

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.

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CHAPTER 1 INTRODUCTION TO APARTMENT (A) ZONES

100 GENERAL PROVISIONS

- 100.1 The Apartment (A) zones permit urban residential development and compatible institutional and semi-public buildings.
- 100.2 The A zones are designed to be mapped in areas identified as moderate or high density residential areas suitable for multi household development and supporting uses.
- 100.3 In addition to the purpose statements of individual chapters, the provisions of the A zones are intended to:
- (a) Provide for the orderly development and use of land and structures in areas characterized by predominantly moderate to high-density residential uses;
 - (b) Permit flexibility by allowing all types of residential development;
 - (c) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;
 - (d) Promote a walkable living environment;
 - (e) Allow limited non-residential uses that are compatible with adjoining residential uses;
 - (f) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; and
 - (g) Ensure that buildings and developments around fixed rail stations, transit hubs and streetcar lines are oriented to support active use of public transportation and safety of public spaces.

101 DEVELOPMENT STANDARDS

- 101.1 The bulk of structures in the A zones shall be controlled through the combined requirements of the Development Standards Tables, the zone-specific Development Standards, and the General Development Standards 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.

102 USE PERMISSIONS

- 102.1 Use categories are identified in use tables provided for each zone, in the zone 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 as a special exception (S).

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CHAPTER 2 APARTMENT ZONE – GROUP 1

200 PURPOSE AND INTENT

- 200.1 The purpose of the A-1, A-2, A-3, A-4, and A-5 zones is to:
- (a) Permit flexibility of design;
 - (b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residential zones.
- 200.2 The A-1 zone (R-5-A) provides for areas predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.
- 200.3 The A-2 zone (R-5-B) provides for areas developed with predominantly moderate and medium-density rowhouses and apartments.
- 200.4 The A-3 zone (R-5-C) provides for areas developed with predominantly moderate to medium density apartments.
- 200.5 The A-4 zone (R-5-D) provides for areas developed with predominantly medium to high-density apartments.
- 200.6 The A-5 zone (R-5-E) provides for areas developed with predominantly high-density apartments.

201 DEVELOPMENT STANDARDS

- 201.1 The Development Standards Table for the Group 1 zones is as follows:

Zone	Height Max.	Number of Stories Max.	FAR Max.	Lot Occupancy Max.	GAR Min.
A-1 (R-5-A)	40 ft.	3	0.9	40%	0.4
A-2 (R-5-B)	50 ft.	-	1.8	60%	0.4
A-3 (R-5-C)	60 ft.	-	3.0	75%	0.3
A-4 (R-5-D)	90 ft.	-	3.5	75%	0.3
A-5 (R-5-E)	90 ft.	-	5.0 6.0 (apartment house or hotel)	75%	0.3

202 REAR SETBACK

202.1 A minimum rear setback shall be established for lots in the A-1, A-2, A-3, A-4 and A-5 zones as set forth in the following table:

Zone	Minimum Rear Setback Distance
A-1 (R-5-A)	20 feet
A-2 (R-5-B)	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height
A-3 (R-5-C)	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height
A-4 (R-5-D)	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height
A-5 (R-5-E)	<ul style="list-style-type: none">• 12 feet or• A distance equal to 3 inches per 1 foot of principal building height

203 SIDE SETBACK

203.1 A minimum side setback shall be established for lots in the A-1, A-2, A-3, A-4 and A-5 zones as follows:

- (a) In the A-1 zone, one (1) side setback shall be provided for all structures unless the structure contains three (3) or more dwelling units per floor, in which case two (2) side setbacks shall be provided, each with the minimum distance equal to three inches (3in.) per foot of building height but not less than eight feet (8 ft.).
- (b) In the A-2, A-3, A-4 and A-5 zones, no side setback shall be required, however, if a side setback is provided, it shall be no less than four feet (4 ft.).

CHAPTER 3 APARTMENT ZONE – GROUP 2 (NAVAL OBSERVATORY)

300 PURPOSE AND INTENT

300.1 The A-6 zone (R-5-A/NO) provides for areas predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments in the vicinity of the U.S. Naval Observatory.

300.2 The A-6 zone (R-5-A/NO) is intended to:

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

301 DEVELOPMENT STANDARDS

301.1 The Development Standards Table for the Group 2 zones is as follows:

Zone	Height Max.	Number of Stories Max.	FAR Max.	Max. Lot Occupancy	GAR Min.
A-6 (R-5-A/NO)	40 ft.	3	0.9	40%	0.4

301.2 The provisions of X Chapter 3 of this title shall not operate to permit a planned unit development in the A-6 zone to exceed either the limits of F § 301.1, or the area, bulk, and setback standards that apply as a matter of right in the A-6 zone.

302 HEIGHT AND ROOF STRUCTURES

302.1 For the purposes of the A-6 zone, the height of a building shall be measured as follows:

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

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

302.2 All provisions of F § 1001 shall apply to roof structures in the A-6 zone.

303 REAR SETBACK

303.1 A minimum rear setback shall be established for lots in the A-6 zone as set forth in the following table:

Zone	Minimum Rear Setback Distance
A-6 (R-5-A/NO)	• 20 feet

304 SIDE SETBACK

304.1 In the A-6 zone, one (1) side setback shall be provided for all structures unless the structure contains three (3) or more dwelling units per floor, in which case two (2) side setbacks shall be provided, each with the minimum distance equal to three inches (3in.) per foot of building height but not less than eight feet (8 ft.).

