

# TITLE 11 – ZONING

## SUBTITLE D RESIDENTIAL HOUSE (R) ZONES

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## **CHAPTER 1 INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES**

### **100 GENERAL PROVISIONS**

- 100.1 The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses.
- 100.2 In addition to the purpose statements of individual chapters, the provisions of the R zones are intended to:
- (a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;
  - (b) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
  - (c) Allow for limited compatible accessory and non-residential uses;
  - (d) Allow for the matter-of-right development of existing lots of record;
  - (e) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and
  - (f) Discourage multiple dwelling unit development.
- 100.3 For those zones with geographic identification, the boundaries are cited in Subtitle W and identified on the official Zoning Map. When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **101 DEVELOPMENT STANDARDS**

- 101.1 The bulk of structures in the R zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.
- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;

- (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;
- (c) Regulate the mixture of uses; and
- (d) Promote the environmental performance of development.

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

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **102 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **103 PARKING**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

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

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

104.2 Development standards not otherwise addressed by Subtitle C, Chapter 52 shall be those development standards for the zone in which the building or structure is proposed.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **105            INCLUSIONARY ZONING**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

## **106            ANTENNAS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).



## CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (R)

### 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.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 201 MAXIMUM NUMBER OF DWELLING UNITS

- 201.1 In all R zones, one (1) principal dwelling unit per lot of record shall be permitted as a matter-of-right.
- 201.2 In all R zones, one (1) accessory apartment shall be permitted per lot of record subject to the use permissions specified in Subtitle U.
- 201.3 The minimum lot width and minimum lot area requirements for the creation of a new lot of record in the R zones are set forth in each zone.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 202 LOT OCCUPANCY

- 202.1 [DELETED]
- 202.2 [REPEALED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

### 203 COURT

- 203.1 Where a court is provided, the court shall have the following minimum dimensions:

**TABLE D § 203.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Min. Width Open Court	Min. Width Closed Court	Min. Area Closed Court
Single dwelling unit	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per 1 ft. of height of court, but not	2.5 inches per foot of height of court, but not	Twice the square of the required width of court dimension based

Type of Structure	Min. Width Open Court	Min. Width Closed Court	Min. Area Closed Court
	less than 6 ft.	less than 12 ft.	on the height of the court, but not less than 250 sq. ft.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **204 PENTHOUSES**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **205 REAR YARD**

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

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

205.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **206 SIDE YARD**

206.1 Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.

206.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.

206.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.

206.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.

- 206.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.
- 206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **207 HEIGHT**

- 207.1 Except in the R-11, R-12 and R-13 Naval Observatory Residential zones, and except as provided in Subtitle D § 207.9, the maximum height of buildings or structures specified in each R zone may be exceeded as provided in this section.
- 207.2 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.
- 207.3 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.
- 207.4 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 adjacent natural or finished grade, whichever is the lower in elevation.
- 207.5 A place of worship 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.
- 207.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.
- 207.7 A public school building or structure may be erected to a height not exceeding sixty feet (60 ft.).

207.8 A public recreation and community center in any residential zone may be erected to a height not to exceed forty-five feet (45 ft.).

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 17-18 published at 65 DCR 8555 (August 17, 2018).

## **CHAPTER 3 RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3**

### **300 PURPOSE AND INTENT**

- 300.1 The purposes of the R-1-A and R-1-B zones are to:
- (a) Protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and
  - (b) Stabilize the residential areas and promote a suitable environment for family life.
- 300.2 The R-1-A zone is intended to provide for areas predominantly developed with detached houses on large lots.
- 300.3 The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.
- 300.4 The purpose of the R-2 zone is to:
- (a) Provide for areas with semi-detached dwellings; and
  - (b) Protect these areas from invasion by denser types of residential development.
- 300.5 The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.
- 300.6 The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings.
- 300.7 The R-3 zone is intended to permit attached rowhouses on small lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **301 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **302 DENSITY - LOT DIMENSIONS**

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

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

<b>Zone</b>	<b>Minimum Lot Width (ft.) for building type; applicable to all zones in left column</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-1-A	75	7,500
R-1-B	50	5,000
R-2	30 (semi-detached)	3,000 (semi-detached)
	40 (all other structures)	4,000 (all other structures)
R-3	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

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

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

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

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

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

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

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**303 HEIGHT**

- 303.1 The maximum permitted building height, not including the penthouse, in the R-1-A, R-1-B, R-2, and R-3 zones shall not exceed forty feet (40 ft.) and the number of stories shall not exceed three (3) stories.
- 303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

