

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING¹**

TIME AND PLACE: **Tuesday, July 28, 2020, @ 4:00 p.m.**
WebEx – Login Details will be Provided by Noon²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NOS. 19-27 and 19-27A (Office of Planning – Proposed Text Amendments to Reorganize Subtitles C, D, E, F, G, H, K, & U of the Zoning Regulations)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (“OP”) filed two setdown reports that served as petitions proposing text amendments to Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified) that would reorganize:

- Subtitle C (General Rules);
- Subtitle D (Residential House (R) Zones);
- Subtitle E (Residential Flat (RF) Zones);
- Subtitle F (Residential Apartment (RA) Zones);
- Subtitle G (Mixed Use (MU) Zones);
- Subtitle H (Neighborhood Mixed-Use (NC) Zones);
- Subtitle K (Special Purpose Zones); and
- Subtitle U (Use Permissions)

OP’s petition in Z.C. Case No. 19-27, filed on November 8, 2019, proposed a text amendment 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 submitted a December 5, 2019, supplemental report requesting to expand the proposed text amendment in Z.C. Case No. 19-27 to include the:

- Reorganization of Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) by moving the provisions applying to the RA zones to Subtitle F (Residential Apartment Zones) as a new Chapter 6 (Reed-Cooke Residential Apartment Zone).

OP’s petitions did not propose any substantive changes.

OP’s petition in Z.C. Case No. 19-27A, filed on April 17, 2020, proposed a text amendment to:

- Apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of:

¹ Due to the Covid-19 pandemic, the Commission will conduct this hearing virtually using WebEx.

² Anyone who wishes to participate in this case but cannot do so via WebEx or by phone may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

- Subtitle G (Mixed-Use (MU) Zones); and
- Subtitle H (Neighborhood Mixed-Use (NC) Zones);
- 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
- Reorganize Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) by moving the provisions applying to MU zones and Use Permissions (and deleting Chapter 7) to:
 - Subtitle G (Mixed Used (MU) Zones) as a new Chapter 8 (Reed-Cooke Mixed-use Zones); and
 - Subtitle U (Use Permissions) as a new subsection 514.2.

OP's petition did not propose any substantive changes.

Reorganization

The proposed reorganization of the Zoning Regulations will 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 defined or 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 proposed reorganization does not include substantive changes to the current Zoning Regulations.

The Commission voted at its November 18, 2019 public meeting to grant OP's request to set down the proposed text amendments in Z.C. Case No. 19-27 for a public hearing.

The Commission voted at its December 9, 2019, public meeting 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.

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. The Commission also authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The OP setdown reports also served as the pre-hearing reports required by Subtitle Z §§ 500.6 and 504.

The proposed text amendments would apply city-wide.

The complete record in these cases, including the OP setdown reports and the transcripts of the public meetings can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

Blackline and Clean Versions of Proposed Text

In addition to the blackline text that follows, a “clean” version of the proposed final text (without the edits to the current text) is also available for viewing through IZIS in the record for Z.C. Case Nos. 19-27 (Subtitles D, E, and F) and 19-27A (Subtitles C, G, H, K, and U)

This virtual public hearing will be conducted in accordance with the rulemaking case provisions Subtitle Z, Chapter 5 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

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

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the

case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

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

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

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

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

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

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

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

ለሚሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

(ZC Case No. 19-27 Subtitle D)

PROPOSED TEXT AMENDMENT

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

I. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Chapter 1, INTRODUCTION, is proposed to be amended to read as follows:

100 GENERAL PROVISIONS

100.1 ~~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.~~

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** In addition to the purpose statements of individual chapters, the provisions of 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 dimensions for the subdivision and creation of new lots of record; and**~~

~~**(f) Discourage multiple dwelling unit development.**~~

~~**100.3**~~ **100.2** For those zones with **a geographic identification identifier**, the **zone** boundaries are **cited described** in Subtitle W, **Specific Zone Boundaries**, and identified on the official Zoning Map. **When there is a conflict between the official Zoning**

~~Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~

101 DEVELOPMENT STANDARDS PURPOSE AND INTENT

101.1 ~~The bulk of structures in the R zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C. 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 development standards are intended to:~~
~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~
~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~
~~(c) Regulate the mixture of uses; and~~
~~(d) Promote the environmental performance of development.~~

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 dimensions for the subdivision and creation of new lots of record; and
- (f) Discourage multiple dwelling unit development.

101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X. Additional zone specific special exception criterion,~~

~~if applicable, shall be considered by the Board and are referenced in this subtitle. 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 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C. 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.~~

~~102 USE PERMISSIONS~~

~~102.1 Use permissions for the R zones are as specified in Subtitle U.~~

~~103 PARKING~~

~~103.1 Parking requirements for the R zones are as specified in Subtitle C.~~

~~104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES~~

- ~~104.1 Public recreation and community centers or public libraries in the R zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~
- ~~104.2 Public schools in the R zones shall be permitted subject to the conditions of Subtitle D, Chapter 49.~~
- ~~104.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle D, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.~~

~~105 INCLUSIONARY ZONING~~

- ~~105.1 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards, shall apply to the R-2, R-3 (except for the portion in the Anacostia Historic District), R-10, R-13, R-17, and R-20 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone specific development standards of this subtitle.~~

~~106 ANTENNAS~~

- ~~106.1 Antennas shall be subject to the regulations of Subtitle C, Chapter 13.~~

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS, is amended to read as follows:

Chapter 2 ~~GENERAL~~ DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES

Chapter 2, DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES, is amended to read as follows:

200 GENERAL PROVISIONS DEVELOPMENT STANDARDS

- 200.1 ~~The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.~~
The development standards of this chapter apply to all Residential House (R) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.
- 200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply.~~
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 an R-1 zone shall be a detached building.

200.4 A principal building on a lot in an R-2 zone shall be a detached building or a semi-detached building.

200.5 A principal building on a lot in an R-3 zone shall be a detached building, a semi-detached building, or a row building.

200.6 Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X. If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception criterion criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

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

201 MAXIMUM NUMBER OF DWELLING UNITS DENSITY

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

201.2 In all R zones, one (1) accessory apartment shall be permitted per lot of record subject to the use permissions specified in Subtitle U. 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 X, Chapter 9 Subtitle D § 212.2. [FROM C-1604.1]

201.3 The minimum lot width and minimum lot area requirements for the creation of a new lot of record in the R zones are set forth in each zone.

Public recreation and community centers shall be permitted a maximum floor area ratio as follows:

(a) In the R-1A, R-1B, and R-2 zones, the maximum permitted floor area ratio for a public recreation and community center shall be 0.9; and

(b) In the R-3 zone, the maximum permitted floor area ratio for a public recreation and community center shall be 1.8. [FROM C-1604.2]

201.4 A public recreation and community center may exceed 0.9 FAR in those zones where it is so limited, up to a maximum of 1.8 FAR, if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9 Relief from the FAR limits of Subtitle D § 201.3 may authorized if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle D § 212.2. [FROM C-1604.3]

202 LOT OCCUPANCY [TO D-210]

202 LOT DIMENSIONS [FROM D-301]

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 MINIMUM LOT AREA

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

202.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the R-1A and R-1B zones, or to that portion of the Anacostia Historic District within the R-3 zone.

202.3 Except as provided in Subtitle D § 202.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE D § 202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS

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

202.4 The minimum lot width for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle X, Chapter 9, by the Board of Zoning Adjustment:

TABLE D § 202.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS

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

202.5 Voluntary Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones shall require special exception relief pursuant to Subtitle X, Chapter 9 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:

TABLE D § 202.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

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

203 COURT [TO D-209]

207 203 HEIGHT

~~207.1~~ 203.1 ~~Except in the R-11, R-12 and R-13 Naval Observatory Residential zones, and except as provided in Subtitle D § 207.9, the maximum height of buildings or structures specified in each R zone may be exceeded as provided in this section. Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, and the maximum number of stories shall be as set forth in this section.~~

~~207.2~~ ~~A spire, tower, dome, pinnaele, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.~~

~~207.3~~ ~~A chimney or smokestack may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located when required by other municipal law or regulation.~~

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>Zone</u>	<u>Maximum Height, Not Including Penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>R-1A</u>	<u>40</u>	<u>3</u>
<u>R-1B</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>

[FROM D-303.1]

~~207.5~~ 203.3 A place of worship may be erected to a height not exceeding sixty feet (60 ft.); provided, that it shall not exceed the number of stories permitted in the district in which it is located and three (3) stories.

~~207.7~~ 203.4 A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).

~~207.4~~ 203.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); 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.

~~207.6~~ 203.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); 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 district in which it is located.

~~207.8~~ ~~Where required by the Height Act, a height in excess of that permitted shall be authorized by the Mayor.~~

~~204~~ ~~PENTHOUSES [TO D-209]~~

~~208~~ 204 ROOFTOP OR UPPER FLOOR ELEMENTS³

~~205~~ ~~REAR YARD [TO D-207]~~

~~204~~ 205 PENTHOUSES⁴

~~204.1~~ 205.1 ~~Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~
A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

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

~~205.3~~ The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4 shall be twelve feet (12 ft.) and one (1) story.
For all other buildings and uses, the maximum permitted height of a penthouse shall be twelve feet (12 ft.) and one (1) story. [FROM D-303.2]

~~206~~ ~~SIDE YARD [TO D-208]~~

~~206~~ FRONT SETBACK [FROM D-305]

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

~~206.1~~ A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-1 through R-3 zone on the same side of the street in the block where the building is proposed. [FROM D-305.1]

~~207~~ ~~HEIGHT [TO D-203]~~

³ A new Section 208, ROOFTOP OR UPPER FLOOR ADDITIONS, is the subject of a proposed text amendment in Z.C. Case. No. 19-21.

⁴ Current Section 204, PENTHOUSES, is the subject of a proposed text amendment in Z.C. Case. No. 14-13E.

205 207 REAR YARD

~~205.1~~ **A rear yard shall be provided for each structure located in an R zone, the minimum depth of which shall be as set forth in each zone chapter.**

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

<u>Zone</u>	<u>Minimum Rear Yard (ft.)</u>
<u>R-1A</u>	<u>25</u>
<u>R-1B</u>	<u>25</u>
<u>R-2</u>	<u>20</u>
<u>R-3</u>	<u>20</u>

[FROM D-306.1 AND 306.2]

~~205.2~~ **207.2 In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.**

~~205.3~~ **207.3 In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

207.4 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.

207.5 Notwithstanding Subtitle D §§ 207.1 through 207.4, 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. [FROM D-306.3]

207.6 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 as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6. [FROM D-306.4]

206 208 SIDE YARD

- ~~206.1~~ 208.1 Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard shall be as set forth in this section.
Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.
- ~~206.2~~ 208.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- ~~206.3~~ 208.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.
- ~~206.4~~ 208.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3 zone.
- ~~206.5~~ 208.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.
- ~~206.6~~ 208.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- ~~206.7~~ 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 that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, no side yard shall be required. [FROM C-1607.1]

~~203~~ 209 COURT

- ~~203.1~~ 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>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Single Dwelling Unit</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 inches per 1 ft. of height of court, but not less than 6 ft.</u>	<u>2.5 inches per foot 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 court, but not less than 250 ft.</u>
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202 210 LOT OCCUPANCY

202.1 210.1 [DELETED]

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

TABLE D § 210.1: MAXIMUM LOT OCCUPANCY

<u>Zone</u>	<u>Type of Structure</u>	<u>Lot Occupancy (%)</u>
<u>R-1A</u> <u>R-1B</u> <u>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>Single Household Row</u>	<u>60</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>

202.2 210.2 [Repealed]

A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space.

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 PERCENTAGE OF PERVIOUS SURFACE

<u>Zone</u>	<u>Type of Structure</u>	<u>Percentage of Pervious Surface (%)</u>
<u>R-1A</u> <u>R-1B</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

212.1 Exceptions to the development standards of this subtitle for public libraries shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

212.2 Exceptions to Relief from the development standards of this subtitle chapter for public recreation and community centers, other than lot occupancy and density, shall may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9. Exceptions from lot occupancy are limited to the criterion of Subtitle D § 210.2 and exceptions from density are limited to the criteria of Subtitle D §§ 201.2 and 201.4., subject to the following conditions:

- (a) Relief from the FAR limits of Subtitle D § 201.4 to allow a maximum of 1.8 FAR in zones with a lower maximum FAR; and**
- (b) Relief from the lot occupancy limitations of Subtitle D § 210.1 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.**

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, and R-3, is proposed to be deleted in its entirety.

~~Chapter 3 RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, and R-3~~

~~300 PURPOSE AND INTENT~~

~~300.1 The purposes of the R-1-A and R-1-B zones are to:~~

- ~~(a) Protect quiet residential areas now developed with detached dwellings 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.~~

~~300.2 The R-1-A zone is intended to provide for areas predominantly developed with detached houses on large lots.~~

~~300.3 The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.~~

~~300.4 The purpose of the R-2 zone is to:~~

- ~~(a) Provide for areas with semi-detached dwellings; and~~
- ~~(b) Protect these areas from invasion by denser types of residential development.~~

~~300.5 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 dwellings.~~

~~300.6 The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings.~~

~~300.7 The R-3 zone is intended to permit attached rowhouses on small lots.~~

~~301 DEVELOPMENT STANDARDS~~

~~301.1 The development standards in Subtitle D §§ 302 through 308 modify the general development standards in Subtitle D, Chapter 2.~~

~~302 DENSITY - LOT DIMENSIONS~~

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

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-1-A	75	7,500
R-1-B	50	5,000
R-2	30 (semi-detached) 40 (all other structures)	3,000 (semi-detached) 4,000 (all other structures)
R-3	30 (semi-detached) 20 (row) 40 (all other structures)	3,000 (semi-detached) 2,000 (row) 4,000 (all other structures)

~~302.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the R-1-A and R-1-B zones, or to that portion of the Anacostia Historic District within the R-3 zone.~~

~~302.3 Except as provided in Subtitle D § 302.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2~~

~~TABLE D § 302.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	40 (detached) 30 (semi-detached)	3,200 (detached) 2,500 (semi-detached)
R-3	20	1,600

~~302.4 The minimum lot width for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~TABLE D § 302.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)
R-2	32 (detached) 25 (semi-detached)
R-3	16

~~302.5 Voluntary Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:~~

~~TABLE D § 302.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	32 (detached) 25 (semi-detached)	3,200 (detached) 2,500 (semi-detached)
R-3	16	1,600

~~303 HEIGHT~~

~~303.1 The maximum permitted building height, not including the penthouse, in the R-1-A, R-1-B, R-2, and R-3 zones shall not exceed forty feet (40 ft.) and the number of stories shall not exceed three (3) stories.~~

~~303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~304 LOT OCCUPANCY~~

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

~~TABLE D § 304.1: MAXIMUM LOT OCCUPANCY~~

Zone	Structure	Maximum Percentage of Lot Occupancy
R-1-A	Places of Worship All Other Structures	60% 40%

R-1-B	Places of Worship All Other Structures	60% 40%
R-2	Places of Worship All Other Structures	60% 40%
R-3	Attached Row Dwellings Places of Worship All Other Structures	60% 60% 40%

~~304.2 [REPEALED]~~

~~305 FRONT SETBACK~~

~~305.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-1 through R-3 zone on the same side of the street in the block where the building is proposed.~~

~~306 REAR YARD~~

~~306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-1-A and R-1-B zones.~~

~~306.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-2 and R-3 zones.~~

~~306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, 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 property principal residential building on any adjoining property.~~

~~306.4 A rear wall of an attached 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 as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.~~

~~307 [DELETED]~~

~~308 PERVIOUS SURFACE~~

~~308.1 The minimum required percentage of pervious surface of a lot in the R-1-A or R-1-B zones shall be fifty percent (50%).~~

~~308.2 The minimum required percentage of pervious surface of a lot in the R-2 zone shall be thirty percent (30%).~~

~~308.3 The minimum required percentage of pervious surface of a lot in the R-3 zone shall be twenty percent (20%).~~

~~309 [DELETED]~~

~~310 USE PERMISSIONS~~

- ~~310.1 Use permissions for the R-1-A and R-1-B zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~
- ~~310.2 Use permissions for the R-2 zones are as specified for Use Group B in Subtitle U, Chapter 2.~~
- ~~310.3 Use permissions for the R-3 zones are as specified for Use Group C in Subtitle U, Chapter 2.~~

The title of CHAPTER 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES - R-6 AND R-7, is proposed to be amended, and renumbered as CHAPTER 3, to read as follows:

Chapter ~~4~~ 3 TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – ~~r-6 and r-7~~ R-1A/TS and R-1B/TS

CHAPTER 3, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES - R-1A/TS AND R-1B/TS, is proposed to be amended to read as follows:

400 300 PURPOSE AND INTENT

~~400.1~~ 300.1 ~~The purposes of the Tree and Slope Protection Residential House (R-6 and R-7) 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.~~

The 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 subtitle, the provisions of this chapter shall control.

~~400.2~~ 300.2 ~~The R-6 and R-7 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.~~

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.

~~400.3~~ 300.3 ~~The R-6 zone is intended to permit detached houses on large lots and to protect quiet residential areas developed with detached dwellings.~~
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.

~~400.4~~ ~~The R-7 zone is intended to permit detached houses on moderately sized lots.~~

~~401~~ 301 ~~DEVELOPMENT STANDARDS~~ TREE PROTECTION

~~400.1~~ 301.1 ~~The development standards in Subtitle D §§ 402 through 409 modify the general development standards in Subtitle D, Chapter 2.~~
The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-1A/TS and R-1B/TS zones.

~~402~~ 302 ~~DENSITY LOT DIMENSIONS~~ LOT OCCUPANCY

~~402.1~~ 302.1 ~~Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-6 and R-7 zones shall be as set forth in the following table:~~

~~TABLE D § 402.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

Zone	Min. Lot Width (ft.)	Min. Lot Area (sq. ft.)
R-6	75	7,500
R-7	50	5,000

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

~~402.2 302.2~~ ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-6 and R-7 zones.~~
The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~403~~ ~~HEIGHT~~

~~403.1~~ ~~The maximum permitted building height, not including the penthouse, in the R-6 and R-7 zones shall be forty feet (40 ft.) and three (3) stories.~~

~~403.2~~ ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 403.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~403.3~~ ~~A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~404~~ ~~LOT OCCUPANCY~~

~~404.1~~ ~~The maximum permitted lot occupancy in the R-6 and R-7 zones shall be as set forth in the following table:~~

~~TABLE D § 404.1: MAXIMUM LOT OCCUPANCY~~

Zone	Structure	Maximum Percentage of Lot Occupancy
R-6	All Structures	30%
R-7	All Structures	30%

~~405~~ ~~FRONT SETBACK~~

~~405.1~~ ~~A front setback shall be provided within the range of existing front setbacks of all structures within the R-6 and R-7 zones, on the same side of the street in the block where the building is proposed.~~

~~406~~ ~~REAR YARD~~

~~406.1~~ ——— ~~A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-6 and R-7 zones.~~

~~406.2~~ ——— ~~[REPEALED]~~

~~406.3~~ ——— ~~[REPEALED]~~

~~407~~ ——— ~~[DELETED]~~

~~408~~ ——— ~~PERVIOUS SURFACE~~

~~408.1~~ ——— ~~The minimum percentage of pervious surface requirement of a lot in an R-6 or R-7 zone shall be fifty percent (50%).~~

~~409~~ ——— ~~TREE PROTECTION~~

~~409.1~~ ——— ~~The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-6 and R-7 zones.~~

~~410~~ ——— ~~[REPEALED]~~

~~411~~ ——— ~~USE PERMISSIONS~~

~~411.1~~ ——— ~~Use permissions for the R-6 and R-7 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

The title of CHAPTER 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9 AND R-10, is proposed to be amended and renumbered as CHAPTER 4, to read as follows:

Chapter ~~5~~ 4 FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – ~~r-8, R-9, and R-10~~ R-1A/FH, R-1B/FH, R-2/FH

CHAPTER 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-1A/FH, R-1B/FH, AND R-2/FH, is proposed to be amended to read as follows:

~~500~~ 400 PURPOSE AND INTENT

~~500.1~~ 400.1 ~~The purposes of the Forest Hills Tree and Slope Protection Residential House zones (R-8, R-9, and R-10) 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, N.W. 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.~~

The 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 subtitle, the provisions of this chapter shall control.

~~500.2~~ 400.2

~~The Forest Hills Tree and Slope Protection 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.~~

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, N.W. 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.

~~500.3~~ 400.3

~~The R-8 zone is intended to permit detached houses on large lots.~~
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.

~~500.4 The R-9 zone is intended to permit detached houses on moderately sized lots.~~

~~500.5 The R-10 zone is intended to:~~

~~(a) Permit semi-detached houses on moderately sized lots, and allow for areas of detached dwellings;~~

~~(b) Retain the single dwelling unit nature of these areas; and~~

~~(c) Prohibit denser types of residential development.~~

501 401 DEVELOPMENT STANDARDS TREE PROTECTION

~~501.1 401.1 The development standards in Subtitle D §§ 602 through 609 modify the general development standards in Subtitle D, Chapter 2.~~

~~The tree protection regulations of Subtitle C, Chapter 4 shall only apply to those lots in the R-1A/FH zone in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.~~

~~401.2 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.~~

502 402 DENSITY-LOT DIMENSIONS

~~502.1 402.1 Except as provided in other provisions of this title, the minimum dimensions of lots in the R-8, R-9, and R-10 zones shall be as set forth in the following table:~~

~~TABLE D § 502.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-8	75	9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282
		7,500 for all other lots
R-9	50	5,000
R-10	30 (semi-detached) 40 (all other structures)	3,000 (semi-detached) 4,000 (all other structures)

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

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

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

~~502.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-8 and R-9 zones.~~

~~502.3 Except as provided in Subtitle D § 502.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-10 zone, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 502.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-10</u>	<u>40 (detached)</u> <u>30 (semi-detached)</u>	<u>3,200 (detached)</u> <u>2,500 (semi-detached)</u>

~~502.4 The minimum lot width for Mandatory Inclusionary Developments in the R-10 zone may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~TABLE D § 502.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>
<u>R-10</u>	<u>32 (detached)</u> <u>25 (semi-detached)</u>

~~502.5 Voluntary Inclusionary Developments in the R-10 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 502.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-10</u>	<u>32 (detached)</u> <u>25 (semi-detached)</u>	<u>3,200 (detached)</u> <u>2,500 (semi-detached)</u>

503 403 HEIGHT SIDE YARD

~~503.1~~ 403.1 ~~The maximum permitted building height, not including the penthouse, in the R-8, R-9, and R-10 zones shall be forty feet (40 ft.) and three (3) stories. The minimum side yard requirement for all buildings, accessory buildings, or additions to buildings in the R-1A/FH, R-1B/FH, and R-2/FH zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).~~

~~503.2~~ ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~503.3~~ ~~A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~504~~ 404 **LOT OCCUPANCY**

~~504.1~~ 404.1 ~~The maximum permitted lot occupancy in the R-8, R-9, and R-10 zones shall be as set forth in the following table:~~

TABLE D § 504.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-8	All Structures	30%
R-9	All Structures	30%
R-10	All Structures	30%

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

~~404.2~~ The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~505~~ 405 **FRONT SETBACK PERVIOUS SURFACE**

~~504.1~~ 405.1 ~~A front setback shall be provided within the range of existing front setbacks of all residential buildings within the R-8 through R-10 zones, on the same side of the street in the block where the building is proposed. The minimum required percentage of pervious surface of a lot in the R-1A/FH, R-1B/FH, and R-2/FH zones 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.

~~506~~ **REAR YARD**

~~506.1 — A minimum rear yard of twenty five feet (25 ft.) shall be provided in the R-8 and R-9 zones.~~

~~506.2 — A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-10 zone.~~

~~507 — SIDE YARD~~

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

~~507.2 — [DELETED]~~

~~508 — PERVIOUS SURFACE~~

~~508.1 — In an R-8, R-9, or R-10 zone, the minimum percentage of pervious surface requirement 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.~~

~~509 — TREE PROTECTION~~

~~509.1 — The tree protection regulations of Subtitle C, Chapter 4 shall only apply to those lots in the R-8 zone in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.~~

~~509.2 — 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.~~

~~510 — [REPEALED]~~

~~511 — USE PERMISSIONS~~

~~511.1 — Use permissions for the R-8 and R-9 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~511.2 — Use permissions for the R-10 zone are as specified for Use Group B, in Subtitle U, Chapter 2.~~

The title of CHAPTER 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-11, is proposed to be amended and renumbered to CHAPTER 5 to read as follows:

CHAPTER 6 5 NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE - R-11 R-1A/TS/NO

CHAPTER 5, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-1A/TS/NO, is proposed to be amended to read as follows:

600 500 PURPOSE AND INTENT

- 600.1 500.1** ~~In addition to the provisions of Subtitle D § 400.1, the purposes of the Naval Observatory/Tree and Slope Protection Residential House zone (R-11) 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) — Provide additional controls on private land to 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) — Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.~~

The 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 subtitle, the provisions of this chapter shall control.