CHAPTER 4 APARTMENT ZONE - GROUP 3 (CAPITOL INTEREST)

400 PURPOSE AND INTENT

400.1 The A-7 zone (CAP/R5B) provides for areas developed with predominantly moderate and medium-density rowhouses and apartments, and:

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;
- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
- (c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction having a well recognized general public interest; and
- (d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

401 DEVELOPMENT STANDARDS

401.1 The Development Standards Table for the Group 3 zones is as follows.

Zone	Height Max.	No. Stories Max.	FAR Max.	Lot Occupancy Max.	GAR Min.
A-7 (R-5-B/CAP)	40 ft.	3	1.8	60%	0.4

402 HEIGHT AND ROOF STRUCTURES

402.1 The height of buildings or structures as specified in F § 401.1 may be exceeded in the following instances:

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse over elevator shaft may be erected to a height in excess of that authorized in F § 1001.1; and
- (b) If erected or enlarged as provided in F § 1003, housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the zone in which located; provided, that the housing is set back 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. In any case, a roof structure shall not exceed ten feet (10 ft.) in height above the roof upon which it is located.

402.2 All provisions of F § 1003 shall apply to roof structures in the A-7 zones.

403 REAR SETBACK

403.1 A minimum rear setback shall be established for lots in the A-7 zone as set forth in the following table:

Zone	Minimum Rear Setback Distance
A-7	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height

404 SIDE SETBACK

404.1 In the A-7 zones, no side setback shall be required, however, if a side setback is provided, it shall be no less than four feet (4 ft.).

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CHAPTER 5 APARTMENT ZONE – GROUP 4 (REED-COOKE)

500 PURPOSE AND INTENT

- 500.1 The A-8 zone (RC/R5B) provides for areas developed with predominantly moderate and medium-density rowhouses and apartments, and:
- 500.2 The intent of the A-8 zone is to:
- (a) Protect current housing in the area and provide for the development of new housing;
 - (b) Maintain heights and densities at appropriate levels; and
 - (c) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community.
- 500.3 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:
- (a) All new construction;
 - (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit; and
 - (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy
- 500.4 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to F § 500.3(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:
- (a) The first shall be selected by the owner;
 - (b) The second shall be selected by the Zoning Administrator; and
 - (c) The third shall be selected by the first two (2) contractors.
- 500.5 The estimates provided for by § 900.5 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.
- 500.6 The cost of estimates shall be at the expense of the property owner.

501 DEVELOPMENT STANDARDS

501.1 The Development Standards Table for the Group 4 zones is as follows:

Zone	Height Max.	No. Stories Max.	FAR Max.	Lot Occupancy Max.	GAR Min.
A-8 (R-5-B/RC)	40 ft.	3	1.8	60%	0.4

501.2 The provisions of X Chapter 2 of this title shall not operate to permit a planned unit development in the A-8 zone to exceed the height, bulk, and area standards of F § 501.1.

502 REAR SETBACK

502.1 A minimum rear setback shall be established for lots in the A-8 zone as set forth in the following table:

Zone	Minimum Rear Setback Distance
A-8-D	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height

503 SIDE SETBACK

503.1 In the A-8 zones, no side setback shall be required, however, if a side setback is provided, it shall be no less than four feet (4 ft.).

CHAPTER 6 APARTMENT ZONE – GROUP 5 (DUPONT CIRCLE)

600 PURPOSE AND INTENT

600.1 The Dupont Circle A zones (A-9, A-10, and A-11) (DC/R5B, DC/R5D, DC/R5E) are intended to:

- (a) Recognize the Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;
- (b) Provide strong protections to retain its low scale, 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.

600.2 The A-9 zone provides for areas developed with predominantly moderate to high-density rowhouses and apartments.

600.3 The A-10 zone provides for areas developed with predominantly medium to high-density apartments.

600.4 The A-11 zone provides for areas developed with predominantly high-density apartments.

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

601 DEVELOPMENT STANDARDS

601.1 The Development Standards Table for the Group 5 zones is as follows.

Zone	Height Max.	No. Stories Max.	FAR Max.	Lot Occupancy Max.	GAR Min.
A-9 (R-5-B/DC)	40 ft.	3	1.8	60%	0.4
A-10 (R-5-D/DC)	90 ft.	-	3.5	75%	0.3
A-11 (R-5-E/DC)	90 ft.	-	5.0 6.0 (apartment house or hotel)	75%	0.3

602 REAR SETBACK

602.1 A minimum rear setback shall be established for lots in the A-9, A-10 and A-11 zones as set forth in the following table:

Zone	Minimum Rear Setback Distance
A-9	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height
A-10	<ul style="list-style-type: none">• 15 feet or• A distance equal to 4 inches per 1 foot of principal building height
A-11	<ul style="list-style-type: none">• 12 feet or• A distance equal to 3 inches per 1 foot of principal building height

603 SIDE SETBACK

603.1 No side setback shall be required in the A-9, A-10, and A-11 zones, however, if a side setback is provided, it shall be no less than four feet (4 ft.).