**304 LOT OCCUPANCY**

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

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

<b>Zone</b>	<b>Structure</b>	<b>Maximum Percentage of Lot Occupancy</b>
R-1-A	Places of Worship	60%
	All Other Structures	40%
R-1-B	Places of Worship	60%
	All Other Structures	40%
R-2	Places of Worship	60%
	All Other Structures	40%
R-3	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

304.2 [REPEALED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**305 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**306 REAR YARD**

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

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

306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

306.4 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-11B published at 64 DCR 4055 (April 28, 2017) Final Rulemaking & Order No. 14-11E published at 64 DCR 8416 (August 25, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**307 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**308 PERVIOUS SURFACE**

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



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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

### **309 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

### **310 USE PERMISSIONS**

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

310.2 Use permissions for the R-2 zones are as specified for Use Group B in Subtitle U, Chapter 2.

310.3 Use permissions for the R-3 zones are as specified for Use Group C in Subtitle U, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 4 TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7**

### **400 PURPOSE AND INTENT**

400.1 The purposes of the Tree and Slope Protection Residential House (R-6 and R-7) zones are to:

- (a) Preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces;
- (b) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;
- (c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and
- (d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.

400.2 The R-6 and R-7 zones shall be mapped in residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **401 DEVELOPMENT STANDARDS**

401.1 The development standards in Subtitle D §§ 402 through 409 modify the general development standards in Subtitle D, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## 402 DENSITY- LOT DIMENSIONS

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

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

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

402.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-6 and R-7 zones.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

## 403 HEIGHT

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## 404 LOT OCCUPANCY

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **405 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **406 REAR YARD**

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

406.2 [REPEALED]

406.3 [REPEALED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **407 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **408 PERVIOUS SURFACE**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

## **409 TREE PROTECTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **410 [REPEALED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **411 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 5 FOREST HILLS TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10**

### **500 PURPOSE AND INTENT**

500.1 The purposes of the Forest Hills Tree and Slope Protection Residential House zones (R-8, R-9, and R-10) are to:

- (a) Preserve and enhance the park-like setting of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park;
- (b) Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods;
- (c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and
- (d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.

500.2 The Forest Hills Tree and Slope Protection zones have a significant quantity of steep slopes, stands of mature trees, are located at the edge of stream beds and public open spaces, and have undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system.

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

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

500.5 The R-10 zone is intended to:

- (a) Permit semi-detached houses on moderately sized lots, and allow for areas of detached dwellings;
- (b) Retain the single dwelling unit nature of these areas; and
- (c) Prohibit denser types of residential development.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**501 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**502 DENSITY- LOT DIMENSIONS**

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

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

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

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

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

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

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

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

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

Zone	Minimum Lot Width (ft.)
R-10	32 (detached) 25 (semi-detached)

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**503 HEIGHT**

503.1 The maximum permitted building height, not including the penthouse, in the R-8, R-9, and R-10 zones shall be forty feet (40 ft.) and three (3) stories.

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

**504 LOT OCCUPANCY**

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

**TABLE D § 504.1: MAXIMUM LOT OCCUPANCY**

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



SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **505 FRONT SETBACK**

505.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within the R-8 through R-10 zones, on the same side of the street in the block where the building is proposed.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **506 REAR YARD**

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **507 SIDE YARD**

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

507.2 [DELETED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **508 PERVIOUS SURFACE**

508.1 In an R-8, R-9, or R-10 zone, the minimum percentage of pervious surface requirement of a lot shall be fifty percent (50%); provided this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of May 18, 2007; or
- (b) Create nonconformity of a structure as regulated by this title.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

## **509 TREE PROTECTION**

- 509.1 The tree protection regulations of Subtitle C, Chapter 4 shall only apply to those lots in the R-8 zone in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.
- 509.2 To the extent that any person seeks permission for building or terrain alteration on a lot with a slope steeper than twenty-five percent (25%) or with "highly erodible land" as defined at 7 C.F.R. § 12.2 (2005), a professional certification that the plans for alteration and/or construction will follow best geo-technical, structural engineering, and arboreal practices shall be supplied with the building permit application.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **510 [REPEALED]**

