

**TITLE 11 – ZONING**

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

### **100 GENERAL PROVISIONS**

- 100.1 The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.
- 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 purposes 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 the RA zone.
- 100.4 The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.

### **101 DEVELOPMENT STANDARDS**

- 101.1 The bulk of structures in the RF zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.
- 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 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, as indicated in this title, as a special exception relief. Additional zone specific special exception criterion, if applicable, shall be considered and are referenced in this subtitle.

## **102 USE PERMISSIONS**

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

## **103 PARKING**

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

## **104 PUBLIC EDUCATION, RECREATION, OR LIBRARY BUILDINGS AND STRUCTURES**

104.1 Public education buildings and structures, public recreation and community center, or public library in the RF zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

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

## **103 INCLUSIONARY ZONING**

104.3 Inclusionary Zoning (IZ) requirements for the RF zones are as specified in Subtitle C, Chapter 10.

## CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RF)

### 200 GENERAL PROVISIONS

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

### 201 DENSITY

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

**TABLE E § 201.1: MINIMUM LOT AREA REQUIREMENTS**

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

- 201.2 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.

### 202 ANTENNAS

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

### 203 ROOF STRUCTURES

- 203.1 Roof structures shall be subject to the regulations of Subtitle C, Chapter 15.

### 204 COURTYARDS

- 204.1 Where a courtyard is provided, the courtyard shall have the following minimum dimensions:

**TABLE E § 204.1: MINIMUM COURTYARD DIMENSIONS**

Type of Structure	Min. Width Open Courtyard	Min. Width Closed Courtyard	Min. Area Closed Courtyard
Single household dwelling	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per foot of height of court, but not less than 6 ft.	Width: 2.5 inches per foot of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 feet.

**205 PERVIOUS SURFACE**

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

**TABLE E § 205.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS**

	Lot Size Min.	Pervious Surface Min.
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
Places of worship	n/a	50%
Public recreation and community center	n/a	50%
Public schools	n/a	50%
All other structures	n/a	50%

## **CHAPTER 3 RESIDENTIAL FLAT ZONE – RF-1**

### **300 PURPOSE AND INTENT**

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

### **301 DEVELOPMENT STANDARDS**

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

### **302 DENSITY**

- 302.1 In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.
- 302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

### **303 HEIGHT**

- 303.1 The maximum height for a place of worship in the RF-1 zone shall be sixty feet (60 feet) and three (3) stories, and forty feet (40 ft.) and three (3) stories for all other structures.
- 303.2 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.
- 303.3 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

### **304 LOT OCCUPANCY**

- 304.1 The maximum lot occupancy in the RF-1 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and places of worship and forty percent (40%) for all other structures.

### **305 FRONT SETBACK**

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

### **306 REAR SETBACK**

- 306.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF zones.
- 306.2 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.
- 306.3 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.

### **307 SIDE SETBACK**

- 307.1 When a new dwelling or flat 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.
- 307.2 A side setback shall not be required along a side street abutting a corner lot in an RF zone.
- 307.3 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.
- 307.4 In the case of a building existing on or before the 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.).

## **CHAPTER 4 RESIDENTIAL FLAT ZONE – RF-2**

### **400 PURPOSE AND INTENT**

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

400.2 The RF-2 zone 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, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;
- (c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;
- (d) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.));
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

400.3 The RF-2 zone requires a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low scale buildings.

### **401 DEVELOPMENT STANDARDS**

401.1 The development standards in Subtitle E §§ 402 through 407 modify the general development standards in Chapter 2.

## **402 DENSITY**

- 402.1 The RF-2 zone permits a maximum of two (2) 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.
- 402.2 A building or structure existing before May 12, 1958 in the RF-2 zone may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

## **403 HEIGHT**

- 403.1 The maximum height for a place of worship in the RF-2 zone shall be sixty feet (60 ft.) and three (3) stories, and forty feet (40 ft.) and three (3) stories for all other structures.

## **404 LOT OCCUPANCY**

- 404.1 The maximum lot occupancy in the RF-2 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and places of worship, and forty percent (40%) for all other structures.