CHAPTER 7 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES

- 700.1 Buildings or structures used for a public school, a public library, a public recreation and community center shall be subject to the development standards of this section.
- 700.2 Buildings or structures not included in the development standards of this chapter shall be subject to the development standards for the zone in which the buildings or structures is proposed.
- 700.3 The development standards for public education buildings or structures in the A zones are set forth in this section and the following table:

Zones	Height Max.	Lot Occupancy Max.	Floor Area Ratio Max.
A-1 (R-5-A)	90 ft.	60%	0.9
A-2 (R-5-B)	90 ft.	60%	1.8
A-3 (R-5-C)	90 ft.	75%	3.0
A-4 (R-5-D)	90 ft.	75%	3.5
A-5 (R-5-E)	90 ft.	75%	5.0
A-6 (R-5-A/NO)	40 ft.	40%	0.9
A-7 (R-5-B/CAP)	40 ft.	40%	1.8
A-8 (R-5-B/RC)	40 ft.	40%	1.8
A-9 (R-5-B/DC)	40 ft.	40%	1.8
A-10 (R-5-D/DC)	90 ft.	75%	3.5
A-11 (R-5-E/DC)	90 ft.	75%	5.0

- 700.4 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in F § 700.3 provided, that the portion of the building excluding closed courts 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.
- 700.5 A public library shall be permitted the same lot occupancy as a public school in the same zone.
- 700.6 A public library may be permitted a lot occupancy in excess of that allowed by § 700.5 if approved by the Board of Zoning Adjustment, pursuant to Y Chapter 8.

- 700.7 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 F § 1203.
- 700.8 The required rear setbacks of an A zone, may be reduced or omitted in the case of a lot proposed to be used by a public library, public school or a public recreation center that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation.
- 700.9 The required side setback of an A zone may be reduced or omitted in the case of a lot proposed to be used by a public library that abuts or adjoins along one (1) or both side lot lines a public open space, recreation area, or reservation.
- 700.10 A public school use shall require a minimum lot width of eighty feet (80') in the A zones; except when a public school is on a split-zoned lot, the minimum lot width requirements if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.
- 700.11 A new lot of record for the purpose of public education uses in the A zones shall have the minimum lot width and minimum lot area requirements for as set forth in the following table:

Zones	Min. Lot Width	Min. Lot Area
A-1 A-2 A-7 A-8 A-9	80 ft.	9,000 sq. ft.
A-3 A-4 A-5 A-6 A-10 A-11	80 ft.	None prescribed

- 700.12 For public schools minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.
- 700.13 For public schools on a corner lot or through lot, minimum lot width may include the measurement of all street frontages.
- 700.14 A college or university building or structure covered by an approved campus plan pursuant to X Chapter 1 may be erected to a height not exceeding sixty feet (60 ft.) in an A-2, A-7, A-8 and A-9 zone.

CHAPTER 8 ACCESSORY BUILDINGS

800 ACCESSORY BUILDINGS

- 800.1 Accessory buildings shall be permitted within an A zone subject to the following conditions:
- (a) The accessory building is subordinate to and located on the same lot as a 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; 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 and shall comply with all required setbacks for accessory buildings based on the zone in they are located.

801 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS

- 801.1 The bulk of accessory buildings in the A zone shall be controlled through the specified development standards, conditions, and regulations of this section.
- 801.2 Accessory buildings on any lot shall be included in the maximum lot occupancy and Green Area Ratio (GAR) requirements and if applicable, the floor area ratio, as listed and conditioned in this subtitle and the development standards of the roof structure regulations F § 1001.
- 801.3 The development standards for accessory buildings in an A zone are set forth in the following table:

Height Max.	Number of Stories Max.
20 ft.	2

- 801.4 No side setback shall be required for an accessory building.
- 801.5 No rear setback shall be required for an accessory building except where abutting an alley a minimum rear setback of twelve feet (12 ft.) shall be provided measured from the center line of the alley.
- 801.6 A private garage that is an accessory building in an A 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.

801.7 A private garage permitted in an A 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.

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.

CHAPTER 9 ALLEY LOT REGULATIONS

900 GENERAL PROVISIONS

- 900.1 All alley lots must be recorded on 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 C Chapter 4.

901 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 901.1 The bulk of buildings on alley lots in A zones 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 A 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

902 ALLEY LOT USE GROUPS PERMITTED BY RIGHT

- 902.1 The following use groups shall be permitted by right or by right subject to conditions on alley lots in the A zones:

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

- 902.2 Arts Design and Creation uses are permitted by right subject to the following conditions:
 - (a) 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;
 - (b) All operations and storage of materials shall occur inside the building;

- (c) Incidental sales of art work produced by the occupants of the studio shall be permitted within the studio; and
- (d) The artist may teach one or more apprentices.

902.3 Parking uses are permitted by right subject to the following conditions:

- (a) External parking spaces are permitted subject to the requirements of Subtitle C Chapter 19.
- (b) Car-sharing spaces are permitted subject to the requirements of Subtitle C Chapter 20.
- (c) A parking garage on a lot not containing another use shall meet the following conditions:
 - (1) No more than two (2) motor vehicles may be housed on the lot;
 - (2) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (3) The building shall open directly onto an alley.