- 600.2 500.2** ~~The R-11 zone is intended to permit detached houses on large lots. 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) Provide additional controls on private land to 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) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

601 501 DEVELOPMENT STANDARDS TREE PROTECTION

601.1 501.1 ~~The development standards in Subtitle D §§ 602 through 609 modify the general development standards in Subtitle D, Chapter 2. The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-1A/TS/NO zone.~~

602 502 ~~DENSITY~~ LOT DIMENSIONS HEIGHT

602.1 502.1 ~~Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-11 zone shall be as set forth in the following table:~~

~~TABLE D § 602.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-11	75	7,500

~~The maximum permitted height for all buildings, not including the penthouse, in the R-1A/TS/NO zone shall be forty feet (40 ft.) and three (3) stories.~~

602.2 502.2 ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-11 zone. The height of a building in the R-1A/TS/NO zone 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.

603 503 HEIGHT LOT OCCUPANCY

603.1 503.1 ~~The maximum permitted building height, not including the penthouse, in the R-11 zone shall be forty feet (40 ft.) and three (3) stories.~~

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

~~603.2~~ 503.2 ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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 foot of height in excess of that authorized in the zone in which it is located.~~

The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~603.3~~ ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~603.4~~ ~~A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~604~~ 504 ~~LOT OCCUPANCY~~ PLANNED UNIT DEVELOPMENT

~~604.1~~ 504.1 ~~The maximum permitted lot occupancy in the R-11 zone shall be as set forth in the following table:~~

TABLE D § 604.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-11	All Structures	30%

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

~~605~~ 505 ~~FRONT SETBACK~~ SPECIAL EXCEPTION NAVAL OBSERVATORY (NO) ZONES

~~605.1~~ 505.1 ~~A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-11 zone, on the same side of the street in the block where the building is proposed.~~

In consideration of a special exception in the R-1A/TS/NO zone, in addition to any other criteria of this title, 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.

505.2 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.

505.3 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.

~~606 REAR YARD~~

~~606.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-11 zone.~~

~~607 [DELETED]~~

~~608 PERVIOUS SURFACE~~

~~608.1 The minimum percentage of pervious surface requirement of a lot in an R-11 zone shall be fifty percent (50%).~~

~~609 TREE PROTECTION~~

~~609.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-11 zone.~~

~~610 [REPEALED]~~

611 USE PERMISSIONS

611.1 Use permissions for the R-11 zone are as specified for Use Group A, in Subtitle U, Chapter 2.

The title of CHAPTER 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-12 AND R-13, is proposed to be amended, and renumbered to CHAPTER 6, to read as follows:

**CHAPTER ~~7~~ 6 NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – ~~R-12 and R-13~~
R-1B/NO and R-3/NO**

CHAPTER 6, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-1B/NO AND R-3/NO, is proposed to be amended, and renumbered to CHAPTER 6, to read as follows:

700 ~~600~~ PURPOSE AND INTENT

700.1 ~~600.1~~ The purposes of the Naval Observatory Residential House zones (~~R-12 and R-13~~) 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) — ~~Provide additional controls on private land to 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) — ~~Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.~~**

The 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 subtitle, the provisions of this chapter shall control.

700.2 ~~600.2~~ The R-12 zone is intended to permit detached houses on moderately-sized lots. 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) Provide additional controls on private land to 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) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

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

~~701~~ 601 ~~DEVELOPMENT STANDARDS~~ HEIGHT

~~701.1~~ 601.1 ~~The development standards in Subtitle D §§ 702 through 708 modify the general development standards in Subtitle D, Chapter 2.~~
The maximum permitted height for all buildings, not including the penthouse, in the R-1B/NO and R-3/NO zones shall not exceed forty feet (40 ft.) and three (3) stories.

601.2 The height of a building in the R-1B/NO and R-3/NO zones 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.

702 602 DENSITY LOT DIMENSIONS PLANNED UNIT DEVELOPMENT

702.1 602.1 Except as provided in other provisions of this title, the minimum dimensions of lots in the R-12 and R-13 zones shall be as set forth in the following table:

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-12	50	5,000
R-13	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

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

~~702.2~~ The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-12 zone.

~~702.3~~ Except as provided for in Subtitle D § 702.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-13 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

~~TABLE D § 702.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-13	20	1,600

~~702.4~~ The minimum lot width for Mandatory Inclusionary Developments in the R-13 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.

~~702.5~~ Voluntary Inclusionary Developments in the R-13 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

~~TABLE D § 702.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-13	16	1,600

703 603 HEIGHT SPECIAL EXCEPTION NAVAL OBSERVATORY (NO) ZONES

~~703.1~~ 603.1 ~~The maximum permitted building height, not including the penthouse, in the R-12 and R-13 zones shall be forty feet (40 ft.) and three (3) stories.~~
In consideration of a special exception in the R-1B/NO or R-3/NO zones, in addition to any other criteria of this title, 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.

~~703.2~~ 603.2 ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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 foot of height in excess of that authorized in the zone in which it is located.~~
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.

~~703.3~~ 603.3 ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~
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.

~~703.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~704 LOT OCCUPANCY~~

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

~~TABLE D § 704.1: MAXIMUM LOT OCCUPANCY~~

Zone	Structure	Maximum Percentage of Lot Occupancy
R-12	Places of Worship	60%
	All Other Structures	40%
R-13	Attached Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

~~704.2 [REPEALED]~~

~~705 FRONT SETBACK~~

~~705.1 A front setback shall be provided within the range of existing front setback of all residential buildings within an R-12 or R-13 zone, on the same side of the street in the block where the building is proposed.~~

~~706 REAR YARD~~

~~706.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-12 zone.~~

~~706.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-13 zone.~~

~~706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, 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.~~

~~706.4 A rear wall of an attached 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 as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.~~

~~707 [DELETED]~~

~~708~~ ————— ~~PERVIOUS SURFACE~~

~~708.1~~ ————— ~~The minimum percentage of pervious surface requirement of a lot in the R-12 zone shall be fifty percent (50%).~~

~~708.2~~ ————— ~~The minimum percentage of pervious surface of a lot in the R-13 zone shall be twenty percent (20%).~~

~~709~~ ————— ~~[DELETED]~~

~~710~~ ————— ~~USE PERMISSIONS~~

~~710.1~~ ————— ~~Use permissions for the R-12 zone are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~710.2~~ ————— ~~Use permissions for the R-13 zone are as specified for Use Group C, in Subtitle U, Chapter 2.~~

The title of CHAPTER 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14, is proposed to be amended and renumbered to CHAPTER 7, to read as follows:

~~CHAPTER 8~~ 7 WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – ~~R-14 AND R-15~~ R-1A/WH and R-1B/WH

CHAPTER 7, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-1A/WH AND R-1B/WH, is proposed to be amended and renumbered to CHAPTER 7, to read as follows:

~~800~~ 700 ~~PURPOSE AND INTENT~~

~~800.1~~ 700.1 ~~The purposes of the Wesley Heights Residential House zones (R-14 and R-15) 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 dwellings; and~~
- ~~(d) — Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.~~

The 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 subtitle, the provisions of this chapter shall control.

~~800.2~~ 700.2 ~~The R-14 zone is intended to permit detached houses on large lots. 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.~~

~~800.3~~ 700.3 ~~The R-15 zone is intended to permit detached houses on moderately sized lots.~~

~~801~~ 701 ~~DEVELOPMENT STANDARDS~~ DENSITY

~~801.1~~ 701.1 ~~The development standards in Subtitle D §§ 802 through 809 modify the general development standards in Subtitle D, Chapter 2.~~

~~The gross floor area (GFA) of all buildings and structures on a lot in the R-1A/WH and R-1B/WH zones shall not exceed the sum of two thousand square feet (2,000 sq. ft.) plus forty percent (40%) of the area of the lot; provided, that the following modifications of GFA shall apply in the R-1A/WH and R-1B/WH zones, 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) Basement GFA shall include basement or cellar floor area shall count in GFA if with a finished floor is provided, if the and a floor to ceiling height is in excess of six feet, six inches (6 ft., 6 in.), and; 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 or basement floor area, including that with unfinished floor and floor to ceiling heights below six feet, six inches (6 ft., 6 in.).~~

~~802~~ 702 ~~DENSITY~~ LOT DIMENSIONS AND GROSS FLOOR AREA ~~FRONT SETBACK~~

802.1 **702.1** Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-14 and R-15 zones shall be as set forth in the following table:

~~TABLE D § 802.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-14	75	7,500
R-15	50	5,000

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.

802.2 **702.2** ~~The gross floor area (GFA) of all buildings and structures on the 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; provided, that the following modifications of GFA shall apply in the R-14 and R-15 zones:~~

- ~~(a) — 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 the first six hundred square feet (600 sq. ft.) of a garage shall not count in GFA; and~~
- ~~(b) — Basement or cellar floor area shall count in GFA if a finished floor is provided, if the floor to ceiling height is in excess of six feet, six inches (6 ft., 6 in.), and shall count only up to a floor area equal to five (5) times the total fenestration area for the cellar or basement floor.~~

The required setbacks are 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 Consumer and Regulatory Affairs.

~~802.3 — The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-16 zone.~~

803 703 HEIGHT LOT OCCUPANCY

~~803.1 703.1~~ ~~The maximum permitted building height, not including the penthouse, in the R-14 and R-15 zones shall be forty feet (40 ft.) and three (3) stories.~~

~~The maximum permitted lot occupancy for all structures, except for public recreation and community centers, in the R-1A/WH and R-1B/WH zones 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.~~

~~803.2 703.2~~ ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.~~

~~803.3~~ ~~A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~804~~ ~~LOT OCCUPANCY~~

~~804.1~~ ~~The maximum permitted lot occupancy in the R-14 and R-15 zones 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~~

~~804.2~~ ~~[REPEALED]~~

~~804.3~~ ~~[REPEALED]~~

~~805~~ ~~FRONT SETBACK~~

~~805.1~~ ~~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. The required setbacks are 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 Consumer and Regulatory Affairs.~~

806 ~~REAR YARD~~

806.1 ~~A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-14 and R-15 zones.~~

807 ~~[DELETED]~~

808 ~~PERVIOUS SURFACE~~

808.1 ~~The minimum percentage of pervious surface requirement of lots in the R-14 and R-15 zones shall be fifty percent (50%).~~

809 ~~SPECIAL EXCEPTION~~

809.1 ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

810 ~~USE PERMISSIONS~~

810.1 ~~Use permissions for the R-14 and R-15 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

The title of CHAPTER 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES - R-16, is proposed to be amended and renumbered to CHAPTER 8, to read as follows:

CHAPTER 9 § SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – ~~R-16~~ R-1B/SH

CHAPTER 8, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES - R-1B/SH, is proposed to be amended to read as follows:

900 800 PURPOSE AND INTENT

900.1 800.1 ~~The purposes of the Sixteenth Street Heights Residential House zone (R-16) 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-16 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.~~

The 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 subtitle, the provisions of this chapter shall control.

900.2 800.2

~~The R-16 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-16 zone north of Colorado Avenue, N.W. 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 N.W., 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.~~

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, N.W. 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 N.W., 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.

901 801 DEVELOPMENT STANDARDS SPECIAL EXCEPTION

~~901.1~~ **801.1** The development standards in Subtitle D §§ 902 through 908 modify the general development standards in Subtitle D, Chapter 2. Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5204, except that a proposed expansion of an existing non-residential use in excess of ten percent (10%) of gross floor area, shall be subject to the conditions of Subtitle U § 205.2.

902 802 DENSITY—LOT DIMENSIONS USE PERMISSIONS

902.1 802.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-16 zone shall be as set forth in the following table:

TABLE D § 902.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-16	50	5,000

Notwithstanding the use permissions for Use Group D in Subtitle U, Chapter 2, an expansion of an existing non-residential use in the R-1B/SH zone shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.

902.2 ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-16 zone.~~

903 HEIGHT

903.1 ~~The maximum permitted building height, not including the penthouse, in the R-16 zone shall be forty feet (40 ft.) and three (3) stories.~~

903.2 ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

903.3 ~~A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

904 LOT OCCUPANCY

904.1 ~~The maximum permitted lot occupancy in the R-16 zone shall be as set forth in the following table:~~

TABLE D § 904.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-16	Places of Worship	60%
	All Other Structures	40%

905 FRONT SETBACK

905.1 ~~A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-16 zone, on the same side of the street in the block where the building is proposed.~~

906 REAR YARD

906.1 ~~A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-16 zone.~~

907 [DELETED]

908 PERVIOUS SURFACE

908.1 ~~The minimum percentage of pervious surface requirement of a lot in an R-16 zone shall be fifty percent (50%).~~

909 SPECIAL EXCEPTION

909.1 ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205, except that a proposed expansion of an existing non-residential use in excess of ten percent (10%) of gross floor area, shall be subject to the conditions of Subtitle U § 205.2.~~

910 USE PERMISSIONS

910.1 ~~Use permissions for the R-16 zone are as specified for Use Group D in Subtitle U, Chapter 2.~~

910.2 ~~An expansion of an existing non-residential use shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.~~

The title of CHAPTER 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-17, is proposed to be amended and renumbered to CHAPTER 9, to read as follows:

Chapter ~~10~~ **9** FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – ~~R-17~~ **R-3/FB**

CHAPTER 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-3/FB, is proposed to be amended to read as follows:

~~1000~~ 900 PURPOSE AND INTENT

~~1000.1~~ 900.1 The purposes of the Foggy Bottom Residential House zone (R-17) 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;
— Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential townhouse neighborhood that formed the basis on which the area was designated a historic district;~~
- ~~(c) — 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 floor area ratio inappropriate to the area;~~
- ~~(d) — 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~~
- ~~(e) — 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.~~

The 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 subtitle, the provisions of this chapter shall control.

1000.2 900.2 The R-17 is intended to permit single dwelling unit row houses on small lots. 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.

~~1001~~ 901 ~~DEVELOPMENT STANDARDS~~ MISCELLANEOUS

~~1001.1~~ 901.1 ~~The development standards in Subtitle D §§ 1002 through 1008 modify the general development standards in Subtitle D, Chapter 2. 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 are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.~~

~~1002~~ ~~DENSITY- LOT DIMENSIONS~~

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

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-17	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

~~1002.2~~ ~~Except as provided in Subtitle D § 1002.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-17 zone shall be as set forth~~

in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

~~TABLE D § 1002.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-17	20	1,600

~~1002.3 The minimum lot width for Mandatory Inclusionary Developments in the R-17 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~1002.4 Voluntary Inclusionary Developments in the R-17 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications, authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1002.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-17	16	1,600

~~1003 HEIGHT~~

~~1003.1 The maximum permitted building height, not including the penthouse, in the R-17 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~1003.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~1003.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~1004 LOT OCCUPANCY~~

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

~~TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY~~

Zone	Structure	Maximum Percentage of Lot Occupancy
R-17	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

~~1005 FRONT SETBACK~~

~~1005.1 — A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-17 zone, on the same side of the street in the block where the building is proposed.~~

~~1006 — REAR YARD~~

~~1006.1 — A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-17 zone.~~

~~1006.2 — Notwithstanding Subtitle D § 1006.1, 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.~~

~~1006.3 — 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 as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.~~

~~1007 — [DELETED]~~

~~1008 — PERVIOUS SURFACE~~

~~1008.1 — The minimum percentage of pervious surface requirement of a lot in an R-17 zone shall be twenty percent (20%).~~

~~1009 — MISCELLANEOUS~~

~~1009.1 — 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-17 zone.~~

~~1009.2 — 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 are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.~~

~~1010 — SPECIAL EXCEPTION~~

~~1010.1~~ — ~~Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

~~1011~~ — ~~USE PERMISSIONS~~

~~1011.1~~ — ~~Use permissions for the R-17 zones are as specified for Use Group C in Subtitle U, Chapter 2.~~

The title of CHAPTER 11 [RESERVED], is proposed to be amended and renumbered to CHAPTER 10 to read as follows:

~~CHAPTER 11~~ CHAPTER 10 [RESERVED] CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-1A/CBUT

CHAPTER 11, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-1A/CBUT, is proposed to be amended to read as follows:

1000 PURPOSE AND INTENT

1000.1 The 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 subtitle, 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 The minimum required lot width and lot area for the creation of a new lot of record in the R-1A/CBUT zone shall be as set forth in the following table:

TABLE D § 1001.1: MINIMUM LOT WIDTH AND MINIMUM 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 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone that are less than six thousand five hundred square feet (6,500 sq. ft.) shall be forty percent (40%).

1002.2 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone 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 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone 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 **The minimum percentage of pervious surface of a lot in the R-1A/CBUT zone, 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.**

The title of CHAPTER 12, GEORGETOWN RESIDENTIAL HOUSE ZONES - R-19 AND R-20, is proposed to be amended and renumbered to CHAPTER 11 to read as follows:

Chapter ~~12~~ **11** GEORGETOWN RESIDENTIAL HOUSE ZONES – ~~R-19 AND R-20~~ **R-1B/GT and R-3/GT**

CHAPTER 11, GEORGETOWN RESIDENTIAL HOUSE ZONES - R-19/GT AND R-3/G, is proposed to be amended to read as follows:

~~1200~~ **1100** **PURPOSE AND INTENT**

~~1200.1~~ **1100.1** **The purposes of the Georgetown Residential House zones (R-19 and R-20) 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.~~

The 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 subtitle, the provisions of this chapter shall control.

~~1200.2~~ 1100.2 ~~The R-19 zone is intended to protect quiet residential areas developed with detached dwellings and to permit detached houses on moderately sized lots. 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.~~

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

~~1201~~ 1101 ~~DEVELOPMENT STANDARDS~~ HEIGHT

~~1201.1~~ 1101.1 ~~The development standards in Subtitle D §§ 1202 through 1209 modify the general development standards in Subtitle D, Chapter 2.~~

The maximum permitted height for all buildings, not including the penthouse, in the R-1B/GT and R-3/GT zones shall be thirty-five feet (35 ft.) and three (3) stories.

1101.2 ~~In R-1B/GT and R-3/GT zones, a building may have a maximum height of no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.~~

1101.3 ~~The maximum height of a building in the R-1B/GT and R-3/GT zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.~~

1101.4 ~~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.~~

1101.5 ~~In R-1B/GT and R-3/GT zones, any parapet, pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).~~

~~1200~~ 1102 ~~DENSITY—LOT DIMENSIONS~~ LOT OCCUPANCY

~~1202.1~~ 1102.1 ~~Except as provided in other provisions of this title, the minimum dimensions of lots in the R-19 and R-20 zones shall be as set forth in the following table:~~

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-19	50	5,000
R-20	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

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.

~~1202.2~~ ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-19 zone.~~

~~1202.3~~ ~~Except as provided in Subtitle D § 1202.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-20 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-20	20	1,600

~~1202.4 The minimum lot width for Mandatory Inclusionary Developments in the R-20 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~1202.5 Voluntary Inclusionary Developments in the R-20 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1202.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-20	16	1,600

~~1203 1103 HEIGHT FRONT SETBACK~~

~~1203.1 1103.1 The maximum permitted building height, not including the penthouse pursuant to Subtitle D § 1102.5, in the R-19 and R-20 zones shall be thirty-five feet (35 ft.) and three (3) stories.~~

~~A front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided in the R-3/GT zone.~~

~~1203.2 In R-19 and R-20 zones, a building may have a maximum height of no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.~~

~~1203.3 The maximum height of a building in the R-19 and R-20 zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.~~

~~1203.4 In R-19 and R-20 zones, and addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.~~

~~1203.5 In R-19 and R-20 zones, any pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).~~

~~1203.6 An institutional building or structure may be erected to a height no exceeding ninety feet (90 ft.), not including the penthouse, 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 foot of height in excess of that authorized in the zone in which it is located.~~

~~1203.7~~ A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

1204 1104 LOT OCCUPANCY SIDE YARD

~~1204.1~~ 1104.1 The maximum permitted lot occupancy in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-19	Places of Worship	60%
	All Other Structures	40%
R-20	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

Side yards in the R-1B/GT zone shall be a minimum of eight feet (8 ft.).

~~1204.2~~ 1104.2 In the R-20 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.

Side yards in the R-3/GT zone shall be a minimum of five feet (5 ft.).

1104.3 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.

1205 1105 FRONT SETBACK ACCESSORY BUILDINGS

~~1205.1~~ 1105.1 A front setback shall be provided that is within the range of existing front setbacks of all residential buildings within an R-19 zone, on the same side of the street in the block where the building is proposed.

Notwithstanding Subtitle D, Chapter 50, Section 5000, accessory buildings in the R-1B/GT and R-3/GT zones shall be subject to the development standards of this section.

~~1205.2~~ 1105.2 A front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided in the R-20 zone.

The 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 feet (20 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 fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.

1105.5 In the R-1B/GT and R-3/GT zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).

1105.6 Roof decks are not permitted.

~~1206 REAR YARD~~

~~1206.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-19 zone.~~

~~1206.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-20 zone.~~

~~1206.3 Notwithstanding Subtitle D § 1206.2, 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.~~

~~1206.4 In the R-20 zone, 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 principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.~~

~~1207 SIDE YARD~~

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

~~1207.2 Side yards in the R-20 zone shall be five feet (5 ft.).~~

~~1207.3 [DELETED]~~

~~1207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum~~

of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.

~~1207.5 [DELETED]~~

~~1208 PERVIOUS SURFACE~~

~~1208.1 The minimum percentage of pervious surface requirement of a lot in the R-19 zone shall be fifty percent (50%).~~

~~1208.2 The minimum percentage of pervious surface requirement of a lot in the R-20 zone shall be twenty percent (20%).~~

~~1209 ACCESSORY BUILDINGS~~

~~1209.1 Accessory buildings in the R-19 and R-20 zones shall be subject to the development regulations of this section.~~

~~1209.2 The 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.~~

~~1209.3 In the R-19 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty feet (20 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.~~

~~1209.4 In the R-20 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.~~

~~1209.5 In the R-19 and R-20 zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).~~

~~1209.1 Roof decks are not permitted.~~

~~1210 SPECIAL EXCEPTION~~

~~1210.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

~~1211 USE PERMISSIONS~~

~~1211.1 Use permissions for the R-19 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~1211.2 Use permissions for the R-20 zones are as specified for Use Group C, in Subtitle U, Chapter 2.~~

CHAPTER 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE - R-21, is proposed to be deleted in its entirety and reserved

**Chapter 13 ~~Chain Bridge Road/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE~~
~~R-21 [RESERVED]~~**

1300 ————— PURPOSE AND INTENT

1300.1 ————— The purposes of the Chain Bridge Road/University Terrace Residential House zone (R-21) 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.**

1300.2 ————— The R-21 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.

1300.3 ————— The R-21 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.

1301 ————— DEVELOPMENT STANDARDS

1301.1 ————— The development standards in Subtitle D §§ 1302 through 1309 modify the general development standards in Subtitle D, Chapter 2.

1302 ————— DENSITY- LOT DIMENSIONS

1302.1 ————— Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-21 zone shall be as set forth in the following table:

TABLE D § 1302.1: — MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-21	75	9,500 for lots created for dwellings after July 20, 1999; 7,500 for all other lots

~~1302.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-21 zone.~~

~~1303 HEIGHT~~

~~1303.1 The maximum permitted building height, not including the penthouse, in the R-21 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~1303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~1303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~1304 LOT OCCUPANCY~~

~~1304.1 The maximum permitted lot occupancy for lots in the R-21 zone that are less than six thousand five hundred square feet (6,500 sq. ft.) shall be forty percent (40%).~~

~~1304.2 The maximum permitted lot occupancy for lots in the R-21 zone 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.).~~

~~1304.3 The maximum permitted lot occupancy for lots in the R-21 zone 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.).~~

~~1305 FRONT SETBACK~~

~~1305.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-21 zone, on the same side of the street in the block where the building is proposed.~~

~~1306 REAR YARD~~

~~1306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-21 zone.~~

~~1307 [DELETED]~~

~~1308 PERVIOUS SURFACE~~

~~1308.1 In the R-21 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.~~

~~1309 TREE PROTECTION~~

~~1309.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-21 zone.~~

~~1310 SPECIAL EXCEPTION~~

~~1310.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201, 5202, and 5205.~~

~~1311 USE PERMISSIONS~~

~~1311.1 Use permissions for the R-21 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

Chapters ~~14~~ 12 THROUGH CHAPTER 48 [RESERVED]

TABLE D § 4903.1: MINIMUM LOT WIDTH AND MINIMUM AREA FOR PUBLIC SCHOOLS, of Subsection 4903.1 of § 4903, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, 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 D § 4903.1: MINIMUM LOT WIDTH AND MINIMUM AREA FOR PUBLIC SCHOOLS

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS, of § 4904.1 of § 4904, HEIGHT, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

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

TABLE D § 4907.1: REAR YARD, of § 4907.1 of § 4907, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, 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

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

Section 4908, SIDE YARD, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

4908 SIDE YARD

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-1A and R-1B zones.

4908.2 In ~~the all~~ 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~~ 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.

- 4908.4 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on one (1) or more side lot line, a required side yard may be reduced or omitted.
- 4908.5 A side yard may be reduced or omitted along a side street abutting a corner lot in an R zone.