## **405 FRONT SETBACK**

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

## **406 REAR SETBACK**

- 406.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF zones.
- 406.2 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.
- 406.3 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.

## **407 SIDE SETBACK**

- 407.1 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.

- 407.2 A side setback shall not be required along a side street abutting a corner lot in an RF zone.
- 407.3 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.
- 407.4 In the case of a building existing on or before the 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.).

## CHAPTER 5 RESIDENTIAL FLAT ZONE – RF-3

### 500 PURPOSE AND INTENT

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

500.2 The RF-3 zone 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.

### 501 DEVELOPMENT STANDARDS

501.1 The development standards in Subtitle E §§ 502 through 507 modify the general development standards in Subtitle E, Chapter 2.

### 502 DENSITY

502.1 The RF-3 zone permits a maximum of two (2) dwelling units that may both be located within the principal structure, or one (1) dwelling unit that may be located in the principal structure and one (1) dwelling unit may be located in an accessory structure.

502.2 A building or structure in the RF-3 zone existing before May 12, 1958 may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

**503 HEIGHT**

- 503.1 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.
- 503.2 The maximum height in the RF-3 zone shall be forty feet (40 ft.) and three (3) stories.

**504 LOT OCCUPANCY**

- 504.1 The maximum lot occupancy in the RF-3 zone shall be sixty percent (60%) for detached dwellings, semi-detached dwellings, row dwellings and flats, and places of worship, and forty percent (40%) for all other structures.

**505 FRONT SETBACK**

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

**506 REAR SETBACK**

- 506.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF zones.
- 506.2 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.
- 506.3 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.

**507 SIDE SETBACK**

- 507.1 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
- 507.2 A side setback shall not be required along a side street abutting a corner lot in an RF zone.
- 507.3 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.

507.4

In the case of a building existing on or before the 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.).

## **CHAPTER 6 RESIDENTIAL FLAT ZONE – RF-4 AND RF-5**

### **600 PURPOSE AND INTENT**

- 600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with attached row houses of three (3) or more stories and within which may also exist a mix of apartment buildings.
- 600.2 The RF-4 and RF-5 zones are typically, but not exclusively, established residential neighborhoods adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas.
- 600.3 The RF-4 and RF-5 zones are intended to promote the continued rowhouse character and appearance, and residential use of larger row house buildings.

### **601 DEVELOPMENT STANDARDS**

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

### **602 DENSITY**

- 602.1 There is no floor area ratio (FAR) for detached, semi-detached, row dwellings, flats, or places of worship in the RF-4 and RF-5 zones.
- 602.2 The maximum density for all other structures in the RF-4 and RF-5 zones shall be 1.8 FAR.
- 602.3 The RF-4 zone permits a maximum of three (3) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.
- 602.4 The RF-5 zone permits a maximum of four (4) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.
- 602.5 A building or structure existing before May 12, 1958 in the RF-4 or RF-5 zone may be used for more than two (2) dwelling units pursuant to Subtitle E, Chapter 7.

### **603 HEIGHT**

- 603.1 The maximum height for a places of worship in the RF-4 zone shall be sixty feet (60 ft.) and three (3) stories, and forty feet (40 ft.) and three (3) stories for all other structures.
- 603.2 The maximum height for a places of worship in the RF-5 zone shall be sixty feet (60 ft.) and three (3) stories; forty feet (40 ft.) and three (3) stories for detached

and semi-detached dwellings; and fifty feet (50 ft.) and four (4) stories for row dwellings and flats and all other structures.

603.3 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.

603.4 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

#### **604 LOT OCCUPANCY**

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

#### **605 FRONT SETBACK**

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

#### **606 REAR SETBACK**

606.1 A twenty-foot (20 ft.) minimum rear setback shall be provided in the RF zones.

606.2 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.

606.3 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.

#### **607 SIDE SETBACK**

607.1 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.

607.2 A side setback shall not be required along a side street abutting a corner lot in an RF zone.

607.3 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.