902.4 Residential use is permitted, subject to the following conditions:

- (a) A building may not be constructed or converted for a single or multiple dwelling units unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) 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.

903 ALLEY LOTS USE GROUPS PERMITTED BY SPECIAL EXCEPTION

903.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Y Chapter 8 and subject to the provisions of each section.

Use Group	Use Code D (R-5s)
Parking	S
PDR	S
Residential	S

903.2 Parking uses shall be approved subject to the following conditions:

- (a) A publically operating parking area use subject to the following conditions:
 - (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;

- (2) 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.

903.3 Production, Distribution & Repair shall be approved subject to the following conditions:

- (a) The use shall be limited to the storage of wares or goods subject to the following:
 - (1) 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;
 - (2) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
 - (3) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and
 - (4) 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.

903.4 Residential uses shall be approved subject to the following conditions:

- (a) The Board of Zoning Adjustment may grant special exception relief from the requirements of F § 903 subject to the following conditions:
 - (1) The Board determines 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.
 - (2) The Board shall consider relevant agency comments concerning:
 1. Public safety relating to fire concerns;
 2. Water and sewer services;
 3. Waste management; and
 4. Traffic and parking.

CHAPTER 10 HEIGHT AND ROOF STRUCTURES

1000 HEIGHT REGULATIONS

- 1000.1 In addition to the height limitations of the development standards table, the following regulations apply to all A zones.
- 1000.2 A spire, tower, dome, pinnacle, or minaret serving as an architectural embellishment or antenna may be erected to a height in excess of that authorized in the zone in which it is located.
- 1000.3 A chimney or smokestack may be erected to a height in excess of that authorized in the zone in which it is located when required by other municipal law or regulation.
- 1000.4 Except for the A-6 zone, 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.
- 1000.5 A church may be erected to a height of sixty feet (60 ft.); provided, that it shall not exceed the number of stories permitted in the district in which it is located.
- 1000.6 An institutional building or structure may be erected to a height not exceeding 90 ft.; provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than 1 ft. for each foot of height in excess of that authorized in the district in which it is located.

1001 ROOF STRUCTURES

- 1001.1 In addition to the height regulations of F § 1000 the following regulations apply to roof structures in the A zones.
- 1001.2 Housing for mechanical equipment, stairway and elevator penthouses, may be erected to a height in excess of the maximum height authorized in an A zone subject to conditions specified in this section.
- 1001.3 Housing for mechanical equipment or a stairway or elevator penthouse shall not exceed the following heights above the roof upon which it is located and shall be set back as follows:
- (a) In the A-7 (R-5-B/CAP) zone: a height of ten feet (10 ft.) as measured 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 A zones: a height of eighteen feet six inches (18 ft. 6 in.) as measured:
 - (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 F § 1001.3 (f).
- (f) When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in F §§ 1001.3(c) and 1001.3(e) 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.

1001.4 For purposes of applying roof structure setbacks, walls of buildings that border any courtyard other than closed courtyards that shall be deemed to be exterior walls.

1001.5 Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than four tenth (0.40) shall be permitted.

1001.6 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.

1001.7 On building roofs, the following uses shall be permitted to utilize the roof structure floor area ratio of F §1001.5 not otherwise occupied by housing for mechanical equipment, stairway and elevator penthouses and subject to applicable setbacks and when not in conflict with the Height Act:

- (a) Penthouses for storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof;
- (b) Other enclosed areas used for recreational uses accessory to communal rooftop recreation space; and
- (c) Greenhouses used for roof top gardening.

1001.8 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. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 25 of this title.

1001.9 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.

1001.10 Solar panels and related equipment may be placed on a roof in addition to the limitations of this section provided the panels or equipment shall be setback from the edge of a building a minimum distance equal to the mounted height of the equipment.

1001.11 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.

- 1001.12 In computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floors contained within a roof structure measuring six and one-half feet (6 1/2 ft.) or more in height shall be included in the total floor area ratio permitted.
- 1001.13 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio.
- 1001.14 Nothing in this section shall be interpreted to restrict vegetated roof materials or roof gardens.
- 1001.15 Relief to the requirements of this section may be granted by special exception subject to F § 1202.

1002 FLOOR AREA RATIO

- 1002.1 The following floor area ratio requirement shall apply in addition to the development standards tables in the A zones.
- 1002.2 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.

1003 TO BE DELETED

1004 TO BE DELETED

1005 REAR SETBACK

- 1005.1 The following rear setback requirements shall apply in addition to the development standards tables in the A zones.
- 1005.2 A rear setback shall be measured from the rear property line inward.
- 1005.3 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.
- 1005.4 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.
- 1005.5 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.

1006 SIDE SETBACK

- 1006.1 The following side setback requirements shall apply as additional development standards in the A zones.
- 1006.2 An eight-foot (8 ft.) side setback shall be provided for a detached and semi-detached dwelling in the A zones.
- 1006.3 When a new dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side setback on each resulting free-standing side
- 1006.4 A side setback shall not be required along a side street abutting a corner lot in an A zone.
- 1006.5 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.).
- 1006.6 A lot in an A zone proposed to be used by a public library that abuts or adjoins along one (1) or both side lot lines a public open space, recreation area, or reservation, no side setbacks shall be required.