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **511 USE PERMISSIONS**

- 511.1 Use permissions for the R-8 and R-9 zones are as specified for Use Group A, in Subtitle U, Chapter 2.
- 511.2 Use permissions for the R-10 zone are as specified for Use Group B, in Subtitle U, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**CHAPTER 6 NAVAL OBSERVATORY/TREE AND SLOPE PROTECTION  
RESIDENTIAL HOUSE ZONE – R-11**

**600 PURPOSE AND INTENT**

600.1 In addition to the provisions of Subtitle D § 400.1, the purposes of the Naval Observatory/Tree and Slope Protection Residential House zone (R-11) are to:

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

600.2 The R-11 zone is intended to permit detached houses on large lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**601 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**602 DENSITY - LOT DIMENSIONS**

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

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

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

602.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-11 zone.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**603 HEIGHT**

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

**604 LOT OCCUPANCY**

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

**TABLE D § 604.1: MAXIMUM LOT OCCUPANCY**

<b>Zone</b>	<b>Structure</b>	<b>Maximum Percentage of Lot Occupancy</b>
R-11	All Structures	30%

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **605 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **606 REAR YARD**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **607 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **608 PERVIOUS SURFACE**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **609 TREE PROTECTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **610 [REPEALED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **611 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 7 NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13**

### **700 PURPOSE AND INTENT**

700.1 The purposes of the Naval Observatory Residential House zones (R-12 and R-13) are to:

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

700.2 The R-12 zone is intended to permit detached houses on moderately-sized lots.

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

### **701 DEVELOPMENT STANDARDS**

701.1 The development standards in Subtitle D §§ 702 through 708 modify the general development standards in Subtitle D, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**702 DENSITY – LOT DIMENSIONS**

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

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

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

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

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

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

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

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**703 HEIGHT**

- 703.1 The maximum permitted building height, not including the penthouse, in the R-12 and R-13 zones shall be forty feet (40 ft.) and three (3) stories.
- 703.2 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.
- 703.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 703.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

**704 LOT OCCUPANCY**

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

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

<b>Zone</b>	<b>Structure</b>	<b>Maximum Percentage of Lot Occupancy</b>
R-12	Places of Worship	60%
	All Other Structures	40%
R-13	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

- 704.2 [REPEALED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**705 FRONT SETBACK**

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



SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **706 REAR YARD**

- 706.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-12 zone.
- 706.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-13 zone.
- 706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 706.4 A rear wall of an attached a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-11B published at 64 DCR 4055 (April 28, 2017); Final Rulemaking & Order No. 14-11E published at 64 DCR 8416 (August 25, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **707 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **708 PERVIOUS SURFACE**

- 708.1 The minimum percentage of pervious surface requirement of a lot in the R-12 zone shall be fifty percent (50%).
- 708.2 The minimum percentage of pervious surface of a lot in the R-13 zone shall be twenty percent (20%).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

## **709 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

**710 USE PERMISSIONS**

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 8 WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15**

### **800 PURPOSE AND INTENT**

800.1 The purposes of the Wesley Heights Residential House zones (R-14 and R-15) are to:

- (a) Preserve and enhance the low-density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area;
- (b) Preserve in general the current density of the neighborhood;
- (c) Allow reasonable opportunities for owners to expand their dwellings; and
- (d) Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **801 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **802 DENSITY – LOT DIMENSIONS**

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

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

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

802.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-14 and R-15 zones.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

### **803 HEIGHT**

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 29, 2016).

### **804 LOT OCCUPANCY**

804.1 The maximum permitted lot occupancy in the R-14 and R-15 zones shall be thirty percent (30%); except that:

- (a) Structures on lots between five thousand square feet (5,000 sq. ft.) and six thousand six hundred and sixty-seven square feet (6,667 sq. ft.) may occupy up to two thousand square feet (2,000 sq. ft.); and
- (b) Structures on lots less than five thousand square feet (5,000 sq. ft.) may occupy up to forty percent (40%) of the area of the lot

804.2 [REPEALED]

804.3 [REPEALED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

### **805 FRONT SETBACK**

805.1 All residential buildings shall have a front setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. The required setbacks are depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this zone and located

in the Office of Zoning and in the Office of the Zoning Administrator at the Department of Consumer and Regulatory Affairs.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **806 REAR YARD**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **807 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **808 PERVIOUS SURFACE**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

## **809 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **810 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 9 SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16**

### **900 PURPOSE AND INTENT**

900.1 The purposes of the Sixteenth Street Heights Residential House zone (R-16) are to:

- (a) Promote the conservation, enhancement, and stability of the low-density, single dwelling unit neighborhood for housing and neighborhood-related uses;
- (b) Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-16 zone in order to preserve neighborhood quality; and
- (c) Allow neighborhoods to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.