607.4 In the case of a building existing on or before the 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.).

## **CHAPTER 7 CONVERSION OF A BUILDING/STRUCTURE FOR MORE THAN THE PERMITTED NUMBER OF DWELLING UNITS**

### **700 GENERAL PROVISIONS**

- 700.1 Except as provided in Subtitle E § 700.5, a building or other structure existing before May 12, 1958 may accommodate more than two (2) dwelling units only, subject to the requirements of this chapter.
- 700.2 The building must be on a lot of record in the RF-1, RF-2, or RF-3 zone.
- 700.3 The lot of record on which the building or other structure is located shall have a minimum of nine hundred square feet (900 sq. ft.) of land area for every dwelling unit in the building.
- 700.4 A building or structure may not be renovated or expanded so as to increase the number of dwelling units beyond two (2), unless there is nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.
- 700.5 A building or structure subject to the provisions of this section, or existing before May 12, 1958, shall also be subject to the development standards in the applicable RF zone.

## **CHAPTER 8 ACCESSORY BUILDING REGULATIONS FOR RF ZONES**

### **800 GENERAL PROVISIONS**

- 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 (1) 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**

- 801.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 802 through 806.

### **802 HEIGHT**

- 802.1 The maximum height for an accessory building in an RF zone shall be twenty feet (20 ft.) and two (2) stories.

### **803 LOT OCCUPANCY**

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

### **804 REAR SETBACK**

- 804.1 No rear minimum setback is required for an accessory building in an RF zone except when abutting an alley, where it shall be set back at least twelve feet (12 ft.) from the center line of the alley.
- 804.2 An accessory building shall be permitted in a required rear setback of a principal building pursuant to the following conditions:

- (a) The accessory building is less than ten feet (10 ft.) in height; and
- (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area.

804.3 If the required rear setback of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

## **805 SIDE SETBACK**

805.1 No minimum side setback is required for an accessory building in an RF zone.

805.2 An accessory building shall be permitted in a required side setback of a principal building pursuant to the following conditions:

- (a) The accessory building is less than ten feet (10 ft.) in height;
- (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area; and
- (c) If the required side setback of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

## **806 MISCELLANEOUS**

806.1 The development standards that permit the following uses are located in Subtitle U, Chapter 3:

- (a) A permitted principal dwelling unit in an RF zone within an accessory building; and
- (b) A private vehicle garage that is an accessory building in an RF zone.

## **CHAPTER 9 ALLEY LOT REGULATIONS**

### **900 GENERAL PROVISIONS**

- 900.1 All alley lots must be recorded in the records of the Office of the Surveyor 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 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 3.

### **901 DEVELOPMENT STANDARDS**

- 901.1 The development standards in Subtitle E §§ 902 through 907 shall apply to buildings on alley lots in R zones.

### **902 HEIGHT**

- 902.1 The maximum height and stories of building on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories.

### **903 REAR SETBACK**

- 903.1 A required rear setback shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

### **904 SIDE SETBACK**

- 904.1 A required side setback shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

### **905 ALLEY CENTERLINE SETBACK**

- 905.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

### **906 PERVIOUS SURFACE**

- 906.1 The minimum required pervious surface shall be ten percent (10%).

**907 SPECIAL EXCEPTION**

907.1 The special exception criteria of Subtitle E, Chapter 10 shall apply to buildings on alley lots in RF zones.

## **CHAPTER 10 RELIEF FROM DEVELOPMENT STANDARDS**

### **1000 GENERAL PROVISIONS**

- 1000.1 The following provisions provide for relief to the development standards and regulations in the RF zones as a special exception subject to the provisions of this chapter and the general special exception criteria at Subtitle X.
- 1000.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

### **1001 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

- 1001.1 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 X.
- (a) Lot occupancy;
  - (b) Setbacks; and
  - (c) Pervious surface.
- 1001.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to a residential building;
  - (b) A new or enlarged accessory structure that is accessory to such a building;  
or
  - (c) A reduction in the minimum setback requirements of an alley lot.
- 1001.3 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;

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

1001.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

1001.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

1001.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

## **1002 SPECIAL EXCEPTION FROM ROOF STRUCTURES**

1002.1 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.

## **1003 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**

1003.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;

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

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

1003.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

1003.3 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.