1007 COURTYARDS

- 1007.1 A courtyard is not required, but if provided, it shall have the following minimum dimensions:

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum.	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum.	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq. ft.) minimum.
Non-Residential and Lodging:	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 (12 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

CHAPTER 12 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS

1200 GENERAL PROVISIONS

- 1200.1 The following provisions provide for special exception relief to the development standards and regulations in the A zones where, in the judgment of the Board:
- (a) The special exception will be in harmony with the general purpose and intent of the A zone, the Zoning Regulations and Zoning Maps;
 - (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) 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 Subtitle Y Chapter 8.
- (a) Lot occupancy;
 - (b) Setbacks; and
 - (c) Green area ratio.
- 1201.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to an existing residential building; or
 - (b) A new or enlarged accessory structure that is accessory to such a building.
- 1201.3 An application 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 compromised;
 - (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 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 as a 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 STRUCTURE REQUIREMENTS

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 condition 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 building shall not be affected adversely.

1202.2 Priority shall be given to the mechanical uses of the roof structures when considering any requested relief.

1203 SPECIAL EXCEPTION FROM NON-RESIDENTIAL PUBLIC BUILDING DEVELOPMENT REQUIREMENTS

1203.1 A public recreation and community center may have a floor area ratio up to 1.8 in the A-1 zone, if approved by the Board of Zoning Adjustment.

1203.2 Except in the A-1 zone, a public recreation and community center in an A zone may exceed a gross floor area of forty thousand square feet (40,000 sq. ft.) if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Y Chapter 8.

1203.3 A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception 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.

1203.4 A public library may be permitted a lot occupancy in excess of that allowed in the development standards of this chapter if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Y Chapter 8.

1204 SPECIAL EXCEPTIONS – A-6 (R-5-A/NO)

1204.1 In the A-6 zone any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

1204.2 Consideration by the Board of Zoning Adjustment as to whether the proposed development is:

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

1204.3 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

1204.4 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

1204.5 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

1205 SPECIAL EXCEPTIONS – A-7 (CAP)

1205.1 In the A-7 zone, any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception.

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

1205.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of

Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

1205.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

1205.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

1206 SPECIAL EXCEPTIONS – A-8 (RC)

1206.1 An exception from the requirements of the A-8 zone, shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

- (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the A-8 zone;
- (b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
- (d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and
- (f) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1206.2 A parking lot or garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Y Chapter 8, subject to the following:

- (a) The parking lot or garage shall meet the following conditions:
 - (1) Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.
 - (2) All provisions of this title regulating parking lots and screening shall be complied with, except that the Board may in an appropriate case modify or waive the screening conditions where compliance would serve no useful purpose.

- (3) It shall be deemed economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
 1. Strip zoning or shallow zoning depth;
 2. Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
 3. Unusual topography grades, shape, size, or dimensions of the lot;
 4. The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
 5. Traffic hazards caused by unusual street grades or other conditions.
- (b) Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions
- (c) The parking lot or garage shall meet the conditions in F § 406.1; and
- (d) The Board may require that all or a portion of the parking spaces be reserved for the following:
 - (1) Residential parking;
 - (2) Unrestricted commercial parking;
 - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
 - (4) Shared parking for different uses by time of day.
- (e) Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Transportation for review and report.

CHAPTER 13 MINIMUM LOT DIMENSIONS (A)

1300 MINIMUM LOT DIMENSIONS (A)

- 1300.1 In the A-1 zone, each row dwelling shall have at least eighteen hundred square feet (1,800 sq. ft.) of gross land area exclusive of any land area in the project used as a basis for determining the floor area ration of multi household buildings. Each row dwelling, however, need not have a site of eighteen hundred square feet (1,800 sq. ft.) and the difference between the site area and the gross land area may be accumulated into common spaces. Land area used to support this floor area ratio of multi household buildings may also be used for common spaces.
- 1300.2 Lot area and Lot width for residential uses permitted by special exception shall be as prescribed by the Board of Zoning Adjustment.

CHAPTER 14 USE PERMISSIONS

1400 GENERAL PROVISIONS

- 1400.1 This chapter contains use permissions, conditions, and special exceptions specific to Apartment zones.
- 1400.2 Use categories permitted by-right in the Apartment zones are either permitted without conditions (P) or subject to conditions (C) as noted in the relevant table.
- 1400.3 Specified Use Groups may be permitted by special exception (S) in the A zones, as noted in the relevant table, subject to the general criteria of a special exception in Y Chapter 8, and relevant conditions specific to the Use Group.
- 1400.4 Use Groups may be permitted as either principal or accessory uses.
- 1400.5 A Home Occupation shall be permitted as an accessory use in the Apartment zones.
- 1400.6 Use categories identified as permitted subject to the conditions of a home occupation shall be limited in scope and activity as defined in the Home Occupation Use Category definitions and conditions of B Chapter 5.