Section 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

4910 LOT OCCUPANCY

- 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

Zone	Maximum Lot Occupancy (%)
R-6, R-7, R-8, R-9, R-10, R-11, R-14, R-15 <u>R-1A/TS, R-1A/FH, R-1A/TS/NO, R-1A/WH</u> <u>R-1B/TS, R-1B/FH, 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, is proposed to be amended to read as follows:

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR **RESIDENTIAL HOUSE**
ZONES

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5001 DEVELOPMENT STANDARDS

5001.1 ~~The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.~~
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 subtitle, the provisions of this chapter shall control.

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

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5002 HEIGHT

5002.1 The maximum permitted height of an accessory building in an R zone shall be twenty feet (20 ft.) and two (2) stories ~~and twenty feet (20 ft.)~~, including the penthouse. The height of an accessory building permitted by this section shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building

Section 5007, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be deleted in its entirety.

~~5007 SPECIAL EXCEPTION~~

~~5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the provisions and limitation of Subtitle D § 5201.~~

The title of Chapter 51, ALLEY LOT REGULATIONS for R ZONES, is proposed to be amended to read as follows:

Chapter 51 ALLEY LOT REGULATIONS for **R RESIDENTIAL HOUSE** ZONES⁵

Subsection 5108.1 of § 5108 SPECIAL EXCEPTION of Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § ~~5204~~ 5203.

⁵ Chapter 51, ALLEY LOT REGULATIONS, is the subject of a proposed text amendment in Z.C. No. 19-13.

Subsection 5201.1 (d) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS,⁶ is proposed to be amended to read as follows:

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) . . . ;

...

(d) ~~Minimum-lot~~ Lot dimensions; . . .

Table D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY, of § 5201.3(e) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

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

(a) . . . ;

...

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

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (%)
R-3 R-13 R-17	70
R-20 <u>R-3/GT</u> – attached dwellings only	70
R-3/GT – detached and semi-detached dwellings All Other R zones	50

⁶ Chapter 52, RELIEF FROM REUIRED DEVELOPMENT STANDARDS, is the subject of a proposed text amendment in Z.C. No. 19-14.

Paragraph (b) of § 5202.2 of § 5202, SPECIAL EXCEPTION CRITERIA FOR TREE PROTECTION, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

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:

...

(b) District Department of Transportation, Tree Management Administration

...

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

~~5203 — SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES~~

~~5203.1 — In consideration of a special exception in the R-11, R-12, or R-13 zones, in addition to any other criteria of this title, the following conditions shall apply:~~

~~(a) — The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:~~

~~1) — Present and proposed development within and adjacent to the subject zone;~~

~~2) — 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~~

~~3) — Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities;~~

~~(b) — Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:~~

~~1) — Office of Planning;~~

~~2) — District Department of Transportation;~~

~~3) — Department of Housing and Community Development;~~

~~4) — The Historic Preservation Office if a historic district or historic landmark is involved; and~~

~~5) — The National Capital Planning Commission; and~~

~~(c) — 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.~~

Section 5204, SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be renumbered as Section 5203, to read as follows:

5204 5203 SPECIAL EXCEPTION CRITERIA ALLEY LOTS

5204.1 5203.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an R zone pursuant to Subtitle X, Chapter 9.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be renumbered as § 5204, to read as follows:

5203 5204 SPECIAL EXCEPTION CRITERIA FROM PENTHOUSE PROVISIONS

5203.1 5204.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5206 SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS**~~

~~**5206.1 For Mandatory Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D § 201.3.**~~

~~**5206.2 For Voluntary Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.**~~

RESIDENTIAL FLATS (RF) ZONES

CHAPTER 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

CHAPTER 1 INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES

100 GENERAL PROVISIONS

100.1 ~~The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.~~
Subtitle E is to be read and applied in addition to the regulations included in:

Subtitle A, Authority and Applicability;

Subtitle B, Definitions, Rules of Measurement, and Use Categories;

Subtitle C, General Rules; and

Subtitle U, Use Permissions.

100.2 ~~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.~~

100.3 ~~In addition to the purpose statements of individual chapters, the provisions of 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 dimensions for the subdivision and creation of new lots of record in RF zones;~~

~~(e) Allow for the limited conversion of rowhouse and other structures for flats; and~~

~~(f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.~~

100.4 ~~The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.~~

100.52 For those zones with a geographic identification identifier, the zone boundaries are ~~cited~~ described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map. ~~When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~

101 DEVELOPMENT STANDARDS PURPOSE AND INTENT

101.1 ~~The bulk of structures in the RF zones shall be controlled through the combined general development standards of this subtitle, the zone specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~ 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 development standards are intended to:~~

- ~~(a) — Control the bulk or volume of structures, including height, floor area ratio, and lot occupaney;~~
- ~~(b) — Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;~~
- ~~(c) — Regulate the mixture of uses; and~~
- ~~(d) — Promote the environmental performance of development.~~

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 dimensions 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 buildings as anticipated in the RA zone.

- 101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle. **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 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C. **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 house 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.**

102 USE PERMISSIONS

~~102.1 Use permissions for the RF zones are as specified in Subtitle U, Chapter 3.~~

103 PARKING

~~103.1 Parking requirements for the RF zones are as specified in Subtitle C.~~

104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES

~~104.1 Public recreation and community centers, or public libraries in the RF zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~104.2 Public schools in the RF zones shall be permitted subject to the conditions of Subtitle F, Chapter 49.~~

~~104.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle F, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.~~

105 INCLUSIONARY ZONING

~~105.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to all RF zone as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone specific development standards of this subtitle.~~

106.1 — Antennas shall be subject to the regulations of Subtitle C, Chapter 13.

CHAPTER 2, general DEVELOPMENT STANDARDS (RF), is proposed to be amended to read as follows:

CHAPTER 2 ~~general~~ DEVELOPMENT STANDARDS FOR RESIDENTIAL FLAT (RF) ZONES

200 ~~GENERAL PROVISIONS~~ DEVELOPMENT STANDARDS

200.1 ~~The provisions of this chapter apply to all RF zones except as may be modified or otherwise provided for in a specific zone.~~ **The development standards of this chapter apply to all Residential Flat (RF) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.**

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.~~ **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 Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception pursuant to Subtitle X, Chapter 9. If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~eriterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.5 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 – LOT DIMENSIONS

201.1 Except as provided in other provisions of this subtitle, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:

TABLE E § 201.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	18 (row dwelling or flat)	1,800 (row dwelling or flat)
	30 (semi-detached)	3,000 (semi-detached)
	40 (all Other Structures)	4,000 (all Other Structures)

Except as provided elsewhere in this title, the maximum number of principal dwelling units per lot shall be as set forth in the following table:

TABLE E § 201.1: MAXIMUM NUMBER OF PRINCIPAL DWELLING UNITS PER LOT

Zone	Maximum Number of Principal Dwelling Units Per Lot
RF-1	2
RF-4	3
RF-5	4

201.2 Except as provided for in Subtitle E § 201.3, 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 § 201.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	18	1,500

No more than one (1) principal dwelling unit may be located within an accessory building, subject to Subtitle U, Chapter 3.

201.3 The minimum lot width for Mandatory Inclusionary Developments in the RF zones may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle E § 5206.1 by the Board of Zoning Adjustment. **Accessory dwelling units shall not be permitted in a principal building or an accessory building.**

201.4 Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle E § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

TABLE E § 201.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	46	1,500

Notwithstanding Subtitle E § 201.1, a building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) principal dwelling units pursuant to Subtitle U, Chapter 3.

201.5 First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed. **Notwithstanding Subtitle E § 201.1, an apartment house in an RF-1 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.**

201.6 A building or structure subject to the provisions of this chapter shall also be subject to the development standards in the applicable RF zone. **Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

TABLE E § 201.6: MAXIMUM PERMITTED FLOOR AREA RATIO

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

201.7 An apartment house in an RF 1, RF 2, or RF 3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new. **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 X, Chapter 9 Subtitle E § 212.2.**

202 PENTHOUSES LOT DIMENSIONS

202.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle. Except as provided in other provisions of this title, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:

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

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

202.2 Except as provided for 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 MINIMUM LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS

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

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

202.4 Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle X, Chapter 9 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

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

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

203 COURT HEIGHT

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, and the maximum number of stories shall be as set forth in this section. Where a court is provided, the court shall have the following minimum dimensions:

TABLE E § 203.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Detached Dwellings Semi-Detached Dwellings Row Dwellings and Flats	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft.	Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft.

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

203.3 **In the RF-1 zone, new construction of three (3) or more immediately adjoining residential row buildings, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.**

203.4 **A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under 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.**

203.6 **A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).**

203.7 **A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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.); 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 **PERVIOUS SURFACE ROOF TOP OR UPPER FLOOR ADDITIONS** [ZC CASE NO. 19-21 ROOF TOP OR UPPER FLOOR ELEMENTS PENDING]

204.1 The minimum pervious surface requirements for new construction on a lot in an RF zone are set forth in the following table:

TABLE E § 205.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS

	Lot Size Minimum	Pervious Surface Minimum
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
Places of worship	Not applicable	50%
Public recreation and community center	Not applicable	50%
Public schools	Not applicable	50%
All other structures	Not applicable	50%

In an RF zone district, the following provisions shall apply:

- (a) **A roof top architectural element original to the 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. 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. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**
- (b) **Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and**
- (c) **Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the**

owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:

- (1) “Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and
- (2) “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:
 - (A) Legally permitted, installed, and operating; or
 - (B) 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.

204.2 In an RF zone district, relief from the design requirements of Subtitle E § 204.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the conditions of Subtitle E § 5202.3.

205 REAR YARD PENTHOUSES

~~205.1 A rear yard shall be provided for each structure located in an RF, the minimum depth of which shall be as set forth in each zone chapter.~~ A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

~~205.2 In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~ A mechanical penthouse 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 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. **For all other buildings and uses, the maximum permitted height of a penthouse shall be twelve feet (12 ft.) and one (1) story.**

~~205.4 — Notwithstanding §§ 205.1 through 205.3, 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. 205.5 — 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 principal residential building on an adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.~~

206
206.1

ROOF TOP OR UPPER FLOOR ADDITIONS FRONT SETBACK

In an RF zone district, the following provisions shall apply:

- ~~(a) — A roof top architectural element original to the 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. 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. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;~~
- ~~(b) — Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and~~
- ~~(c) — Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:
 - ~~(1) — “Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and~~
 - ~~(2) — “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:
 - ~~(A) — Legally permitted, installed, and operating; or~~
 - ~~(B) — 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.~~

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

206.2 ~~In an RF zone district, relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the conditions of Subtitle E § 5203.3. **For residential buildings, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.**~~

207 SIDE YARD REAR YARD

207.1 ~~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. **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

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

207.2 ~~Any side yard provided shall be a minimum of five feet (5 ft.). **In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.**~~

207.3 ~~Existing conforming side yards may not be reduced to a nonconforming width or eliminated. **In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**~~

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

207.5 **Notwithstanding Subtitle E §§ 207.1 through 207.4, 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.**

207.6 **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 as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.**

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 may 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 that abuts or adjoins on one (1) or more side lot lines 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>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
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<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 inches per 1 ft. of height of court, but not less than 6 ft.</u>	<u>Width: 2.5 inches 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 court, but not less than 250 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

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

210.2 ~~A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space.~~

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

	<u>Lot Size Minimum (sq. ft.)</u>	<u>Pervious Surface Minimum (%)</u>
<u>Residential use</u>	<u>Less than 1,800</u>	<u>0</u>

	<u>Lot Size Minimum (sq. ft.)</u>	<u>Pervious Surface Minimum (%)</u>
	<u>1,801 to 2,000</u>	<u>10</u>
	<u>Larger than 2000</u>	<u>20</u>
<u>All other structures</u>	<u>Not applicable</u>	<u>50</u>

212 SPECIAL EXCEPTION

212.1 Exceptions to the development standards of this subtitle for public libraries shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

212.2 ~~Exceptions to Relief from the development standards of this subtitle chapter for public recreation and community centers, other than lot occupancy and density, shall~~ may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9. ~~Exceptions from lot occupancy are limited to the criterion of Subtitle E § 210.2 and exceptions from density are limited to the criteria of Subtitle E § 201.7.,~~ subject to the following conditions:

- (a) Relief from the FAR limits of Subtitle E § 201.7 to allow a maximum of 1.8 FAR in zones with a lower maximum FAR; and**
- (b) Relief from the lot occupancy limitations of Subtitle E § 210.2 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.**

CHAPTER 3, RESIDENTIAL FLAT ZONE – RF-1 is proposed to be deleted in its entirety.

~~CHAPTER 3 RESIDENTIAL FLAT ZONE – RF-1~~

~~300 PURPOSE AND INTENT~~

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

~~301 DEVELOPMENT STANDARDS~~

~~301.1 The development standards in Subtitle E §§ 302 through 307 modify the general development standards in Subtitle E, Chapter 2.~~

~~302 MAXIMUM NUMBER OF DWELLING UNITS~~

~~302.1 In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.~~

~~302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.~~

~~302.3 Accessory dwelling units shall not be permitted in a dwelling unit in the RF-1 zone.~~

303 HEIGHT

- 303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty five feet (35 ft.) and three (3) stories.
- 303.2 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.
- 303.3 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.
- 303.4 The maximum permitted building height for a place of worship, not including the penthouse, in the RF-1 zone shall be sixty feet (60 feet) and three (3) stories.
- 303.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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.
- 303.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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 foot of height in excess of that authorized in the zone in which it is located.
- 303.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 303.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 303.8 A non residential building constructed pursuant to Subtitle E §§ 303.4 through 303.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

304 LOT OCCUPANCY

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

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	The greater of 60% or the lot occupancy as of the date of conversion

An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

305 FRONT SETBACK

305.1 For residential dwellings in the RF-1 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

306 REAR YARD

306.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.

307 [DELETED]

308 [REPEALED]

CHAPTER 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is proposed to be renumbered to Chapter 3 and amended to read as follows:

CHAPTER 43 DUPONT CIRCLE RESIDENTIAL FLAT ZONE – ~~RF-2~~ RF-1/DC

400-300 PURPOSE AND INTENT

400.1300.1 The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with row houses within which no more than two (2) dwellings are permitted. **The 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.**

400.2300.2 The RF-2 zone is intended to **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;);
- (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.

~~400.3~~**300.3** The ~~RF-2~~ **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.

401-301 DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENT

~~401.1~~**301.1** The development standards in Subtitle E §§ 402 through 407 modify the general development standards in Chapter 2. **The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.**

402-302 ~~MAXIMUM NUMBER OF DWELLING UNITS~~ MISCELLANEOUS

~~402.1~~ **302.1** The RF 2 zone permits a maximum of two (2) dwelling units which may both be located within the principal structure or one (1) dwelling unit each may be located within the principal structure and an accessory structure. **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.**

~~402.2~~ Conversion of an existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.

403 ~~HEIGHT~~

~~403.1~~ Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, in an RF-2 zone shall not exceed thirty five feet (35 ft.) and three (3) stories.

~~403.2~~ A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

~~403.3~~ New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

- 403.4 ~~————~~ The maximum permitted building height for a place of worship, not including the penthouse, in the RF-2 zone shall be sixty feet (60 ft.) and three (3) stories.
- 403.5 ~~————~~ A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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.
- 403.6 ~~————~~ An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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.
- 403.7 ~~————~~ The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 403.8 ~~————~~ A non-residential building constructed pursuant to Subtitle E §§ 403.4 through 403.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.).

404 ~~————~~ LOT OCCUPANCY

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

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

405 ~~————~~ FRONT SETBACK

- 405.1 ~~————~~ For residential dwellings in the RF-2 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

406 ~~————~~ REAR YARD

406.1 ——— A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-2 zone.

407 ——— ~~[DELETED]~~

408 ——— ~~[REPEALED]~~

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is proposed to be renumbered to Chapter 4 and amended to read as follows:

CHAPTER ~~54~~ CAPITOL ~~PRECINCT~~ INTEREST RESIDENTIAL FLAT ZONE – ~~RF-3~~ RF-1/CAP

500-400 PURPOSE AND INTENT

~~500.1400.1~~ The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. **The 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.**

~~500.2400.2~~ The RF-3 zone is intended to **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.

501401 DEVELOPMENT STANDARDS HEIGHT

501.1401.1 The development standards in Subtitle E §§ 502 through 507 modify the general development standards in Subtitle E, Chapter 2. **The maximum permitted height of all buildings or structures, not including the penthouse, in the RF-1/CAP zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.**

401.2 **New construction of three (3) or more immediately adjoining residential row buildings, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.**

401.3 **A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5202.**

401.4 **A public recreation and community center may be erected to a height not exceeding forty feet (40 ft.).**

401.5 **The height of buildings or structures as specified in Subtitle E §§401.1 through 401.3 may be exceeded in the following instances:**

(a) **A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 401.1 through 401.3; and**

(b) **The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.**

502402 **MAXIMUM NUMBER OF DWELLING UNITS SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST RESIDENTIAL FLAT ZONE (CAP)**

502.1402.1 The RF-3 zone permits a maximum of two (2) dwelling units that may both be located within the principal structure, or one (1) dwelling unit that may be located in the principal structure and one (1) dwelling unit may be located in an accessory structure. **In the RF-1/CAP zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to 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**

~~502.2~~**402.2** (c) In accordance with the plan promulgated under the Act.
Conversion of an existing building or structure existing before May 12, 1958 in the RF 3 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3. Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

402.3 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

402.4 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.

503 ~~HEIGHT~~

~~503.1~~ In the RF 3 zone, building height, not including the penthouse, shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.

~~503.2~~ The maximum permitted height of buildings or structures and any additions thereto in an RF 3 zone shall not exceed thirty five feet (35 ft.), and three (3) stories, except as specified in this section.

~~503.3~~ New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

~~503.4~~ A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

~~503.5~~ The height of buildings or structures as specified in Subtitle E §§503.2 through 503.4 may be exceeded in the following instances:

(a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 503.2 through 503.4; and

(b) The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, row dwelling, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.

~~503.6~~ A non residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

504 ~~LOT OCCUPANCY~~

~~504.1~~ The maximum permitted lot occupancy in the RF 3 zone shall be as set forth in the following table:

~~TABLE D § 404.1: MAXIMUM LOT OCCUPANCY~~

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

~~505 FRONT SETBACK~~

~~505.1 For residential dwellings in the RF-3 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.~~

~~506 REAR YARD~~

~~506.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-3 zone.~~

~~507 [DELETED]~~

~~508 [REPEALED]~~

CHAPTER 6, RESIDENTIAL FLAT ZONE – RF-4 AND RF-5, is proposed to be deleted in its entirety.

~~CHAPTER 6 RESIDENTIAL FLAT ZONE – RF-4 AND RF-5~~

~~600 PURPOSE AND INTENT~~

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

~~600.2 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.~~

~~600.3 The RF-4 and RF-5 zones are intended to promote the continued rowhouse character and appearance, and residential use of larger row house buildings.~~

~~601 DEVELOPMENT STANDARDS~~

~~601.1 The development standards in Subtitle E §§ 602 through 604 modify the general development standards in Subtitle E, Chapter 2.~~

602 ————— **FAR AND MAXIMUM NUMBER OF DWELLING UNITS**

- 602.1 ————— The maximum permitted floor area ratio (FAR) for all buildings and structures in the RF-4 and RF-5 zones shall be 1.8.
- 602.2 ————— The RF-4 zone permits a maximum of three (3) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.
- 602.3 ————— The RF-5 zone permits a maximum of four (4) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

603 ————— **HEIGHT**

- 603.1 ————— The maximum permitted building height in the RF-4, not including the penthouse, shall be forty feet (40 ft.) and three (3) stories.
- 603.2 ————— The maximum permitted building height in the RF-5, not including the penthouse, shall be:
- (a) Forty feet (40 ft.) and three (3) stories for detached and semi-detached dwellings; and
 - (b) Fifty feet (50 ft.) and four (4) stories for row dwellings and flats and all other structures.
- 603.3 ————— A place of worship in the RF-4 and RF-5 zones may be erected to a height not exceeding shall be sixty feet (60 ft.) and three (3) stories.
- 603.4 ————— A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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.
- 603.5 ————— An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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 foot of height in excess of that authorized in the zone in which it is located.
- 603.6 ————— The maximum permitted height of a penthouse, except as permitted in Subtitle E § 603.7 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 603.7 ————— A non-residential building constructed pursuant to Subtitle E §§ 603.3 through 603.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

604 ————— **LOT OCCUPANCY**

- 604.1 ————— The maximum permitted lot occupancy for the RF-4 and RF-5 zones shall be sixty percent (60%).

605 ————— **FRONT SETBACK**

605.1 ~~For residential dwellings in the RF-4 and RF-5 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.~~

~~606 REAR YARD~~

606.1 ~~A minimum rear yard of twenty-foot (20 ft.) shall be provided in the RF-4 and RF-5 zones.~~

~~607 [DELETED]~~

~~608 [REPEALED]~~

CHAPTER 7-5 THROUGH CHAPTER 49-48 [RESERVED]

TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS, of subsection 4904.1, of § 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
RF-1, RF-2 RF-1/DC	60	No limit
RF-3 RF-1/CAP	40	No limit
RF-4, RF-5	90	No limit

Table E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS, of § 4910.1 of § 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, 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

Zone	Maximum Lot Occupancy (%)
All RF-1 zones, RF-2, RF-3	60
RF-4, RF-5	No limit

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, is proposed to be amended to read as follows:

Chapter 50 ACCESSORY BUILDING REGULATIONS for ~~RF~~ **RESIDENTIAL FLAT ZONES**

Section 5001, DEVELOPMENT STANDARDS, of Chapter 51, ACCESSORY BUILDING REGULATIONS FOR ~~RF~~ RESIDENTIAL FLAT ZONES, is proposed to be amended to read as follows:

5001 DEVELOPMENT STANDARDS

5001.1 ~~The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through 5006.~~ **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 subtitle, the provisions of this chapter shall control.**

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

Section 5007, SPECIAL EXCEPTION of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR ~~RF~~ RESIDENTIAL FLAT ZONES, is proposed to be deleted in its entirety.

~~**5007 SPECIAL EXCEPTION**~~

~~5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E §§ 5201.~~

THE TITLE OF Chapter 51, ALLEY LOT REGULATIONS, is proposed to be amended to read as follows:

CHAPTER 51 ALLEY LOT REGULATIONS RESIDENTIAL FLAT ZONES [ZC CASE NO. 19-13 ALLEY LOT PENDING]

Subsection 5108.1 of § 5108, SPECIAL EXCEPTION, of Chapter 51, ALLEY LOT REGULATIONS RESIDENTIAL FLAT ZONES, is proposed to be amended to read as follows:

5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § ~~5204~~ **5203**.

The title of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS [ZC CASE NO. 19-14 NONCONFORMING STRUCTURES pending]

Subsection 5201.1(d) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

(a) . . .

(d) ~~Minimum~~ Lot dimensions;

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

~~**5202 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**~~

~~5202.1 In the RF 3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to 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.~~

~~5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.~~

~~5202.3 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.~~

Section 5203, BUILDING HEIGHT, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to Section 5202 and be amended to read as follows:

5203 BUILDING HEIGHT

5203.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:

(a) The building is not on an alley lot;

- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;
- (d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (e) Any addition 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 conversion and any associated additions, 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 subject street or alley; and
- (f) In demonstrating compliance with Subtitle E § 52032.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

52032.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 52032.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 52032.1(e).

52032.3 A special exception to the requirements of Subtitle E § 2064 shall be subject to the conditions of Subtitle E § 52032.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 2064.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 52032.1(b)(3) and (4).

52032.4 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.

Section 5204, SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to § 5203 as follows:

52043 SPECIAL EXCEPTION CRITERIA ALLEY LOTS

52043.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to § 5204 as follows:

52054 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS

52054.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

Section 5206, SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5206 SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS**~~

~~5206.1 For Mandatory Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle E § 201.3.~~

~~5206.2 For Voluntary Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle E § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle E § 5206.1.~~

(ZC Case No. 19-27 Subtitle F)

SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES is proposed to be amended to read as follows:

CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES

100 GENERAL PROVISIONS

100.1 ~~The Residential Apartment (RA) zones permit urban residential development and compatible institutional and semi-public buildings.~~ **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 ~~The RA zones are designed to be mapped in areas identified as moderate or high-density residential areas suitable for multiple dwelling unit development and supporting uses.~~ **For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.**

100.3 ~~In addition to the purpose statements of individual chapters, the provisions of the RA zones are intended to:~~

~~(a) Provide for the orderly development and use of land and structures in areas characterized by predominantly moderate to high density residential uses;~~

~~(b) Permit flexibility by allowing all types of residential development;~~

~~(c) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;~~

~~(d) Promote a walkable living environment;~~

~~(e) Allow limited non-residential uses that are compatible with adjoining residential uses;~~

~~(f) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; 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 **DEVELOPMENT STANDARDS PURPOSE AND INTENT**

101.1 ~~The bulk of structures in the RA zones shall be controlled through the combined requirements of the general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~ **The Residential Apartment (RA) zones are residential zones, designed to provide for moderate- to high-density residential areas suitable for multiple dwelling unit development and supporting uses.**

101.2 The development standards are intended to:

- (a) ~~Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~
- (b) ~~Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~
- (c) ~~Regulate the mixture of uses; and~~
- (d) ~~Promote the environmental performance of development.~~

The RA zones are intended to:

(a) Provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses;

(b) Permit flexibility by allowing all types of residential development;

(c) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;

(d) Promote a walkable living environment;

(e) Allow limited non-residential uses that are compatible with adjoining residential uses;

(f) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; 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.

