuant to under Subtitle X, Chapter 9; ~~and~~ subject to the ~~provisions of this subsection~~ applicable conditions for each use below:

- (a) Any uses permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception, except firearms retail sales establishment;
- (b) Animal boarding uses not meeting the conditions of Subtitle U § 512.1~~(a)~~(b) subject to ...
- ...
- (d) Emergency shelter ...
- (e) Fast food establishments or food delivery service eating and drinking establishments in any of the MU-4, ~~MU-17, MU-25, and MU-27~~ zones, subject to the following ...
- ...

**513.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a special exception unless prohibited by Subtitle U § 514.3.**

**Section 514, PROHIBITED USES (MU-USE GROUP E), of CHAPTER 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising § 514.2 and adding a new § 514.3 to read as follows:**

514.2 In the ~~MU-24 and MU-26~~ MU-4/CAP and MU-4/CAP/CHC zones, the following uses are prohibited:

...

**514.3 In the MU-4/RC and MU-5A/RC zones, the following uses shall be prohibited:**

- (a) Antenna tower in excess of twenty feet (20 ft.) in height;**
- (b) Any use not permitted in the MU-10 zone, except a parking lot as permitted by Subtitle U § 203.1(k);**
- (c) Assembly hall, auditorium, or public hall;**
- (d) Automobile laundry;**
- (e) Automobile or truck sales;**
- (f) Automobile rental agency that stores or services automobiles within an RC zone;**
- (g) Bar or cocktail lounge;**
- (h) Billiard parlor or pool hall;**
- (i) Boat or other marine sales;**
- (j) Bowling alley;**
- (k) Bus passenger depot;**
- (l) Drive-through;**
- (m) Funeral mortuary or other similar establishment;**
- (n) Gasoline service station or repair garage;**
- (o) Hotel;**
- (p) Motorcycle sales or repair;**
- (q) Movie theater;**
- (r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square**

**2572, Lot 36, may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area;**

**(s) On-premises dry cleaning establishment;**

**(t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;**

**(u) Restaurant or fast food establishment;**

**(v) Satellite reception dish greater than fifteen feet (15 ft.) in diameter;**

**(w) Transient accommodations that are not home occupations;**

**(x) Veterinary hospital; and**

**(y) Video game parlor.**

**Paragraph (m) of § 515.1 of § 515, MATTER-OF-RIGHT USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions **for each use below:**

(a) Uses permitted as a matter of right in any **of the** R, RF, and RA zones and ...

(g) Emergency shelter;

(h) A gasoline service station, only in the ~~MU-30~~ **MU-15** zone, provided no portion of the structure or premises shall be located within twenty-five feet (25 ft.) of a R, RF or RA zone unless separated from that R, RF, or RA zone by a street or alley; and . . .

(i) Laundry or dry cleaning ...

**Subsection 516.1 of § 516 SPECIAL EXCEPTION USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:**

- 516.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception **pursuant to** ~~under~~ Subtitle X, Chapter 9; **and** subject to the ~~following~~ **applicable** conditions **for each use below**:
- (a) Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions of MU-Use Group F may apply for permission as a special exception, except firearms retail sale establishments;  
...
  - (g) Public utility pumping station ...
  - (h) Retail, large format, subject to the conditions of Subtitle U § 511.1(**h**); and
  - (i) Sexually-oriented business establishment in **any of** the MU-9, ~~MU-21~~, or ~~MU-30 zone~~ **MU-15 zones**, subject to the following conditions:
    - (1) No portion of the establishment shall be located within six hundred feet (600 ft.) of ~~a~~ **any** R, RF, RA, MU-1, MU-2, ~~MU-15, MU-16, or MU-23~~ **MU-1/DC, MU-2/DC or MU-2/CAP** zone;  
...
  - (j) Veterinary boarding hospital ...

**Subsection 518.1 of § 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

- 518.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception **pursuant to** ~~under~~ Subtitle X, Chapter 9; **and** subject to the ~~following~~ **applicable** conditions **for each use below**:
- (a) An antenna tower or ...
  - (b) Automobile or motorcycle sales or repair subject to the provisions of this section:
    - (1) The use shall be located so that it is not objectionable ...  
...
    - (4) No portion of a building use for vehicle sales or repair shall be used within fifty feet (50 ft.) of ~~a~~ **any** R, RF, RA MU-1, MU-2, ~~MU-15, MU-16, or MU-23~~ **MU-1/DC, MU-2/DC or MU-2/CAP** zone; and
    - (5) The Board of Zoning Adjustment ...
  - (c) Bowling alley ...



...

- (k) A Metropolitan Police Department vehicle maintenance facility ...
- (l) Retail, large format, subject to the conditions of Subtitle U § 511.1(h);
- (m) ~~Utilities~~Utility (basic) ...

...

**Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is proposed to be amended as follows:**

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

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

- (a) Agricultural ...
- (b) Artist studio inside a building, subject to the following conditions:
  - ...
- (f) Residential ~~dwelli~~nguse, subject to the following limitations:
  - (1) The alley lot is not wholly or partially within any of the R-1-A, R-1-B, R-1 or R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones;
  - (2) A building may not be constructed ...
    - ...
- (g) Short-Term Rental as an accessory use to a principal residential use.
  - ...

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

**601.1** The following uses shall be permitted on an Alley Lot in any ~~the~~ R, RF, and RA ~~zones~~zone, ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception pursuant to ~~under~~ Subtitle X, Chapter 9, and subject to the ~~provisions of this subsection~~ applicable conditions for each use below:

...

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

(1) The Alley Lot is wholly or partially within any of the R-1 or R-2 zones;

(2) A building ...

...

## **602 USES ON ALLEY LOTS IN THE NONRESIDENTIAL ZONES**

602.1 Any matter-of-right use permitted within a zone in which an alley lot is located ...

602.2 Any special exception use permitted within a zone in which ~~the~~ an alley lot is located ...

602.3 Any use not permitted within the zone in which ~~the~~ an alley lot is located ...

602.4 Any use permitted as a matter of right pursuant to Subtitle U § 602.1 ...

**Paragraph (b) of § 801.1 of § 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, USE PERMISSIONS, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

(a) Agricultural uses;

(b) Animal sales, care, and boarding uses, subject to the following conditions:

...