1401 USE GROUPS PERMITTED BY-RIGHT

- 1401.1 The following use groups shall be permitted by right or by right subject to conditions in the A zones:

Uses	(R5A, NO/R5A)	(R5B, R5B/DC) (R5B/CAP) (R5B/RC)	(R5C)	(R5D R5E, R5D/DC, R5E/DC)
Agriculture, Large	P	P	P	P
Agriculture, Residential	C	C	C	C
Chancery	C	C	C	C
CBIF	C	C	C	C
Daytime Care	C	C	C	C
Education (Public)	C	C	C	C
Emergency Shelter	C	C	C	C
Government, Local	P	P	P	P
Medical Care	C	C	C	C
Institutional, Religious	P	P	P	P
Lodging	-	C	C	C
Parking	C	C	C	C
Parks and Recreation	C	C	C	C
Residential	C	C	C	C
Transportation Infrastructure	C	C	C	C
Reuse of Public School	C	C	C	C

- 1401.2 Agricultural, residential uses shall be permitted by right except for a private stable.
- 1401.3 Chancery use shall be permitted by right subject to disapproval by the Board of Zoning Adjustment pursuant to X Chapter 2.
- 1401.4 Community Based Institutional Facilities shall be permitted subject to the following conditions:
- (a) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; and
 - (b) There shall be no other lot containing a Community Based Institutional Facility use for seven (7) or more persons in the same square or within a radius of five-hundred (500) feet from any portion of the lot.
- 1401.5 Daytime Care uses shall be permitted by right or subject to the following conditions:
- (a) 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; subject to the following conditions:
 - (1) 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 twenty-five (25) individuals, not including staff.
 - (b) Daytime Care uses not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Y Chapter 8.
- 1401.6 Public Education uses shall be permitted by right or subject to the following applicable conditions:
- (a) 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
 - (b) Buildings housing the use shall occupy no more than seventy percent (70%) of the lot.
 - (c) Education uses not meeting the above conditions may be permitted by special exception or campus master plan. Refer to Y Chapter 8 for special exception and campus master plan criteria.

- 1401.7 Emergency Shelter uses shall be permitted by right subject to the following conditions:
- (a) The use shall not house more than four (4) persons, not including resident supervisors or staff and their families.
 - (b) Emergency Shelter uses not meeting this condition may be permitted by special exception under the conditions of Y Chapter 8.
- 1401.8 Lodging use in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered.
- 1401.9 The following parking uses shall be permitted by right or subject to applicable conditions:
- (a) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted.
 - (b) Private garage, as a principal use, designed to house no more than two (2) motor vehicles.
 - (c) A parking garage on an alley lot so recorded on the records of the Surveyor, District of Columbia shall be permitted as a matter of right in an A zone; provided:
 - (1) No part of the garage shall be located within seventy-five feet (75 ft.) of any building line; and
 - (2) Vehicular entrances and exits shall open directly onto an alley.
- 1401.10 Parks and Recreation uses shall be permitted by right or subject to applicable conditions:
- (a) Public Recreation and community centers operated by the District of Columbia government;
 - (b) In Use Code A, an athletic facility approved by a joint federal-local jurisdictional transfer agreement including a recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar, public or private; subject to the following conditions:
 - (1) No part of any use is nearer than seventy feet (70 ft.) to the nearest residential structure;
 - (2) The uses shall not be organized for profit;
 - (3) All parking areas shall be shared by all uses on a lot;
 - (4) Scoreboards shall be installed such that the highest point is no taller than twenty-five feet (25 ft.) above grade; and

- (5) Any lighting used to illuminate a park, playground, athletic field, trail or other outdoor space, shall be so arranged that all direct rays of lighting are confined to the boundaries of the lot.
 - (c) 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.
- 1401.11 Residential uses shall be permitted by-right or subject to applicable conditions:
 - (a) Detached, semi-detached or attached dwelling unit;
 - (b) Residential flats and multi household residential building;
 - (c) Rooming or Boarding House Rooming units within a single household dwelling provided no more than eight (8) total persons shall live on the premises;
 - (d) Residence for teachers or staff of private schools;
 - (e) Private Clubs with sleeping accommodations.
- 1401.12 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.
- 1401.13 Medical Care uses shall be permitted by-right or subject to applicable conditions:
 - (a) A hospital, sanitarium or clinic for humans;
 - (b) A Health Care Facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded) for no more than fifteen (15) persons not including resident supervisors or staff and their families.

1402 USE GROUPS PERMITTED BY-RIGHT AS AN ACCESSORY USE (A ZONES)

1402.1 The following use groups shall be permitted as an accessory use in the A zones only when in compliance with the required conditions:

Uses	(R5A, NO/R5A)	(R5B, R5B/DC) (R5B/CAP)	(R5B/RC)	(R5C)	(R5D R5E, DC/R5D, DC/R5E)
Daytime Care	A	A	A	A	A
Medical Care	A	A	A	A	A
Home Occupation	A	A	A	A	A
Lodging	A	A	N/A	A	A
Parking	A	A	A	A	A
Retail	A	A	A	A	A
Other Accessory Uses	A	A	A	A	A

1402.2 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 as a special exception subject to Y Chapter 8.

1402.3 Medical Care uses shall be permitted by right as an accessory use subject to the following conditions:

- (a) The use shall be a home office of a physician, dentist or other licensed medical professional
- (b) The use shall be operated and owned by a resident of the dwelling unit;
- (c) No more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in the accessory Health Care use; and
- (d) Only one sign shall be permitted, limited in size to an area no larger than one square foot, and if illuminated, the light shall be white and non-flashing.