101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.~~

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 ~~For those zones with geographic identification, the boundaries are cited in Subtitle W and identified on the official Zoning Map. When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~ 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 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.~~ 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.

~~102 USE PERMISSIONS~~

- ~~102.1 Use permissions for the RA zones are as specified in Subtitle U, Chapter 4.~~
- ~~102.2 Use permissions within a penthouse are as specified in Subtitle C § 1500.3.~~

~~103 PARKING~~

- ~~103.1 Parking requirements for the RA zones are as specified in Subtitle C, Chapter 7.~~

~~104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES~~

- ~~104.1 Public recreation and community centers, or public libraries in the RA zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~
- ~~104.2 Public schools in the RA zones shall be permitted subject to the conditions of Subtitle F, Chapter 49.~~
- ~~104.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle F, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.~~

105 ~~INCLUSIONARY ZONING~~

~~105.1 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, except for the RA-5 and RA-10 zones in which the IZ requirements, modifications, and bonus density shall not apply.~~

CHAPTER 2, GENERAL DEVELOPMENT STANDARDS FOR RA ZONES, is proposed to be amended to read as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS RESIDENTIAL APARTMENT (RA) ZONES

200 GENERAL PROVISIONS DEVELOPMENT STANDARDS

~~200.1 The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone. The development standards of this chapter shall apply to all Residential Apartment (RA) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.~~

~~200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply. 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 Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception pursuant to the provisions of Subtitle X, Chapter 9. If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~eriterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.~~

200.4 **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to the RA zones, except the RA-5 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.**

201 **DENSITY – FLOOR AREA RATIO AND LOT DIMENSIONS**

201.1 **First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed 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>Zone</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 **In the RA-1 zone, each row dwelling 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. 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 X, Chapter 9 Subtitle F § 212.2.**

201.3 **Each row dwelling 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. A public recreation and community center may have a 1.8 FAR in the RA-1 zone if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9 Subtitle F § 212.2.**

201.4 Lot area and lot width for residential uses permitted as a special exception shall be as prescribed by the Board of Zoning Adjustment. **The maximum permitted FAR for Inclusionary Developments in the RA-1 through RA-4 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in the RA-1 zone 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 DEVELOPMENTS

<u>Zone</u>	<u>Maximum FAR for Inclusionary Developments</u>
RA-1	<u>1.08 (Voluntary Inclusionary Developments require special exception relief under Subtitle X, Chapter 9)</u>
RA-2	<u>2.16</u>
RA-3	<u>3.6</u>
RA-4	<u>4.2</u>

202 COURTS-LOT DIMENSIONS

202.1 A court is not required, but if provided, it shall have the following minimum dimensions:

TABLE F § 202.1: MINIMUM COURT DIMENSIONS

<u>Type of Structure</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Residential, more than 3 units:</u>	<u>4 in./ft. of height of court but not less than 10 ft. minimum</u>	<u>4 in./ft. of height of court but not less than 15 ft. minimum</u>	<u>Twice the square of the required width of court dimension but not less than 350 sq. ft. minimum</u>
<u>Non Residential and Lodging:</u>	<u>2.5 in./ft. of height of court but not less than 6 ft. minimum</u>	<u>2.5 in./ft. of height of court but not less than 12 ft. minimum</u>	<u>Twice the square of the required width of court dimension but not less than 250 sq. ft. minimum</u>

In the RA-1 zone, 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 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 in the RA-6 and RA-7 zones, and except as provided in the Subtitle A § 402, elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, and the maximum number of stories shall be as set forth specified in each zone of this subtitle may be exceeded as provided in this section.

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

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

203.3 ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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 district in which it is located. A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including the penthouse.~~

203.4 Except as provided in Subtitle F §§ 203.2 and 203.3, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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. A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).

203.5 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, 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.

203.6 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; 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 A college or university building or structure covered by an approved campus plan pursuant to Subtitle X, Chapter 1 may be erected to a height not exceeding sixty feet (60 ft.) in an RA-2 zone.

204 PENTHOUSES [RESERVED]

~~204.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

~~204.2 A non residential building constructed pursuant to Subtitle F §§ 203.2 through 203.4 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.~~

205 PENTHOUSES

205.1 A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 The maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE F § 205.2: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height (ft.)</u>	<u>Maximum Penthouse 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; Second story permitted for penthouse mechanical space</u>

205.3 In the RA-1 and RA-2 zones, a mechanical penthouse with a maximum height of eighteen feet six inches (18 ft. 6 in.) shall be permitted on a building constructed pursuant to Subtitle F §§ 203.3 through 203.7.

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

Zone	Minimum Rear Yard
RA-1	20 ft.
RA-2	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-3	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-4	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-5	A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft.

207.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

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

207.4 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 yard 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 the RA-1 zone, 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 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 an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.

208.5 Existing conforming side yards may 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.).

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

210 LOT OCCUPANCY

210.1 Except as provided elsewhere in this title in Subtitle F § 12.2, the maximum permitted lot occupancy shall be as set forth in the following table:

TABLE F § 210.1: MAXIMUM PERMITTED LOT OCCUPANCY

<u>Zone</u>	<u>Type of Structure</u>	<u>Maximum Lot Occupancy (%) (Percentage)</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>

~~210.2 A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space.~~

211 GREEN AREA RATIO

~~211.1 The minimum green area ratio (GAR) shall be 0.4 in the RA-1 and RA-2 zones and 0.3 in the RA-3, RA-4, and RA-5 zones.~~

212 SPECIAL EXCEPTION

~~212.1 Exceptions to the development standards of this subtitle for public libraries shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.~~

~~212.2 Exceptions to Relief from the development standards of this subtitle chapter for public recreation and community centers, other than lot occupancy and density, shall may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9. Exceptions from lot occupancy are limited to the criterion of Subtitle F § 210.2 and exceptions from density are limited to the criteria of Subtitle F §§ 201.2 and 201.3.; provided that relief from the lot occupancy limitations of Subtitle F § 210.1 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.~~

CHAPTER 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4 and RA-5, is proposed to be deleted in its entirety.

~~CHAPTER 3 RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5~~

~~300 PURPOSE AND INTENT~~

~~300.1 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.~~

300.2 ~~The RA 1 zone provides for areas predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.~~

300.3 ~~The RA 2 zone provides for areas developed with predominantly moderate-density residential.~~

300.4 ~~The RA 3 zone provides for areas developed with predominantly medium-density residential.~~

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

300.6 ~~The RA 5 zone provides for areas developed with predominantly high-density residential.~~

301 ~~DEVELOPMENT STANDARDS~~

301.1 ~~The development standards in Subtitle F §§ 302 through 307 modify the general development standards in Subtitle F, Chapter 2.~~

302 ~~DENSITY FLOOR AREA RATIO (FAR)~~

302.1 ~~Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses, the maximum permitted FAR in the RA 1 through RA 5 zones shall be as set forth in the following table:~~

TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR
RA 1	0.9
RA 2	1.8
RA 3	3.0
RA 4	3.5
RA 5	5.0 6.0 for an apartment house or hotel

302.2 ~~The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA 5 zone.~~

302.3 ~~The maximum permitted FAR for Inclusionary Developments in the RA 1 through RA 4 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in the RA 1 zone Voluntary Inclusionary Developments shall require special exception relief pursuant to Subtitle F § 5206.1 to utilize this modification:~~

TABLE F § 302.3: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS

Zone	Maximum FAR for Inclusionary Developments
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RA 1	1.08 (Voluntary Inclusionary Developments require special exception relief under Subtitle F § 5206.1)
RA 2	2.16
RA 3	3.6
RA 4	4.2

303 HEIGHT

303.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse, in the RA 1 through RA 5 zones shall be as set forth in the following table:

TABLE F § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Number of Stories
RA 1	40	3
RA 2	50	No Limit
RA 3	60	No Limit
RA 4	90	No Limit
RA 5	90	No Limit

303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle F § 204 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE F § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
RA 1	12 ft.	1
RA 2	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA 3	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA 4	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
RA 5	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

304 LOT OCCUPANCY

304.1 Except as provided in other provisions of this chapter, the maximum permitted lot occupancy shall be established for lots in the RA 1, RA 2, RA 3, RA 4, and RA 5 zones as set forth in the following table:

TABLE F § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA 1	40
RA 2	60
RA 3	75
RA 4	75
RA 5	75

305 REAR YARD

305.1 ~~—————~~ A minimum rear yard shall be established for lots in the RA-1, RA-2, RA-3, RA-4 and RA-5 zones as set forth in the following table:

TABLE F § 304.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard
RA-1	20 ft.
RA-2	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-3	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-4	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-5	A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft.

305.2 ~~—————~~ In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

305.3 ~~—————~~ 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.

306 ~~—————~~ SIDE YARD

306.1 ~~—————~~ Side yard 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.

306.2 ~~—————~~ Except as provided in Subtitle F § 306.1, the following side yard rules apply:
 (a) ~~—————~~ In the RA-1 zone, one (1) side yard shall be provided unless the building 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 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.).

306.3 ~~—————~~ [DELETED]

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

306.5 ~~—————~~ Existing conforming side yards may not be reduced to a nonconforming width or eliminated.

306.6 ~~—————~~ 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.).

307 ~~—————~~ GREEN AREA RATIO

~~307.1~~ The minimum green area ratio (GAR) shall be 0.4 in the RA-1 and RA-2 zones and 0.3 in the RA-3, RA-4, and RA-5 zones.

~~308~~ [REPEALED]

CHAPTER 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, is proposed to be renumbered to CHAPTER 3 and amended to read as follows:

CHAPTER 4 3 NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – ~~RA-6~~ RA-1/NO

~~400-300~~ PURPOSE AND INTENT

~~400.1~~ **300.1** The RA-6 zone provides for areas predominantly developed with low to moderate density development, including detached dwellings, rowhouses, and low rise apartments in the vicinity of the U.S. Naval Observatory. **The 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 subtitle, the provisions of this chapter shall control.**

~~400.2~~ **300.2** The RA-6 zone is intended to **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) Provide additional controls on private land to 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) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

~~401~~ DEVELOPMENT STANDARDS

~~401.1~~ The development standards in Subtitle F §§ 402 through 408 modify the general development standards in Subtitle F, Chapter 2.

~~401.2~~ The provisions of Subtitle X, Chapter 3 of this title shall not operate to permit a planned unit development in the RA-6 zone to exceed either the limits of Subtitle F § 402.1, or the area, bulk, and yard standards that apply as a matter of right in the RA-6 zone.

~~402~~ **DENSITY – FLOOR AREA RATIO (FAR)**

~~402.1~~ The maximum permitted FAR in the RA-6 zone shall be 0.9, or 1.08 for Inclusionary Developments, incorporating the bonus density authorized by Subtitle C § 1002.3.

~~403-301~~ **HEIGHT**

~~403.1~~ **301.1** The maximum permitted building height **for all buildings** in the RA-6 zone, not including the penthouse, **in the RA-1/NO zone** shall be forty feet (40 ft.) and three (3) stories.

~~403.2~~ **301.2** For the purposes of the RA-6 zone, ~~the~~ height of a building **in the RA-1/NO zone** 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.

~~403.3~~ The maximum permitted height of a penthouse, except as permitted in Subtitle F § 204 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) for penthouse mechanical space, and one (1) story.

~~404~~ **LOT OCCUPANCY**

~~404.1~~ The maximum permitted lot occupancy in the RA-6 zone shall be forty percent (40%).

~~405~~ **REAR YARD**

~~405.1~~ In the RA-6 zone a minimum rear yard of twenty feet (20 ft.) shall be provided.

~~405.2~~ In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

~~405.3~~ 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.

~~406~~ ~~SIDE YARD~~

- ~~406.1~~ A minimum of one (1) side yard shall be provided for all buildings unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.).
- ~~406.2~~ 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.) in the RA-6 zone.
- ~~406.3~~ [DELETED]
- ~~406.4~~ A side yard shall not be required along a side street abutting a corner lot.
- ~~406.5~~ Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- ~~406.6~~ In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

~~407~~ ~~GREEN AREA RATIO~~

- ~~407.1~~ The minimum GAR in the RA-6 zone shall be 0.4.

~~408~~ ~~[REPEALED]~~

302 PLANNED UNIT DEVELOPMENT

- 302.1 The provisions of Subtitle X, Chapter 3 of this title shall not operate to permit a planned unit development in the RA-1/NO zone to exceed either 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/NO zone.

303 SPECIAL EXCEPTION NAVAL OBSERVATORY ZONES

- 303.1 In consideration of a special exception in the RA-1/NO zone, in addition to any other criteria of this title, 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.

303.2 **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.

303.3 **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 5 CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE - RA-7 is proposed to be renumbered as Chapter 4 and renamed and amended to read as follows:

CHAPTER ~~5~~ CAPITOL PRECINCT INTEREST RESIDENTIAL APARTMENT ZONE - ~~RA-7~~RA-2/CAP

~~500.400~~ PURPOSE AND INTENT

~~500.1~~ 400.1 **~~The RA-7 zone provides for areas developed with predominantly moderate and medium density rowhouses and apartments, and is intended 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.~~

The 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 subtitle, 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.**

~~501 DEVELOPMENT STANDARDS~~

~~501.1 The development standards in Subtitle F §§ 502 through 507 modify the general development standards in Subtitle F, Chapter 2.~~

~~502 DENSITY FLOOR AREA RATIO (FAR)~~

~~502.1 The maximum permitted FAR in the RA-7 zone shall be 1.8, or 2.16 for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3.~~

503.401 HEIGHT

~~503.1~~ **401.1** The maximum permitted ~~building~~ height **of all buildings or structures**, not including the penthouse, in the ~~RA-7~~ **RA-2/CAP** zone shall be forty feet (40 ft.) and three (3) stories.

~~503.2~~ **401.2** **The height of buildings or structures as specified in Subtitle F § 401.1 may be exceeded in the following instances:**

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle F § 401.1; and**
- (b) The maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached~~ single household dwelling, ~~semi-detached dwelling,~~ rowhouse, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.**

504 — LOT OCCUPANCY

~~504.1 The maximum permitted lot occupancy in the RA-7 zone shall be sixty percent (60%), or seventy-five percent (75%) for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3.~~

505 — REAR YARD

~~505.1 The minimum rear yard shall be fifteen feet (15 ft.) or a distance equal to four inches (4 in.) per one foot (1 ft.) of principal building height.~~

~~505.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~505.3 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.~~

506 — SIDE YARD

~~506.1 No side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).~~

~~506.2 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.) in the RA-7 zone.~~

~~506.3 [DELETED]~~

~~506.4 A side yard shall not be required along a side street abutting a corner lot.~~

~~506.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.~~

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

507 — GREEN AREA RATIO

~~507.1 The minimum required GAR in the RA-7 zone shall be 0.4.~~

508 — [REPEALED]

402 SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) RESIDENTIAL APARTMENT ZONE

402.1 In the RA-2/CAP zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to 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.

402.2 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

402.3 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

402.4 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 6 DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, is proposed to be renumbered as Chapter 5 and renamed and amended to read as follows:

CHAPTER ~~6~~5 DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – ~~RA-8, RA-9, AND RA-10~~RA-2/DC, RA-4/DC, AND RA-5/DC

600-500 PURPOSE AND INTENT

600.1~~500.1~~ The Dupont Circle RA zones (RA-8, RA-9, and RA-10) are intended 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.

The 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 subtitle, the provisions of this chapter shall control.

~~600.2~~**500.2** The RA 8 zone provides for areas developed with predominantly moderate density apartments. **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.**

~~600.3~~ — The RA 9 zone provides for areas developed with predominantly medium to high density apartments.

~~600.4~~ — The RA 10 zone provides for areas developed with predominantly high density apartments.

~~600.5~~ — 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.

501 PLANNED UNIT DEVELOPMENT

501.1 The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.

502 MISCELLANEOUS

502.1 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.

~~601 DEVELOPMENT STANDARDS~~

~~601.1 The development standards in Subtitle F §§ 602 through 607 modify the general development standards in Subtitle F, Chapter 2.~~

~~602 DENSITY FLOOR AREA RATIO (FAR)~~

~~602.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses, the maximum permitted FAR in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table:~~

~~TABLE F § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO~~

Zone	Maximum FAR
RA-8	1.8
RA-9	3.5
RA-10	5.0
	6.0 for an apartment house or hotel

~~602.2 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-10 zone.~~

~~602.3 The maximum permitted FAR for Inclusionary Developments in the RA-8 and RA-9 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table:~~

~~TABLE F § 602.2: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS~~

Zone	Maximum FAR for Inclusionary Developments
RA-8	2.16
RA-9	4.2

~~603 HEIGHT~~

~~603.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse, in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table:~~

~~TABLE F § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT/STORIES~~

Zone	Maximum Height (ft.)	Maximum Number of Stories
RA-8	50	No Limit
RA-9	90	No Limit
RA-10	90	No Limit

604 — LOT OCCUPANCY

604.1 The maximum lot occupancy shall be established for lots in the RA-8, RA-9, and RA-10 zones as set forth in the following table:

TABLE F § 604.1: MAXIMUM PERCENTAGE OF LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA-8	60
RA-9	75
RA-10	75

605 — REAR YARD

605.1 A minimum rear yard shall be established for lots in the RA-8, RA-9, and RA-10 zones as set forth in the following table:

TABLE F § 605.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard
RA-8	15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height
RA-9	15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height
RA-10	12 ft.; or A distance equal to 3 in. per 1 ft. of principal building height

605.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

605.3 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.

606 — SIDE YARD

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

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

606.3 [DELETED]

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

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

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

607 — GREEN AREA RATIO

~~607.1 The minimum green area ratio (GAR) shall be 0.4 in the RA-8 zone and 0.3 in the RA-9 and RA-10 zones.~~

~~608 [REPEALED]~~

New Chapter 6, REED-COOKE MIXED USE ZONES – RA-2/RC is proposed to be added and to read as follows:

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

600 PURPOSE AND INTENT

600.1 The 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 subtitle, 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 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 The maximum permitted height of all buildings or structures, not including the penthouse, in the RA-2/RC zone shall be forty feet (40 ft.) and three (3) stories.

603 **PENTHOUSES**

603.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 603.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>RA-2/RC</u>	<u>12 ft., except 15 ft. for penthouse mechanical space</u>	<u>1</u>

604 **PLANNED UNIT DEVELOPMENT**

604.1 **The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the RA-2/RC zones to exceed the floor area ratio standards of Subtitle F § 201 and the height standards of Subtitle F § 602.**

605 **SPECIAL EXCEPTION CRITERIA REED-COOKE RESIDENTIAL APARTMENT ZONE**

605.1 **An exception from the requirements of this chapter shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject to the following conditions:**

- (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; and**
- (e)** **No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted.**

605.2 **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.**

Chapters 7 through 48 are reserved as follows:

CHAPTER 7 THROUGH CHAPTER 49 48 [RESERVED]

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

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

Subsection 4903.1 of § 4903, LOT DIMENSIONS, of CHAPTER 49, PUBLIC SCHOOLS, 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

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

Subsection 4906.1 of § 4906, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, 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

Zone	Minimum Rear Yard
RA 1, RA 6 <u>All RA-1 zones</u>	20 ft.
RA 2, RA 3, RA 4, RA 7, RA 8, RA 9 <u>All RA-2, RA-3, and RA-4 zones</u>	4 in./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.
RA 5, RA 10 <u>All RA-5 zones</u>	3 in./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, 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, 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

Zone	Maximum Lot Occupancy (%)
RA 1, RA 2 All RA-1 and R-2	60
RA 3, RA 4, RA 5, RA 10, RA 11 <u>All RA-3, RA-4, and RA-5 zones</u>	75
RA 6, RA 7, RA 8, RA 9	40

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA), is proposed to be amended to read as follows:

CHAPTER 50 ACCESSORY BUILDINGS REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES, is proposed to be amended to read as follows:

5001 ~~DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~

5001.1 ~~The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5001 through 5004.~~ 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 subtitle, the provisions of this chapter shall control.

5001.2 The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5002 through 5005.

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES, is proposed to be amended to read as follows:

5002 HEIGHT

5002.1 The maximum permitted height for ~~of~~ an accessory building shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

Section 5005, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA) RESIDENTIAL APARTMENT ZONES, is proposed to be deleted in its entirety.

~~**5005 SPECIAL EXCEPTION**~~

~~5005.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X and subject to the provisions and limitations of Subtitle F § 5201.~~

The title of Chapter 51, ALLEY LOT REGULATIONS (RA), is proposed to be amended to read as follows:

CHAPTER 51 ALLEY LOT REGULATIONS (RA) RESIDENTIAL APARTMENT ZONES [ZC CASE NO. 19-13 PENDING]

Section 5202, SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be deleted in its entirety.

~~**5202 SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) ZONE**~~

- ~~5202.1 In the RA-7 zone, any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception:~~
- ~~(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.~~
- ~~5202.2 Upon receipt of the application, the Board shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.~~
- ~~5202.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.~~
- ~~5202.4 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.~~

Section 5203, SPECIAL EXCEPTION CRITERIA FOR RA-6 (NAVAL OBSERVATORY) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be deleted in its entirety.

~~**5203 SPECIAL EXCEPTION CRITERIA FOR RA-6 (NAVAL OBSERVATORY) ZONE**~~

~~5203.1 In the RA-6 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to 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.~~

~~5203.2 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.~~

~~5203.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the National Capital Planning Commission for review and report.~~

~~5203.4 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.~~

SECTION 5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be renumbered to § 5202.

~~**5204-5202 SPECIAL EXCEPTION CRITERIA ALLEY LOTS**~~

~~5204.1 5202.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RA zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.~~

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS**~~

~~5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.~~

Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~5206 ——— SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS (RA-1)~~

~~5206.1 ——— For Voluntary Inclusionary Developments in the RA-1 zone, the Board of Zoning Adjustment may grant special exception relief from maximum permitted floor area ratio requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle F § 302.3.~~

(ZC Case No. 19-27A Subtitle G)

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows: (text to be deleted is shown with a ~~strike through~~ and new text is shown in **bold and underlined**):

I. Subtitle G, MIXED USE ZONES, is proposed to be amended as follows:

CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

100 GENERAL PROVISIONS

100.1 ~~The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.~~ **Subtitle G is to be read and applied in addition to the regulations included in:**

- (e) **Subtitle A, Authority and Applicability;**
- (f) **Subtitle B, Definitions, Rules of Measurement, and Use Categories;**
- (g) **Subtitle C, General Rules;**
- (h) **Subtitle H, Neighborhood Mixed-Use (NC) Zones; and**
- (i) **Subtitle U, Use Permissions**

100.2 ~~The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.~~ **For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries and identified on the official Zoning Map.**

100.3 ~~In addition to the purpose statements of individual chapters, the purposes of the MU zones are 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.~~

100.4 **100.3** In the MU zones, buildings may be entirely **permitted** residential **uses**, or may be a mixture of **permitted** non-residential and residential uses.

101 DEVELOPMENT STANDARDS 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.~~ **The bulk of structures in the MU zones shall be controlled through the combined general development standards of this subtitle, the zone specific development standards of this subtitle, and the requirements and standards of Subtitle C.**

101.2 ~~The development standards are intended to:~~ **The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.**

- (a) ~~Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~
- (b) ~~Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~
- (c) ~~Regulate the mixture of uses; and~~
- (d) ~~Ensure the environmental performance of development.~~

101.3 ~~The development standards may include allowances for the provision of affordable housing consistent with the Inclusionary Zoning provisions of Subtitle C, Chapter 10 and will be so indicated by the letters "IZ" in the development standards table.~~

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 bulk of public buildings and structures in the MU zones shall be controlled through the development standards specified in Subtitle G, Chapter 10 and the regulations of this chapter. 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 development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Relief from the development standards for Height and FAR shall be required as a variance. Additional zone specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle. 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 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C. 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 the 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 zone is 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 zone is 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 zone is intended to:**

- (a) **Permit medium-density mixed-use development with a focus on employment;**
- (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 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 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.

