

NOTE: "TO BE DELETED" is a section that will be deleted prior to adoption; it has been left in this draft only for the purpose of maintaining consistency with section numbering.

## **SUBTITLE E                      RESIDENTIAL FLATS (RF) ZONES**

SUBTITLE E    RESIDENTIAL FLATS (RF) ZONES.....	1
CHAPTER 1 INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES .....	3
100 GENERAL PROVISIONS.....	3
101 DEVELOPMENT STANDARDS.....	3
102 USE PERMISSION.....	4
CHAPTER 2 RESIDENTIAL FLAT ZONE – GROUP 1 (RF-1) .....	5
200 PURPOSE AND INTENT.....	5
201 DEVELOPMENT STANDARDS.....	5
202 HEIGHT AND ROOF STRUCTURES .....	5
203 FLOOR AREA RATIO.....	5
204 NUMBER OF PERMITTED DWELLING UNITS.....	5
205 FRONT SETBACK.....	6
206 REAR SETBACK .....	6
207 SIDE SETBACK .....	6
208 PERVIOUS SURFACE.....	6
CHAPTER 3 RESIDENTIAL FLAT ZONE – GROUP 2 (DUPONT CIRCLE).....	7
300 PURPOSE AND INTENT.....	7
301 DEVELOPMENT STANDARDS.....	7
302 HEIGHT AND ROOF STRUCTURES .....	8
303 FLOOR AREA RATIO.....	8
304 NUMBER OF PERMITTED DWELLING UNITS.....	8
305 FRONT SETBACK.....	8
306 REAR SETBACK .....	8
307 SIDE SETBACK .....	8
308 PERVIOUS SURFACE.....	9
CHAPTER 4 RESIDENTIAL FLAT ZONE – GROUP 3 (CAPITOL INTEREST).....	10
400 PURPOSE AND INTENT.....	10
401 DEVELOPMENT STANDARDS.....	10
402 HEIGHT AND ROOF STRUCTURES .....	10
403 FLOOR AREA RATIO.....	11
404 NUMBER OF PERMITTED DWELLING UNITS.....	11
405 FRONT SETBACK.....	11
406 REAR SETBACK .....	11
407 SIDE SETBACK .....	11
CHAPTER 5 RESIDENTIAL FLAT ZONE – GROUP 4 (RF-4, RF-5).....	12
500 PURPOSE AND INTENT.....	12
501 DEVELOPMENT STANDARDS.....	12
502 HEIGHT AND ROOF STRUCTURES .....	12
503 FLOOR AREA RATIO.....	13
504 NUMBER OF PERMITTED DWELLING UNITS.....	13
505 TO BE DELETED.....	13
506 TO BE DELETED.....	13
507 TO BE DELETED.....	13
508 PERVIOUS SURFACE.....	13

CHAPTER 6 CONVERSION OF A BUILDING/STRUCTURE TO AN APARTMENT HOUSE (RF) .....	14
CHAPTER 7 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES .....	15
701 PARKS AND RECREATION .....	15
702 PUBLIC EDUCATION.....	15
703 PUBLIC LIBRARY .....	16
704 HEIGHT .....	16
705 FRONT SETBACK.....	16
706 REAR SETBACK .....	16
707 SIDE SETBACK .....	16
708 TO BE DELETED.....	16
709 COURTYARD .....	16
710 GENERAL DEVELOPMENT STANDARDS .....	17
CHAPTER 8 ACCESSORY BUILDING REGULATIONS FOR RF ZONES.....	18
800 ACCESSORY BUILDINGS .....	18
801 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS.....	18
CHAPTER 9 ALLEY LOT REGULATIONS FOR RF ZONES.....	20
900 GENERAL PROVISIONS .....	20
901 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS .....	20
CHAPTER 10 GENERAL DEVELOPMENT STANDARDS (RF).....	21
1000 GENERAL PROVISIONS .....	21
1001 HEIGHT REGULATIONS.....	21
1002 ROOF STRUCTURES .....	21
1003 FLOOR AREA RATIO .....	23
1004 TO BE DELETED .....	23
1005 PERVIOUS SURFACE.....	23
1006 FRONT SETBACK .....	23
1007 REAR SETBACK.....	23
1008 SIDE SETBACK .....	24
1009 TO BE DELETED .....	24
1010 MINIMUM LOT DIMENSIONS .....	24
CHAPTER 11 USE PERMISSIONS (RF) .....	25
1100 GENERAL USE PROVISIONS.....	25
1101 BY RIGHT USES .....	25
1102 SPECIAL EXCEPTION USES (RF).....	28
1103 CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS .....	32
1104 ALLEY LOT BY RIGHT USES (RF).....	34
1105 ALLEY LOTS SPECIAL EXCEPTION USES (RF).....	35
1106 CORNER STORE CONDITIONS .....	36
1107 USES NOT IDENTIFIED IN RF ZONES .....	38
CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS.....	39
1200 GENERAL PROVISIONS .....	39
1201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE.....	39
1202 SPECIAL EXCEPTION FROM ROOF STRUCTURES .....	40
1203 SPECIAL EXCEPTION FOR NON-RESIDENTIAL USE STRUCTURES (RF).....	40
1204 SPECIAL EXCEPTIONS – RF-3 (CAP) .....	41

## 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 dwellings units.
- 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 The provisions of Subtitle E 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 Subtitle F.
- 100.4 The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two, three or four units.

### 101 DEVELOPMENT STANDARDS

- 101.1 The bulk of structures in the RF zones shall be controlled through the combined requirements of development standards tables and development regulations of this subtitle.
- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor-area ratio, and lot occupancy;
  - (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.
- 101.3 The bulk of public buildings and structures in the RF zone shall be controlled through the development standards specified in E Chapter 7.

101.4 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, as indicated in this title, by special exception relief. Additional zone specific special exception criterion, if applicable, shall be considered and are found at Subtitle E, Chapter 12.

**102 USE PERMISSION**

102.1 Uses permissions are identified in use tables provided for each zone, in the Use Permissions chapter.

102.2 Uses in the R zones are either permitted by right without conditions (P), by right subject to conditions (C), as an accessory use (A) or by special exception (S).

DRAFT

## CHAPTER 2 RESIDENTIAL FLAT ZONE – GROUP 1 (RF-1)

### 200 PURPOSE AND INTENT

- 200.1 The purpose of the RF-1 zone (R-4) is to provide for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted
- 200.2 In the RF-1 zone two dwelling units maybe located within the principal structure or one each in the principal structure and an accessory structure.

### 201 DEVELOPMENT STANDARDS

- 201.1 The development standards for the RF-1 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this subtitle.

