ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Monday, December 21, 2020, @ 4:00 p.m.

WebEx or Telephone - Instructions will be provided on

the OZ website by Noon of the Hearing Date¹

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-19 (Office of Planning - Text Amendment to Subtitles B, D, E, and F for Accessory Building Requirements)

THIS CASE IS OF INTEREST TO ALL ANCS

On September 4, 2020, the Office of Planning ("OP") filed a petition to the Zoning Commission (the "Commission") proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle B, Definitions, Rules of Measurement, and Use Categories §§ 100.2, 307.8, 308.9
- Subtitle D, Residential House (R) Zones §§ 1209, 5000-5007
- Subtitle E, Residential Flat (RF) Zones §§ 5000-5007
- Subtitle F, Residential Apartment (RA) Zones §§ 5000-5005

OP proposed the text amendment to clarify and provide consistency in the regulations governing accessory buildings across zones.

At its September 14, 2020 public meeting, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing and 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 complete record in the case 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/Search.aspx.

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).

Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 12, *How to participate as a witness – written statements*.)

I. Proposed Amendment to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be revised to add a new definition of "Shed" to read as follows:

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

...2

Sexually-Oriented Business Establishment: An establishment ...

Shed: An accessory building, not used for habitable or automobile purposes, that does not exceed 50 square feet (50 sq. ft.) in area and is less than 10 feet (10 ft.) in overall height.

Short-Term Rental: A use as defined by the Short-Term Rental Regulation Act ...

...

A new §§ 308.9 is proposed to be added to § 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, to read as follows:

308.9 The building height of accessory buildings shall be measured from the finished grade at the middle of the side of the accessory building that faces the main principal building to the highest point of the roof of the building.

II. Proposed Amendment to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Section 1209, ACCESSORY BUILDINGS, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be revised by amending §§ 1209.1 and 1209.3 through 1209.4, by deleting § 1209.5, and by adding a new § 1209.5, to read as follows:

- 1209.1 Accessory buildings in the shall be permitted within an R-19 and or R-20 zones shall be zone subject to the development regulations conditions of this section.
- 1209.2 The Except for a shed, an accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the

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

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.

- 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-two feet (20 22 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.
- 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 twenty-two** feet (**15 22** ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of **one (1) story two (2) stories**.
- 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.).
- 1209.5 In the R-19 and R-20 zones, a shed may be permitted in a required rear or side yard provided it is at least five feet (5 ft.) from a public or private vehicular alley.

1209.6 Roof decks ...

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be revised by revising various §§, deleting §§ 5000.4, 5003, and 5004, and renumbering, to read as follows:

5000 GENERAL PROVISIONS

- Accessory buildings **may shall** be permitted within an R zone subject to the conditions of this section.
- An accessory building shall be:
 - (a) Be subordinate to and located on the same lot as the principal building, to which it is accessory; provided, that an accessory building may contain a parking space accessory to, and required for, a use on another lot where specifically permitted under other provisions of this title;
 - (b) and shall be Be used for purposes that which are incidental to the use of the principal building provided that no more than one (1) accessory apartment shall be allowed;
 - (c) Be secondary in size compared to the principal building;

- (d) Be constructed after the construction of a principal building on the same lot; and
- (e) Not be constructed in front of the principal building.
- An accessory building shall be secondary in size compared to the principal building included in the calculation of lot occupancy, and shall comply with all required yards required for accessory buildings based on in the zone in which they are located.
- Notwithstanding Subtitle D § 5000.3, an accessory building shall not be located in the front yard of a lot in an R zone developed with a residential building.
- 5000.5 5000.4 A private garage permitted in an R zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve seven and one-half (12 7.5 ft.) of the center line centerline of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS

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

5002 HEIGHT

The maximum height of an accessory building in an R zone shall be two (2) stories and twenty-two feet (20 22 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.

5003 LOT OCCUPANCY

An accessory building in an R zone as a principal use on a lot other than an alley lot shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy of the zone in which the lot is located.