~~102 USE PERMISSIONS~~

~~102.1 Use permissions for the MU zones are as specified in Subtitle U, Chapter 5.~~

~~103 PARKING~~

~~103.1 Parking requirements for the MU zones are as specified in Subtitle C, Chapters 7 and 8.~~

~~104 INCLUSIONARY ZONING~~

~~104.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all MU zones, except for the portion of the MU 13 zone in the Georgetown Historic District and the MU 27 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 § 1500.11, that is located in the portion of the MU 13 zone in the Georgetown Historic District or in the MU 27 zone shall be subject to the IZ requirements.~~

~~105 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES~~

~~105.1 Public recreation and community centers or public libraries in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~105.2 Public schools in the MU zones shall be permitted subject to the conditions of Subtitle G, Chapter 49.~~

~~105.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle G, Chapter 49, shall be those development standards for the zone in which the buildings or structures is proposed.~~

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, is proposed to be amended to read as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR MU MIXED USE ZONES - MU-1 THROUGH MU-10 AND MU-15

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR MU MIXED USE ZONES - MU-1 THROUGH MU-10 AND MU-15 IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

200 GENERAL PROVISIONS DEVELOPMENT STANDARDS

~~200.1 The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone. The development standards of this chapter shall apply to **all the MU-1 through MU-10 and the MU-15** Mixed Use~~

(MU) zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a ~~section or subsection~~ **portion** of a development standard is modified the remaining ~~sections or subsections~~ **portions** of the development standard shall still apply.

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply. **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 of development.

~~200.3 **Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X. If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception criterion criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.**~~

~~200.4 **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to the MU zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in Subtitle G § 200.5.**~~

~~200.5 **Notwithstanding Subtitle G § 200.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.**~~

201 ~~DENSITY – FLOOR AREA RATIO (FAR)~~

201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential **gross floor area** GFA to residential ~~GFA~~ **gross floor area**, even if in excess of otherwise permitted **floor area ratio** FAR, shall be permitted.

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

TABLE G § 201.2: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Zone</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>MU-1</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>2.5</u>
<u>MU-2</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>3.5</u>
<u>MU-3A</u>	<u>1.0</u> <u>1.2 (IZ)</u>	<u>1.0</u>
<u>MU-3B</u>	<u>2.0</u> <u>2.4 (IZ)</u>	<u>1.5</u>
<u>MU-4</u>	<u>2.5</u> <u>3.0 (IZ)</u>	<u>1.5</u>
<u>MU-5A</u>	<u>3.5</u> <u>4.2 (IZ)</u>	<u>1.5</u>
<u>MU-5B</u>	<u>3.5</u> <u>4.2 (IZ)</u>	<u>1.5</u>
<u>MU-6</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>2.0</u>
<u>MU-7</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>2.5</u>
<u>MU-8</u>	<u>5.0</u> <u>6.0 (IZ)</u>	<u>4.0</u>
<u>MU-9</u>	<u>6.5</u> <u>7.8 (IZ)</u>	<u>6.5</u>
<u>MU-10</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>3.0</u>

201.3 **In 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.**

201.4 **In the MU-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle C, Chapter 12. Both lots shall be located within the same square and shall be zoned MU-10.**

201.5 **In the MU-15 zone, the maximum permitted FAR shall be as set forth in the following table, except as provided elsewhere in this title:**

TABLE G § 201.5: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>MU-15 Zone Height</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>Buildings erected to a height of one hundred ten feet (110 ft.) or less</u>	<u>8.5</u>	<u>8.5</u>
	<u>10.2 (IZ)</u>	
<u>Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 203.3</u>	<u>10.0</u>	<u>10.0</u>
	<u>12.0 (IZ)</u>	

201.6 A public recreation and community center in a MU-1, MU-2 or MU-10 zone 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 X, Chapter 9.

201.7 A public recreation and community center shall not exceed a 1.8 FAR in the MU-1 and MU-2 zones.

202 COURTS [RESERVED]

202.1 A court is not required in an MU zone, but where it is provided, it shall have the following minimum dimensions:

TABLE G § 202.1: MINIMUM COURT DIMENSIONS

<u>Type of Structure</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Residential, more than 3 units</u>	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
<u>Non-Residential and Lodging</u>	2.5 in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

203 PENTHOUSES

203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

203 HEIGHT

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, 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 G §§ 203.3 through 203.4, shall be as set forth in the following table:**

TABLE G § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

<u>Zone</u>	<u>Maximum Height Not Including Penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-1</u>	<u>65</u> <u>70 (IZ)</u>	<u>N/A</u>
<u>MU-2</u>	<u>90</u>	<u>N/A</u>
<u>MU-3A</u>	<u>40</u>	<u>3</u>
<u>MU-3B</u>	<u>50</u>	<u>4</u>
<u>MU-4</u>	<u>50</u>	<u>N/A</u>
<u>MU-5A</u>	<u>65</u> <u>70 (IZ)</u>	<u>N/A</u>
<u>MU-5B</u>	<u>75</u>	<u>N/A</u>
<u>MU-6</u>	<u>90</u> <u>100 (IZ)</u>	<u>N/A</u>
<u>MU-7</u>	<u>65</u>	<u>N/A</u>
<u>MU-8</u>	<u>70</u>	<u>N/A</u>
<u>MU-9</u>	<u>90</u>	<u>N/A</u>
<u>MU-10</u>	<u>100 (IZ)</u>	<u>N/A</u>
<u>MU-15</u>	<u>110</u>	<u>N/A</u>

203.3 **In the MU-15 zone, a building or other structure may be erected to a height not exceeding one hundred-thirty feet (130 ft.); 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.**

203.4 **A public recreation and community center in a MU-1, MU-2 or MU-10 zone shall not exceed a height of forty-five feet (45 ft.)**

204 **TRANSITION SETBACK REQUIREMENTS**

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 district:**

- (a) A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may 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 shall not be used for loading.

204.3 A minimum of six feet (6 ft.) of the transition setback area, 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 Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

204.4 A required transition setback may be inclusive of 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 district extended as a vertical plane parallel to each abutting lot line.

205 PENTHOUSES

205.1 A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 The maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE G § 205.2: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse 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>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-3A</u> <u>MU-3B</u> <u>MU-4</u>	<u>12 ft., except</u> <u>15 ft. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted</u> <u>for _____ penthouse</u> <u>mechanical space</u>
<u>MU-5A</u> <u>MU-7</u>	<u>12 ft., except</u> <u>18 ft. 6 in. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted</u> <u>for _____ penthouse</u> <u>mechanical space</u>
<u>MU-5B</u> <u>MU-8</u>	<u>20 ft.</u>	<u>1;</u> <u>Second story permitted</u> <u>for _____ penthouse</u> <u>mechanical space</u>
<u>MU-6</u> <u>MU-9</u> <u>MU-10</u> <u>MU-15</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u> <u>Second story permitted</u> <u>for _____ penthouse</u> <u>mechanical space</u>

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 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 In the MU-1 through MU-9 and the MU-15 zones, a horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

207.4 In the MU-1 and MU-2 zones a rear yard shall be established subject to the following conditions:

(a) 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 required above a horizontal plane as described in Subtitle G § 207.3;

(b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.3; and

(c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

- 207.5** **In the MU-3 zone a minimum rear yard of twenty feet (20 ft.) shall be provided.**
- 207.6** **In the MU-4, MU-5, and MU-6 zones a minimum rear yard of fifteen feet (15 ft.) shall be provided.**
- 207.7** **In the MU-7, MU-8, MU-9, MU-10, 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.**
- 207.8** **In the MU-3 MU-4, MU-5, MU-6, and MU-7 zones, where a lot abuts an alley rear yards shall be measured as follows:**
- (a) For that portion of the structure below a horizontal plane described in Subtitle G § 207.3 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 § 207.3, from the rear lot line to the rear wall of that portion immediately above the plane.**
- 207.9** **In the MU-8, MU-9, and MU-15 zones, a rear yard shall be established subject to the following conditions:**
- (a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.3; and**
 - (b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.**
- 207.10** **In the MU-10 zone, 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 center line of the alley to the rear wall of the building or other structure.**
- 207.11** **In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.**

207.12 **The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, Chapter 9 provided:**

- (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 to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.**

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 **In the MU-1 through MU-9 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 the MU-1 through MU-9 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 the MU-10 zone no side yard is required for a principal building; 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.).**

208.5 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; 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>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Residential, more than 3 units</u>	<u>4 in./ft. of height of court;</u> <u>10 ft. minimum</u>	<u>4 in./ft. of height of court;</u> <u>15 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>350 sq. ft. minimum</u>
<u>All Other Structures</u>	<u>2.5 in./ft. of height of court;</u> <u>6 ft. minimum</u>	<u>2.5 in./ft. of height of court;</u> <u>12 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>250 sq. ft. minimum</u>

210 LOT OCCUPANCY

210.1 Except as provided elsewhere in this title, 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

<u>Zone</u>	<u>Maximum Lot Occupancy for Residential Use (%)</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>60 (IZ)</u>
<u>MU-3B</u>	<u>60</u> <u>60 (IZ)</u>
<u>MU-4</u>	<u>60</u> <u>75 (IZ)</u>
<u>MU-5-A</u> <u>MU-5-B</u>	<u>80</u> <u>80 (IZ)</u>
<u>MU-6</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-7</u>	<u>75</u> <u>80 (IZ)</u>
<u>MU-8</u>	<u>100</u>
<u>MU-9</u>	<u>100</u>
<u>MU-10</u>	<u>75</u>

<u>Zone</u>	<u>Maximum Lot Occupancy for Residential Use (%)</u>
	<u>80 (IZ)</u>
<u>MU-15</u>	<u>100</u>

210.2 **In the MU-10 zone, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.**

210.3 **In the MU-10 zone, for the purposes of this section, the phrase "residential uses" includes dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.**

210.4 **In the MU-1, MU-2, or MU-10 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.**

210.5 **Notwithstanding Subtitle G § 210.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60%) maximum lot occupancy for all residential and non-residential uses.**

211 **GREEN AREA RATIO (GAR)**

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

TABLE G § 211.1: MINIMUM GREEN AREA RATIO (GAR)

<u>Zone</u>	<u>Minimum Green Area Ratio</u>
<u>MU-1, MU-2, MU-3, MU-4, MU-5, MU-6</u>	<u>0.30</u>
<u>MU-7, MU-8</u>	<u>0.25</u>
<u>MU-9, MU-10, MU-15</u>	<u>0.20</u>

212 **PLAZA**

212.1 **In the MU-10 zone, 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.**

212.2 **Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.**

213 **SPECIAL EXCEPTION**

213.1 **Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 52.**

214 **COMBINED LOT**

214.1 **The following combined lot development provision shall apply to the MU-10 zone only:**

- (a)** **The allowable residential and non-residential bulk of a MU-10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and non-residential floor area may not exceed the zone limits;**
- (b)** **A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and**
- (c)** **For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.**

The title of Chapter 3, MIXED-USE ZONES – MU-1 ND MU-2, is proposed to be renamed and amended to read as follows:

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2 DEVELOPMENT STANDARDS FOR MIXED-USE WATERFRONT ZONES MU-11, MU-12, MU-13, AND MU-14

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2 DEVELOPMENT STANDARDS FOR MIXED-USE WATERFRONT ZONES MU-11, MU-12, MU-13, AND MU-1 is proposed to be amended to read as follows:

300 **PURPOSE AND INTENT**

- ~~300.1 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.~~
- ~~300.2 The MU-1 zone is intended to permit moderate-density areas predominantly developed with residential buildings but also permitting non-residential buildings.~~
- ~~300.3 The MU-2 zone is intended to permit medium density areas predominantly developed with residential buildings but also permitting non-residential buildings.~~

300.1 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.

300.2 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.

300.3 The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront.

300.4 The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.

300.5 The MU-14 zone is intended to permit high-density mixed-use development generally in the vicinity of the waterfront.

301 DEVELOPMENT STANDARDS

~~301.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2 **shall apply to the MU-11 through MU-14 Mixed Use (MU) Waterfront zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply.**~~

301.2 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 of development.

200.3 ~~Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X. If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~eriterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.~~

301.4 ~~The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density shall apply to the MU-11, MU-12 and MU-14 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in G § 301.5 and in the zone-specific development standards of this subtitle.~~

301.5 ~~Notwithstanding Subtitle G § 301.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the IZ requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.~~

302 ~~DENSITY – FLOOR AREA RATIO (FAR)~~

302.1 ~~Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) of buildings in the MU-1 and MU-2 zones shall be as set forth in the following table:~~

TABLE G § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Permitted FAR	
	Total Permitted	Maximum Non-Residential Use
MU-1	4.0	2.5
	4.8 (IZ)	
MU-2	6.0	3.5
	7.2 (IZ)	

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-11	0.5	0.5
MU-12	2.5	1.0
	3.0 (IZ)	
MU-13	4.0	2.0
	4.8 (IZ)	
MU-14	6.0	5.0
	7.2 (IZ)	

302.2 In the MU-11, MU-12, MU-13 and MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the “Total Permitted” floor area ratio.

302.3 In the MU-11 zone, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; and 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.

302.4 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 X, Chapter 9.

302.5 A public recreation and community center shall not exceed a 1.8 FAR in the MU-12, MU-13, and MU-14 zones.

303 HEIGHT

303.1 The maximum permitted building height, not including the penthouse, in the MU-1 and MU-2 zones shall be as set forth in the following table: **Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, shall be as set forth in this section.**

TABLE G § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-1	65
	70 (IZ)
MU-2	90

303.2 **The maximum permitted height of buildings or structures, except as provided in Subtitle G §§ 303.3 through 303.4, shall be as set forth in the following table:**

TABLE G § 303.2: MAXIMUM HEIGHT

<u>Zone</u>	<u>Maximum Height Not Including Penthouse (ft.)</u>
<u>MU-11</u>	<u>40</u>
<u>MU-12</u>	<u>45</u> <u>50 (IZ)</u>
<u>MU-13</u>	<u>60</u>
<u>MU-14</u>	<u>90</u> <u>100 (IZ)</u>

The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

~~TABLE G § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES~~

<u>ZONE</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse 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>

303.3 ~~Penthouses 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 G, Chapters 11 and 12 of this subtitle when the top of the penthouse is below maximum building height prescribed for the MU-11 zone. In the MU-11 zone, 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.). 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. ; and~~

303.4 ~~A public recreation and community center in a MU-12, MU-13 or MU-14 zone shall not exceed a height of forty-five feet (45 ft.)~~

304 ~~**LOT OCCUPANCY [RESERVED]**~~

~~*304.1* The maximum permitted lot occupancy for residential use in the MU-1 and MU-2 zones shall be as set forth in the following table:~~

~~TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE~~

<u>Zone</u>	<u>Maximum Lot Occupancy (Percentage)</u>
<u>MU-1</u>	<u>80</u>
<u>MU-2</u>	<u>80</u> <u>90 (IZ)</u>

305 REAR YARD

- 305.1 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 required above a horizontal plane as described in Subtitle G § 305.2 in the MU-1 and MU-2 zones.
- 305.2 A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purposes of measuring rear yards.
- 305.3 A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 305.2.
- 305.4 Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.
- 305.5 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.

305 PENTHOUSES

305.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 305.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-11</u> <u>MU-12</u>	<u>12 ft. except</u> <u>15 ft. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-13</u>	<u>12 ft. except</u> <u>18 ft. 6in. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-14</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>

305.2 In the MU-11 zone, penthouses 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 G, Chapters 11 and 12 Subtitle C, Chapter 15 when the top of the penthouse is below the maximum building height prescribed for the MU-11 zone.

306 SIDE YARD-[RESERVED]

- 306.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).

~~306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.~~

~~306.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

307 GREEN AREA RATIO (GAR)

~~307.1 The minimum required GAR for the MU-1 and MU-2 zones shall be 0.3.~~

307 REAR YARD

307.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.

307.2 A rear yard is required only for residential uses and shall be established no lower than the first level of residential use.

307.3 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-11, MU-12, MU-13, and MU-14 zones.

307.4 Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

307.5 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.

307.6 The Board of Zoning Adjustment may waive rear yard requirements as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle G § 207.12.

308 SPECIAL EXCEPTION

~~308.1 Exceptions to the development standards of this chapter shall be permitted as a special exception, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 12.~~

308 SIDE YARD

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

308.2 In the MU-11 zone, a side yard for any building or structure located in whole or in part on land, shall be no less than twelve feet (12 ft.).

308.3 No side yard shall be required in the MU-12, MU-13, and MU-14 zones. If a side yard is provided, its minimum width shall be at least eight feet (8 ft.).

308.4 **Any portion of a building set back from the side lot line shall be considered a side yard and not a court.**

309 **[RESERVED]**

310 **LOT OCCUPANCY**

310.1 **The maximum permitted lot occupancy for a residential use shall be as set forth in the following table:**

TABLE G § 310.1: MAXIMUM PERMITTED LOT OCCUPANCY

<u>Zone</u>	<u>Maximum Lot Occupancy for Residential Use (%)</u>
<u>MU-11</u>	<u>25</u>
<u>MU-12</u>	<u>80</u>
	<u>80 (IZ)</u>
<u>MU-13</u>	<u>75</u>
	<u>75 (IZ)</u>
<u>MU-14</u>	<u>75</u>
	<u>80 (IZ)</u>

310.2 **Within the MU-11 zone, 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, the 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.**

310.3 **In the MU-11, MU-12, MU-13 or MU-14 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.**

311 **GREEN AREA RATIO (GAR)**

311.1 **The minimum required GAR for the MU-12, MU-13 and MU-14 zones shall be 0.3.**

312 WATERFRONT SETBACK

312.1 In the MU-11, MU-12, MU-13 and MU-14 zones a waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.

312.2 In addition to the requirements of Subtitle C, Chapter 11, in the MU-11 zone, a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.

313 SPECIAL EXCEPTION

313.1 Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to a demonstration by the applicant that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10 AND MU-30, is proposed to be deleted in its entirety:

~~**CHAPTER 4 MIXED USE ZONES – MU 3, MU 4, MU 5, MU 6, MU 7, MU 8, MU 9, MU 10, AND MU30**~~

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

~~400.1 The MU-3 through MU-10 and the MU-30 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.~~

~~400.2 *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.~~

~~400.3 *The MU 4 zone is intended to:*~~

- ~~(c) Permit moderate-density mixed-use development;~~
- ~~(d) 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~~
- ~~(e) 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.~~

~~400.4 *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.~~

~~400.5 — The MU 6 zone is 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.~~

~~400.6 — The MU 7 zone is 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.~~

~~400.7 — The MU 8 zone is intended to:~~

- (a) — ~~Permit medium density mixed use development with a focus on employment;~~
- (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.~~

~~400.8 — The MU 9 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 Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.~~

~~400.9 — 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.~~

~~400.10 — The MU 30 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.~~

401 DEVELOPMENT STANDARDS

401.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

402 DENSITY FLOOR AREA RATIO (FAR)

402.1 The maximum permitted FAR in the MU 3 through MU 10 zones shall be as set forth in the following table:

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU 3A	1.0	1.0
	1.2 (IZ)	
MU 3B	2.0	1.5
	2.4 (IZ)	
MU 4	2.5	1.5
	3.0 (IZ)	
MU 5 A MU 5 B	3.5	1.5
	4.2 (IZ)	
MU 6	6.0	2.0
	7.2 (IZ)	
MU 7	4.0	2.5
	4.8 (IZ)	
MU 8	5.0	4.0
	6.0 (IZ)	
MU 9	6.5	6.5
	7.8 (IZ)	
MU 10	6.0	3.0
	7.2 (IZ)	

402.2 In 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.

402.3 In the MU 10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle C Chapter 12. Both lots shall be located within the same square, and shall be zoned MU 10.

402.4 In the MU 30 zone, the maximum permitted FAR shall be as set forth in the following table:

TABLE G § 402.4: MAXIMUM PERMITTED FAR

MU 30 Zone Height	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
	8.5	8.5

Buildings erected to a height of one hundred ten feet (110 ft.) or less	10.2 (IZ)	
Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 403.2	10.0	10.0
	12.0 (IZ)	

403 HEIGHT

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3A	40	3
MU-3B	50	4
MU-4	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
	100 (IZ)	
MU-7	65	N/A
MU-8	70	N/A
MU-9 MU-10	90	N/A
	100 (IZ)	
MU-30	110	NA

403.2 In the MU-30 zone, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); 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.

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A MU-3B MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1;

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
		Second story permitted for penthouse mechanical space
MU 6 MU 9 MU 10 MU 30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy for residential use in the MU 3 through MU 10 zones and the MU 30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU 3A MU 3B	60
MU 4	60 75 (IZ)
MU 5 A MU 5 B	80
MU 6 MU 7	75 80 (IZ)
MU 8 MU 9	N/A
MU 10	75 80 (IZ)
MU 30	N/A

404.2 Notwithstanding Subtitle G § 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.

405 REAR YARD

405.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the MU 3 zone.

405.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU 4, MU 5, and MU 6 zones.

405.3 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 in the MU 7, MU 8, MU 9, MU 10, and MU 30 zones.

405.4 In the MU 3 through MU 9 zones, a horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

405.5 In the MU 3 through MU 7 zones, rear yards shall be measured as follows:

- (a) — Where a lot abuts an alley:
 - (1) — For that portion of the structure below a horizontal plane described in Subtitle G § 405.4 from the center line of the alley to the rear wall of the portion; and
 - (2) — For that portion of the structure above the horizontal plane described in Subtitle G § 405.4, from the rear lot line to the rear wall of that portion immediately above the plane; 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.

~~405.6 — In the MU 8, MU 9, and MU 30 zones, rear yard shall be established subject to the following conditions:~~

- ~~(a) — A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 405.4;~~
- ~~(b) — Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~
- ~~(c) — 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.~~

~~405.7 — In the MU 10 zone, 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;~~
- ~~(b) — Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~
- ~~(c) — 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.~~

~~406 — SIDE YARD~~

~~406.1 — No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).~~

~~406.2 — A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.~~

~~406.3 — Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~407 — GREEN AREA RATIO (GAR)~~

~~407.1 — The minimum required GAR for the MU 3 through MU 6 zones shall be 0.3.~~

~~407.2 — The minimum required GAR for the MU 7 and MU 8 zones shall be 0.25.~~

~~407.3 — The minimum required GAR for the MU 9, MU 10, and MU 30 zones shall be 0.20.~~

~~408 — PLAZA~~

~~408.1 — In the MU 10 zone, 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.~~

~~408.2 — Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.~~

~~409 — SPECIAL EXCEPTION~~

~~409.1 — Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 12.~~

~~410 — COMBINED LOT~~

~~410.1 — The following combined lot development provision shall apply to the MU 10 zone only:~~

- ~~(a) — The allowable residential and non-residential bulk of a MU 10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and non-residential floor area may not exceed the zone limits;~~
- ~~(b) — A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and~~
- ~~(c) — For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community based residential facilities, inns, and guest room areas and service areas within hotels.~~

~~411 — TRANSITION SETBACK REQUIREMENTS~~

~~411.1 — 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 district:~~

- ~~(a) — A twenty foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the 20-foot transition setback; and~~
- ~~(b) — An additional upper story transition setback of 10 feet minimum shall be provided above a building height of 40 feet, or top of third story.~~

~~411.2 — Any required transition setback area shall not be used for loading.~~

~~411.3 — A minimum of six feet (6 ft.) of the transition setback area, 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 Consumer and Regulatory Affairs for review and approval~~

according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

~~411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.~~

~~411.5 No residential communal outdoor recreation space shall be located within 50 feet of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.~~

Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13 AND MU-14 is proposed to be deleted in its entirety:

~~CHAPTER 5 MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14~~

~~500 PURPOSE AND INTENT~~

~~500.1 The MU 11 through MU 14 zones are mixed use zones that are intended to be applied generally in the vicinity of the waterfront.~~

~~500.2 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.~~

~~500.3 The MU 12 zone is intended to permit moderate density mixed use development generally in the vicinity of the waterfront.~~

~~500.4 The MU 13 zone is intended to permit medium density mixed use development generally in the vicinity of the waterfront.~~

~~500.5 The MU 14 zone is intended to permit high density mixed use development generally in the vicinity of the waterfront.~~

~~501 DEVELOPMENT STANDARDS~~

~~501.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~502 DENSITY – FLOOR AREA RATIO (FAR)~~

~~502.1 The maximum permitted FAR of buildings, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, in the MU 11 through MU 14 zones shall be as set forth in the following table, except as provided in Subtitle G §§ 502.2 and 502.3:~~

~~TABLE G § 502.1: MAXIMUM PERMITTED FLOOR AREA RATIO~~

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-11	0.5	0.5
MU-12	2.5 3.0 (IZ)	1.0
MU-13	4.0	2.0
MU-14	6.0 7.2 (IZ)	5.0

502.2 In the MU-11 through MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the “Total Permitted” floor area ratio.

502.3 In the MU 11 zone, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; and 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.