(2) Animal shelter subject to the following conditions:

(A) The use shall utilize industry standard ...

(B) The use shall not be located within twenty-five feet (25 ft.) of a lot within ~~a~~any of the R, RA, RF, ~~RC-1~~ RA-2/RC, CG-1, or D-1 ~~zone~~ zones. The twenty-five feet (25 ft.) ...

...

**Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE PERMISSIONS, PRODUCTION, DISTRIBUTION, AND REPAIR, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:**

802.1 The following uses shall be permitted ~~as a special exception in any of the PDR zones~~ if approved by the Board of Zoning Adjustment as a special exception under pursuant to Subtitle X, Chapter 9, and subject to the ~~provisions of this section~~ applicable conditions for each use below:

- (a) Animal sales, care, and boarding uses not meeting the conditions ~~of matter-of-right~~ of Subtitle U § 801.1(b), subject to the following conditions:  
...
- (d) Emergency shelter not meeting the conditions of Subtitle U § 801.1(j), subject to the following conditions:
  - (1) There shall be a maximum limit of three hundred (300) ...
  - (4) The use shall not be permitted in any of the PDR-3, or PDR-4, ~~or PDR-7~~ zones;  
...
- (g) Repair of automobiles (any devoted use), including body work, in ~~a~~ any of the PDR-1, or PDR-2, ~~PDR-5, or PDR-6 zone~~ zones within two hundred feet (200 ft.) of a residential zone or residential development, subject to the following ...
- (k) ~~Utilities~~ Utility (basic) uses not meeting the conditions ~~for such uses~~ of Subtitle U § 801.1(bb); however, ...
- (l) Waste-related service uses not permitted under Subtitle U § 801.1(~~aa~~)(cc), but not including ...

## **XII. Proposed Amendments to Subtitle W, SPECIFIC ZONE BOUNDARIES**

**Section 102, CAPITOL INTEREST ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 102.1 The Capitol Interest zones (~~RA-7, RF-3, MU-23, MU-24, MU-26, and PDR-5 RA-2/CAP, RF-1/CAP, MU-2/CAP, MU-4/CAP, MU-4/CAP/CHC, and the PDR-1/CAP~~) ~~are applied~~ apply to the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act.

**Section 103, CHAIN BRIDGE/UNIVERSITY TERRACE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

103.1 The Chain Bridge/University Terrace zone (~~R-21~~ R-1A/CBUT) ~~is applied to properties contained within the boundaries of the R-21 zone that includes lots applies to the following lots:~~

(a)        Lots 826, 829, 839-843, 845-847, 849-851, and 853-857 in Square 1409;

(b)        Lots 829 and 830 in Square 1410;

(c)        Lots 803, 806, 807, 829, 830, 832, 840, and 841 in Square 1411;

(d)        **All lots in** ~~all of~~ Square 1425;

(e)        Lots 11, 15-18, 20, 22, 831, 835, 851, 855, 859, 861, 863, 864, 898, 899, 902-905, 912, 914, 931, 937, 938, 940, and 948-958 in Square 1426; and

(f)        **All lots in** ~~all of~~ Square 1427.

**Section 104, CLEVELAND PARK NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

104.1 The Cleveland Park Neighborhood Mixed-Use zone (~~NC-3~~ NMU-4/CP) ~~is applied~~ **applies** to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those lots ~~zoned NC-3~~ in Squares 2218, 2219, 2222, 2068, 2069, and 2082.

**Section 105, DUPONT CIRCLE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

105.1 The Dupont Circle zones (~~RF-2, RA-8, RA-9, RA-10, and MU-15 through MU-22~~ RF-1/DC, RA-2/DC, RA-4/DC, RA-5/DC, MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC and MU-10/DC) ~~include~~ **applies to** the following **lots:**

(a)        **All lots in** Squares: 23, 35, 48, 49, 65, 66, 67, 68, 69, 70, 90, 91, 92, 93, 94, 95, 96, 97, 98, N99, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, N137, 138, 139, 153, S153, 154, 155, 156, 157, 158, 159, 160, 178, 179, 180, 181, S181, 182, N182, 192, 193, 194, 195, S195, 196, and N196.;

(b)        ~~The Dupont Circle zones also include the following lots: Square 176,~~ Lots 43-45, 64-73, **and** 2076-2128 **in Square 176;**

(c)        ~~Square 177,~~ Lots 2, 36-40, 87-92, 104, 108, 118-123, 126, 127, 801, 802, 2009-2019, **and** 2020-2025 **in Square 177;**

- (d) ~~Square N177~~, Lots 4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, and 2022 in Square N177;
- (e) ~~Square 190~~, Lots 22-42, 51-62, 88-99, 101-116, 119-120, 123, 129, 809, 2001-2018, 2019-2028, 2029-2049, and 2050-2056 in Square 190;
- (f) ~~Square 191~~, Lots 3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 93-95, 96-98, 99, 100, 104, 107-108, 800, 801, 803-804, 812, 814, 816, 817, 2001-2012, 2014-2027, 2028-2031, 2032, 2034-2058, 2059-2067, and 2068-2077 in Square 191;
- (g) ~~Square 206~~, Lots 17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, and 2001-2013 in Square 206; and
- (h) ~~Square 207~~, Lots 48-65, 94-95, and 810 in Square 207.

**Section 106, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 106.1 The Eighth Street Southeast Neighborhood Mixed-Use zone (~~NC-6 NMU-7B/ES~~) is applied applies to a compact geographic area along Eighth Street, ~~S.E.~~SE, near the entrance to the Navy Yard, comprising ~~those properties zoned NC-6~~ all lots in Squares 906, 907, 929, and 930.