- 1402.4 A Home Occupation shall be permitted by right as an accessory use subject to the following conditions:
- (a) The Home Occupation shall be in compliance with the conditions of B Chapter 3, Home Occupation Use Category;
 - (b) A Home Occupation shall not be permitted within a dwelling unit in an accessory building.
 - (c) A Home Occupation use not meeting the above conditions may be permitted by special exception subject to the special exception criteria of Y Chapter 8.
- 1402.5 Lodging uses shall be permitted by right as an accessory use subject to the following conditions, except in the A-8 zone:
- (a) The use shall only be permitted as accessory to a detached, semi-detached or attached dwelling unit;
 - (b) The residence shall be owned and occupied as the principal residence of the operator(s);
 - (c) The maximum number of guest sleeping rooms shall be two (2);
 - (d) Breakfast is the only meal served and is served only to overnight guests;
 - (e) No cooking facilities shall be permitted in any of the rented rooms; and
 - (f) Accessory Lodging uses not meeting conditions of subsection (c) above may be permitted as a special exception; provided that the total number of guest sleeping rooms does not exceed four (4) in a house that is not a historic resource or six (6) in a house that is a historic resource.
- 1402.6 Parking as an accessory use shall be permitted use subject to the following conditions:
- (a) The following uses shall be permitted as a temporary accessory use subject to the following conditions:
 - (b) Temporary exhibits, fundraising function, and benefit sales for nonprofit organizations not to exceed ten (10) days in a hotel with no more than one hundred (100) rooms or suites.
- 1402.7 Retail uses shall be permitted by-right or subject to applicable conditions:
- (a) Commercial adjuncts as accessory uses to a hotel containing one hundred (100) or more rooms or suites shall be permitted in an A District; provided:
 - (1) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased
 - (2) There shall be no direct entrance to the function rooms, exhibit space, and commercial adjuncts from the outside of the building;
 - (3) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk;

- (4) No sign or display indicating the existence of the adjuncts shall be visible from the outside of the building; and
- (5) The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

1402.8 Other accessory uses customarily incidental to the uses permitted in A zones under the provisions of F §§ 1401 and 1402 shall be permitted.

1402.9 A drive-through accessory to any permitted use shall not be permitted.

1403 USE GROUPS PERMITTED BY SPECIAL EXCEPTION (A)

1403.1 The following use groups shall be permitted as special exceptions in the A zones if approved by the Board of Zoning Adjustment under Y Chapter 8 and subject to the conditions of each section:

Uses	(R5A, NO/R5A)	(R5B, R5B/DC) (R5B/CAP) (R5B/RC)	(R5C)	(R5D R5E, R5D/DC, R5E/DC)
Arts, Design, Creation	S	S	S	S
Basic Utilities	S	S	S	S
Chancery	S	S	S	S
CBIF	S	S	S	S
Daytime Care	S	S	S	S
Education, College/University	S	S	S	S
Education, Private	S	S	S	S
Emergency Shelter	S	S	S	S
Medical Care	S	S	S	S
Institutional, General	S	S	S	S
Office	S	S	S	S
Parking	S	S	S	S
Parks and Recreation	S	S	S	S
Residential	S	S	S	S
Retail	S	S	S	S

1403.2 Art Galleries shall be permitted as a special exception subject to the following conditions:

- (a) An art gallery shall be permitted as a special exception in an A District if approved by the Board of Zoning Adjustment under Y Chapter 8, subject to the provisions of this section.
- (b) The art gallery shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise,

pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.

- (c) The Board shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings.
- (d) Adequate off-street parking, but not less than that required by C Chapter 19 of this title, shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.
- (e) The proposed use shall not adversely affect the present character or future development of the surrounding area.
- (f) The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties.

1403.3 Basic Utilities shall be permitted as a special exception subject to the following conditions:

- (a) The use shall not be an electronic equipment facility; and
- (b) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.

1403.4 Chancery uses in Use Codes A through E shall be permitted subject to disapproval by the Board of Zoning Adjustment pursuant to C Chapter 4.

1403.5 Community Based Institutional Facilities (CBIF) shall be permitted as a special exception subject to the following conditions:

- (a) The CBIF shall be for one (1) to twenty (20) persons, not including resident supervisors or staff and their families.
- (b) There shall be no other property containing a CBIF for seven (7) or more persons in the same square.
- (c) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- (d) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- (e) The proposed facility shall meet all applicable code and licensing requirements.
- (f) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

- (g) The Board may approve more than one (1) CBIF in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
 - (h) The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if applicable, the Historic Preservation Office.
- 1403.6 Daytime Care uses shall be permitted as a special exception subject to the following conditions:
- (a) 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
 - (b) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility.
- 1403.7 Education use by a College or University shall be permitted as a special exception pursuant to X Chapter 1.
- 1403.8 Private Education uses, but not including a trade school, and residences for teachers and staff of a private school shall be permitted as a special exception pursuant to X Chapter 1
- 1403.9 Emergency Shelters shall be permitted as a special exception subject to the following conditions:
- (a) There is a limit of five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families; or
 - (b) 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.
 - (c) The use shall not likely become objectionable because of noise or traffic.
- 1403.10 Medical Care uses shall be permitted as a special exception subject to the following conditions:
- (a) A health care facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded) for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families.