RF-1	Height Max.	Number of Stories Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	40%
Semi-Detached Dwelling	40 ft.	3	40%
Row Dwelling and Flat	40 ft.	3	60%
Church	60 ft.	3	60%
All Other Structures	40 ft.	3	40%

### 202 HEIGHT AND ROOF STRUCTURES

- 202.1 In addition to the height limitations of the RF-1 development standards table the General Development Standards of E Chapter 10 shall apply.

### 203 FLOOR AREA RATIO

- 203.1 In addition to the FAR limitations of the RF-1 development standards table the General Development Standards of E Chapter 10 shall apply.

### 204 NUMBER OF PERMITTED DWELLING UNITS

- 204.1 The maximum number of permitted dwelling units in the RF-1 zone shall be two (2).
- 204.2 The maximum number of permitted dwelling units shall include both principal and accessory units. No accessory apartment shall be permitted in any dwelling unit in any RF zone.
- 204.3 An apartment house in an RF-1 zone, whether converted from a building or structure pursuant to E § Chapter 6 or existing before May 12, 1958, shall 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 record lot area for each dwelling unit, both existing and new.

**205 FRONT SETBACK**

205.1 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.

**206 REAR SETBACK**

206.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF-1 zone.

**207 SIDE SETBACK**

207.1 A side setback in the RF-1 zone shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

207.2 In the RF-1 zone, when a single household dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side.

**208 PERVIOUS SURFACE**

208.1 The minimum pervious surface percentage shall be provided as required by E, Chapter 9.

**CHAPTER 3 RESIDENTIAL FLAT ZONE – GROUP 2 (DUPONT CIRCLE)**

**300 PURPOSE AND INTENT**

300.1 The purpose of the RF-2 zone (R-4/DC) is to:

- (a) Provide for areas proximate to Dupont Circle predominantly developed with attached row houses within which no more than two dwellings are permitted.

300.2 The RF-2 zone (R-4/DC) is 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, predominately 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. Code §§ 5-1001 to 5-1015 (1994 and 1999 Supp.)));
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

300.3 The RF-2 zone (R-4/DC) 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;

300.4 The RF-2 zone (R-4/DC) permits a maximum of two dwelling units which may both be located within the principal structure or one dwelling unit each may be located within the principal structure and an accessory structure.

**301 DEVELOPMENT STANDARDS**

301.1 The development standards for the RF-2 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

<b>RF-2 (DC)</b>	<b>Height Max.</b>	<b>Number of Stories Max.</b>	<b>Lot Occupancy Max.</b>
Detached Dwelling	40 ft.	3	40%
Semi-Detached Dwelling	40 ft.	3	40%

<b>RF-2 (DC)</b>	<b>Height Max.</b>	<b>Number of Stories Max.</b>	<b>Lot Occupancy Max.</b>
Row Dwelling and Flat	40 ft.	3	60%
Church	60 ft.	3	60%
All Other Structures	40 ft.	3	40%

**302 HEIGHT AND ROOF STRUCTURES**

302.1 In addition to the height limitations of the RF-2 development standards table the General Development Standards of E Chapter 10 shall apply.

**303 FLOOR AREA RATIO**

303.1 In addition to the FAR limitations of the RF-2 development standards table the General Development Standards of E Chapter 10 shall apply.

**304 NUMBER OF PERMITTED DWELLING UNITS**

304.1 The maximum number of permitted dwelling units in the RF-2 zone shall be two (2).

304.2 The maximum number of permitted dwelling units shall include both principal and accessory units.

304.3 No accessory apartment shall be permitted in any dwelling unit in any RF zone.

304.4 An apartment house in an RF-2 zone, whether converted from a building or structure pursuant to E Chapter 6 or existing before May 12, 1958, shall 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 record lot area for each dwelling unit, both existing and new.

**305 FRONT SETBACK**

305.1 For residential dwellings in the RF-2 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 SETBACK**

306.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF-2 zone.

**307 SIDE SETBACK**

307.1 A side setback in the RF-2 zone shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

307.2 In the RF-2 zone, when a single household dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side.

**308**

**PERVIOUS SURFACE**

308.1

The minimum pervious surface percentage shall be provided as required by E, Chapter 9.

DRAFT

## CHAPTER 4 RESIDENTIAL FLAT ZONE – GROUP 3 (CAPITOL INTEREST)

### 400 PURPOSE AND INTENT

400.1 The purpose of the RF-3 zone (R-4/CAP) is to:

- (a) Provide for areas adjacent to the U.S. Capitol precinct predominantly developed with attached houses on small lots within which no more than two dwelling units are permitted.

400.2 The RF-3 zone (R-4/CAP) 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.

400.3 The RF-3 zone (R-4/CAP) permits a maximum of two dwelling units which may both be located within the principal structure or one dwelling unit each may be located within the principal structure and an accessory structure.

### 401 DEVELOPMENT STANDARDS

401.1 The development standards for the RF-3 zone shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

RF-3 (CAP)	Height Max.	Number of Stories Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	40%
Semi-Detached Dwelling	40 ft.	3	40%
Row Dwelling and Flat	40 ft.	3	60%
Church	40 ft.	3	60%
All Other Structures	40 ft.	3	40%

### 402 HEIGHT AND ROOF STRUCTURES

402.1 In the RF-3 zone, building height 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.

402.2 In addition to the limitations of the RF-3 development standards table the General Development Standards of E Chapter 10 shall apply.

**403 FLOOR AREA RATIO**

403.1 In addition to the limitations of the RF-3 development standards table the General Development Standards of E Chapter 10 shall apply.

**404 NUMBER OF PERMITTED DWELLING UNITS**

404.1 The maximum number of permitted dwelling units in the RF-3 zone shall be two (2).

404.2 The maximum number of permitted dwelling units shall include both principal and accessory units.

404.3 No accessory apartment shall be permitted in any dwelling unit in any RF zone.

404.4 An apartment house in an RF-3 zone, whether converted from a building or structure pursuant to E Chapter 6 or existing before May 12, 1958, shall 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 record lot area for each dwelling unit, both existing and new.

**405 FRONT SETBACK**

405.1 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.

**406 REAR SETBACK**

406.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF-3 zone.