900.2 The R-16 zone is intended to:

- (a) Respond to concerns that over a period of years approximately one (1) in every ten (10) houses in the R-16 zone north of Colorado Avenue, N.W. has been converted to a nonresidential use, a much higher ratio than has been identified for any other similarly zoned neighborhood in the District of Columbia; and south of Colorado Avenue N.W., address concerns that more than twenty percent (20%) of the residentially zoned land is used for nonresidential purposes;
- (b) Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and to preserve a predominantly single dwelling unit residential character;

- (c) Respond to the District of Columbia Comprehensive Plan’s identification of the number of nonresidential uses in the neighborhood as a problem; and
- (d) Address the impacts of the number of nonresidential uses and the conversion of houses to these uses in the neighborhood as reflected in the Comprehensive Plan.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**901 DEVELOPMENT STANDARDS**

901.1 The development standards in Subtitle D §§ 902 through 908 modify the general development standards in Subtitle D, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**902 DENSITY- LOT DIMENSIONS**

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**903 HEIGHT**

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 29, 2016).

## **904 LOT OCCUPANCY**

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

**TABLE D § 904.1: MAXIMUM LOT OCCUPANCY**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

## **905 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **906 REAR YARD**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **907 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **908 PERVIOUS SURFACE**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).



## **909 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **910 USE PERMISSIONS**

- 910.1 Use permissions for the R-16 zone are as specified for Use Group D in Subtitle U, Chapter 2.
- 910.2 An expansion of an existing non-residential use shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## CHAPTER 10 FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17

### 1000 PURPOSE AND INTENT

1000.1 The purposes of the Foggy Bottom Residential House zone (R-17) are to:

- (a) Enhance the residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character;
- (b) Enhance the human-scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;
- (c) Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential townhouse neighborhood that formed the basis on which the area was designated a historic district;
- (d) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.), formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)), and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;
- (e) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect the light, air, and privacy that they provide; and
- (f) Encourage greater use of public transportation through use of the nearby Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

1000.2 The R-17 zone is intended to permit single dwelling unit rowhouses on small lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

### 1001 DEVELOPMENT STANDARDS

1001.1 The development standards in Subtitle D §§ 1002 through 1008 modify the general development standards in Subtitle D, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## 1002 DENSITY- LOT DIMENSIONS

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

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

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

1002.2 Except as provided in Subtitle D § 1002.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-17 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

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

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

## 1003 HEIGHT

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **1004 LOT OCCUPANCY**

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1005 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1006 REAR YARD**

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

1006.2 Notwithstanding Subtitle D §§ 1006.1, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1006.3 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-11B published at 64 DCR 4055 (April 28, 2017); Final Rulemaking & Order No. 14-11E published at 64 DCR 8416 (August 25, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1007 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1008 PERVIOUS SURFACE**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1009 MISCELLANEOUS**

1009.1 Buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the R-17 zone.

1009.2 If any building is destroyed by fire, collapse, explosion, or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses that are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1010 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1011 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 11 [RESERVED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 12 GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20**

### **1200 PURPOSE AND INTENT**

- 1200.1 The purposes of the Georgetown Residential House zones (R-19 and R-20) are to:
- (a) Protect the Georgetown National Historic Landmark District and its historic character, buildings and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic District Protection Act of 1978, and the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Official Code §§ 6-1201-1206);
  - (b) Protect the integrity of “contributing buildings,” as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;
  - (c) Recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978;
  - (d) Limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and
  - (e) Retain the quiet residential character of these areas and control compatible nonresidential uses.
- 1200.2 The R-19 zone is intended to protect quiet residential areas developed with detached dwellings and to permit detached houses on moderately sized lots.
- 1200.3 The R-20 zone is intended to retain and reinforce the unique mix of housing types including detached, semi-detached, and row buildings and permit row buildings on small lots, and includes areas where a row buildings are mingled with detached buildings and semi-detached buildings.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

### **1201 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).



**1202 DENSITY- LOT DIMENSIONS**

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

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

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

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

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

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

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

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

## 1203 HEIGHT

- 1203.1 The maximum permitted building height, not including the penthouse pursuant to Subtitle D § 1102.5, in the R-19 and R-20 zones shall be thirty-five feet (35 ft.) and three (3) stories.
- 1203.2 In R-19 and R-20 zones, a building may have a maximum height of no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.
- 1203.3 The maximum height of a building in the R-19 and R-20 zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.
- 1203.4 In R-19 and R-20 zones, and addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.
- 1203.5 In R-19 and R-20 zones, any pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).
- 1203.6 An institutional building or structure may be erected to a height no exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.
- 1203.7 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017).