503 HEIGHT

503.1 The maximum permitted building height, not including the penthouse, in the MU-11 through MU-14 zones shall be as set forth in the following table, except as provided in Subtitle G § 503.3:

TABLE G § 503.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-11	40
MU-12	45 50 (1Z)
MU-13	60
MU-14	90 100 (1Z)

503.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 503.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-11 MU-12	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-13	12 ft. except 18 ft. 6in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-14	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

503.3 In the MU 11 zone, the following conditions apply:

- (a) 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.). 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; and

- (b) ~~Penthouses 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 G, Chapters 11 and 12 of this subtitle when the top of the penthouse is below maximum building height prescribed for the MU 11 zone.~~

504 LOT OCCUPANCY

504.1 ~~The maximum permitted lot occupancy for residential use of buildings in the MU 11 through MU 14 zones shall be as set forth in the following table:~~

TABLE G § 504.1. MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
MU 11	25
MU 12	80
MU 13	75
MU 14	75 80 (IZ)

504.2 ~~Within the MU 11 zone, 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, the 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.~~

504.3 ~~Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the portion of the MU 13 zone in the Georgetown Historic District.~~

505 REAR YARD

505.1 ~~Rear yard are required only for residential uses and shall be established no lower than the first level of residential use.~~

505.2 ~~A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU 11, MU 12, MU 13, and MU 14 zones.~~

505.3 ~~Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.~~

505.4 ~~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.~~

505.6 ~~The Board of Zoning Adjustment may waive rear yard requirements pursuant to Subtitle X, Chapter 9 and Subtitle G, Chapter 12.~~

506 SIDE YARD

- 506.1 In the MU 11 zone, a side yard for any building or structure located in whole or in part on land, shall be no less than twelve feet (12 ft.).
- 506.2 No side yard shall be required in the MU 12, MU 13, and MU 14 zones. If a side yard is provided, its minimum width shall be at least eight (8) feet.
- 506.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

507 GREEN AREA RATIO (GAR)

- 507.1 The minimum required GAR for the MU 12 through MU 14 zones shall be 0.3.

508 WATERFRONT SETBACK

- 508.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.
- 508.2 In the MU 11 zone, a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.

509 SPECIAL EXCEPTION

- 509.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to a demonstration by the applicant that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.

CHAPTER 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22 is proposed to be renumbered as Chapter 4 and renamed and amended to read as follows:

~~CHAPTER 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22~~ **CHAPTER 4**

CHAPTER 4 DUPONT CIRCLE MIXED-USE ZONES –MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC AND MU-10/DC

600-400 PURPOSE AND INTENT

400.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/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 subtitle, the provisions of this chapter shall control.

600.1-400.2 The In addition to the purposes of the MU zones, the purposes of the Dupont Circle Mixed-Use zones (~~MU 15 through MU 22~~) are to:

- (a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensure a general compatibility in the scale of new buildings with older, low-scale buildings;
- (b) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;
- (c) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;
- (d) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (e) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue; and
- (f) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

~~600.2 The MU 15 zone is intended to permit moderate density areas predominantly developed with residential buildings.~~

~~600.3 The MU 16 zone is intended to permit medium density areas predominantly developed with residential buildings.~~

~~600.4 The MU 17 zone is intended to permit moderate density mixed use development.~~

~~600.5 The MU 18 zone is intended to permit medium density, compact mixed use development with an emphasis on residential development.~~

~~600.6 The MU 19 zone is intended to permit medium density mixed use development with a focus on residential use.~~

~~600.7 The MU 20 zone is intended to permit medium density mixed use development with a focus on employment.~~

~~600.8 The MU 21 zone is intended to permit high density mixed use development with a focus on employment.~~

~~600.9 The MU 22 zone is intended to 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.~~

~~600.10 No 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.~~

~~601~~ **401** DEVELOPMENT STANDARDS **PLANNED UNIT DEVELOPMENT**

~~601.1~~ **401.1** The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2. **The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.**

402 MISCELLANEOUS

402.1 No 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.

602 DENSITY – FLOOR AREA RATIO (FAR)

602.1 The maximum permitted FAR of buildings in the MU 15 through MU 22 zones shall be as set forth in the following table:

TABLE G § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU 15	4.0	2.5
	4.8 (IZ)	
MU 16	6.0	3.5
	7.2 (IZ)	
MU 17	2.5	1.5
	3.0 (IZ)	
MU 18	3.5	1.5
	4.2 (IZ)	
MU 19	6.0	2.0
	7.2 (IZ)	
MU 20	5.0	4.0
	6.0 (IZ)	
MU 21	6.5	6.5
	7.8 (IZ)	
MU 22	6.0	3.0
	7.2 (IZ)	

602.2 In the MU 17 and MU 18 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.

602.3 In the MU 22 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non residential uses in accordance with the provisions of Subtitle G § 100.4. Both lots shall be located within the same square, and shall be zoned MU 22.

603 HEIGHT

603.1 The maximum permitted building height, not including the penthouse, in the MU 15 through MU 22 zones shall be as set forth in the following table:

TABLE G § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height
------	----------------

	(Feet)
MU-15	65
	70 (IZ)
MU-16	90
MU-17	50
MU-18	65
	70 (IZ)
MU-19	90
MU-20	70
MU-21	90
MU-22	90
	100 (IZ)

603.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 603.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU 17,	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU 15 MU 18	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU 20	20 ft.	1; Second story permitted for penthouse mechanical space
MU 16 MU 19 MU 21 MU 22	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy for residential use in the MU 15 through MU 22 zones shall be as set forth in the following table:

TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU 15	80%
MU 16	80%
	90% (IZ)
MU 17	60%
	75% (IZ)
MU 18	80%
MU 19	80%

Zone	Maximum Lot Occupancy for Residential Use
	90% (IZ)
MU-20	100%
MU-21	100%
MU-22	75%
	80% (IZ)

605 REAR YARD

- 605.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-15 and MU-16 zones.
- 605.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-17, MU-18, and MU-19 zones.
- 605.3 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 yard in the MU-20, MU-21, and MU-22 zones.
- 605.4 In the MU-15 and MU-16 zones, rear yards shall be measured as follows:
 - (a) Where a lot abuts an alley, the rear yard may be measured from the center line 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.
- 605.5 In the MU-17 through MU-21 zones, a horizontal plane may be established at twenty five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yard.
- 605.6 In the MU-17 through MU-19 zones, rear yards shall be measured as follows:
 - (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 605.5 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 605.5, from the rear lot line to the rear wall of that portion immediately above the plane; 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.
- 605.7 In the MU-20 and MU-21 zones, rear yards shall be established subject to the following conditions:
 - (a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 605.5;
 - (b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
 - (c) 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.
- 605.8 In the MU-22 zone, 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;~~
- (b) ~~— Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~
- (c) ~~— 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.~~

606 ~~—~~ SIDE YARD

- 606.1 ~~— In the MU 15, MU 16, and MU 22 zones, no side yard is required; 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.).~~
- 606.2 ~~— In the MU 17, MU 18, MU 19, MU 20, and MU 21 zones, no side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).~~
- 606.3 ~~— A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).~~
- 606.4 ~~— Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

607 ~~—~~ GREEN AREA RATIO (GAR)

- 607.1 ~~— The minimum required GAR for the MU 15 through MU 19 zones shall be 0.3.~~
- 607.2 ~~— The minimum required GAR for the MU 20 and MU 21 zones shall be 0.2.~~
- 607.3 ~~— The minimum required GAR for the MU 22 zone shall be 0.2.~~

608 ~~—~~ PLAZA

- 608.1 ~~— Within the MU 22 zone, 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.~~
- 608.2 ~~— Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.~~

609 ~~—~~ SPECIAL EXCEPTION

- 609.1 ~~— The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU 15 through MU 22 zones.~~

Chapter 7 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES – MU-23, MU-24, MU-25, AND MU-26 is proposed to be renumbered as Chapter 5 and renamed and amended to read as follows:

~~CHAPTER 7 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES – MU 23, MU 24, MU 25 AND MU 26~~

CHAPTER 5 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

700 500 PURPOSE AND INTENT

500.1 **The 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 subtitle, the provisions of this chapter shall control.**

~~700.1~~ **500.2** **The In addition to the purposes of the MU zones, the** purposes of the Capitol Interest Mixed-Use zones (~~MU 23, MU 24 and MU 26~~) (**MU-2/CAP, MU-4/CAP, 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 district to be protected.

~~700.2~~ ~~The MU 23 zone is intended to permit medium density areas predominantly developed with residential buildings consistent with the purposes of Subtitle G § 700.1.~~

~~700.3~~ ~~The MU 24 zone is intended to permit moderate density mixed-use development consistent with the purposes of Subtitle G § 700.1.~~

~~700.4~~ **500.3** **In addition to the purposes of the MU zone, the purposes of the** ~~The Capitol Hill Commercial Mixed-Use zones include the MU 25 and MU 26~~ (**MU-4/CHC and MU-4/CAP/CHC**) ~~zones and are intended 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 zone districts;
- (b) Concentrate non-residential uses in commercial zone districts in certain areas of Capitol Hill, thereby enhancing and protecting the residential

character of the areas surrounding the commercial zone districts 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.

~~700.5 The MU 25 zone is intended to permit moderate density mixed-use development consistent with the purpose of Subtitle G § 700.4.~~

~~700.6 The MU 26 zone is intended to permit moderate density mixed-use development consistent with the purposes of Subtitle G §§ 700.1 and 700.4.~~

~~701 DEVELOPMENT STANDARDS~~

~~701.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~702 501 DENSITY – FLOOR AREA RATIO (FAR)~~

702.1 501.1 The maximum permitted FAR of buildings in the ~~MU-23 through MU-26~~ 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 § 702.1~~ 501.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU 23 <u>MU-2/CAP</u>	1.8	<u>1.8</u> N/A
	2.16 (IZ)	
MU 24 <u>MU-4/CAP</u>	1.8	1.5
	2.16 (IZ)	
MU 25 <u>MU-4/CHC</u>	3.0	3.0
	3.0 (IZ)	
MU 26 <u>MU-4/CAP/CHC</u>	2.5	2.5
	2.5 (IZ)	

~~702.2~~ 501.2 In the ~~MU-24~~ 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.

~~702.3~~ 501.3 In the ~~MU-25 and MU-26~~ 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.

~~703 502 HEIGHT~~

703.1 ~~502.1~~ The maximum building height, not including the penthouse, in the ~~MU-23, MU-24, and MU-26~~ MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC zones shall be forty feet (40 ft.) and three (3) stories.

703.2 ~~The maximum height in the MU-25 zone shall be fifty feet (50 ft.).~~

503 ~~PENTHOUSES~~

703.3 ~~503.1~~ ~~The~~In the MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC zones, the maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached dwelling, semi-detached dwelling, rowhouse~~ single household dwelling or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.), and the maximum number of stories within the penthouse shall be one (1) ~~in the MU-23, MU-24, and MU-26 zones.~~

703.4 ~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.), except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space in the MU-25 zone.~~

704 ~~LOT OCCUPANCY~~

704.1 ~~The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 zones shall be as set forth in the following table:~~

TABLE G § 704.1 ~~504.1~~: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-23	80% 90% (IZ)
MU-24 MU-25 MU-26	60% 75% (IZ)

705 ~~REAR YARD~~

705.1 ~~A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-23 zone.~~

705.2 ~~In the MU-23 zone, rear yards shall be measured as follows:~~

- (a) ~~Where a lot abuts an alley, the rear yard may be measured from the center line 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.~~

705.3 ~~A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-24 through MU-26 zones.~~

705.4 ~~In the MU-24 through MU-26 zones, a horizontal plane may be established at twenty five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.~~

705.5 ~~In the MU-24 through MU-26 zones, rear yards shall be measured as follows:~~

- (a) ~~Where a lot abuts an alley:~~
 - (1) ~~For that portion of the structure below a horizontal plane described in Subtitle G § 705.4 from the center line of the alley to the rear wall of the portion; and~~
 - (2) ~~For that portion of the structure above the horizontal plane described in Subtitle G § 705.4, from the rear lot line to the rear wall of that portion immediately above the plane; 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.~~

706 SIDE YARD

- 706.1 ~~No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).~~
- 706.2 ~~A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).~~
- 706.3 ~~Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

707 GREEN AREA RATIO (GAR)

- 707.1 ~~The minimum required GAR for the MU 23 through MU 26 zones shall be 0.3.~~

708 504 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST MIXED USE ZONE (CAP)

- 708.1 ~~The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU 23 through MU 26 zones.~~

- 708.2 504.1 In addition to the special exception criteria of Subtitle G, ~~Chapter 12~~ **Chapter 52**, and Subtitle X, **Chapter 9** any special exception application in the ~~MU 23, MU 24, or MU 26~~ **MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC** zone shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

- (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.

- 708.3 504.2 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact

assessment, along with reviews in writing of all relevant District departments and agencies, including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.

~~708.4~~ **504.3** Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

~~708.5~~ **504.4** 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 8 NAVAL OBSERVATORY MIXED-USE ZONE – MU-27 is proposed to be renumbered as Chapter 6 and renamed and amended to read as follows:

~~CHAPTER 8 NAVAL OBSERVATORY MIXED-USE ZONE MU-27~~

CHAPTER 6 NAVAL OBSERVATORY MIXED-USE ZONE - MU-4/NO

800 600 PURPOSE AND INTENT

600.1 **The 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 subtitle, the provisions of this chapter shall control.**

600.2 **Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.**

~~800.1~~ **600.3** The **In addition to the purposes of the MU zones, the** purposes of the Naval Observatory Mixed-Use zone (~~MU 27~~ **MU-4/NO**) are to:

~~(a)~~ — Permit moderate density mixed-use development;

~~(b)~~ **(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;

~~(c)~~ **(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;

~~(d)~~ **(c)** Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;

- (e) ~~(d)~~ Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and
- (f) ~~(e)~~ Provide additional controls on private land, in order to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence.
- (g) ~~The MU-27 zone is intended to permit moderate density mixed-use development.~~

801 ~~601~~ PLANNED UNIT DEVELOPMENT DEVELOPMENT STANDARDS

801.2 ~~601.1~~ The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the ~~MU-27~~ MU-4/NO zone to exceed either the limits of Subtitle G § ~~802.2~~ 602 or the area, bulk, and yard standards that apply as a matter of right in the ~~MU-27~~ MU-4/NO zone.

~~The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~802~~ ~~DENSITY – FLOOR AREA RATIO (FAR)~~

~~802.1~~ The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR with a maximum density of 1.5 FAR for non-residential use.

~~802.3~~ In the MU-27 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 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

803 ~~602~~ HEIGHT

803.1 ~~602.1~~ The maximum permitted building height, not including the penthouse, in the ~~MU-27~~ MU-4/NO zone shall be forty feet (40 ft.), 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.

~~803.2~~ The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).

~~803.3~~ A penthouse permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.

603 PENTHOUSES

603.1 **The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).**

603.2 **A penthouse permitted shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.**

804 LOT OCCUPANCY

~~804.1~~ The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%).

~~804.2~~ Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-27 zone.

604 SPECIAL EXCEPTION NAVAL OBSERVATORY ZONES (NO)

604.1 **In consideration of a special exception in the ~~MU-27~~ MU-4/NO zone, in addition to any other criteria of this title, the following conditions shall apply:**

(a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:

(1) Present and proposed development within and adjacent to the ~~MU-27~~ MU-4/NO zone;

(2) 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-27~~ MU-4/NO zone; and

(3) Role, mission, and functions of the Federal facilities within the ~~MU-27~~ MU-4/NO zone, considering the effect that the proposed development would have on such facilities;

(b) Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing

from all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office;

(c) Upon receipt of the application, the Board of Zoning Adjustment shall refer the application upon receipt to the National Capital Planning Commission for review and report; and

(d) 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.

805 REAR YARD

- 805.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-27 zone.
- 805.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.
- 805.3 Rear yards shall be measured as follows:
- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 805.2 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane; 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.

806 SIDE YARD

- 806.1 No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).
- 806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.
- 806.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

Chapter 9, FORT TOTTEN MIXED-USE ZONES – MU-28 AND MU-29 is proposed to be renumbered as Chapter 7 and renamed and amended to read as follows:

~~CHAPTER 9 FORT TOTTEN MIXED-USE ZONE – MU-28 AND MU-29~~
CHAPTER 7 FORT TOTTEN MIXED-USE ZONE - MU-7/FT AND MU-10/FT

~~900~~ **700** PURPOSE AND INTENT

~~700.1~~ **700.1** The development standards in Subtitle G, Chapter 2 shall apply to the MU-7/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 subtitle, the provisions of this chapter shall control.

~~900.1~~ **700.2** The In addition to the purposes of the MU zones, the purposes of the Fort Totten Mixed-Use zones (MU 28 and MU 29 **MU-7/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.

~~900.2~~ The MU 28 zone is intended to permit medium density mixed use development with a focus on employment.

~~900.3~~ The MU 29 zone is intended to permit medium to high density development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

~~901~~ **701** DEVELOPMENT STANDARDS

~~901.1~~ The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

~~902~~ **701** DENSITY – ~~FLOOR AREA RATIO (FAR)~~

~~902.1~~ **701.1** The maximum permitted FAR of buildings in the MU 28 and MU 29 **MU-7/FT and MU-10/FT** zones shall be as set forth in the following table:

TABLE G § ~~902.1~~ **701.1**: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU 28 <u>MU-7/FT</u>	4.0	2.5
	4.8 (IZ)	
MU 29 <u>MU-10/FT</u>	5.0	3.0
	6.0 (IZ)	

902.2 **701.2** Density may be increased in the ~~MU-28~~**MU-7/FT** and ~~MU-29~~**MU-10/FT** zones in an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, and it 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.

902.3 **701.3** In the ~~MU-29~~ **MU-10/FT** zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle ~~G § 100.4~~ **G § 214**. Both lots shall be located within the same square and shall be zoned ~~MU-29~~ **MU-10/FT**.

903-702 HEIGHT

903.1 **702.1** The maximum building height, not including the penthouse, in the ~~MU-28 and MU-29~~ **MU-7/FT and MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 903.1 702.1: MAXIMUM BUILDING HEIGHT

Zone	Maximum Height Not Including the Penthouse (ft.)
MU-28 MU-7/FT	65
	65 (IZ)
MU-29 MU-10/FT	80
	90 (IZ)

703 PENTHOUSES

903.2 **703.1** The maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached dwelling, semi-detached dwelling, rowhouse,~~ **single household dwelling** or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 903.2 703.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-28 MU-7/FT	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-29 MU-10/FT	A penthouse shall be included within the maximum permitted building height	1

903.3 **703.2** Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of

roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

903.4 ~~703.3~~ The Office of Planning shall review and provide a report with recommendation to the Zoning Administrator prior to the issuance of a building permit.

904 ~~704~~ LOT OCCUPANCY

904.1 ~~704.1~~ The maximum permitted lot occupancy for residential use in the ~~MU-28~~ **MU-7/FT** and ~~MU-29~~ **MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
MU-28 <u>MU-7/FT</u>	75
	80 (IZ)
MU-29 <u>MU-10/FT</u>	75
	75 (IZ)

905 ~~REAR YARD~~

905.1 ~~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 in the MU-28 and MU-29 zones.~~

905.2 ~~In the MU-28 zone, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.~~

905.3 ~~In the MU-28 zone, rear yards shall be measured as follows:~~

(a) ~~Where a lot abuts an alley:~~

(1) ~~For that portion of the structure below a horizontal plane described in Subtitle G § 905.2 from the center line of the alley to the rear wall of the portion; and~~

(2) ~~For that portion of the structure above the horizontal plane described in Subtitle G § 905.2, from the rear lot line to the rear wall of that portion immediately above the plane; 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.~~

905.4 ~~In the MU-29 zone, 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;~~

(b) ~~Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

- (e) ~~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.~~

~~906~~ **SIDE YARD**

~~906.1~~ No side yard is required for a principal building; 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.).

~~906.2~~ Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

~~907~~ **GREEN AREA RATIO (GAR)**

~~907.1~~ The minimum required GAR shall be 0.25 for the MU-28 zone and 0.2 for the MU-29 zone.

~~908~~ **705 SETBACKS AND SCREENING**

~~908.1~~ **705.1** A business or industrial use that expands consistent with the development standards of this chapter shall comply with the setback and screening standards.

~~908.2~~ **705.2** If the lot line of the lot being developed coincides with the lot line of a property in a residential zone, or is separated only by a street or alley from a property in 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:
- (~~a~~) (1) Where there is a street or an alley between the residential lot and the lot subject to the ~~MU-28~~ MU-7/FT, PDR-6, or PDR-7 zones, the required setback shall be fifteen feet (15 ft.) measured from the lot line;
 - (~~b~~) (2) The yard shall not be used for parking, loading, or accessory uses;
 - (~~c~~) (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
 - (~~d~~) (4) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top soil 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.

~~909~~ PLAZA

~~909.1~~ Within the MU 29 zone, 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.

~~909.2~~ Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

~~910~~ SPECIAL EXCEPTION

~~910.1~~ The special exception criteria of Subtitle G, Chapter 12 shall apply to all the MU-28 and MU-29 zones.

New Chapter 8, REED-COOKE MIXED USE ZONES – MU-4/RC AND MU-5A/RC is proposed to be added and to read as follows:

CHAPTER 8 REED-COOKE MIXED-USE ZONES - MU-4/RC AND MU-5A/RC

800 PURPOSE AND INTENT

800.1 **The 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 subtitle, the provisions of this chapter shall control.**

800.2 **In addition to the purposes of the MU zones, the purposes of the Reed-Cooke Mixed-Use 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.**

801 MISCELLANEOUS

801.1 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.**

801.2 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle G § 801.1(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.**

801.3 The estimates provided for by Subtitle G § 801.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

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

802 HEIGHT

802.1 The maximum permitted building height, not including the penthouse, in the MU-4/RC and MU-5A/RC zones shall be as set forth in the following table:

TABLE G § 802.1: MAXIMUM BUILDING HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Height Not Including Penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-4/RC</u>	<u>40</u>	<u>N/A</u>
<u>MU-5A/RC</u>	<u>40</u> <u>50 (IZ)</u>	<u>N/A</u>

802.2 In the ~~RC-3~~ MU-5A/RC zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse, 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 in Subtitle B, Chapter 2.

803 **PENTHOUSES**

803.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 803.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
RC-2 <u>MU-4/RC</u>	<u>12 ft. except 15 ft. for penthouse mechanical space</u>	<u>1</u>
RC-3 <u>MU-5A/RC</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>

804 **PLANNED UNIT DEVELOPMENTS**

804.1 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the RC zones to exceed the floor area ratio standards of Subtitle G § 201 and the height standards of Subtitle G § 802.

804.2 Notwithstanding Subtitle G § 804.1, 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.

805 **RELIEF FROM DEVELOPMENT STANDARDS (RC)**

805.1 **An exception from the requirements of this chapter the Reed Cooke (RC) zones shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject to the following conditions:**

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the 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; and**
- (f) 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.**

805.2 **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 10, DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR MU ZONES, is proposed to be deleted in its entirety.

~~CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR MU ZONES~~

~~**1000 GENERAL PROVISIONS**~~

~~1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the buildings or structures is proposed.~~

Chapters 9 through 48 are reserved as follows:

CHAPTER 9 through 48 [RESERVED]

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

Zone	Maximum FAR
All MU-1, MU-2, MU-10, zones MU 15, MU 16, MU 22, MU 23, MU 29	3.0
All MU-3 zones	1.8
All other MU zones	As permitted for residential (non-IZ) uses by zone

Chapter 50 is reserved as follows:

CHAPTER 50 [RESERVED]

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES is proposed to be renumbered as Chapter 51 and amended to read as follows:

CHAPTER ~~11~~ 51 ALLEY LOT REGULATIONS FOR MU ZONES
[ZC CASE 19-13 ALLEY LOT PENDING]

~~1100~~ 5100 GENERAL PROVISIONS

~~1100.1~~ **5100.1** All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.

~~1100.2~~ **5100.2** New alley lots may be created as provided in Subtitle C, Chapter 3.

~~1101~~ 5101 DEVELOPMENT STANDARDS

~~1101.1~~ **5101.1** The development standards in Subtitle G §§ 1102 through 1106 shall apply to buildings on alley lots in MU zones.

~~1102~~ 5102 HEIGHT

~~1102.1~~ **5102.1** The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, ~~MU-19, MU-20, MU-21, MU-22, and MU-29~~ zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.

~~1102.2~~ **5102.2** The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

~~1103~~ 5103 REAR YARD

~~1103.1~~ **5103.1** A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

~~1104~~ 5104 SIDE YARD

~~1104.1~~ **5104.1** A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

~~1105~~ 5105 ALLEY CENTERLINE SETBACK

~~1105.1~~ **5105.1** A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

~~1106~~ 5106 GREEN AREA RATIO (GAR)

~~1106.1~~ **5106.1** The minimum required GAR shall be as required by the zone.

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS (MU ZONES) is proposed to be renumbered as Chapter 52 and amended to read as follows:

CHAPTER ~~12~~52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (MU ZONES) [ZC CASE 19-14 NONCONFORMING STRUCTURES PENDING]

~~1200~~ 5200 GENERAL PROVISIONS

~~1200.1~~ **5200.1** The Board of Zoning Adjustment may grant ~~special-exception~~ relief to the development standards of this subtitle, except for height and FAR limitations, subject to any applicable conditions of this chapter.

~~1200.2~~ **5200.2** As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with the conditions of Subtitle X, Chapter 9.

~~1200.3~~ **5200.3** Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this subtitle shall be processed as a variance.

~~1200.4~~ **5200.4** Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle where, in the judgment of the Board, the special exception:

- (a) Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;
- (b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Is subject in each case to any applicable conditions specified in this chapter.

~~1201~~ **SPECIAL EXCEPTION CRITERIA REAR YARD RELIEF**

~~1201.1~~ The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:

- (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 to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.