**407 SIDE SETBACK**

407.1 A side setback in the RF-3 zone shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

407.2 In the RF-3 zone, when a single household dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side.

## CHAPTER 5 RESIDENTIAL FLAT ZONE – GROUP 4 (RF-4, RF-5)

### 500 PURPOSE AND INTENT

- 500.1 The purpose of the RF-4 and RF-5 zones (NEW ZONES) is to provide for areas predominantly developed with attached row houses of three or more stories and within which may also exist a mix of apartment buildings.
- 500.2 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.
- 500.3 The RF-4 and RF-5 zones are intended to promote the continued rowhouse character and appearance, and residential use of larger rowhouse buildings.
- 500.4 The RF-4 zone (NEW ZONE) permits a maximum of three dwelling units which may all be located within the principal structure or no more than one of the dwelling units may be located within an accessory structure.
- 500.5 The RF-5 zone (NEW ZONE) permits a maximum of four dwelling units which may all be located within the principal structure or no more than one of the dwelling units may be located within an accessory structure.

### 501 DEVELOPMENT STANDARDS

- 501.1 The development standards for the RF-4 and RF-5 zones shall be in accordance with the combined requirements of the following development standards table and development regulations of this chapter.

RF-4	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40%
Semi-Detached Dwelling	40 ft.	3	n/a	40%
Row Dwelling and Flat	40 ft.	3	n/a	60%
All Other Structures			1.8	60%

RF-5	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.
Detached Dwelling	40 ft.	3	n/a	40%
Semi-Detached Dwelling	40 ft.	3	n/a	40%
Row Dwelling and Flat	50 ft.	4	n/a	60%
All Other Structures			1.8	60%

### 502 HEIGHT AND ROOF STRUCTURES

- 502.1 In addition to the limitations of the RF-4/5 development standards table the General Development Standards of E Chapter 10 shall apply.

**503 FLOOR AREA RATIO**

503.1 In addition to the limitations of the RF-4/5 development standards table the General Development Standards of E Chapter 10 shall apply.

**504 NUMBER OF PERMITTED DWELLING UNITS**

504.1 The maximum number of permitted dwelling units in the RF-4 zones shall be three (3)

504.2 The maximum number of permitted dwelling units in the RF-5 zones shall be four (4).

504.3 The maximum number of permitted dwelling units shall include both principal and accessory units. No accessory apartment shall be permitted in any dwelling unit in any RF zone.

504.4 An apartment house in an RF-4 or RF-5 zone, whether converted from a building or structure pursuant to E Chapter 6, or existing before May 12, 1958, shall not be renovated or expanded so as to increase the number of dwelling units unless there are seven hundred and fifty square feet (750 sq. ft.) of record lot area for each dwelling unit, both existing and new.

**505 TO BE DELETED**

**506 TO BE DELETED**

**507 TO BE DELETED**

**508 PERVIOUS SURFACE**

508.1 The minimum pervious surface percentage shall be provided as required by E Chapter 9.

**CHAPTER 6 CONVERSION OF A BUILDING/STRUCTURE TO AN APARTMENT HOUSE  
(RF)**

- 600.1 A building or other structure existing before May 12, 1958, may be converted to an apartment house only subject to the requirements of this chapter.
- 600.2 The building is on a lot in the RF-1, RF-2 or RF-3 zone.
- 600.3 The lot of record on which the building to other structure is located has a minimum of nine hundred square feet (900 sq. ft.) of land area for every dwelling unit in the building.
- 600.4 An apartment house in an RF-1, RF-2 or RF-3 zone that results from a converted building or structure pursuant to this section shall 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.
- 600.5 An apartment house in an RF-1, RF-2 or RF-3 zone, whether converted from a building or structure pursuant to E § 600.1 or existing before May 12, 1958, has be subject to the same development standards as a row dwelling or flat in any RF zone.

**CHAPTER 7 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES**

700.1 This chapter contains supplemental development standards for public buildings or structures in RF zones.

700.2 Development standards not otherwise addressed by this chapter shall be those standards for the zone in which the building or structure is proposed.

**701 PARKS AND RECREATION**

701.1 A building devoted to a Parks and Recreation use shall be subject to the following development standards:

Zone	Height Max.	FAR Max.	Lot Occupancy Max.	Rear Setback Min.
RF-1 RF-2 (DC) RF-4 RF-5	45 ft.	1.8	20%	20 ft.
RF-3 (CAP)	40 ft.	1.8	20%	20 ft.

701.2 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment pursuant to Y Chapter 8.

701.3 A lot proposed to be used by a public school, public recreation center, or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, may be reduce or omit the required rear setback.

701.4 The minimum pervious surface requirements for new construction of a public building on a lot in an RF zone shall be fifty percent (50%).

**702 PUBLIC EDUCATION**

702.1 A building devoted to a public education use shall be subject to the following development standards:

Zone	Height Max.	FAR Max.	Lot Occupancy Max.	Rear Setback Min.
RF-1 RF-2 (DC)	60 ft.	1.8	60%	20 ft.
RF-3 (CAP)	40 ft.	1.8	60%	20 ft.
RF-4 RF-5	90 ft.	1.8	60%	20 ft.

702.2 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in the development standards table of this chapter; provided, that the portion of the building excluding closed courtyards exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or

other athletic and field equipment areas in lieu of similarly used space normally located at ground level. The total lot occupancy shall not exceed 70 percent.

702.3 The minimum lot width shall be one-hundred and twenty feet (120 ft.) and the minimum lot area shall be nine thousand square feet (9,000 sq. ft.) for the creation of a record lot for a public education use in a RF zone.

**703 PUBLIC LIBRARY**

703.1 A building devoted to a public library use shall be subject to the following development standards:

Public Libraries	Height Max.	FAR Max.	Lot Occupancy Max.	Rear Setback Min.
RF-1 RF-2 (DC) RF-3 (CAP)		n/a	40%	20 ft.
RF-4 RF-5		2.0	60%	

**704 HEIGHT**

704.1 An institutional or educational 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 foot of height in excess of that authorized in the district in which it is located.

**705 FRONT SETBACK**

705.1 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.

**706 REAR SETBACK**

706.1 A lot proposed to be used by a public school, public recreation center, or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, may be reduce or omit the required rear setback.

**707 SIDE SETBACK**

707.1 A side setback shall not be required. However, if a side setback is provided, it shall be no less than five feet (5 ft.).

**708 TO BE DELETED**

**709 COURTYARD**

709.1 Where a courtyard is provided, it shall have the following minimum dimensions:

Open Courtyard Width:	Closed Courtyard Width	Closed Courtyard Area:
Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (15 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

710

**GENERAL DEVELOPMENT STANDARDS**

710.1

In addition to the limitations of this Chapter for public buildings or structures in RF zones the General Development Standards of E Chapter 8 shall apply.