**Section 107, FOREST HILLS TREE AND SLOPE PROTECTION ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 107.1 The Forest Hills Tree and Slope Protection zones (~~R-8, R-9, and R-10~~ R-1A/FH, R-1B/FH and R-2/FH):
- (a) Are ~~are~~ established to preserve and enhance the park-like setting of the designated neighborhoods bounded by Connecticut Avenue and 32nd Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, ~~N.W.~~NW on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, including Soapstone Valley and Melvin C. Hazen Parks, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. ~~It includes Soapstone Valley Park as well as Melvin C. Hazen Park;~~ and
- ~~107.2 (b) Includes The Forest Hills Tree and Slope Protection zones includes~~ all lots ~~zoned R-8, R-9, or R-10 in the R-1A, R-1B, and R-2 zones~~ in Squares 2030 through 2033, 2040 through 2043, 2046, 2049 (except for

Lots 804, 805, and 806), 2231, 2232, 2238, 2239, 2241 through 2251, 2254 through 2256, 2258, 2262 through 2270, 2272, 2274 through 2277, and 2282.

**Section 108 FOGGY BOTTOM ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

108.1 The Foggy Bottom zone (~~R-17~~ **R-3/FB**) has the identical boundaries of the Foggy Bottom Historic District and ~~is applied~~ **applies** to:

**(a) The following** ~~the~~ area, the boundaries of which begin at the intersection of K and 25<sup>th</sup> Streets, ~~N.W.~~ **NW**, and proceed as follows: east along the center line of K Street, turning south along the eastern edge of Lot 19 in Square 28 to the northern edge of the alley; then eastward and southward along the alley to the northern boundary of Lot 92 in Square 28; then eastward to the center line of 24<sup>th</sup> Street; then south along the center line of 24th Street to New Hampshire Avenue; then southwest along the center line of New Hampshire to H Street; west along the center line of H Street to 25th Street; north along the center line of 25<sup>th</sup> Street to the southern edge of Lot 42 in Square 17; then west along the lot line to the alley in Square 17; then through the alley and then north along the western line of Lot 848 (encompassing Lots 812 through 820, 28 through 35, 834, 848, and 849) in Square 17 to the center line of I Street; then west along the center line of I Street to the center line of 26th Street; then north on 26th Street to the northern edge of Lot 73 in Square 16; then east along the northern edge of Lot 73 to the easternmost corner of Hughes Mews and then south along the eastern edge of Hughes Mews to the northern edge of Lots 883, 858, and 856; then east along the lots to the center line of 25th Street; then north along the center line of 25th Street to the origination point at the center line of K Street. ~~The R-17 R-3/FB zone also includes the following:~~

**(b) \_\_\_\_\_** Square 16, excluding Lots 884, 863, 93, 17, 71, and 2009 through 2161 (The Griffin Condominium Apartment Building);

**(c) \_\_\_\_\_** Square 17, excluding Lots 2001 through 2051 (The Plaza Condominium Apartment Building);

**(d) \_\_\_\_\_** Square 28, excluding Lots 884 and 168; and

**(e) \_\_\_\_\_** Square 29 in its entirety.

**Section 109, FORT TOTTEN ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

109.1 The Fort Totten zones (~~MU-28, MU-29, PDR-6, and PDR-7~~ **MU-7B/FT, MU-10/FT, PDR-1/FT, and PDR-4/FT**) ~~are applied~~ **apply** to the area that is

immediately north and south of Fort Circle Park (also known as Fort Drive Park) as follows:

- (a) North of Fort Circle Park:
  - (1) The ~~zone~~ boundaries of the ~~MU-28~~ MU-7B/FT zone shall begin at the intersection of First Place and Riggs Road, NE, and proceed as follows:
    - (A) West along the center line of Riggs Road to ...
    - (B) The zone boundaries of the ~~MU-29~~ MU-10/FT zone shall be the boundaries of the existing PDR zone that is immediately north of Fort Circle Park and south of the ~~MU-28~~ MU-7B/FT zone; and
- (b) South of Fort Circle Park:
  - (1) The ~~zone~~ boundaries of the ~~PDR-7~~ PDR-4/FT zone shall be the identical boundaries of the existing PDR-4 zone that is immediately south of and contiguous to Fort Circle Park; and
  - (2) The ~~zone~~ boundaries of the ~~PDR-6~~ PDR-1/FT zone shall be the identical boundaries of the existing PDR-1 zone that is immediately south of and contiguous to Fort Circle Park.

**Section 110, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 110.1 The Georgia Avenue Neighborhood Mixed-Use zones (~~NC-7 and NC-8~~NMU-4/GA and NMU-7B/GA) ~~area-applies~~ apply to all properties ~~zoned NC-7 and NC-8 in the NMU-4 and NMU-7B zones~~ along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue, N.W., and Kenyon Street, N.W., to the south side of the intersection of Georgia Avenue, N.W., and Varnum Street, N.W.

**Section 111, HILL EAST ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 111.1 The Hill East zones (HE-1 through HE-4) ~~is-applied~~ apply to Federal Reservation 13, which is designated for mixed-used development on the Future Land Use Map of the Comprehensive Plan and the Reservation 13 Hill East Waterfront Master Plan, as approved by the Council of the District of Columbia on October 15, 2002, and is the subject of the Hill East Waterfront Design Guidelines, June 2008.