~~1202~~ **SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU-27 MU-4/NO)**

~~1202.1~~ In consideration of a special exception in the MU-27 zone, in addition to any other criteria of this title, the following conditions shall apply:

- (a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:
 - (1) Present and proposed development within and adjacent to the MU-27 zone;
 - (2) 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-27 zone; and

- (3) ~~Role, mission, and functions of the Federal facilities within the MU-27 zone, considering the effect that the proposed development would have on such facilities;~~
- (b) ~~Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing from all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office;~~
- (c) ~~Upon receipt of the application, the Board of Zoning Adjustment shall refer the application upon receipt to the National Capital Planning Commission for review and report; and~~
- (d) ~~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.~~

II. Proposed amendments to Subtitle C, GENERAL RULES

CHAPTER 16, PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be deleted in its entirety.
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

III. Proposed amendments to Subtitle K, SPECIAL PURPOSE ZONES

CHAPTER 7, REED-COOKE ZONES is proposed to be deleted in its entirety.
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

IV. Proposed amendments to Subtitle U, USES

Section 401, MATTER OF RIGHT USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by adding a new subsection 401.3 to read as follows:

401 MATTER-OF-RIGHT USES (RA)

401.3 In the RA-2/RC zone, the uses of this section shall be permitted as a matter-of-right unless not permitted in Subtitle U § 514.2.

Section 410, ACCESSORY USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by adding a new subsection 410.2 to read as follows:

410 ACCESSORY USES (RA)

410.1 . . .

410.2 In the RA-2/RC zone a drive-through accessory to any use shall not be permitted.

Subsection 420.1 of § 420 SPECIAL EXCEPTION USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by adding a new subsection 420.1 (j) to read as follows:

420 SPECIAL EXCEPTION USES (RA)

420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) . . .

(h) . . .

(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~~

(i) In the RA-1 and RA-6 zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f), except for 203.1(f)(3); ~~and~~
and

(j) In the RA-2/RC zone, the uses of this section shall be permitted as a special exception unless not permitted in Subtitle U §514.2.

Section 512, MATTER OF RIGHT USES (MU), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 512.2 to read as follows:

512 MATTER-OF-RIGHT USES (MU – USE GROUP E)

512.1 . . .

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 not permitted in Subtitle U §514.2.

Section 513, SPECIAL EXCEPTION USES (MU), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 513.2 to read as follows:

513 SPECIAL EXCEPTION USES (MU – USE GROUP E)

513.1 . . .

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 not permitted in Subtitle U §514.2.

Section 514, PROHIBITED USES (MU-USE GROUP E), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 514.2 to read as follows:

514 PROHIBITED USES (MU – USE GROUP E)

514.1 . . .

514.2 In the RC zones, the following uses shall not be permitted either as a matter-of-right or by special exception:

- (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 (j);**
- (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.**

(ZC Case No. 19-27A Subtitle H)

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows: (text to be deleted is shown with a ~~strike through~~ and new text is shown in **bold and underlined**):

II. Subtitle H, NEIGHBORHOOD MIXED USE ZONES, is proposed to be amended as follows:

CHAPTER 1, INTRODUCTION TO MIXED-USE (NC) ZONES, IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

CHAPTER 2 INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NC) ZONES

100 GENERAL PROVISIONS

200.1 ~~The Neighborhood Mixed Use zones (NC 1 through NC 17) 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.~~

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;**
- (d) **Subtitle G, Mixed-Use Zones; and**
- (e) **Subtitle U, Use Permissions.**

200.2 The zone boundaries are described in Subtitle W, Specific Zone Boundaries and identified on the official Zoning Map.

~~100.3 In addition to the purpose statements of each individual chapter, the purposes of the NC 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 NC zones with limitations on driveways and curb cuts; and
- (h) — Identify designated use areas within NC zones within which use restriction shall apply to the ground floor.

101 DEVELOPMENT STANDARDS PURPOSE AND INTENT

101.1 The Neighborhood Mixed-Use 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. The bulk of structures in the NC zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.

101.2 — The development standards are intended to:

- (a) — Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;
- (b) — Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards and the relationship of buildings to street lot lines;
- (c) — Regulate the mixture of uses; and
- (d) — Ensure the environmental performance of development.

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 Neighborhood Mixed-Use 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 Neighborhood Mixed-use zones with limitations on driveways and curb cuts; and
- (h) Identify designated use areas within Neighborhood Mixed-use zones within which use restriction shall apply to the ground floor.

~~101.3 The bulk of public buildings and structures in the NC zones shall be controlled through the development standards specified in Subtitle H, Chapter 10.~~

~~101.4 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criteria, if applicable, shall be considered by the Board and are found at Subtitle H, Chapter 12.~~

~~101.5 Development standards followed by "IZ" represent standards available to projects subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning.~~

~~101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.~~

~~102 PARKING~~

~~102.1 Parking requirements for the NC zones are as specified in Subtitle C, Chapters 7 and 8.~~

~~103 INCLUSIONARY ZONING~~

~~103.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all NC zones except the NC 6 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 § 1500.11 in the NC 6 zone shall be subject to the IZ requirements.~~

~~104 102 USE PERMISSIONS~~

~~104.1 102.1 The use permissions for the NC Neighborhood Mixed-Use zones are as set forth in Subtitle H, Chapter 11.~~

~~105 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS AND PUBLIC LIBRARIES~~

~~105.1 Public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~105.2 Public schools in the NC zones shall be permitted subject to the conditions of Subtitle H, Chapter 49.~~

105.3 ~~Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle H, Chapter 49, shall be those development standards for the zone in which the buildings or structures is proposed.~~

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

CHAPTER 2 ~~GENERAL DEVELOPMENT STANDARDS~~ FOR NEIGHBORHOOD MIXED USE ZONES

CHAPTER 2, ~~GENERAL DEVELOPMENT STANDARDS~~ FOR NEIGHBORHOOD MIXED-USE ZONES, is proposed to be amended to read as follows:

200 DEVELOPMENT STANDARDS-GENERAL PROVISIONS

200.1 ~~The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.~~ **The development standards of the MU-3 through MU-8 Mixed-use zones shall apply to the relevant Neighborhood Mixed-use zones except as modified in a specific Neighborhood Mixed-use zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply.**

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.~~ **Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criteria, if applicable, shall be considered by the Board and are found at Subtitle H, Chapter 12.**

200.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in FAR.

200.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle H §1101 are provided.

200.5 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted in an N-MU zone.

~~201 DENSITY FLOOR AREA RATIO (FAR)~~

201.1 ~~The maximum permitted floor area ratio (FAR) in all NC zones may be used for residential purposes, unless specifically required otherwise in an NC zone. However, of the maximum permitted FAR, non-residential uses shall be limited to~~

~~a maximum non-residential FAR as established in the development standards for each zone. The maximum permitted FAR is inclusive of the non-residential FAR.~~

~~201.2 The matter of right height, penthouse, and density limits shall serve as the guidelines for planned unit developments except if specifically stated otherwise.~~

~~201.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in FAR.~~

~~201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle H §1101 are provided.~~

201 PLANNED UNIT DEVELOPMENT

201.1 Unless otherwise stated, the matter-of-right height, penthouse, and density limits shall serve as the guidelines for planned unit developments in the Neighborhood Mixed-use zones.

202 REAR YARD

~~202.1 Except in the NC-13 zone, rear yards as required in the NC zones may be measured according to the following rules:~~

~~(a) If the subject lot does not abut an alley, the rear yard shall be measured as follows:~~

~~(1) Measure a horizontal plane from the mean elevation of the rear lot line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and~~

~~(2) From the furthest point from the rear lot line along the horizontal plane identified in the previous paragraph, define a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard; and~~

~~(b) If the subject lot abuts an alley, the rear yard shall be measured as follows:~~

~~(1) Measure a horizontal plane twenty five feet (25 ft.) above the mean elevation of the rear lot line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and~~

~~(2) From the furthest point from the rear lot line along the horizontal plane identified in the previous paragraph, measure a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard.~~

203 PENTHOUSES

~~203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

~~204 MISCELLANEOUS~~

~~204.1 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted in an NC zone.~~

~~204.2 The development standards for buildings on alley lots in NC zones shall be as required by the zone.~~

The title of Chapter 3, MACOMB-WISCONSIN MIXED-USE ZONE – NC-1, is proposed to be renamed and amended to read as follows:

CHAPTER 3 MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE — NC-1 MU-3A/MW

CHAPTER 3, MACOMB-WISCONSIN MIXED-USE ZONE – NC-1 MU-3A/MW, is proposed to be amended to read as follows:

300 PURPOSE AND INTENT

300.1 **In addition to the purposes of the MU-3A zone and section 101 of this subtitle,** ~~the~~ The purposes of the Macomb-Wisconsin Neighborhood mixed-use zone (~~NC-1~~ **MU-3A/MW**) are to:

- (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 ~~NC-1~~ **MU-3A/MW** zone is intended to permit mixed-use development at a low density.

~~300.3 The NC-1 zone shall be mapped on the mixed-use area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those non-residentially zoned lots in Squares 1920 and 1920N.~~

~~300.4 The designated use area in the NC-1 zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.~~

~~300.5 The designated roadway in the NC-1 zone shall be Wisconsin Avenue and Macomb Street, N.W.~~

301 DEVELOPMENT STANDARDS

301.1 ~~The development standards in Subtitle H §§ 302 through 308 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-3A zone development**

standards in Subtitle G, Chapter 2 shall apply to the MU-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 The designated use area in the MU-3A/MW zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.

~~**302 DENSITY FLOOR AREA RATIO (FAR) AND GROSS FLOOR AREA (GFA)**~~

~~302.1 The maximum permitted FAR in the NC 1 zone shall be 1.0 (1.2 with IZ) with a maximum non-residential FAR of 1.0.~~

~~302.2 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Subtitle X, Chapter 9.~~

303 DESIGNATED ROADWAY

303.1 The designated roadway in the MU-3A/MW zone shall be Wisconsin Avenue and Macomb Street, N.W.

~~**303 HEIGHT**~~

~~303.1 The maximum permitted building height, not including the penthouse, in the NC-1 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~303.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.~~

304 LARGE DEVELOPMENTS

304.1 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Subtitle X, Chapter 9.

~~**304 LOT OCCUPANCY**~~

~~304.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%). The maximum permitted lot occupancy~~

for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

305 REAR YARD

305.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the NC-1 zone.

306 SIDE YARD

306.1 No side yard is required for a building or structure in the NC-1 zone other than a detached or semi-detached 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 six feet (6 ft.).

306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-1 zone.

307 COURT

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

TABLE H § 307.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

308 GREEN AREA RATIO (GAR)

308.1 The minimum required (GAR) for the NC-1 zone shall be 0.3.

The title of Chapter 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2, is proposed to be renamed and amended to read as follows:

CHAPTER 4 TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2 MU-4/TK

CHAPTER 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2 MU-4/TK, is proposed to be amended to read as follows:

400 PURPOSE AND INTENT

400.1 In addition to the purposes of the MU-4 zone and section 101 of this subtitle, ~~the~~The purposes of the Takoma Neighborhood Mixed-use zone (NC-2 MU-4/TK) are to:

- (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.

~~400.2 The NC 2 zone begins at the street right-of-way lines abutting the squares listed in Subtitle H § 300.2 and extends to a depth of one hundred feet (100 ft.).~~

~~400.3 The designated use area shall coincide with the boundaries of the NC 2 MU-4/TK zone.~~

~~400.4 The designated roadways shall be portions of 4th Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the NC 2 MU-4/TK zone.~~

401 DEVELOPMENT STANDARDS

~~401.1 The development standards in Subtitle H §§ 402 through 408 modify the general development standards in Subtitle H, Chapter 2. The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-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 The designated use area shall coincide with the boundaries of the MU-4/TK zone.

~~**402 DENSITY FLOOR AREA RATIO (FAR)**~~

~~402.1 The maximum FAR in the NC 2 zone shall be 2.5 (3.0 with IZ) with a maximum non-residential FAR of 1.5.~~

~~402.2~~ An existing building on a lot ten thousand square feet (10,000 sq. ft.) or less may exceed the maximum FAR standard for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

403 DESIGNATED ROADWAY

403.1 The designated roadways shall be portions of 4th Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the MU-4/TK zone.

404 HEIGHT

~~404.1~~ The maximum permitted building height, in the NC-2 zone shall be fifty feet (50 ft.) (fifty five feet [55 ft.] with IZ).

The maximum permitted height of buildings or structures, not including the penthouse, in the MU-4/TK zone shall be as set forth in the following table:

TABLE H § 404.1: MAXIMUM HEIGHT AND NUMBER OF STORIES

<u>Zone</u>	<u>Maximum Height Not Including penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-4/TK</u>	<u>50</u>	<u>N/A</u>

~~404.2~~ **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.).** The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

404 LOT OCCUPANCY

~~404.1~~ The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

405 REAR YARD

~~405.1~~ A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-2 zone.

406 SIDE YARD

~~406.1~~ No side yard is required for a building or structure in the NC-2 zone other than a detached or semi-detached 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 six feet (6 ft.).

~~406.2~~ A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-2 zone.

407 COURT

~~407.1~~ Where a court is provided, it shall have the following minimum dimensions:

TABLE H § 407.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

408 GREEN AREA RATIO (GAR)

~~408.1~~ The minimum required GAR for the NC-2 zone shall be 0.3.

405 DESIGN REQUIREMENTS TAKOMA NEIGHBORHOOD MIXED-USE ZONE (NC-2 MU-4/TK)

~~409.1~~ **405.1** 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.

~~409.2~~ **405.2** Except as provided in Subtitle H § 409.4 **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.).

~~409.3~~ 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.).

~~409.4~~ **405.3** Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the NC-2 MU-4/TK zone do not have to provide the designated retail and service establishments on the ground floor level required by Subtitle H § 1101.1, nor comply with the ground floor level floor-to-ceiling height requirement of Subtitle H § 409.2 **405.2**, if the ground floor level is devoted exclusively to residential uses.

~~409.5~~ **405.4** If ground floor residential uses are established pursuant to Subtitle H § 409.4 **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 § ~~409.2~~ **405.2**.

The title of Chapter 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE — NC-3, is proposed to be renamed and amended to read as follows:

CHAPTER 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE ZONE — ~~NC-3~~ MU-4/CP, is proposed to be amended to read as follows:

500 PURPOSE AND INTENT

500.1 **In addition to the purposes of the MU-4 zone and section 101 of this subtitle, the** ~~The~~ purposes of the Cleveland Park Neighborhood Mixed-use zone (~~NC-3~~ MU-4/CP) are to:

- (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 ~~NC-3~~ MU-4/CP zone is intended to permit mixed-use development at a moderate density.

~~500.3 The NC-3 zone shall be mapped to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those non-residentially zoned lots in Squares 2218, 2219, 2222, 2068, 2069, and 2082.~~

~~500.4 The designated use area shall include any lot within the NC-3 zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.~~

~~500.5 The designated roadway in the NC-3 zone shall be Connecticut Avenue, N.W.~~

501 DEVELOPMENT STANDARDS

501.1 ~~The development standards in Subtitle H §§ 502 through 507 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-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 **The designated use area shall include any lot within the MU-4/CP zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.**

503 **DESIGNATED ROADWAY**

503.1 **THE DESIGNATED ROADWAY IN THE MU-4/CP ZONE SHALL BE CONNECTICUT AVENUE, N.W.**

502 **504** **DENSITY – FLOOR AREA RATIO (FAR)**

~~502.1~~ ~~The maximum FAR in the NC 3 zone shall be 2.0 (2.4 with IZ) with a maximum non-residential FAR of 1.0.~~

504.1 **The maximum permitted floor area ratio (FAR) in the MU-4/CP shall be as set forth in the following table:**

TABLE H § 504.1: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Zone</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>MU-4/CP</u>	<u>2.0</u>	1.0
	<u>2.4 (IZ)</u>	

503 **505** **HEIGHT**

~~503.1~~ **505.1** ~~The maximum permitted building height, not including the penthouse, in the NC 3 zone shall be forty feet (40 ft.) (forty five feet [45 ft.] with IZ):~~

The maximum permitted height of buildings or structures, not including the penthouse, in the MU-4/CP zone 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 (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-4/CP</u>	<u>40</u>	<u>N/A</u>
	<u>45 (IZ)</u>	

~~503.2~~ ~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the~~

~~penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.~~

~~504~~ **LOT OCCUPANCY**

~~504.1~~ The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy-five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

~~505~~ **REAR YARD**

~~505.1~~ A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-3 zone.

~~506~~ **SIDE YARD**

~~506.1~~ No side yard is required for a building or structure in the NC-3 zone other than a detached or semi-detached 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 six feet (6 ft.).

~~506.2~~ A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-3 zone.

~~507~~ **COURT**

~~507.1~~ Where a court is provided, it shall have the following minimum dimensions:

TABLE H § 507.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 5 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

~~508~~ **GREEN AREA RATIO (GAR)**

~~508.1~~ The minimum required GAR for the NC-3 zone shall be 0.3.

The title of Chapter 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 and NC-5, is proposed to be renamed and amended to read as follows:

CHAPTER 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 and NC-5 MU-4/WP and MU-5A/WP

CHAPTER 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 and NC-5 MU-4/WP and MU-5A/WP, is proposed to be amended to read as follows:

600 PURPOSE AND INTENT

600.1 **In addition to the purposes of the MU-4 and MU-5A zones and section 101 of this subtitle, the** ~~The purposes of the Woodley Park Neighborhood Mixed-use zones (NC 4 and NC 5~~ **MU-4/WP and MU-5A/WP)** are to:

- (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 NC 4 zone is intended to permit mixed use development at a moderate density.~~

~~600.3 The NC 5 zone is intended to permit compact mixed use development at a medium density with an emphasis on residential development.~~

~~600.4 The NC 4 and NC 5 zones shall be mapped to a compact geographic area comprising those non-residentially zoned lots in Squares 2202 and 2203 and in Square 2204.~~

~~600.5 The designated use area shall include any lot within the NC 4 and NC 5 zones that fronts on Connecticut Avenue, Calvert Street, or 24th Street, N.W. For the purposes of Subtitle H § 1101.3, the designated use areas of NC 4 and NC 5 shall be treated as a single use area.~~

~~600.6 The designated roadway in the NC 4 and NC 5 shall be Connecticut Avenue, N.W.~~

601 DEVELOPMENT STANDARDS

601.1 ~~The development standards in Subtitle H §§ 602 through 608 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 and MU-5A zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/WP and MU-5A/WP 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.**

602 DESIGNATED USE AREA

602.1 The designated use area shall include any lot within the MU-4/WP and MU-5A/WP zones that fronts on Connecticut Avenue, Calvert Street, or 24th Street, N.W. For the purposes of Subtitle H § 1101.3, the designated use areas of MU-4/WP and MU-5A/WP shall be treated as a single use area.

603 DESIGNATED ROADWAY

603.1 The designated roadway in the MU-4/WP and MU-5A/WP shall be Connecticut Avenue, N.W

602 604 DENSITY – FLOOR AREA RATIO (FAR)

~~602.1~~**604.1** The maximum permitted FAR in the NC-4 and NC-5 MU-4/WP and MU-5A/WP zones shall be as set forth in the following table:

TABLE H § ~~602.1~~ 604.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
NC-4 <u>MU-4/WP</u>	2.5	1.0
	3.0 (IZ)	
NC-5 <u>MU-5A/WP</u>	3.0	1.0
	3.6 (IZ)	

603 605 HEIGHT

~~603.1~~**605.1** The maximum permitted building height, not including the penthouse, in the NC-4 and NC-5 MU-4/WP and MU-5A/WP zones shall be as set forth in the following table:

TABLE H § ~~603.1~~ 605.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Ft.)
NC-4 <u>MU-4/WP</u>	40
	50 (IZ)
NC-5 <u>MU-5A/WP</u>	50
	55 (IZ)

~~603.2~~ — The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

604 — LOT OCCUPANCY

~~604.1~~ — The maximum permitted lot occupancy in the NC-4 and NC-5 zones shall be as set forth in the following table:

TABLE G § ~~604.1~~ 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)	Maximum Lot Occupancy All Other Buildings (Percentage)
NC 4	60	100
	75 (IZ)	
NC-5	80	100
	80 (IZ)	

605 REAR YARD

605.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC 4 and NC 5 zones.

606 SIDEYARD

606.1 No side yard is required for a building or structure other than a detached or semi-detached 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 six feet (6 ft.).

606.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC 4 and NC 5 zones.

607 COURT

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

TABLE H § 607.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than three units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

608 GREEN AREA RATIO (GAR)

608.1 The minimum required GAR for the NC 4 and NC 5 zones shall be 0.3.

The title of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6, is proposed to be renamed and amended to read as follows:

CHAPTER 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE
— ~~NC-6~~ MU-7/ES, is proposed to be amended to read as follows:

700 PURPOSE AND INTENT

700.1 **In addition to the purposes of the MU-7 zone and section 101 of this subtitle, the** ~~The~~ purposes of the Eighth Street Southeast Neighborhood Mixed-use zone (~~NC-6~~ MU-7/ES) are to:

- (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.

~~700.2 The NC 6 zone shall be mapped to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those non-residentially zoned properties in Squares 906, 907, 929, and 930.~~

~~700.3 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the NC 6 zone.~~

~~700.4 The designated roadways shall be Eighth Street, M Street, and Potomac Avenue, S.E. and other businesses in the area~~

701 DEVELOPMENT STANDARDS

701.1 ~~The development standards in Subtitle H §§ 702 through 708 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-7 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-7/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 subtitle, the provisions of this chapter shall control.**

702 DESIGNATED USE AREA

702.1 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the NC-6 zone.

703 DESIGNATED ROADWAY

703.1 **The designated roadways shall be Eighth Street, M Street, and Potomac Avenue, S.E. and other businesses in the area.**

702 704 **DENSITY – FLOOR AREA RATIO (FAR)**

~~702.1~~ ~~The maximum permitted FAR for permitted commercial and residential uses in the NC-6 zone shall be 3.0.~~

704.1 **The maximum permitted FAR in the NC-6 MU-7/ES zone shall be as set forth in the following table:**

TABLE H § 703.1 704.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
<u>MU-7/ES</u>	3.0	3.0

~~702.2~~ **704.2** Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the NC-6 MU-7/ES zone.

705 **HEIGHT**

705.1 ~~The maximum permitted building height, not including the penthouse, in the NC-6 zone shall be forty five feet (45 ft.).~~ **The maximum permitted height of buildings or structures, not including the penthouse, in the MU-7/ES zone shall be as set forth in the following table:**

TABLE H § 705.1: MAXIMUM HEIGHT AND NUMBER OF STORIES

<u>Zone</u>	<u>Maximum Height (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-7/ES</u>	<u>45</u> <u>45 (IZ)</u>	<u>N/A</u>

~~703.2~~ ~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).~~

704 **LOT OCCUPANCY**

~~704.1~~ ~~The maximum permitted lot occupancy for a building or portion thereof devoted to residential use in the NC-6 zone shall be seventy five percent (75%). The maximum lot occupancy for all other buildings shall be one hundred percent (100%).~~

705 REAR YARD

705.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-6 zone.

706 SIDE YARD

706.1 No side yard is required for a building or structure other than a detached or semi-detached 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 six feet (6 ft.).

706.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-6 zone.

707 COURT

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

TABLE H § 707.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

708 GREEN AREA RATIO

708.1 The minimum required Green Area Ratio in the NC-6 zone shall be 0.25.

The title of Chapter 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 and NC-8, is proposed to be renamed and amended to read as follows:

CHAPTER 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 AND NC-8 MU-4/GA AND MU-7/GA, IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

800 PURPOSE AND INTENT

800.1 In addition to the purposes of the MU-4 and MU-7 zones and section 101 of this subtitle, the The purposes of the Georgia Avenue Neighborhood Mixed-use zones (NC-7 and NC-8 MU-4/GA and MU-7/GA) are to:

- (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 7th 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 ~~NC-7~~ **MU-4/GA** zone is intended to permit mixed-use development at a moderate density, including additional residential uses above ~~improved~~ commercial uses; and

800.3 The ~~NC-8~~ **MU-7/GA** zone is intended to permit mixed-use development at a medium density with a focus on employment, including additional residential uses above ~~improved~~ commercial uses.

~~800.4 The NC-7 and NC-8 zones apply to non-residential properties along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street.~~

~~800.5~~ **800.4** The designated use area shall coincide with the boundaries of the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones.

~~800.6~~ **800.5** The designated roadway in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones shall be Georgia Avenue N.W.

801 DEVELOPMENT STANDARDS

801.1 ~~The development standards in Subtitle H §§ 802 through 810 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 and MU-7 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/GA and MU-7/GA 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.**

802 DESIGNATED USE AREA

802.1 The designated use area shall coincide with the boundaries of the MU-4/GA and MU-7/GA zones.

803 DESIGNATED ROADWAY

803.1 The designated roadway in the MU-4/GA and MU-7/GA zones shall be Georgia Avenue N.W.

802 804 DENSITY FLOOR AREA RATIO (FAR) PLANNED UNIT DEVELOPMENTS

~~802.1~~ The maximum permitted FAR in the NC-7 and NC-8 zones shall be as set forth in the following table:

TABLE H § 802.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
NC-7	2.5	1.5
	3.0 (IZ)	
NC-8	4.0	2.5
	4.8 (IZ)	

~~802.2~~ **804.1** A planned unit development (PUD) in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones 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.).