5006 5003 MAXIMUM BUILDING AREA

5006.1 5003.1 The maximum building area for an accessory building in an R zone shall be the greater of thirty percent (30%) of the required rear yard or four hundred and fifty square feet (450 sq. ft.).

5004 REAR YARD

- An accessory building in an R zone other than a shed may be located within a rear yard in an R zone provided, where abutting an alley, that the accessory building is:
 - (a) Not in a required rear yard; and
 - (b) it shall be set Set back at least twelve seven and one-half feet (12 7.5 ft.) from the center line centerline of the any alley.
- A shed may be located within a required rear yard of a principal building.

5005 SIDE YARD

No minimum side yard is required for an An accessory building in a R zone, other than a shed unless the accessory building is may be located beside the principal building, whereby it shall be in a side yard in a R zone, provided that it is removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

5005.2 A shed may be located within a required side yard of a principal building.

5006 [RESERVED]

5007 5006 SPECIAL EXCEPTION

5007.1 5006.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § 5201.

III. Proposed Amendment to Subtitle E, RESIDENTIAL FLATS (RF) ZONES

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

5000 GENERAL PROVISIONS

Accessory buildings shall be permitted within an RF zone subject to the **following** conditions: **of this section.**

<u>5000.2</u> (a) An accessory building shall be:

- (a) Be subordinate to and located on the same lot as the building to which it is accessory; provided, that an accessory building may contain a required accessory parking space may be permitted accessory to, and required for, a use on another lot, where specifically permitted under other provisions of this title;
- (b) An accessory building shall be <u>Be</u> used for purposes that <u>which</u> are incidental to the use of the principal building but may house provided that no more than one (1) accessory apartment shall be allowed;
- (c) Be secondary in size compared to the principal building;
- (c) (d) An accessory building shall not be Be constructed prior to a after the construction of the principal building on the same lot; and
- (d) (e) An accessory building shall not Not be constructed in front of the principal building.
- The An accessory buildings building shall be secondary in size compared to the principal building, and shall be considered within the included in the calculation of lot occupancy, pervious surface, and as applicable, the floor area ratio (FAR) of the RF zones, and shall comply with all required yards for accessory buildings in the zone.
- Notwithstanding Subtitle D § 5000.3, an accessory building shall not be located in the front yard of a lot in an R zone developed with a residential building.
- 5000.5 5000.3 A private garage permitted in an RF zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve seven and one-half (12 7.5 ft.) of the center line centerline of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS

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

5002 HEIGHT

The maximum height of an accessory building in an RF zone shall be twenty-two feet (20 22 ft.) and two (2) stories, including the penthouse.

5003 <u>LOT OCCUPANCY BUILDING AREA</u>

The maximum **lot occupancy building area** for an accessory building in an RF zone shall be the greater of thirty percent (30%) of the required rear yard or four-hundred and fifty square feet (450 sq. ft.).

5004 REAR YARD

- No minimum rear yard is required for an An accessory building other than a shed may be located within a rear yard in an RF zone provided that the accessory building is:
 - (a) Not in a required rear yard; and
 - (b) except when abutting an alley, where it shall be set Set back at least twelve seven and one-half feet (12 7.5 ft.) from the center line centerline of the any alley.
- An accessory building shall be permitted in a required rear yard of a principal building pursuant to the following conditions:
 - (a) The accessory building is less than ten feet (10 ft.) in height; and
 - (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area.
- 5004.3 If the required rear yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.
- A shed may be located within a required rear yard of a principal building.

5005 SIDE YARD

- No minimum side yard is required for an An accessory building other than a shed may be located within a side yard in an RF zone provided that the accessory building is
- 5005.2 An accessory building shall be permitted in a required side yard of a principal building pursuant to the following conditions:
 - (a) The accessory building is less than ten feet (10 ft.) in height;
 - (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area; and

(c) If the required side yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve seven and one-half feet (12 7.5 ft.) from the center line centerline of the any alley.