**Section 112, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 112.1 The H Street Northeast Neighborhood Mixed-Use zones (~~N-9 through NC-17~~ NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, NMU-8B/H-H, NMU-4/H-R, NMU-5A/H-R, NMU-4/H-A, and NMU-7B/H-A) ~~area applies~~ apply to all lots fronting onto H Street, N.E. from 2<sup>nd</sup> Street to 15<sup>th</sup> Street, N.E. ~~and zoned in the~~ zoned in the MU-4, MU-5A, MU-6B, MU-7B, or MU-8B zones, as well as: Square 1026, Lots 65, 66, 100, 101, 102, 103, 173, 177, 835, and 836; lots within Squares 1027 and 1049 fronting onto Maryland Avenue, N.E. or 14<sup>th</sup> Street, N.E.; Reservations 15P, 15Q, 15R, and 213; and all of Square 1050. The area is divided into three (3) sub-districts affecting the following squares:
- (a) H Street Northeast Housing Sub-district (~~NC-9, NC-10, NC-11, NC-12, and NC-13~~ NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H and NMU-8B/H-H) encompasses properties fronting on H Street, NE in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, NE;
  - (b) H Street Northeast Retail Sub-district (~~NC-16 and NC-17~~ NMU-4/H-R and NMU-5A/H-R) encompasses properties fronting on H Street, NE in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, NE; and
  - (c) H Street Northeast Arts Sub-district (~~NC-14 and NC-15~~ NMU-4/H-A and NMU-7B/H-A) encompasses properties fronting on H Street, NE in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, NE, as well as: Square 1026 lots 65, 66, 100, 101, 102, 103, 173, 177, 835, and 836; lots within Squares 1027 and 1049 fronting onto Maryland Avenue, NE or 14th Street, NE; Reservations 15P, 15Q, 15R, and 213; and all of Square 1050.

**Section 113, MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 113.1 The Macomb-Wisconsin Neighborhood Mixed-Use ~~zones~~ zone (~~NC-1~~ NMU-3A/MW) ~~area~~ applies to the neighborhood commercial area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those lots ~~zone NC-1 in the MU-3A zone~~ in the MU-3A zone in Squares 1920 and 1920N.

**Section 114, REED-COOKE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**



- 114.1 The Reed-Cooke zones (~~RC-1, RC-2, and RC-3~~ RA-2/RC, MU-4/RC and MU-5A/RC) ~~shall be applied~~ apply to the portions of lots in the RA-2, MU-4, and MU-5A zones in Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 ~~in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, 10 DCMR § 1127, that are zoned non-residentially as of January 1, 1989.~~

**Section 115, SAINT ELIZABETHS EAST CAMPUS ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 115.1 The Saint Elizabeths East Campus zones (StE-1 through StE-19) ~~shall~~ apply to Lot 2 in Square S-5868, which comprises the area historically referred to as the St. Elizabeths East Campus, and generally bounded by the Unified Communications Center to the north; open space and the St. Elizabeths Psychiatric Hospital to the east; Alabama Avenue, S.E., and the residential community to the south; and Martin Luther King, Jr., Avenue, S.E., to the west.

**Section 116, SIXTEENTH STREET HEIGHTS ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 116.1 The Sixteenth Street Heights zone (R-1B/SH) ~~apply~~ applies to ~~all properties zoned R-16.~~
- ~~116.2~~ ~~The R-16 zone encompasses~~ the geographic area in northwest Washington generally bounded by 16<sup>th</sup> Street and Rock Creek Park, N.W., on the west, Military Road and Missouri Avenue, N.W., on the north, and 14<sup>th</sup> Street, N.W., on the east, and Colorado Avenue, N.W., on the southeast and the geographic area generally bounded by 16<sup>th</sup> Street, N.W., on the west, Colorado Avenue, N.W., on the north, 14<sup>th</sup> Street, N.W., on the east, and Decatur Street, N.W., to the south. ~~This zone is applied to properties zoned R-16 comprising those lots in the R-1B zone in the following~~ Squares and portions of squares: 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799.

**Section 118, TAKOMA NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

- 118.1 The Takoma Neighborhood Mixed-Use zone (~~NC-2~~ NMU-4/TK) ~~area~~ applies to Squares 3188 and 3278 in their entirety, and certain lots and portions of lots zoned ~~NC-2~~ NMU-4/TK on:
- (a) Square 3187 along the frontages of Blair Road and Cedar Street, N.W.;
  - (b) Squares 3275 and 3276 along the frontage of 4<sup>th</sup> Street, N.W.;

- (c) Squares 3352, 3353, 3354, 3356, and 3357 along the frontages of Cedar Street and Carroll Street, N.W.; and
- (d) Square 3280 along the frontages of Blair Road, Butternut Street, and 4th Street, N.W.

118.2 The ~~NC-2-NMU-4/TK~~ zone begins at the street right-of-way lines abutting the Squares named in Subtitle W § 118.1, and extends to a depth of one hundred feet (100 ft.).

**Section 119, UNION STATION NORTH ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

119.1 The Union Station North zone (USN) ~~is mapped on~~ applies to the following squares and air space development lots, as more specifically described in the plat attached to Zoning Commission Order No. 09-21:

- (a) Square 717, Lots 7001 and 7002 (between H and K Streets, N.E.); and
- (b) Square 720, Lots 7000 and 7001 (between Union Station and H Street, N.E.).

**Section 121, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

121.1 The Wesley Heights Residential House zones (~~R-14 and R-15~~ R-1A/WH and R-1B/WH) ~~shall apply to the area and properties contained in this subsection:~~

- (a) The area ~~is~~ generally bounded by a line which begins at the intersection of Nebraska and New Mexico Avenues and runs southeast along the center line of New Mexico Avenue, N.W., to the western boundary of Glover Archbold Park. The line then runs south and west along the west boundary of Glover Archbold Park to a point east of the southernmost point of Lot 33 of Square 1341. The line then runs west across 44th Street to the southwest boundary of Lot 33. The line then runs in a northerly direction along the rear lot lines of the properties on the west side of 44th Street, to the southern boundary of Lot 15 of Square 1341, inclusive of Lot 33. (For those lots with narrow frontages on the west side of 44th Street, the ~~R-14 and/or R-15~~ R-1A/WH and/or R-1B/WH) zone boundary line shall cross those narrow lot frontages by connecting the rear lot lines of the adjacent lots across the narrow lot frontage.) The line then runs west along the southern boundary of Lot 15; then runs northwest along the west boundary of Lot 15; then runs in a westerly direction along the right-of-way of the Dexter Court cul-de-sac excluding Lots 19-21, and then runs southwest along the south boundary