DRAFT

## CHAPTER 8 ACCESSORY BUILDING REGULATIONS FOR RF ZONES

### 800 ACCESSORY BUILDINGS

800.1 Accessory buildings shall be permitted within an RF zone subject to the following conditions:

- (a) An accessory building shall be subordinate to and located on the same lot as the building to which it is accessory; provided, that required accessory parking space may be permitted on another lot where specifically permitted under other provisions of this title;
- (b) An accessory building shall be used for purposes which are incidental to the use of the principal building but may house no more than one principal unit; and
- (c) An accessory building shall not be constructed prior to a principal building on the same lot.

800.2 The accessory buildings shall be secondary in size compared to the principal building, and shall be considered within the lot occupancy, pervious surface, as applicable the floor area ratio requirements of the RF zones.

### 801 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS

801.1 The bulk of accessory buildings in the RF zones shall be controlled through the specified development standards table, conditions and regulations of this section.

801.2 Accessory buildings on any lot shall be included in the maximum lot occupancy and pervious surface requirements and if applicable, the floor area ratio, as listed and conditioned in this Subtitle, and the development standards of the roof structure regulations Subtitle E, Chapter 10.

801.3 The development standards for accessory buildings in an RF zone are set forth in the following table:

<b>Building Area Max.</b>	<b>Height Max.</b>	<b>Number of Stories Max.</b>	<b>Side Setback Min.</b>	<b>Rear Setback Min.</b>
Greater of 30% of required rear setback area or 450 sq. ft.	20 ft.	2	0 ft.	0 ft. except where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley

801.4 No more than one of the permitted dwelling unit shall be permitted within an accessory building subject to the following conditions:

- (a) Any accessory building proposed to be used for residential purposes shall be in existence as of January 1, 2013;
- (b) No addition to or expansion of an accessory building after January 1, 2013 for residential purposes shall be permitted by right but shall require special exception approval pursuant to Y Chapter 8 and shall be evaluated against the standards of E § 1201.3;

- (c) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way;
- (d) The dwelling use of the accessory building shall be coterminous with the permanent access; and
- (e) The permanent access shall be provided by either or both of the following:
  - (1) An easement for a permanent, unobstructed passage, open to the sky, no narrower than ten feet (10 ft.) in width, and extending from the accessory building to a public street through a side yard recorded in the land records of the District of Columbia; or
  - (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street.

801.5 An accessory building that houses a dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot.

801.6 A private vehicle garage that is an accessory building in an RF zone:

- (a) May be located either within a rear setback 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 setback and from all building lines a distance of not less than ten feet (10 ft.); and
- (b) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens.

801.7 A private garage permitted in a 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 feet (12 ft.) of the center line of the alley upon which it opens.

801.8 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.

801.9 An accessory building that is less than ten feet (10 ft.) in height, no larger than one hundred square feet (100 sq. ft.) in gross floor area and no larger than twelve feet in either length or width may be placed within a required side or rear setback, except where abutting an alley it shall be set back at least twelve feet (12 ft.) from the center line of the alley.

## CHAPTER 9 ALLEY LOT REGULATIONS FOR RF ZONES

### 900 GENERAL PROVISIONS

- 900.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.
- 900.2 A lot that only has frontage on an alley and no frontage on a public street, and that is only recorded on the records of the D.C. Office of Tax and Revenue as an assessment and taxation lot (tax lot) may be recorded by the Surveyor, District of Columbia as a record lot if the tax lot was created on or before May 12, 1958.
- 900.3 New alley lots may be created as provided in Subtitle C, Chapter 4.

### 901 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 901.1 The bulk of buildings on alley lots in an RF zone shall be controlled through the specified development standards of this chapter.
- 901.2 The following development standards shall apply to buildings on alley lots in RF zones:

Height Max.	Number of Stories Max.	Lot Occupancy Max.	Pervious Surface Min.	Rear Setback	Side Setback	Alley Centerline
20 ft.	2	Lot size less than 1,800 square feet may be 100%  Lot size is 1,800 to and including 2,000 square feet may be 90%  Lot size is larger than 2,000 sq. ft. is 80%	10%	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

## **CHAPTER 10 GENERAL DEVELOPMENT STANDARDS (RF)**

### **1000 GENERAL PROVISIONS**

- 1000.1 The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.
- 1000.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.

### **1001 HEIGHT REGULATIONS**

- 1001.1 Except as may be otherwise provided by the development standards for a specific zone, the following height limitations shall apply as additional development standards in the R zones.
- 1001.2 A spire, tower, dome, pinnacle, 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.
- 1001.3 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.
- 1001.4 An antenna may be erected to a height in excess of that authorized in the zone in which it is located as permitted by Subtitle C, Chapter 25.
- 1001.5 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 for a distance equal to the height of the building or structure above the natural grade.
- 1001.6 The height of an accessory building shall be measured from the finished grade at the middle of the façade of the accessory building that faces the main building, to the highest point of the roof.

### **1002 ROOF STRUCTURES**

- 1002.1 Except as may be otherwise provided by the development standards for a specific zone, the following roof structure requirements shall apply as additional development standards in the RF zones.
- 1002.2 The following structures shall not exceed ten (10) feet in height above the roof upon which they are located:
- (a) Antennas;
  - (b) Skylights;
  - (c) Building appurtenances dedicated to safety, including safety railings; and
  - (d) Building components or appurtenances, including but not limited to solar panels and wind turbines, dedicated to the environmental sustainability of the building;
- 1002.3 Housing for mechanical equipment, stairway and elevator penthouses, may be erected to a height in excess of the maximum height authorized in an RF zone subject to conditions specified in this section.

- 1002.4 Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of the maximum height authorized in an RF zone but shall not exceed ten feet (10 ft.) in height above the roof upon which it is located and shall be set back as follows:
- (a) In the RF-3 zone, a distance equal to its height from all lot lines of the lot upon which the structure is located a distance equal to its height above the roof of the top story.
  - (b) In all other RF zones:
    - (1) A distance equal to its height from the front building façade;
    - (2) A distance equal to half of its height from any side building wall that is not adjoining another building wall; and
    - (3) No setback is required from any side building wall that is adjoining another building wall.
  - (c) All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.
  - (d) When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.
  - (e) Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 701.3 (g).
  - (f) When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 701.3(d) and 701.3(f) except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.
- 1002.5 Roof structures shall not exceed one-third (1/3) of the total roof area for the RF zones.
- 1002.6 Mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.
- 1002.7 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.
- 1002.8 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.
- 1002.9 For purposes of applying roof structure setbacks, walls of buildings that border any courtyard other than closed courtyards shall be deemed to be exterior walls.
- 1002.10 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.