## 1204 LOT OCCUPANCY

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

**TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY**

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

	Places of Worship	60%
	All Other Structures	40%

1204.2 In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1205 FRONT SETBACK**

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1206 REAR YARD**

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

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

1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1206.4 In the R-20 zone, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 14-11B published at 64 DCR 4055 (April 28, 2017); Final Rulemaking & Order No. 14-11E published at 64 DCR 8416 (August 25, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1207 SIDE YARD**

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

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

1207.3 [DELETED]

1207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.

1207.5 [DELETED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1208 PERVIOUS SURFACE**

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1209 ACCESSORY BUILDINGS**

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

1209.2 The accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building.

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

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

1209.5 In the R-19 and R-20 zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.)

from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).

1209.6 Roof decks are not permitted.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1210 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1211 USE PERMISSIONS**

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 13 CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21**

### **1300 PURPOSE AND INTENT**

- 1300.1 The purposes of the Chain Bridge Road/University Terrace Residential House zone (R-21) are to:
- (a) Provide for areas predominantly developed with detached houses on large lots;
  - (b) Preserve and enhance the park-like setting of the area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences;
  - (c) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;
  - (d) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;
  - (e) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood; and
  - (f) Limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety, and to achieve the other purposes listed in this subsection.
- 1300.2 The R-21 zone applies to the area bounded on the south by MacArthur Boulevard, on the east by Battery Kemble Park/Chain Bridge Road, on the north by Loughboro Road/Nebraska Avenue, and on the west by University Terrace.
- 1300.3 The R-21 zone is mapped on a residential neighborhood, located at the edge of stream beds and public open spaces that have steep slopes, substantial stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **1301 DEVELOPMENT STANDARDS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **1302 DENSITY- LOT DIMENSIONS**

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

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

## **1303 HEIGHT**

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

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

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **1304 LOT OCCUPANCY**

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

1304.2 The maximum permitted lot occupancy for lots in the R-21 zone that are between six thousand five hundred square feet (6,500 sq. ft.) and eight thousand nine hundred and ninety-nine square feet (8,999 sq. ft.) shall be thirty-five percent (35%), but not less than two thousand six hundred square feet (2,600 sq. ft.).

1304.3 The maximum permitted lot occupancy for lots in the R-21 zone that are over nine thousand square feet (9,000 sq. ft.) shall be thirty percent (30%), but not less than three thousand one hundred and fifty square feet (3,150 sq. ft.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1305 FRONT SETBACK**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1306 REAR YARD**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1307 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **1308 PERVIOUS SURFACE**

1308.1 In the R-21 zone, the minimum percentage of pervious surface of a lot shall be fifty percent (50%), provided that this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of July 30, 1999; or
- (b) Create nonconformity of a structure as regulated by Subtitle C, Chapter 2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1309 TREE PROTECTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).



## **1310 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **1311 USE PERMISSIONS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 14 THROUGH CHAPTER 49 [RESERVED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR R ZONES**

### **5000 GENERAL PROVISIONS**

- 5000.1 Accessory buildings may be permitted within an R zone subject to the conditions of this section.
- 5000.2 An accessory building shall be subordinate to and located on the same lot as the principal building, and shall be used for purposes that are incidental to the use of the principal building.
- 5000.3 An accessory building shall be secondary in size compared to the principal building, and shall comply with all required yards for accessory buildings based on the zone in which they are located.
- 5000.4 Notwithstanding Subtitle D § 5000.3, an accessory building shall not be located in the front yard of a lot in an R zone developed with a residential building
- 5000.5 A private garage permitted in an R zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of the alley upon which it opens.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **5001 DEVELOPMENT STANDARDS**

- 5001.1 The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **5002 HEIGHT**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **5003 LOT OCCUPANCY**

- 5003.1 An accessory building in an R zone as a principal use on a lot other than an alley lot shall be exempt from the requirements for minimum lot dimensions, but shall

be subject to the limitation on percentage of lot occupancy of the zone in which the lot is located.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5004 REAR YARD**