of Lot 18. The line then runs north along the west boundary of Lot 18 to the southern boundary of Lot 805. The line then runs west along the southern boundaries of Lots 805 and 800; then runs north along the west boundary of Lot 800; then runs west to Foxhall Road along the southern boundary of Lot 804. The line then runs south along the center line of Foxhall Road; then runs west along the northern boundary of Lot 813 of Square 1380; then runs southwest along the rear of Lots 4, 5, and 820 of Square 1380; then runs west to 49th Street along the southern boundaries of Lots 820 to 824, 826, and 6 of Square 1380. The line then runs north along the western boundary of 49th Street right-of-way; continues east along the northern boundary of Cathedral Avenue right-of-way; and turns north along the property line at the rear of the properties on the west side of Foxhall Road (including all of Square 1523 and Lots 28 and 29 of Square 1521). The line then runs east along the northern property line of Lot 28 of Square 1521 to Foxhall Road, and then runs north along the west boundary of the Foxhall Road right-of-way to Nebraska Avenue. The line then runs northeast along the center line of Nebraska Avenue to the point of origin at the intersection of New Mexico and Nebraska Avenues, ~~N.W.~~NW; and

- (b) The properties that are ~~contained within the boundaries of the R-14 and R-15 in the R-1A/WH and R-1B/WH~~ zones ~~include all of~~ including:

(1) Squares 1338 to 1340, 1380, 1381, 1406, 1408, 1521, 1523, 1524, 1603 through 1612, 1614, 1615, 1619 through 1622, 1625, 1626, 1700, and 1701; ~~and a portion of Squares 1341, 1397, and 1601~~ (those portions include

(2) Lots 11, 12, 15 to 18, 24, 25, 28 through 34, 36, 37, 800, 804, 805, 807, 810, 814, 819, 821, 824, 825, and 868, and a portion of Lots 35, 857, and 869 in Square 1341;

(3) Lots 4 through 6, 814 through 816, 818, 820 through 824, and 826 in Square 1397; and

(4) Lots 804 and 805 in Square 1601}.

**Section 122, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:**

122.1 The Woodley Park Neighborhood Mixed-Use zones (~~NC-4 and NC-5~~ NMU-4/WP and NMU-5A/WP) ~~are applied~~ apply to a compact geographic area surrounding the Woodley Park/Zoo Metrorail station, comprising:

- (a) ~~Those~~ Those these lots ~~zoned NC-4 in the NMU-4 zone~~ in Squares 2202 and 2203; and

(b) Those ~~these~~ lots ~~zoned NC-5~~ in the NMU-5A zone in Square 2204.

Section 123, CAPITOL HILL COMMERCIAL MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

123.1 The Capitol Hill Commercial Mixed-Use zones (~~MU-25 and MU-26~~ MU-4/CHC and MU-4/CAP/CHC) encompass apply to the geographic area in southeast and northeast Washington generally identified as ...

123.2 The Capitol Hill Commercial Mixed-Use zones shall include all of the following lots or squares ~~zoned MU-25 and MU-26~~ in the MU-4 zones:

(a) Square 755: those lots ...

### XIII. Proposed Amendments to Subtitle X, GENERAL PROCEDURES

Subsection 101.5 of § 101, CAMPUS PLANS, of Chapter 1, CAMPUS PLANS AND MEDICAL CAMPUS PLANS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

101.5 The maximum height and the maximum total floor area ratio (FAR) of all buildings and structures on the campus shall be as set forth in the following table: following development standards shall apply to the maximum total density of all buildings and structures on the campus in an R, RF, RA, or RC-1 zone:

TABLE X § 101.5: MAXIMUM HEIGHT AND TOTAL FLOOR AREA RATIO~~TOTAL DENSITY~~ OF ALL BUILDINGS AND STRUCTURES

<u>Zone</u> <del>Zones</del>	Maximum Height (Feetft.)	Maximum <u>FAR</u> <del>Floor</del> Area Ratio
<del>All</del> R and RF <del>zones</del>	50	1.8
RA-1, <del>RA-2, RA-6, RA-7, RA-8, RC-1</del>	50	1.8
<u>RA-2</u>	<u>60</u>	<u>1.8</u>
RA-3, RA-4, <u>and</u> RA-5, <del>RA-9, RA-10</del>	90	3.5

Subsection 102.1 of § 102, SPECIAL EXCEPTION FOR USE OF COMMERCIAL PROPERTY BY A COLLEGE OR UNIVERSITY, of Chapter 1, CAMPUS PLANS AND MEDICAL CAMPUS PLANS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

102.1 A college or university may use a property in any of the ~~low-density mixed-use MU-3 or MU-4~~ zones (~~MU-3, MU-4, MU-18, MU-25 through MU-29, and RC-2~~) and a NC zone to be used by a university or college for a use other than the

matter-or-right uses established in Subtitle ~~U~~ **F** and Subtitle ~~G~~ shall be permitted ~~as a special exception, subject to review and approval if approved~~ by the Zoning Commission as a special exception pursuant to Subtitle X, Chapter 9 and subject to the provisions of this section.

**Subsections 200.2 through 200.4 of § 200, GENERAL PROVISIONS, of Chapter 2, CHANCERY APPLICATIONS, of Subtitle X, GENERAL PROCEDURES, are proposed to be amended to read as follows:**

- 200.2 For the purposes of this chapter, the term “low- to medium-density residence zones” shall mean ~~all~~ any of the R and RF zones, and any of the RA-1, RA-2, and RA-3; ~~RA-6, RA-7, RA-8, and RC-1~~ zones.
- 200.3 For the purpose of this chapter, the term “special purpose zones” shall mean the MU-1, MU-2, ~~MU-15, MU-16, MU-23,~~ and ~~the~~ D-2 zones.
- 200.4 For the purposes of this chapter, the term “medium-high density residential zones” shall mean any of the RA-4 ~~and RA-9~~ residential apartment zones, and “high-density residential zones” shall mean any of the RA-5 ~~and RA-10~~ residential apartment zones.