1002.11 Relief to the requirements of this section may be granted by special exception subject to Subtitle E, Chapter 12.

**1003 FLOOR AREA RATIO**

1003.1 Except as may be otherwise provided by the development standards for a specific zone, the following FAR requirements shall apply as additional development standards in the R zones.

1003.2 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

**1004 TO BE DELETED**

**1005 PERVIOUS SURFACE**

1005.1 The minimum pervious surface requirements for new construction on a lot in an RF zone are set forth in the following table:

	<b>Lot Size Min.</b>	<b>Pervious Surface Min.</b>
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
Church	n/a	50%
Public Recreation and Community Center	n/a	50%
Public Schools	n/a	50%
All Other Structures	n/a	50%

**1006 FRONT SETBACK**

1006.1 Except as may be otherwise provided by the development standards for a specific zone, the following front setback requirements shall apply as additional Development standards in the RF zones.

1006.2 The front setback shall be the existing range of blockface.

**1007 REAR SETBACK**

1007.1 Except as may be otherwise provided by the development standards for a specific zone, the following rear setback requirements shall apply as additional Development standards in the RF zones.

1007.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.

1007.3 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 setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.

**1008 SIDE SETBACK**

- 1008.1 Except as may be otherwise provided by the development standards for a specific zone, the following side setback requirements shall apply as additional development standards in the RF zones.
- 1008.2 When a new ~~one-family~~ dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side
- 1008.3 A side setback shall not be required along a side street abutting a corner lot in an RF zone.
- 1008.4 No side setback is required for a principal building; however, any side setback provided on any portion of a principal building shall be at least five feet (5 ft.) except as provided in this section.
- 1008.5 In the case of a building existing on or before [Effective date of this title], with a non-conforming side setback, an extension or addition may be made to the building; provided, that the width of the existing side setback shall not be decreased; and provided further, that the width of the existing side setback shall be a minimum of two feet (2 ft.).

**1009 TO BE DELETED**

**1010 MINIMUM LOT DIMENSIONS**

1010.1 The minimum lot width and lot area dimensions for the creation of a record lot in a RF zone shall be as set forth in the following table:

	<b>Lot Width Min.</b>	<b>Lot Area Min.</b>
Row Dwelling or Flat	18 ft. 15 ft. (IZ)	1,800 sq. ft. 1,500 sq. ft. (IZ)
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

## CHAPTER 11 USE PERMISSIONS (RF)

### 1100 GENERAL USE PROVISIONS

- 1100.1 This chapter contains use permissions, conditions, and exceptions specific to Residential Flat zones.
- 1100.2 Uses in the R zones are either permitted by right without conditions (P), by right subject to conditions (C), as an accessory use (A), or by special exception (S).
- 1100.3 Uses permitted by special exception (S) in the R zones, as noted in the relevant table, shall be subject to the general criteria of a special exception in Y Chapter 8 and relevant conditions specific to the use
- 1100.4 In addition to any other conditions of approval, the Board of Zoning Adjustment may impose setbacks, screening, lighting requirements, or other safeguards that the Board deems necessary for the protection of adjacent properties or the neighborhood.
- 1100.5 Other Accessory Uses are those not otherwise addressed that are customarily incidental and subordinate to the principal uses permitted in this chapter.
- 1100.6 In the R zones, non-residential business uses may be permitted as a home occupation Use subject to the conditions and regulations of a home occupation as defined in D § 1610. A home occupation is considered an accessory use
- 1100.7 The use and expansion of a building owned by the District of Columbia that formerly served as the location of a public school in an RF zone shall be governed by E Chapter 7 and E § 1103.
- 1100.8 Antennas in an RF zone shall be governed by Subtitle C, Chapter 25.
- 1100.9 A drive-through accessory to any permitted use shall not be permitted.

### 1101 BY RIGHT USES

- 1101.1 The following uses shall be permitted by right (P), by right subject to conditions (C), or as an accessory use (A) as specified in 1101.2:

- (a) Any use permitted by right or by right with conditions in an R zone;
- (b) Any use identified in the following table by an A or C:

Uses	RF (R-4s)
Accessory use	A
Agriculture, Large	C
Agriculture, Residential	C
Arts, Design and Creation	
Chancery	C
Corner Store	C
Daytime Care	C
Education (Public)	C
Emergency Shelter	C
Government, Local	P

Uses	RF (R-4s)
Home Occupation	A
Institutional, Religious	P
Medical Care	P
Parks and Recreation	C
Residential	C
Transportation Infrastructure	C
Utilities	C

1101.2 The following conditions shall apply to the by right with conditions (C) and Accessory (A) uses in the above table.

- (a) Accessory uses, as listed below, shall be permitted by right subject to the following conditions:
- (1) A Home Occupation subject to the conditions of D §1610;
  - (2) Daytime Care uses shall be permitted by right as an accessory use subject to the following conditions:
    - (A) The use shall be located in the principal residence of the caregiver;
    - (B) There shall be no more than one sign or display, which shall not exceed one hundred forty-four square inches (144 sq.in.) in area;
    - (C) No stock in trade shall be kept nor any commodity sold upon the premises;
    - (D) No person shall be employed other than a member of the caregiver's household residing on the premises; and
    - (E) No mechanical equipment shall be used except such as is permissible for purely domestic or household purposes.
    - (F) An accessory Daytime Care use not meeting all of the above conditions may be permitted by special exception subject to Y Chapter 8.
  - (3) Up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking.
  - (4) Two boarders, who shall board in the principal dwelling; and
  - (5) Other Accessory Uses customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.
- (b) Agricultural, large, uses shall be permitted except for a private stable.
- (c) Agricultural, residential uses shall be permitted except for a private stable.
- (d) Residential uses shall be permitted by-right subject to the following conditions:
- (1) The number of principal dwelling units shall be limited to the maximum permitted in an RF zone by the relevant development standards table;

- (2) A Boarding house:
  - (A) No more than eight (8) total persons shall live on the premises;
  - (B) Accommodations are not provided to transient guests who stay less than 90 days at the premises;
  - (C) No sign is displayed on the premises;
  - (D) No advertisement is displayed or published on or off the premises holding out the establishment to be a hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation;
  - (E) Cooking facilities are not provided in any individual unit;
  - (F) In a rooming house, no central dining or food preparation area is provided for guests.
- (e) A Corner Store uses shall be permitted by right subject to the following conditions:
  - (1) The corner store is a fresh food market or grocery store devoted to the retail sale of food including perishable foodstuffs
  - (2) The corner store shall be subject to the conditions of Subtitle E § 1106.
  - (3) Corner Store uses not meeting the above conditions may only be permitted by special exception subject to the special exception criteria of Subtitle Y, Chapter 8.
- (f) Daytime Care uses shall be permitted by right subject to the following conditions:
  - (1) Child development center may be located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; provided, that written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively; or
  - (2) The use shall be located in a building originally built and continuously used as an Institutional use; or
  - (3) The use shall be limited to sixteen (16) individuals, not including staff.
  - (4) Daytime Care uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Y Chapter 8.
- (g) Public Education uses shall be permitted by right subject to the following conditions:
  - (1) The use shall be operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board;
  - (2) The use shall be located on a lot with at least nine thousand (9,000) square feet of area and with a combined total length of all street lot lines of at least one hundred and twenty (120) feet; and