5004.1 An accessory building in an R zone may be located within a rear yard provided, where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5005 SIDE YARD**

5005.1 No minimum side yard is required for an accessory building in a R zone, unless the accessory building is located beside the principal building, whereby it shall be removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **5006 MAXIMUM BUILDING AREA**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5007 SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## CHAPTER 51 ALLEY LOT REGULATIONS FOR R ZONES

### 5100 GENERAL PROVISIONS

- 5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.
- 5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 5101 DEVELOPMENT STANDARDS

- 5101.1 The development standards in Subtitle D §§ 5102 through 5107 shall apply to buildings on alley lots in R zones.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 5102 HEIGHT

- 5102.1 The maximum height and stories of buildings on alley lots in R zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 5103 LOT OCCUPANCY

- 5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE D § 5103.1: MAXIMUM LOT OCCUPANCY FOR AN ALLEY LOT**

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft.	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

### 5104 REAR YARD

- 5104.1 A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5105           SIDE YARD**

5105.1           A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5106           ALLEY CENTERLINE SETBACK**

5106.1           A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5107           PERVIOUS SURFACE**

5107.1           The minimum percentage of pervious surface requirement of an alley lot in an R zone shall be ten percent (10%).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5108           SPECIAL EXCEPTION**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (R)**

### **5200 GENERAL PROVISIONS**

- 5200.1 The following provisions provide for special exception relief to the specified development standards and regulations subject to the provisions of each section and the general special exception criteria at Subtitle X, Chapter 9.
- 5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

- 5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:
- (a) Lot occupancy;
  - (b) Yards;
  - (c) Courts;
  - (d) Minimum lot dimensions;
  - (e) Pervious surface; and
  - (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.
- 5201.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to a building with only one (1) principal dwelling unit; or
  - (b) A new or enlarged accessory structure that is accessory to such a building.
- 5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (a) 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 as specified in the following table:

**TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY**

Zone	Maximum Lot Occupancy
R-3 R-13 R-17	70%
R-20 – attached dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

5201.4 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.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06L published at 64 DCR 8596 (September 1, 2017); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## **5202 SPECIAL EXCEPTION CRITERIA FOR TREE PROTECTION**

5202.1 The Board of Zoning Adjustment may approve as a special exception, relief from the tree and slope protection requirements of this subtitle pursuant to Subtitle X and subject to the following requirements:



- (a) Tree removal, grading, and topographical change shall be limited to the maximum extent possible, consistent with construction of a building permitted by the standards of this section;
- (b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;
- (c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the R-21 and R-6 through R-11 zones and will not adversely affect neighboring property; and
- (d) The Board of Zoning Adjustment may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements as it deems necessary to achieve the purposes of this section and may vary side and rear yard requirements in order to achieve the purposes of this section.

5202.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

- (a) Office of Planning;
- (b) Department of Transportation, Tree Management Administration;
- (c) Department of Parks and Recreation;
- (d) Department of Energy and Environment, Watershed Protection Division, Technical Services Branch; and
- (e) National Park Service, U.S. Department of the Interior.

5202.3 An applicant for a special exception shall submit at least the following materials:

- (a) A site plan for development, including computation and illustration of total lot occupancy and impervious surface ratio, and regulated trees proposed to be removed; and
- (b) A plan and statement indicating how trees to be preserved on the lot will be protected during the construction period, including reference to proposed procedures to guard against long-term damage by such factors as soil compaction.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

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

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

- (a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:
  - (1) Present and proposed development within and adjacent to the subject zone;
  - (2) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the subject zone; and
  - (3) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities;
- (b) Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:
  - (1) Office of Planning;
  - (2) District Department of Transportation;
  - (3) Department of Housing and Community Development;
  - (4) The Historic Preservation Office if a historic district or historic landmark is involved; and
  - (5) The National Capital Planning Commission; and
- (c) The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS**

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

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS**

5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

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

5206.1 For Mandatory Inclusionary Developments in the R-2, R-3 (except that portion in the Anacostia Historic District), R-10, R-13, R-17, and R-20 zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D §§ 302.4, 502.4, 702.4, 1002.3, and 1202.4.

5206.2 For Voluntary Inclusionary Developments in the R-2, R-3 (except that portion in the Anacostia Historic District), R-10, R-13, R-17, and R-20 zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D §§ 302.5, 502.5, 702.5, 1002.4, and 1202.5. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).