**Subsection 300.10 of § 310, PLANNED UNIT DEVELOPMENTS, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 300.10 The PUD process shall not be used to reduce requirements for designated uses, specifically retail, service, entertainment, and arts uses established within ~~a NC~~ an NMU zone.

**Subsection 301.1 of § 301, MINIMUM LAND AREA (PUD), of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 301.1 The minimum area included within a proposed development application, including the area of public streets or alleys proposed to be closed, shall be as follows:

**TABLE X § 301.1: MINIMUM PUD LAND AREA**

Zone Group	Applicable <del>Zone</del> Zones	Minimum Area
1	<del>Any R zone and RF-1, RF-3</del> <u>R-1, R-2, R-3</u>	2 acres
	<u>RF-1</u>	<u>2 acres</u>
	RA-2	1 acre
	MU-4, <del>MU-5A</del> <u>MU-5</u>	15,000 sq. ft.
2	RA-1, <del>RC-1</del> <u>RA-2/RC</u> , MU-11	1 acre
3	<u>RF-2, RA-8, RA-9, RA-10, MU-15, MU-16, MU-22</u> <u>RF-1/DC, RA-2/DC, RA-4/DC, RA-5/DC, MU-1/DC, MU-2/DC,</u> <u>MU-10/DC</u>	1 acre

Zone Group	Applicable <del>Zone</del> Zones	Minimum Area
4	<u>MU-17, MU-18, MU-19, MU-20, MU-21</u> <u>MU-4/DC, MU-5/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC</u>	0.5 acre
5	<u>NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15,</u> <u>NC-16, NC-17</u> <u>NMU-4/GA, NMU-7/GA, NMU-4/H-H, NMU-5/H-H, NMU-</u> <u>6B/H-H,</u> <u>NMU-7B/H-H, NMU-8B/H-H, NMU-4/H-A, NMU-7B/H-A,</u> <u>NMU-4/H-R, NMU-5/H-R</u>	10,000 sq. ft.
6	<del>Any-All</del> Other <del>Zone</del> Zones	15,000 sq. ft.

Subsections 303.3 through 303.9, 303.16, and 303.18 of § 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, are proposed to be amended, to read as follows:

303.3 Except as limited in Subtitle X §§ 303.5 and 303.6, the Zoning Commission may increase the maximum total density permitted on the PUD site as follows:

(a) In any R, RF, or RA-1 zone, by no more than the aggregate of the floor area ratios of all buildings as permitted in the following table:

TABLE X § 303.3(b): MAXIMUM AGGREGATE FLOOR AREA RATIO

<u>Zones</u>	<u>Maximum Residential FAR</u>	<u>Maximum Non-Residential FAR</u>	<u>Maximum Total FAR</u>
<u>R-1</u>	<u>0</u>	<u>n/a</u>	<u>0.4</u>
<u>R-2</u>	<u>4</u>	<u>n/a</u>	<u>0.4</u>
<u>R-3</u>	<u>0.6</u>	<u>n/a</u>	<u>0.6</u>
<u>RF</u>	<u>1.0</u>	<u>n/a</u>	<u>1.0</u>
<u>RA-1</u>	<u>1.0</u>	<u>n/a</u>	<u>1.0</u>

(b) In all other zones, by no more than twenty percent (20%) of that maximum matter-of-right permitted by the zone-~~district~~(s) associated with the PUD. As part of the twenty percent (20%) increase, the Zoning Commission may increase the maximum density for non-residential uses by no more than thirty-four percent (34%) of the maximum matter-of-right non-residential density permitted within the zone ~~district~~ associated with the PUD.

303.4 The twenty percent (20%) PUD related increase in density permitted ~~under~~ pursuant to Subtitle X § 303.3**(b)** may be calculated using the matter-of-right density and the IZ bonus density only when the PUD includes a full allocation of Inclusionary Zoning units consistent with Subtitle C, Chapter 10.

303.5 The matter-of-right floor area ratio limits shall serve as the density guidelines for a PUD in the ~~NC~~ NMU zones.

303.6 The matter-of-right floor area ratio limits shall serve as the maximum permitted density for a PUD in the following zones:

- (a) ~~MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, MU-22, MU-25, MU-26~~ MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC;
- (b) ~~RF-2~~ RF-1/DC; and
- (c) ~~RA-8, RA-9, and RA-10~~ RA-2/DC, RA-4/DC, and RA-5/DC.

303.7

Except as permitted for a penthouse or rooftop structure pursuant to Subtitle X § 303.18, no building or structure shall exceed the maximum PUD height permitted in the least restrictive zone ~~district~~ within the PUD site as set forth in the following table; provided, that the Zoning Commission may authorize the deviations permitted pursuant to Subtitle X § 303.10:

**TABLE X § 303.7: MAXIMUM PERMITTED PUD BUILDING HEIGHT ~~IN THE LEAST RESTRICTIVE ZONE DISTRICT~~**

<u>ZoneZones</u>	<u>Maximum PUD Height (feetft.) Number of Stories (if applicable)</u>
RF-1, <del>RF-3</del> , RF-4, RF-5	50
RA-1, RA-2, <del>RA-7, RC-1</del>	60
RA-3	75
RA-4, RA-5	90
<del>RA-6</del>	<del>40</del>
MU-1	75
MU-2	90
MU-3	40
MU-4	65
MU-5	90
MU-6	110
MU-7, MU-8	90
MU-9	130
MU-10	110
MU-11	40
MU-12	60
MU-13	80
MU-14	100
<del>MU-23</del>	<del>90</del>
<del>MU-24, MU-25, MU-26</del>	<del>65</del>
<del>MU-27</del>	<del>40</del>
<del>MU-28</del>	<del>90</del>
<del>MU-29</del>	<del>110</del>
<del>MU-30</del> <u>MU-15</u>	130
<del>PDR-7</del>	<del>90</del>
D zones	As permitted in Subtitle I
PDR-1, PDR-2	60
PDR-3, PDR-4, <del>PDR-5, PDR-6</del>	90
<u>RF-1/CAP</u> <u>RA-2/CAP</u> <u>MU-2/CAP</u> <u>MU-4/CAP</u>	<u>40/</u> <u>3 stories</u>