803 805 HEIGHT

~~803.1~~ **805.1** The maximum permitted building height, not including the penthouse, in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones shall be as set forth in the following table:

TABLE H § ~~803.1~~ 805.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Ft.)
NC-7 <u>MU-4/GA</u>	50
	55 (IZ)

Zone	Maximum Height (Ft.)
NC-8 <u>MU-7/GA</u>	65

805.2 Buildings subject to 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.

~~803.2~~ The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

~~TABLE H § 803.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES~~

ZONE	Maximum Penthouse Height	Maximum Penthouse Stories
NC-7	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-8	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

804 806 LOT OCCUPANCY

~~804.1~~ **806.1** The maximum permitted lot occupancy for a building or portion thereof devoted to residential use in the NC-7 and NC-8 zones MU-4/GA zone shall be as set forth in the following table:

~~TABLE G § 804.1 806.1: MAXIMUM PERMITTED LOT OCCUPANCY~~

Zone	Maximum Percentage Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage) <u>Residential Use (%)</u>	Maximum Lot Occupancy All Other Buildings (Percentage)
NC-7 <u>MU-4/GA</u>	70	100
	75 (IZ)	
NC-8	75	100
	80 (IZ)	

805 REAR YARD

805.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-7 zone.

805.2 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-8 zone.

806 SIDE YARD

806.1 No side yard is required for a building or structure other than a detached or semi-detached 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 six feet (6 ft.).

806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC 7 and NC 8 zones.

807 COURT

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

TABLE H § 807.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

808 GREEN AREA RATIO (GAR)

808.1 The minimum required GAR in the NC 7 zone shall be 0.3.

808.2 The minimum required GAR in the NC 8 zone shall be 0.25.

809 807 DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES

809.1 **807.1** The following design requirements shall apply to any lot in the NC 7 and NC 8 **MU-4/GA and MU-7/GA** zones, 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) Buildings subject to Subtitle H § 809.1(f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter of right in the zone;~~
- ~~(h)~~ **(g)** Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk;
- ~~(i)~~ **(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
- ~~(j)~~ **(i)** Off-street surface parking shall be permitted in rear yards or below grade only.

810 808 NEW CONSTRUCTION OR ENLARGEMENT SPECIAL EXCEPTION

~~810.1~~ **808.1** 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 as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H ~~§ 1204~~, **Chapter 52**.

809 EXCEPTION FROM DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES

809.1 Exceptions from the design requirements of the Georgia Avenue Neighborhood Mixed-use zones as set forth in § 807 shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H, Chapter 52.

The title of Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 through NC-17, is proposed to be renamed and amended to read as follows:

CHAPTER 9 H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 through NC-17 MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R

CHAPTER 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — ~~NC-9 through NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R, is proposed to be amended to read as follows:

900 PURPOSE AND INTENT

900.1 The purposes of the H Street Northeast Neighborhood Mixed-use zones (~~NC-9 through NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R) 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 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th 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 ~~NC-9 through NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-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 ~~subarea~~ **sub-district**, and are comprised of the ~~NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, and NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R zones.

900.3 The H Street Northeast Neighborhood Mixed-use Housing sub-district is divided into the ~~NC-9, NC-10, NC-11, NC-12, and NC-13~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-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 ~~NC-9~~ **MU-4/HS-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 ~~NC-10~~ **MU-5A/HS-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 ~~NC-11, NC-12, and the NC-13~~ **MU-6/HS-H, MU-7/HS-H, and MU-8/HS-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 ~~NC-14 and NC-15~~ **MU-4/HS-A and MU-7/HS-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 ~~NC-14~~ **MU-4/HS-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 ~~NC-15~~ **MU-7/HS-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 ~~NC-16 and NC-17~~ **MU-4/HS-R and MU-5A/HS-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 ~~NC-16~~ **MU-4/HS-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 NC-17 **MU-5A/HS-R** zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses.
- ~~900.15 The H Street Northeast Neighborhood Mixed Use zones shall be mapped along the H Street, N.E. commercial corridor between the western side of 2nd Street, N.E. and the eastern side of 15th Street, N.E.~~
- ~~900.16 The designated street lot lines in the H Street Northeast Neighborhood Mixed Use zones are:~~
- ~~(d) The street lot lines abutting H Street, N.E.; and~~
 - ~~(e) The street lot lines abutting Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., and 15th Street, N.E., applicable only if the building would have ground floor space occupied by one (1) or more service, retail, or office uses permitted by right in the zone.~~
- ~~900.17 The designated roadway within the NC-9 through NC-17 zones shall be H Street, N.E.~~

901 DEVELOPMENT STANDARDS

~~901.1 The development standards in Subtitle H §§ 902 through 910 modify the general development standards in Subtitle H, Chapter 2. **The MU-4, MU-5A, MU-6, MU-7 and MU-8 zone development standards in Subtitle G, Chapter 2 shall apply to the H Street Northeast Neighborhood Mixed-use 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.**~~

902.1 DESIGNATED ROADWAY

902.1 The designated roadway within the MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R zones shall be H Street, N.E.

~~902~~ 903 DENSITY – FLOOR AREA RATIO (FAR)

~~902.1~~ **903.1** **Except as provided in §§ 902.2 through 902.5, the** The maximum permitted FAR in the NC-9 through NC-17 **H Street Northeast Neighborhood Mixed-use** zones shall be as set forth in the following table:

TABLE H § ~~902.1~~ 903.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Residential FAR	Maximum FAR Other Uses	Maximum FAR Permitted
NC-9 <u>MU-4/HS-H</u>	2.5	0.5	2.5
			3.0 (IZ)
NC-10 <u>MU-5A/HS-H</u>	3.5	0.5	3.5
			4.2 (IZ)

NC 11 <u>MU-6/HS-H</u>	6.0	0.5	6.0 7.2 (IZ)
NC 12 <u>MU-7/HS-H</u>	4.0	0.5	4.0 4.8 (IZ)
NC 13 <u>MU-8/HS-H</u>	5.0	0.5	5.0 6.0 (IZ)
NC 14 <u>MU-4/HS-A</u>	2.5	1.0	2.5 3.0 (IZ)
NC 15 <u>MU-7/HS-A</u>	4.0	1.0	4.0 4.8 (IZ)
NC 16 <u>MU-4/HS-R</u>	2.5	1.5	2.5 3.0 (IZ)
NC 17 <u>MU-5A/HS-R</u>	3.5	1.5	3.5 4.2 (IZ)

~~902.2~~ **903.2** In the NC 9, NC 10, NC 11, NC 12, and NC 13 MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H and MU-8/HS-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.

~~902.3~~ **903.3** In the NC 14 through NC 17 MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R zones, new construction that preserves an existing façade constructed before 1958 is ~~entitled to~~ **permitted** an increase of 0.5 FAR to the maximum permitted non-residential density **for non-residential uses**.

~~902.4~~ **903.4** New construction that preserves an existing façade constructed before 1958 is permitted ~~to use, for residential uses,~~ an additional 0.5 FAR to the maximum permitted residential density **for residential uses**.

~~902.5~~ **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.

~~902.6~~ **903.6** A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-Use zones 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) ~~Development properties 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 § 902.2 shall be deemed to first utilize the bonus authorized for IZ units;~~
- (f) ~~Use of the bonus density authorized in Subtitle H § 902.2 shall not count towards the IZ set aside requirements of Subtitle C, Chapter 10; and~~
- (g) ~~Bonus density achieved through Subtitle H § 902.2 that is in addition to the IZ requirements shall not count toward the IZ set aside requirements of Subtitle C, Chapter 10.~~

903 HEIGHT

903.1 ~~The maximum permitted building height, not including the penthouse, in the NC-9 through NC-17 zones shall be as set forth in the following table:~~

TABLE H § 803.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
NC 9, NC 14, and NC 16	50
NC 12 and NC 15	65
NC 10 and NC 17	65
	70 (IZ)
NC 13	70
NC 11	90
	100 (IZ)

903.2 ~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:~~

TABLE H § 903.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE	Maximum Penthouse Height (Feet)	Maximum Penthouse Stories
NC 9 NC 14 NC 16	12 ft. except 15 ft. for penthouse mechanical space	±; Second story permitted for penthouse mechanical space
NC 10 NC 12 NC 15 NC 17	12 ft. except 18 ft. 6 in. for penthouse mechanical space	±; Second story permitted for penthouse mechanical space
NC 13	20 ft.	±;

		Second story permitted for penthouse mechanical space
NC 11	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

904 PLANNED UNIT DEVELOPMENTS

904.1 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-use zones 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) **Development properties 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.**

904 905 LOT OCCUPANCY

904.1905.1 The maximum permitted lot occupancy **for a building or portion thereof devoted to residential use** in the ~~NC 9 through NC 17~~ **H Street Northeast Neighborhood Mixed-use** zones shall be as set forth in the following table:

TABLE H § 904.1 905.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)	Maximum Lot Occupancy All Other Buildings (Percentage)
NC 9, NC 14, and NC 16	70	100
	75 (IZ)	
NC 12 and NC 15	75	100
	80 (IZ)	
NC 10, NC 11, and NC 17	75	100
	80 (IZ)	
NC 12 and NC 15	75	100
	80 (IZ)	
NC 13	100	100

Zone	Maximum Percentage Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (%)	Maximum Percentage Lot Occupancy All Other Buildings Uses
<u>MU-4/HS-H, MU-4/HS-A and MU-4/HS-R</u>	<u>70</u>	<u>100</u>
	<u>75 (IZ)</u>	
<u>MU-5A/HS-H and MU-5A/HS-R</u>	<u>70</u>	<u>100</u>
<u>MU-6/HS-H</u>	<u>70</u>	<u>100</u>
<u>MU-7/HS-H and MU-7/HS-A</u>	<u>75</u>	<u>100</u>
	<u>80 (IZ)</u>	
<u>MU-8/HS-H</u>	<u>100</u>	<u>100</u>

904.2 **905.2** For the purposes of Subtitle H § 904.1 **905.1**, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses.

904.3 ~~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.~~

905 REAR YARD

905.1 A minimum rear yard in the NC 9 through NC 17 zones shall be as set forth in the following table:

TABLE H § 905.1: MINIMUM REQUIRED REAR YARD

Zone	Minimum Rear Yard (Feet)
NC 9, NC 10, NC 11, NC 14, NC 16, and NC 17	15
NC 12, NC 13 and NC 15	12

905.2 In the NC 13 zone, rear yards shall be measured as follows:

- (a) A horizontal plane may be established at twenty five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;
- (b) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane; and
- (c) 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.

906 SIDE YARD

906.1 In the NC zones, no side yard is required for a building or structure other than a detached or semi-detached 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 six feet (6 ft.).

906.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.

907 COURT

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

TABLE H § 907.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

908 GREEN AREA RATIO (GAR)

908.1 The minimum required GAR shall be as set forth in the following table:

TABLE H § 908.1: MINIMUM REQUIRED GREEN AREA RATIO

Zone	Minimum Required GAR
NC 9, NC 10, NC 11, NC 14, NC 16, and NC 17	0.3
NC 12, NC 13 and NC 15	0.25

909-906 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

909-1906.1 The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-use zones:

- (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 district for residential uses;
- (c) Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th 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., 13th Street, N.E., 14th Street N.E., or 15th 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., 13th Street N.E., 14th Street N.E., or 15th 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 H Street N.E.; or
 - (2) Fronts Florida Avenue N.E., Maryland Avenue N.E., 13th Street N.E., 14th Street N.E., or 15th 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 Subtitle H § ~~909.1(h)~~ **905.1(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) Façade 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.

910-907 **NEW CONSTRUCTION OR ENLARGEMENT SPECIAL EXCEPTION**

~~910.1~~ **907.1** 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 as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H §~~1202~~ **Chapter 52**.

908 **EXCEPTION FROM DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES**

908.1 **Exceptions from the design requirements of the H Street Northeast Neighborhood Mixed-use zones, as set forth in § 906, shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance with the standards specified in Subtitle X, Chapter 9, Subtitle H, Chapter 52 and the following conditions:**

- (a) **The project is consistent with the design intent of the design guidelines of the H Street N.E. 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 N.E. Strategic Development Plan.**

Chapter 10, DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDING AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND LIBRARIES FOR NC ZONES is proposed to be deleted in its entirety.

~~CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR nc ZONES~~

~~**1000 DEVELOPMENT STANDARDS**~~

- ~~1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 13.~~
- ~~1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 13 shall be those development standards for the zone in which the buildings or structures is proposed.~~

CHAPTER 10 [RESERVED]

CHAPTER 11 [RESERVED]

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS is proposed to be renumbered as Chapter 52 and amended to read as follows:

CHAPTER ~~12~~ 52 RELIEF FROM DEVELOPMENT STANDARDS

~~1200~~ 5200 GENERAL PROVISIONS

~~1200.1~~ **5200.1** The Board of Zoning Adjustment may grant relief from the standards of this subtitle, **except for height and floor-area-ratio**, as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the ~~NC~~ **Neighborhood Mixed-use** 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 exception or waiver;
- (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
- (g) 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 NC Neighborhood Mixed-use zone.

~~1200.2~~ **5200.2** This section shall not operate to allow any exception to the height or floor area ratio limits of any NC Neighborhood Mixed-use zone.

~~1201~~ **SPECIAL EXCEPTION CRITERIA - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES**

~~1201.1~~ In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC 7 and NC 8 zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 809.

~~1202~~ **SPECIAL EXCEPTION CRITERIA - H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES**

~~1202.1~~ In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC 9 through NC 17 MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R and MU-5A/HS-R zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 909 and the design guidelines of the H Street N.E. Strategic Development Plan.

CHAPTERS 12 through 59 [RESERVED]

CHAPTER 11 USE PERMISSIONS FOR NC ZONES is proposed to be renumbered as Chapter 60 and amended to read as follows:

**CHAPTER ~~11~~ 60 USE PERMISSIONS FOR ~~NC~~ Neighborhood Mixed-Use ZONES
~~1100~~ **6000 GENERAL USE PERMISSIONS FOR ~~NC~~ NEIGHBORHOOD MIXED-USE ZONES****

- ~~1100.1~~ **6000.1** This chapter contains use permissions, conditions, and special exceptions in the ~~NC 1 through NC 17~~ Neighborhood Mixed-use zones.
- ~~1100.2~~ **6000.2** Uses are permitted as a matter of right, as a matter of right with conditions, or as a special exception.
- ~~1100.3~~ **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.
- ~~1100.4~~ **6000.4** Uses are permitted as either principal or accessory uses unless specifically permitted as only a principal or accessory use.
- ~~1100.5~~ **6000.5** “Other Accessory Uses” shall be those that are customarily incidental and subordinate to the principal uses permitted in this chapter.
- ~~1100.6~~ **6000.6** Designated uses, as described by this chapter, shall be provided pursuant to the requirements of Subtitle H § ~~1101~~ **6001**. All other uses shall be provided pursuant to the requirements of this chapter.
- ~~1100.7~~ **6000.7** Antennas in ~~NC~~ Neighborhood Mixed-use zones shall be controlled by Subtitle C, Chapter 13.
- ~~1100.8~~ **6000.8** Use groups for the ~~NC~~ Neighborhood Mixed-use zones are as follows:

TABLE H § ~~1100.8~~ 6000.8: Neighborhood Mixed-use -USE GROUPS:

NC-Use Group A	NC-Use Group B	NC-Use Group C
NC 1	NC 2 <u>MU-4/TK</u>	NC 5 <u>MU-5A/WP</u>
<u>MU-3A/MW</u>	NC 3 <u>MU-4/CP</u>	NC 6 <u>MU-7/ES</u>
	NC 4 <u>MU-4/WP</u>	NC 8 <u>MU-7/GA</u>
	NC 7 <u>MU-4/GA</u>	NC 12 <u>MU-7/HS-H</u>
	NC 9 <u>MU-4/HS-H</u>	NC 13 <u>MU-8/HS-H</u>
	NC 10 <u>MU-5A/HS-H</u>	NC 15 <u>MU-7/HS-A</u>
	NC 11 <u>MU-6/HS-H</u>	
	NC 14 <u>MU-4/HS-A</u>	
	NC 16 <u>MU-4/HS-R</u>	
	NC 17 <u>MU-5A/HS-R</u>	

~~1101~~ **6001 DESIGNATED AND RESTRICTED USES**

- ~~1101.1~~ **6001.1** Any building that occupies or is constructed on a lot in a designated use area within an ~~NC~~ a Neighborhood Mixed-use zone 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.

~~1101.2~~ **6001.2** The NC Neighborhood Mixed-use zone designated uses, for the purposes of this subtitle, are those permitted in the following use groups subject to any conditions of this section:

- (a) Animal care or animal boarding;
- (b) Arts, design, and creation;
- (c) Eating and drinking establishments;
- (d) Entertainment and performing arts;
- (e) Financial and general services; and
- (f) Retail.

~~1101.3~~ **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 ~~NC 6 and NC 9 through NC 17~~ **MU-7/ES, MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R and MU-5A/HS-R** 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 NC zone, as measured along the lots in the designated use area in the particular district; and
 - (2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of Subtitle H § ~~1101.3~~ **6001.3**; provided, that they shall remain subject to the linear street frontage requirement of Subtitle H §~~1101.3(b)(1)~~ **6001.3(b)(1)**;
- (c) In the ~~NC 6~~ **MU-7/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 ~~NC 4 and NC 5~~ **MU-4/WP and MU-5A/WP** shall be treated as a single zone.

~~1101.4~~ **6001.4** The following conditions shall apply to the matter-of-right designated uses in a designated use area in the specified ~~NC~~ **Neighborhood Mixed-use** zones:

- (a) In the ~~NC 1~~ **MU-3A/MW** zone, entertainment and performing arts shall not be considered a designated use;
- (b) In the ~~NC 2, NC 9, NC 10, NC 11, NC 12, and NC 13~~ **MU-4/TK, MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, and MU-8/HS-H** zones, residential uses may also be considered designated uses;
- (c) In the ~~NC 3~~ **MU-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 ~~NC 7 and NC 8~~ **MU-4/GA and MU-7/GA** zones, liquor stores and pawn shops shall not be permitted;
- (e) In the ~~NC 12 and NC 13~~ **MU-7/HS-H and MU-8/HS-H** zones, catering establishments and bakeries may also be considered designated uses;
- (f) In the ~~NC 14 and NC 15~~ **MU-4/HS-A and MU-7/HS-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 ~~NC~~ **Neighborhood Mixed-use** zones, animal care 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.

~~1101.5~~ **6001.5** No drive-through or drive-in operation shall be permitted in any ~~NC~~ **Neighborhood Mixed-use** zone as a principal or accessory use.

~~1102~~ **6002** **USES IN NC NEIGHBORHOOD MIXED-USE ZONES**

~~1102.1~~ **6002.1** Uses in those parts of a building or lot in an ~~NC~~ **Neighborhood Mixed-use** zone that are not within a designated use area shall be permitted by Subtitle H § ~~1103~~ **6003** and the remainder of this chapter.

~~1102.1~~ **6002.2** When there is a difference between use permissions and conditions of this section and the designated use provisions, the more restrictive provisions or conditions shall apply.

~~1103~~ **6003** **MATTER-OF-RIGHT USES (~~NC~~ **NEIGHBORHOOD MIXED-USE** -USE GROUPS A, B, AND C)**

~~1103.1~~ **6003.1** The following uses in this section shall be permitted as a matter of right:

- (a) ~~NC~~ **Neighborhood Mixed-use** 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) Health care;

- (k) Institutional, general and religious;
- (l) Office, including chancery;
- (m) Parking;
- (n) Parks and recreation;
- (o) Residential;
- (p) Retail;
- (q) Services, financial; and
- (r) Transportation infrastructure.

~~1104~~ 6004 _____ MATTER-OF-RIGHT USES (~~NC-USE GROUP A~~)

~~1104.1~~ **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 §~~1103~~ **6003**;
- (c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**;
- (d) [DELETED];
- (e) 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;
- (f) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (g) Entertainment, assembly, and performing arts uses, except for a bowling alley;
- (h) 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;
- (i) 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
- (j) Utilities uses limited to optical transmission nodes.

1105 6005 SPECIAL EXCEPTION USES (NC-USE GROUP A)

~~1105.1~~ **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 under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal boarding uses not meeting the conditions of Subtitle H § ~~1101.4~~ ~~(g)(3)~~ **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, not meeting the conditions of Subtitle H § ~~1101.4(g)~~ **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) Community-based institutional facilities provided that the use shall house no more than to fifteen (15) persons, not including resident supervisors or staff and their families;
 - (d) Community solar facility not meeting the requirements of Subtitle H § ~~4103.1(e)~~ **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;
 - (3) The proposed shelter shall meet all applicable code and licensing requirements;

- (4) 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
- (5) 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;
 - (2) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;
 - (3) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
 - (4) 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; and
- (i) Utilities 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

~~1106.1~~ 6006.1 MATTER-OF-RIGHT USES (~~NC~~-USE GROUP B)

~~1106.1~~ **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 § ~~1103~~ **6003**;
- (c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(g)~~ **6001.4(g)**;
- (d) [DELETED];
- (e) 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;
- (f) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (g) Education uses in the ~~NC-10, NC-11, and NC-17~~ **MU-5A/HS-H, MU-6/HS-H and MU-5A/HS-R** zones only;
- (h) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
 - (1) An R, RF, RA, MU-1, or MU-2 zone; or
 - (2) A place of worship, public or private school, public library, or playground;
- (i) Lodging uses, except that they shall not be permitted in the ~~NC-3 and NC-4~~ **MU-4/CP and MU-4/WP** zones;
- (j) 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;
- (k) 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
- (l) Utilities uses limited to optical transmission nodes.

1107 6007 SPECIAL EXCEPTION USES (~~NC~~-USE GROUP B)

~~1107.1~~**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 under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**, subject to the conditions of Subtitle H § ~~1105.1(a)~~ **6005.1(a)**;
- (b) Community-based institutional facilities provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families;
- (c) Community solar facility not meeting the requirements of Subtitle H § ~~1103.1(e)~~ **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 § ~~1105.1(e)~~ **6005.1(c)**;
- (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 NC-4 zone;
 - (B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of an 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 district 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 district 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 ~~NC-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 ~~NC 14 and NC 16~~ MU-4/HS-A and MU-4/HS-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 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;
- (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 a R, RF, RA, MU-1, and MU-2 zone;
- (i) Parking uses: 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) The following service (general) uses:
- (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; and
- (k) Utilities 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.

~~1108-6008~~ MATTER-OF-RIGHT USES (~~NC-USE GROUP C~~)

~~1108.1~~ **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 § ~~1103~~ **6003**;
- (c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**;
- (d) [DELETED];
- (e) Eating and drinking establishment uses, except a fast food establishment shall not be permitted as a matter of right;
- (f) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
 - (1) An R, RF, RA, MU-1, or MU-2 zone; or

- (2) A place of worship, public or private school, public library, or playground;
- (g) Lodging uses shall not be permitted in the ~~NC-5~~ **MU-5A/WP** zone;
- (h) 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
- (i) Utilities 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.

~~1109~~ 6009 SPECIAL EXCEPTION USES (~~NC-USE GROUP C~~)

~~1109.1~~ **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 under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**, subject to the conditions of Subtitle H § ~~1105.1(a)~~ **6005.1(a)**;
- (b) Community solar facility not meeting the requirements of Subtitle H §~~1103.1(e)~~ **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 § ~~H107.1(d)~~ **6007.1(d)**; except that the use shall not be permitted in the ~~NC-5~~ **MU-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 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;
 - (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 an R, RF, RA, MU-1 or MU-2 zone;
- (e) Parking uses: 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;
- (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 §~~1108.1(h)~~ **6008.1(h)**; and
- (h) Utility (basic) uses not meeting the conditions of Subtitle H § ~~1108.1(i)~~ **6008.1 (i)** 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.

~~1110~~ **6010** USES NOT PERMITTED IN ~~NC~~ **NEIGHBORHOOD MIXED-USE ZONES**

~~1110.1~~ **6010.1** Any use not permitted as a matter of right or as a special exception in this chapter shall be deemed to be not permitted.

CHAPTER 49, PUBLIC SCHOOLS, is proposed to be deleted in its entirety.

~~CHAPTER 49 PUBLIC SCHOOLS~~

~~4900~~ ~~GENERAL PROVISIONS~~

~~4900.1~~ The provisions of this chapter control certain height and bulk of public schools.

~~4901~~ ~~DEVELOPMENT STANDARDS~~

~~4901.1~~ The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

~~4902~~ ~~PENTHOUSES~~

~~4902.1~~ Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

~~4903~~ ~~REAR YARD~~

~~4903.1~~ In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

~~4904~~ ~~SIDE YARD~~

~~4904.1~~ In the case of a lot proposed to be used by a public school that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.

~~4905~~ ~~SPECIAL EXCEPTION~~

~~4905.1~~ Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.