A shed may be located within a required side yard of a principal building.

5006 MISCELLANEOUS [RESERVED]

- 5006.1 The development standards that permit the following uses are located in Subtitle U, Chapter 3:
 - (a) A permitted principal dwelling unit in an RF zone within an accessory building; and
 - (b) A private vehicle garage that is an accessory building in an RF zone.

5007 5006 SPECIAL EXCEPTION

5007.1 5006.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9_a and subject to the provisions and limitations of Subtitle E §§ 5201.

IV. Proposed Amendment to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be revised to read as follows:

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR (RA) ZONES

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be revised to read as follows:

5000 GENERAL PROVISIONS

Accessory buildings shall be permitted within an RA zone subject to the **following** conditions**÷ of this section.**

5000.2 (a) The An accessory building is shall:

(a) Be subordinate to and located on the same lot as the building to which it is accessory; provided, that an accessory building may contain a required accessory parking space may be permitted accessory to, and required for, a use on another lot, where specifically permitted under other provisions of this title;

- (b) An accessory building shall be Be used for purposes that which are incidental to the use of the principal building; and
- (c) Be secondary in size compared to the principal building:
- (c) (d) An accessory building shall not be Be constructed prior to after the construction of a principal building on the same lot; and
- (e) Be constructed behind the principal building.
- 5000.2 5000.3 The An accessory buildings building shall be secondary in size compared to the principal building, and shall be considered with the included in the calculation of lot occupancy, Green Area Ratio (GAR), and as applicable, the floor area ratio (FAR) of the RA zones; and shall comply with all required yards required for accessory buildings based on in the zone in which it is located.
- A private garage permitted in an RA zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within seven and one-half (7.5 ft.) of the centerline of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS

The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5001 through 5004.

5002 HEIGHT

The maximum permitted height for an accessory building shall be twenty-two feet (20 22 ft.) and two (2) stories.

5003 REAR YARD

- No rear yard shall be required for an An accessory building other than a shed may be located within a rear yard in an RA zone provided that it is:
 - (a) Not in a required rear yard; and
 - (b) except where abutting an alley a minimum rear yard of Set back at least twelve seven and one-half feet (12 7.5 ft.) from the center line centerline of the any alley.
- 5003.2 A shed may be located in a required rear yard of a principal building.

5004 MISCELLANEOUS

- The lot upon which a private garage is located shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy.
- Accessory buildings on any lot shall be included in the maximum lot occupancy and GAR requirements and if applicable, the FAR, as listed and conditioned in this subtitle and the development standards of the penthouse regulations in Subtitle C, Chapter 15.
- 5004.3 A private garage that is an accessory building in an RA zone:
 - (a) May be located either within a rear yard or beside the main building; provided, if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side yard and from all building lines a distance of not less than ten foot (10 ft.) and
 - (a) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley.
- A private garage permitted in an RA zone as a principal use on a lot other than an alley lot shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of an alley.

5004 SIDE YARD

- An accessory building other than a shed may be located in a side yard in an RA zone provided that the accessory building is removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).
- A shed may be located in a required side yard of a principal building.

5005 SPECIAL EXCEPTION

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

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.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

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:

Organizations
 Individuals
 minutes each
 minutes each

<u>How to participate as a witness – written statements</u>

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 A. SHAPIRO, PETER G. MAY, 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 <u>Zelalem.Hill@dc.gov</u> 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。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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 <u>Zelalem.Hill@dc.gov</u> trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለጮሳተፍ ዕርዳታ ያስፈልማዎታል? የተለየ እርዳታ ካስፈለንዎት ወይም የቋንቋ እርዳታ አንልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለንዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል <u>Zelalem.Hill@dc.gov</u> ይንናኙ። እነኝህ አ*ገ*ልግሎቶች የሚሰጡት በንጻ ነው።