- (3) Buildings housing the use shall occupy no more than seventy percent (70%) of the lot.
- (4) Education uses not meeting the above conditions may be permitted by special exception or campus master plan. Refer to Subtitle Y Chapter 8 for special exception and campus master plan criteria.
- (h) Emergency Shelter uses shall be permitted by right subject to the following conditions:
  - (1) The use shall not house more than four (4) persons, not including resident supervisors or staff and their families.
  - (2) Emergency Shelter uses not meeting this condition may be permitted by special exception under the conditions of Y Chapter 8.
- (i) Parks and Recreation uses shall be permitted by right subject to the following conditions:
  - (1) A public recreation and community center in any residential zone may be erected to a height not to exceed forty-five feet (45 ft.) and shall not exceed a floor-area-ratio of 1.8; and
  - (2) Buildings housing the use shall occupy no more than twenty percent (20%) of the lot.
  - (3) Parks and Recreation uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Y Chapter 8.
- (j) Transportation Infrastructure uses shall be permitted by right provided the use shall be operated, directly or under contract, by the District government or the Washington Metropolitan Area Transit Authority.

**1102 SPECIAL EXCEPTION USES (RF)**

1102.1 The following use groups shall be permitted by special exception (S) if approved by the Board of Zoning Adjustment under Y Chapter 8 as specified in § 1102.1.

Uses	Use Code D (R-4s)
Chancery	S
Community-based Institutional Facility	S
Corner Store	S
Daytime Care	S
Education, College/University	S
Education, Private	S
Emergency Shelter	S
Institutional, General	S
Office	S
Parking	S
Parks and Recreation	S

Uses	Use Code D (R-4s)
Utilities	S

1102.2 The following conditions shall apply to the special exception (S) uses in the above table:

- (a) Basic Utilities shall be permitted by special exception subject to the following conditions:
  - (1) The use shall not be an electronic equipment facility; and
  - (2) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.
- (b) Chancery uses shall be allowed, subject to disapproval by the Board of Zoning Adjustment pursuant to X Chapter 2.
- (c) Community Based Institutional Facilities shall be permitted by special exception subject to the following conditions:
  - (1) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; and
  - (2) There shall be no other lot containing a Community Based Institutional Facility use in the same square or within a radius of five-hundred (500) feet from any portion of the lot.
- (d) Corner Store use not permitted pursuant to E §1101.1 shall be permitted by special exception, subject to the conditions of E § 1106.
- (e) Daytime Care uses shall be permitted by special exception subject to the following conditions:
  - (1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and
  - (2) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility.
- (f) Private Education uses, but not including a trade school, and residences for teachers and staff of a private school shall be permitted by special exception subject to the following conditions:
  - (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.
  - (2) Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile;
  - (3) After hearing all evidence the Board may require additional parking to that required by this title.
- (g) Emergency Shelters shall be permitted by special exception subject to the following conditions:

- (1) There is a maximum limit of fifteen (15) persons, not including resident supervisors or staff and their families; or
  - (2) The applicant demonstrates that the program goals and objectives of the District of Columbia cannot be achieved without a larger facility at the subject location and that there are no other reasonable alternative locations which would meet the program needs for that area of the District.
- (h) General Institutional uses shall be permitted by special exception subject to the following conditions:
- (1) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located; and
  - (2) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services;
  - (3) The proposed use together with any existing general institutional, religious institutional or any educational uses shall not occupy more than forty-nine percent (49%) of the square in which the use is proposed unless it is proposed to occupy a building or structure previously occupied by an institutional or educational use; and
  - (4) The use shall not likely become objectionable because of noise or traffic.
- (i) Office use devoted exclusively to use by a nonprofit organization for the purposes of the nonprofit organization shall be permitted by special exception subject to the following conditions:
- (1) The building is either:
    - (A) Listed in the District of Columbia's Inventory of Historic Sites, or
    - (B) Located within a historic district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and
  - (2) The gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq.) or greater;
  - (3) Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties.
  - (4) No goods, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.
  - (5) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.
  - (6) Any additions or expansions to the building or to the site shall require the approval of the Board.

- (7) An application for any proposed additions or any major modifications to the exterior of the building shall be referred to the Historic Preservation Review Board for their review and recommendation prior to approval by the Board.
- (j) Parking as a principal use shall be permitted by special exception subject to the following conditions:
  - (1) All parking shall meet the conditions of Subtitle C, Chapter 19.
  - (2) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Chapter 6 of Title 24 DCMR, "Public Space and Safety."
  - (3) The applicant shall demonstrate that:
    - (A) No dangerous or otherwise objectionable traffic conditions will result;
    - (B) The present character and future development of the neighborhood will not be affected adversely; and
    - (C) The parking garage is reasonably necessary and convenient to other uses in the vicinity.
  - (4) The application shall be submitted to the D.C. Department of Transportation for review and report.
  - (5) Parking garages shall not be permitted.
  - (6) If the parking is provided as a surface parking lot:
  - (7) A new parking lot may not be established, but a parking lot in existence on [effective date] may continue, subject to the provisions of this subsection;
  - (8) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing Mixed-Use, Mixed-Use Transit, Downtown, or PDR zone;
  - (9) The lot shall be contiguous to or separated only by an alley from a Mixed-Use, Mixed-Use Transit, Downtown, or PDR zone; and
  - (10) A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.
  - (11) The Board may require that all or a portion of the parking spaces be reserved for the following:
    - (A) Residential parking;
    - (B) Unrestricted commercial parking;
    - (C) Accessory parking for uses within eight hundred feet (800 ft.); and
    - (D) Shared parking for different uses by time of day.

- (k) Parks and Recreation uses not meeting the conditions of C § 1101.10 shall be permitted by special exception subject to the following conditions:
  - (1) A building housing such a use may be erected to a height not to exceed forty-five feet (45 ft.); and
  - (2) Buildings housing the use shall occupy no more than forty percent (40%) of the lot.
- (l) Education use by a College or University shall be permitted by special exception subject to review and approval by the Zoning Commission pursuant to X Chapter 1.