<u>MU-4/CAP/CHC</u>	
<u>RA-2/RC</u>	<u>40/</u> <u>3 stories</u>
<u>RA-1/NO</u>	<u>40/</u> <u>3 stories</u>
<u>MU-4/NO</u>	<u>40</u>
<u>MU-7B/FT</u>	<u>80</u>
<del>NC-1, NC-2, NC-3, NC-4, NC-5, NC-6, NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, NC-17</del> <u>NMU Zones</u>	In <del>these NC zones</del> <u>the NMU zones</u> , the matter-of-right height limits shall serve as the guidelines for a PUD.
<del>RF-2, RA-8, RA-9, RA-10, MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, MU-22</del> <u>RF-1/DC</u>  <u>RA-2/DC</u> <u>RA-4/DC</u> <u>RA-5/DC</u>  <u>MU-1/DC</u> <u>MU-2/DC</u> <u>MU-4/DC</u> <u>MU-5A/DC</u> <u>MU-6B/DC</u> <u>MU-8B/DC</u> <u>MU-9B/DC</u> <u>MU-10/DC</u>	The matter-of-right height limits shall serve as the maximum permitted height for a PUD.

303.8 In the ~~NC-7~~ NMU-4/GA and ~~NC-8~~ NMU-5A/GA zones, any additional height and floor area above that permitted as a matter of right shall be for residential use only.

303.9 In the ~~NC-9 through NC-13~~ NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, and NMU-8B/H-H-zones, any additional height and floor area above that permitted as a matter of right shall be used only for housing or the preferred uses of ~~the NC-9 through NC-13~~ these zones.

...

303.16 An electronic equipment facility (EEF) may occupy more than fifty percent (50%) of the gross floor area of a building in the MU-7, MU-8, MU-9, ~~MU-30~~ MU-15, or any D zone, if approved as part of a PUD in accordance with the requirements of this chapter and subject to the following ...

...

303.18 Except as limited by geographically modified zones, the ~~The~~ matter-of-right penthouse and rooftop structure height and number of story limits shall serve as



the maximum permitted penthouse **and rooftop structure** height and stories for a PUD except in the following zones:

**TABLE X § 303.18: MAXIMUM PUD PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<b><u>ZoneZones</u></b>	<b><u>Maximum Penthouse and Rooftop Structure Height</u></b>	<b><u>Maximum Penthouse and Rooftop Structure Number of Stories</u></b>
RA-1	12 ft.; except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
MU-4, MU-12, <del>NMU-4</del> ARTS-1, CG-6, <del>NC-7, NC-9, NC-14, NC-16</del> PDR-1, <del>PDR-6</del>	12 ft.; except 18 ft. 6 in. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
RA-3, MU-1	20 ft.	1; second story permitted for penthouse mechanical space
MU-5, MU-7, MU-8, <del>MU-28</del> <del>NMU-5</del> <del>NMU-7</del> <del>NMU-8</del> <del>NC-8, NC-10, NC-12, NC-13, NC-15, NC-17</del> ARTS-2, PDR-2	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

**Subsection 306.10 of § 306, HOUSING LINKAGE, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

306.10 A PUD that is subject to the housing requirement of this section shall not be relieved of the requirement to be found meritorious pursuant to the evaluation standards in Subtitle X § ~~306~~ **304**.

**Subsection 311.7 of § 311, IMPLEMENTATION, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

311.7 A condition in an order approving or modifying a PUD that requires the provision of affordable housing shall automatically terminate if title to the mortgaged property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development provided the

owner has executed monitoring and enforcement documents per the requirements of Subtitle X § ~~311.10~~ 311.6.

**Subsection 502.1 of § 502, INCLUSIONARY ZONING PLUS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

502.1 Except as provided in Subtitle X § 502.2, the requirements of this section shall apply to:

- (a) A map amendment that rezones a property:
  - (1) From a PDR zone to an ARTS, CG, D, MU, NMUNC, R, RA, or RF zone;
  - (2) From any zone other than a PDR zone to a D zone without a prescribed residential FAR; or
  - (3) From unzoned to an ARTS, CG, D, MU, NMUNC, R, RA, or RF zone; or

502.2 The requirements of this section shall not apply to a map amendment that:

- (a) Is related to a PUD application;
- (b) Is to a BF, HE, NHR, SEFC, StE, USN, or WR zone;
- (c) The Zoning Commission determines is not appropriate for IZ Plus due to the mitigating circumstances identified by the Office of Planning in its report recommending that the map amendment not be subject to IZ Plus; or
- (d) Was filed as an application that was accepted by the Office of Zoning prior to November 16, 2020.

**Subsection 601.1 of § 601, APPLICABILITY, of Chapter 6, DESIGN REVIEW, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

601.1 Except for Design Review required by Chapter 7 of Subtitle I, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan pursuant to Subtitle X, Chapter 1. Such a review shall hereinafter be referred to as a “Mandatory Design Review.”

**Subsections 604.1 and 604.2 of § 604, DESIGN REVIEW STANDARDS, of Chapter 6, DESIGN REVIEW, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

604.1 The Zoning Commission will evaluate and approve or disapprove a design review application subject to this chapter according to the standards of this section and for **Non-Voluntary Mandatory** Design Reviews subject to this chapter according to the standards stated in the provisions that require Zoning Commission review.

604.2 For **Non-Voluntary Mandatory** Design Review, the application must also meet the requirements of the provisions that mandated Zoning Commission approval.

**Subsection 900.2 of § 900, GENERAL PROVISIONS, of Chapter 9, SPECIAL EXCEPTIONS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

900.2 The Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the requested special exception meets the standards of Subtitle X § 901 and any specific conditions specified in this **subtitle title**.