- (1) There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
 - (2) There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
 - (3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
 - (4) The proposed facility shall meet all applicable code and licensing requirements.
 - (5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
 - (6) The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
 - (7) The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.
 - (8) The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.
- (b) A medical campus, including but not limited to residential care facilities, medical clinic uses, a hospital, and shared parking facilities, may apply for a campus plan pursuant to X Chapter 1.

1403.11 General Institutional uses shall be permitted as a special exception subject to the following conditions:

- (a) 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
- (b) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services.

- 1403.12 Parking as a principal use shall be permitted as a special exception subject to the following conditions:
- (a) All parking shall meet the conditions of C Chapter 19.
 - (b) 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."
 - (c) The applicant shall demonstrate that:
 - (1) No dangerous or otherwise objectionable traffic conditions will result;
 - (2) The present character and future development of the neighborhood will not be affected adversely; and
 - (3) The parking garage is reasonably necessary and convenient to other uses in the vicinity.
 - (d) The application shall be submitted to the D.C. Department of Transportation for review and report.
 - (e) Parking garages shall not be permitted.
 - (f) If the parking is provided as a surface parking lot:
 - (1) 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;
 - (2) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing Mixed-Use, Downtown, or PDR zone;
 - (3) The lot shall be contiguous to or separated only by an alley from a Mixed-Use, Downtown, or PDR zone; and
 - (4) 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.
 - (g) The Board may require that all or a portion of the parking spaces be reserved for the following:
 - (1) Residential parking;
 - (2) Unrestricted commercial parking;
 - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
 - (4) Shared parking for different uses by time of day.
- 1403.13 Parks and Recreation uses not meeting the conditions for by right or accessory use shall be permitted as a special exception subject to the following conditions:
- 1403.14 Residential: In the A-1 zone, all new residential developments, except those comprising all detached and semi-detached dwellings, shall be reviewed by the Board

of Zoning Adjustment as special exceptions under Y Chapter 8 in accordance with the standards and requirements in this section.

- (a) The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.
- (b) The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.
- (c) The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.
- (d) In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

1403.15 Retail uses shall be permitted by special exception subject to the following conditions:

- (a) Convenience Stores in Apartment buildings subject to the provisions of this section:
 - (1) The retail uses may include personal services and shall be an accessory adjunct use to the apartment building, designed to serve the tenants' daily living needs.
 - (2) The adjunct uses shall be limited to the main floor of the building or below.
 - (3) There shall be no direct entrance to the adjunct from the outside of the building.
 - (4) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
 - (5) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
 - (6) The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously

established and operating in a Mixed Use or Production Repair and Distribution zones.

- (7) Subject to compliance with the provisions of F § 1403.15 (a), these uses may also be permitted within an interior patio or other type of open ground level area; provided
 - (A) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and
 - (B) No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.
- (8) The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established mixed use zones, in order to protect the value and stability of these zones, the Board shall give consideration to the following:
 - (A) The proximity mixed use zones to the adjuncts proposed;
 - (B) The adequacy and scope of commodities and services provided within those mixed use zones; and
 - (C) The size and character of the apartment building, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.
- (b) Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites shall be permitted as special exceptions in an A zone if approved by the Board of Zoning Adjustment under Y Chapter 8, subject to the provisions of this section.
 - (1) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased.
 - (2) There shall be no direct entrance to the adjunct from the outside of the building.
 - (3) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
 - (4) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
 - (5) The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

1404 CONDITIONS ON USES IN FORMER PUBLIC SCHOOLS

1404.1 Within a building owned by the District of Columbia that formerly served as the location of a public school (“former school building”), the following use provisions shall apply:

- (a) A use permitted by right pursuant to F §§ 1401 and 1402 shall be permitted by right within a former school building unless otherwise regulated in this section;
- (b) A use permitted by special exception pursuant to F § 1403 shall be permitted by special exception within a former school building unless otherwise regulated by in this section; and
- (c) A use permitted by right subject to conditions pursuant to F §§ 1401 and 1402 shall be permitted by right subject to the same conditions within a former school building unless otherwise regulated by in this section.

1404.2 The following uses are permitted by right within a former school building, irrespective of F §§ 1401, 1402 and 1403:

- (a) Daytime Care uses.
- (b) 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.
- (c) Medical Care uses, subject to the following conditions:
 - (1) The use shall be limited to one in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a building in which the separate and individual practice of the above professions is conducted;
 - (2) The use shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities;
 - (3) All the facilities are limited to the treatment and care of out-patients; and
 - (4) The use shall not be a substance abuse treatment facility.

- (5) A Medical 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.
- (d) 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 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.
- (e) Local Government or Office 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.

1404.3 Any addition to or expansion of a former school building housing a use permitted by this section shall only be permitted by special exception, subject to the criteria of Y Chapter 8. The Board of Zoning Adjustment may impose setbacks, screening, lighting requirements, or other safeguards that it deems necessary for the protection of the neighborhood.

1405 USES NOT PERMITTED IN A ZONES

1405.1 A proposed use or Use Group not included in tables or otherwise permitted by conditions, special exception or as an accessory use of this chapter shall be deemed to be not permitted unless determined by the Zoning Administration to be compatible with similar permitted uses and consistent with the general use impacts of similar permitted uses within the zone of the proposed use or Use Group.