## **1103**

### **CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS**

#### 1103.1

Within a building owned by the District of Columbia that formerly served as the location of a public school (“former school building”), the use provisions of this section shall apply.

#### 1103.2

The following uses shall be permitted by right or by right subject to the following conditions within a former school building:

- (a) Residential uses subject to the maximum number of dwelling units of an RF zone
- (b) Daytime Care uses;
- (c) Education uses, subject to the following conditions:
  - (1) The use shall be a community college;
  - (2) The use shall not occupy more than 50,000 sq. ft. of building area;
  - (3) There shall be no external activities after 9:00 PM; and
  - (4) There shall be no use of the college space after midnight.
  - (5) An Education use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Y Chapter 8;
- (d) Health Care uses, subject to the following conditions:
  - (1) The use shall be limited to one that meets the definition of a clinic.
  - (2) The use shall not be a substance abuse treatment facility.
  - (3) A Health Care use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Y Chapter 8;
- (e) Institutional uses, subject to the following conditions:
  - (1) The application for a certificate of occupancy include evidence demonstrating that the established mission of the use will serve the community, neighborhood, or District of Columbia population;
  - (2) There is no outdoor storage of materials; and

- (3) The use shall not be a community-based institutional facility, or a substance abuse treatment facility.
  - (4) An Institutional use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Y Chapter 8.
- (f) Local Government uses, subject to the following conditions:
- (1) The use shall be limited to administrative offices of District government agencies, provided the agencies are not part of the criminal justice system;
  - (2) The use shall not extend outside the building unless accessory and incidental to the principal administrative use; and
  - (3) Any storage shall be fully enclosed.
  - (4) A Local Government use or Office use that does not meet one or more of the above conditions may be permitted by special exception subject to the criteria of Y Chapter 8 provided that the use is operated by the District government.
- (g) The following arts Uses:
- (1) Art center;
  - (2) Art incubator;
  - (3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking;

1103.3 The following uses shall be permitted as a temporary use by right within a former school building subject to the following conditions:

- (a) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section for a period no longer than one year;
- (b) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation).

1103.4 The following uses shall be permitted by special exception if approved by the Board of Zoning Adjustment under Y Chapter 8:

- (a) A use permitted by E § 1101 that does not meet one or more conditions or provisions that apply to it; and
- (b) A use permitted by E §§ 1102 not otherwise permitted by this section.

1103.5 No former school building housing a use permitted by this section may be expanded without the approval of the Board of Zoning Adjustment under Y Chapter 8.

**1104 ALLEY LOT BY RIGHT USES (RF)**

1104.1 The following alley lot uses shall be permitted by right (P), by right with conditions (C), or as an accessory use (A) as specified in § 1104.2:

Uses	Use Conditions
Agriculture	P
Arts Design Creation	C
Parking	C
Residential	C

1104.2 The following conditions shall apply to the by right with conditions (C) uses in the above table

- (a) Arts Design and Creation uses are permitted by right subject to the following conditions:
  - (1) Occupancy of the building shall be limited to one artist and one apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area;
  - (2) All operations and storage of materials shall occur inside the building;
  - (3) Incidental sales of art work produced by the occupants of the studio shall be permitted within the studio; and
  - (4) The artist may teach one or more apprentices.
- (b) Parking uses are permitted by right subject to the following conditions:
  - (1) External parking spaces are permitted subject to the requirements of E § 1803.11.
  - (2) Car-sharing spaces are permitted subject to the requirements of C § 1908.
  - (3) A parking garage on a lot not containing another use shall meet the following conditions:
    - (A) No more than two (2) motor vehicles may be housed on the lot;
    - (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
    - (C) The building shall open directly onto an alley.
- (c) Residential use is permitted, subject to the following conditions:
  - (1) The use shall be limited to one dwelling unit on an alley lot;
  - (2) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area; and
  - (3) The alley lot abuts an improved alley twenty-four feet (24 ft.) or more in width and has access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width.

**1105**

**ALLEY LOTS SPECIAL EXCEPTION USES (RF)**

1105.1

The following uses shall be permitted by special exception (S) if approved by the Board of Zoning Adjustment under Y Chapter 8, as specified in § 1105.2.

Uses	Use Code D (R-4s)
Parking	S
PDR	S
Residential	S

1105.2

The following conditions shall apply to the special exception (S) uses in the above table:

- (a) Parking uses shall be approved subject to the following conditions:
  - (1) A publically operating parking area use subject to the following conditions:
    - (A) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
    - (B) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located.
- (b) Production, Distribution & Repair shall be approved subject to the following conditions:
  - (1) The use shall be limited to the storage of wares or goods subject to the following:
    - (A) No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
    - (B) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
    - (C) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and
    - (D) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located.
- (c) Residential uses shall be approved subject to the following conditions:
  - (1) The use shall be limited to one dwelling unit on an alley lot;
  - (2) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
  - (3) The alley lot abuts an improved alley twenty-four feet (24 ft.) or less in width or has access to a street through an alley or alleys at less than twenty-four feet (24 ft.) in width; and
  - (4) The Board shall consider relevant agency comments concerning:

- (A) Public safety relating to fire concerns;
  - (B) Water and sewer services;
  - (C) Waste management; and
  - (D) Traffic and parking.
- (d) The Board shall determine there is no adverse impact to the adjoining properties and that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining properties.

**1106 CORNER STORE CONDITIONS**

1106.1 A Corner Store use may be established as permitted pursuant to E §§ 1101 and 1102, subject to the conditions of this section.

1106.2 TO BE DELETED

1106.3 A Corner Store shall only be located in accordance with the following provisions:

- (a) A Corner Store shall only be located on a lot that is:
  - (1) Located at the intersection of two generally perpendicular streets; or
  - (2) TO BE DELETED
  - (3) On an interior or on through lot with a building that was built prior to May 12, 1958 for the purpose of a non-residential use, and only if the building was used for a Corner Store use within the previous three (3) years established by a certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator.
- (b) A Corner Store shall:
  - (1) Be located a minimum of five hundred feet (500 ft.) from the nearest property zoned M or N;
  - (2) Not be within five hundred feet (500 ft.) of more than another lot with a Corner Store use defined as an Eating and Drinking Establishment; or
  - (3) Not be within five hundred feet (500 ft.) of more than three (3) other lots with a Corner Store use defined as Retail, General Service, or Arts, Design and Creation uses.