**Paragraph (f) of § 1001.3 of § 1001, VARIANCE TYPES, of Chapter 10, VARIANCES, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

1001.3 Examples of area variances are requests to deviate from:

- (a) Requirements that affect the size ...  
...
- (d) Limitations on the alteration or conversion of certain structures on alley lots **as stated in Subtitle D § 1610; Subtitle E § 1104; Subtitle F § 903; and Subtitle G § 1503;**
- (e) The prohibition against certain enlargements ...
- (f) Preconditions to the establishment of a **matter of right or** special exception use provided that the variance would not cause the proposed use to meet the definition of a more intense use; and
- (g) Notwithstanding paragraph (f) of this section, the minimum nine hundred square feet (900 sq. ft.) of land area per dwelling unit ...

#### **XIV. Proposed Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**

**Subparagraph 19 of § 1600.1(b) of § 1600, FILING FEES FOR APPLICATIONS AND APPEALS, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) Appeal of any decision of the Zoning Administrator ...
- (b) Application for a special exception:
  - (1) Accessory apartment ...
  - ...
  - (19) Residential development, new, except those comprising all detached and semi-detached single dwelling units in the RA-1 ~~and RA-6~~ zones pursuant to Subtitle U § 421.1, five hundred forty dollars (\$540) for each dwelling unit;
  - (20) Roof structures ...
  - ...
- (c) Application for a variance ...
- ...

**Table Y § 1600 – SCHEDULE OF HEARING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

TABLE Y § 1600 – SCHEDULE OF HEARING FEES			
SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
Accessory apartment		\$ 325	
...			
Production, distribution, and repair pursuant to Subtitle U § 802.1(e)		\$5,200	
...			

**XV. Proposed amendment to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE**

**Subsection 1601.1 of § 1601, HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

- 1601.1 If the Commission schedules a public hearing on an application or petition for an amendment to the Zoning Map, prior to advertisement of the hearing, the applicant or petitioner shall pay a hearing fee in accordance with the following schedule:
- (a) For a map amendment to any of the R-1 through R-3, ~~R-6 through R-17, or R-19 through R-21 zone zones~~, for each forty-three thousand five

hundred and sixty square feet (43,560 sq. ft.) or part of that area, six hundred fifty dollars (\$650);

- (b) For a map amendment to any of the RF-1, ~~RF-4, RF-5, or RA-1 through RF-3 zone and RA-1 or RA-6 zone zones~~, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);
- (c) For a map amendment to any of the RA-2, ~~RA-7, RA-8, or RC-1 zone zones~~, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, three thousand two hundred fifty dollars (\$3,250);
- (d) For a map amendment to any of the RA-3 through RA-5, ~~RA-9, RA-10, D-1-R, SEFC-2, SEFC-3, or CG-1 zone zones~~, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, six thousand five hundred dollars (\$6,500);
- (e) For a map amendment to any of the MU-1, MU-2, MU-10 through ~~MU-16, MU-22, MU-23, MU-29, MU-14~~, D-2, SEFC-1, SEFC-4, CG-4 through CG-7, and ARTS-4 zone zones, for each ten thousand square feet (10,000 sq. ft.) or part of that area, two thousand six hundred dollars (\$2,600);
- (f) For a map amendment to any of the MU-3 through MU-6, ~~NMU-3 through NMU-6 MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17~~, D-4-R, CG-2, ARTS-1, and ARTS-2, ~~RC-2 and RC-3 zone zones~~, for each ten thousand square feet (10,000 sq. ft.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);
- (g) For a map amendment to any of the MU-7 through MU-9, ~~NMU-7 through NMU-8 MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15~~, D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 zone zones, for each ten thousand square feet (10,000 sq. ft.) or part of that area, three thousand two hundred fifty dollars (\$3,250);
- (h) For a map amendment to any of the ~~PDR-1 through PDR-7 zone zones~~, for each twenty thousand square feet (20,000 sq. ft.) or part of that area, two thousand six hundred dollars (\$2,600);
- (i) The maximum hearing fee for a map amendment ...
- (j) For an application or petition that proposes a map amendment to more than one (1) zone ...

**Table Z § 1601 – SCHEDULE OF HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended by revising the Case Types of Map Amendments, to read as follows:**

**TABLE Z § 1601 – SCHEDULE OF HEARING FEES**

<b>MAP AMENDMENT</b>			
<b>Case Type</b>	<b>Unit</b>	<b>Fee</b>	<b>Maximum</b>
R-1 through R-3, <del>R-6 through R-17, or R-19 through R-21 zonezones</del>	43,560 sq. ft. or part of that area	\$ 650	\$65,000
RF-1, <del>through RF-3 zone</del> <u>RF-4, RF-5, and or RA-1 or RA-6 zones</u>	43,560 sq. ft. or part of that area	\$1,625	\$65,000
RA-2, <del>RA-7, RA-8, or RC-1 zones</del>	43,560 sq. ft. or part of that area	\$3,250	\$65,000
RA-3 through RA-5, <del>RA-9, RA-10, D-1-R, SEFC-2, SEFC-3, or CG-1 zonezones</del>	43,560 sq. ft. or part of that area	\$6,500	\$65,000
MU-1, MU-2, MU-10 through <del>MU-16, MU-22, MU-23, MU-29, MU-14,</del> D-2, SEFC-1, SEFC-4, CG4 through CG-7, and ARTS-4 <del>zonezones</del>	10,000 sq. ft. or part of that area	\$2,600	
MU-3 through MU-6, <del>NMU-3 through NMU-6MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17, D-4-R, CG-2, ARTS-1, and ARTS-2, RC-2 and RC-3 zonezones</del>	10,000 sq. ft. or part of that area	\$1,625	
MU-7 through MU-9, <del>NMU-7 and NMU-8MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15,</del> D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 <del>zonezones</del>	10,000 sq. ft. or part of that area	\$3,250	
<u>PDR-1 through PDR-7 Any PDR zone</u>	20,000 sq. ft. or part of that area	\$2,600	
<b>TEXT AMENDMENT</b>			
Each section ...	...	...	...
<b>PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT</b>			
For each ...	...	...	...
<b>MODIFICATION TO A PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT</b>			
Modification to ...	...	...	...