1106.4 The Board may waive the location restrictions of E §§ 1106.3 (a) and (b) provided the applicant adequately demonstrates that the proposed Corner Store use:

- (a) Will be neighborhood serving;
- (b) Will not negatively impact the economic viability or vitality of an area zoned M or N that is closer than five hundred feet (500 ft.) to an R zones
- (c) Will not create a concentration of non-residential uses that would detract from the overall residential character of the area; and
- (d) Will not result in undue impacts through the concentration of such uses on residents of the area.

- 1106.5 A Corner Store shall not be permitted:
- (a) On an alley lot;
  - (b) On a lot or within a building also containing an accessory apartment or another Corner Store;
  - (c) Within a building that is accessory to the principal building on the lot; or
  - (d) Within any building or on any lot containing more than one dwelling unit;
- 1106.6 A Corner Store shall not exceed one thousand two hundred feet (1,200 ft.) in total area, and shall not occupy any space above the ground story.
- 1106.7 There shall be no sale of alcoholic beverages for on-site consumption.
- 1106.8 The gross floor area devoted to the sale of alcohol for off-site consumption shall comprise no more than fifteen percent (15%) of the floor area of the Corner Store use.
- 1106.9 There shall be no on-site cooking of food or installation of grease traps; however, food assembly and reheating is permitted.
- 1106.10 All storage of materials and trash shall occur within the building area devoted to the Corner Store. There shall be no external storage of materials or trash.
- 1106.11 There shall be no on-site use or storage of dry-cleaning chemicals.
- 1106.12 A Corner Store for which the use is a fresh food market or grocery store devoted primarily to the retail sale of food including perishable foodstuffs shall be permitted by-right subject to the following conditions:
- (a) The use shall meet the requirements of E §§ 1106.6 through 1106.11;
  - (b) The use shall not operate between 9:00 p.m. and 7:00 a.m.; and
  - (c) Only one external sign may be displayed on the building's facade, provided that the sign is not illuminated and is flush-mounted.
- 1106.13 Any Corner Store use within the Retail; General Service, Arts Design and Creation; or Eating and Drinking Establishment uses that is not permitted by-right pursuant to E §1106.12, shall be permitted by special exception subject to the following conditions:
- (a) The applicant shall demonstrate that the proposed Corner Store use will not detract from the overall residential character of the area and will enhance the pedestrian experience by providing within the application the following information for the Corner Store use:
    - (1) A demonstration of conformity to the provisions of E §§ 1106.6 through 1106.11;
    - (2) A description of proposed uses, activities, goods sold, or services rendered;
    - (3) Proposed size and location within the principal building;
    - (4) Proposed number of employees at any one time and in total;
    - (5) Proposed hours of operation;

- (6) Proposed signage;
- (7) Any proposed amplified music or other sound outside of the building containing the Corner Store use;
- (8) Any outdoor seating associated with the Corner Store use;
- (9) Proposed parking number, location, and screening such that any parking shall be fully screened from all adjacent properties, streets and alleys;
- (10) Proposed location of all storage;
- (11) Proposed location of trash storage and method and timing for removal;
- (12) Any alterations to the property proposed to accommodate the Corner Store use, including any grading changes, tree removal; or addition of retaining walls, patios, or pervious surfaces; and
- (13) Any modifications to the building façade, including changes to window and door openings.

1106.14 An application not meeting the requirements of E §§ 1106.6 through 1106.11 shall be deemed a variance, subject to the provisions of Subtitle Y, Chapter 9.

**1107 USES NOT IDENTIFIED IN RF ZONES**

1107.1 Any use not included in tables or otherwise permitted by conditions, special exception or as an accessory or home occupation of this chapter shall be deemed to be not permitted unless determined by the Zoning Administrator to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

## CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS

### 1200 GENERAL PROVISIONS

- 1200.1 The following provisions provide for special exception relief to the development standards and regulations in the RF zones where, in the judgment of the Board:
- (a) The special exception will be in harmony with the general purpose and intent of the RF 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,
  - (c) Subject in each case to the special conditions specified in this chapter.
- 1200.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

### 1201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

- 1201.1 The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Y Chapter 8.
- (a) Lot occupancy;
  - (b) Setbacks; and
  - (c) Pervious surface.
- 1201.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to a residential building; or
  - (b) A new or enlarged accessory structure that is accessory to such a building.
- 1201.3 An applicant for special exception under this section shall demonstrate that the 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) The light and air available to neighboring properties shall not be unduly affected;
  - (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
  - (c) The addition or accessory structure, together with the original building, 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 frontage; and
  - (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

- (e) The Board may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

1201.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

1201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use by special exception.

1201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

## **1202 SPECIAL EXCEPTION FROM ROOF STRUCTURES**

1202.1 The Board of Zoning Adjustment may grant special exception relief from the roof structure requirements of this subtitle subject to the following conditions

- (a) Full compliance of the roof structure regulations would be unduly restrictive, prohibitively costly, or unreasonable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area; or
- (b) Exceptions to the roof structure regulations would result in a less visible or otherwise more aesthetically compatible roof structure; and
- (c) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

## **1203 SPECIAL EXCEPTION FOR NON-RESIDENTIAL USE STRUCTURES (RF)**

1203.1 A public recreation and community center in an RF zone may exceed a gross floor area of forty thousand square feet (40,000 sq. ft.) if approved by the Board of Zoning Adjustment by special exception pursuant to the provisions of Y Chapter 8.

1203.2 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 by special exception pursuant to the provisions of Y Chapter 8 and provided that the agency shows that the increase is consistent with agency policy of preserving open space.

1203.3 A public library may be permitted a lot occupancy in excess of that allowed in the development standards table of this chapter if approved by the Board of Zoning Adjustment by special exception pursuant to the provisions to Y Chapter 8.

1203.4 A public school building may exceed the permitted percentage of lot occupancy prescribed in Table 201.1 if approved by the Board of Zoning Adjustment by special exception subject to the following conditions:

- (a) The portion of the building, excluding closed courtyards, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and
- (b) The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level

- (c) Direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public rights-of-way shall be provided to each roof area used for the purposes of 1703.4 (b); and
- (d) The total lot occupancy shall not exceed seventy percent (70%).

**1204 SPECIAL EXCEPTIONS – RF-3 (CAP)**

1204.1 In the RF-3 zone any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

- (a) Consideration by the Board of Zoning Adjustment as to whether the proposed development is:
  - (1) Compatible with the present and proposed development of the neighborhood;
  - (2) 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
  - (3) In accordance with the plan promulgated under the Act.

1204.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

1204.3 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.