

# TITLE 11 – ZONING

## SUBTITLE E RESIDENTIAL FLATS (RF) ZONES

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

### **100 GENERAL PROVISIONS**

- 100.1 The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.
- 100.2 The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.
- 100.3 In addition to the purpose statements of individual chapters, the provisions of the RF zones are intended to:
- (a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
  - (b) Allow for limited compatible non-residential uses;
  - (c) Allow for the matter-of-right development of existing lots of record;
  - (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
  - (e) Allow for the limited conversion of rowhouse and other structures for flats; and
  - (f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.
- 100.4 The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.
- 100.5 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 RF zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.
- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor area ratio, and lot occupancy;
  - (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;
  - (c) Regulate the mixture of uses; and
  - (d) Promote the environmental performance of development.
- 101.3 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. 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 RF zones are as specified in Subtitle U, Chapter 3.

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

## **103 PARKING**

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

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

## **104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**

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

- 104.2 Public schools in the RF zones shall be permitted subject to the conditions of Subtitle E, Chapter 49.
- 104.3 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the building or structure is proposed.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published 67 DCR 3776 (April 3, 2020).

## **105 INCLUSIONARY ZONING**

- 105.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to all RF zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.
- 105.2 Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

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 (RF)

### 200 GENERAL PROVISIONS

- 200.1 The provisions of this chapter apply to all RF 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 DENSITY – LOT DIMENSIONS

- 201.1 Except as provided in other provisions of this subtitle, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:

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

| Zone | Minimum Lot Width (ft.)     | Minimum Lot Area (sq. ft.)     |
|------|-----------------------------|--------------------------------|
| RF   | 18 (row dwelling or flat)   | 1,800 (row dwelling or flat)   |
|      | 30 (semi-detached dwelling) | 3,000 (semi-detached dwelling) |
|      | 40 (all other structures)   | 4,000 (all other structures)   |

- 201.2 Except as provided for in Subtitle E § 201.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

**TABLE E § 201.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS**

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|------|-------------------------|----------------------------|
| RF   | 18                      | 1,500                      |

- 201.3 The minimum lot width for Mandatory Inclusionary Developments in the RF zones may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle E § 5206.1 by the Board of Zoning Adjustment.
- 201.4 Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle E § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

**TABLE E § 201.4: 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> |
|-------------|--------------------------------|-----------------------------------|
| RF          | 16                             | 1,500                             |

201.5 First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed.

201.6 A building or structure subject to the provisions of this chapter shall also be subject to the development standards in the applicable RF zone.

201.7 [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. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019); Final Rulemaking & Order No. 19-21 published at 67 DCR 13346 (November 13, 2020).

**202 PENTHOUSES**

202.1 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).

**203 COURT**

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

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

| <b>Type of Structure</b>                                                 | <b>Minimum Width Open Court</b>                                  | <b>Minimum Width Closed Court</b>                                        | <b>Minimum Area Closed Court</b>                                                                                      |
|--------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Detached Dwellings<br>Semi-Detached Dwellings<br>Row Dwellings and Flats | Not applicable                                                   | Not applicable                                                           | Not applicable                                                                                                        |
| All other structures                                                     | 2.5 inches per 1 ft. of height of court, but not less than 6 ft. | Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft. | Twice the square of the required width of court dimension based on the height of the court, but not less than 250 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); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

## 204 PERVIOUS SURFACE

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

**TABLE E § 204.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS**

|                      | <b>Lot Size Minimum</b>  | <b>Pervious Surface Minimum (%)</b> |
|----------------------|--------------------------|-------------------------------------|
| Residential use      | Less than 1,800 sq. ft.  | 0                                   |
|                      | 1,801 to 2,000 sq. ft.   | 10                                  |
|                      | Larger than 2000 sq. ft. | 20                                  |
| All other structures | Not applicable           | 50                                  |

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-11 published at 67 DCR 3776 (April 3, 2020).

## 205 REAR YARD

205.1 A rear yard shall be provided for each structure located in an RF, 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.

205.4 Notwithstanding §§ 205.1 through 205.3, 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.

205.5 A rear wall 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 principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle E § 5201 if applicable.

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); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

## 206 ROOF TOP OR UPPER FLOOR ELEMENTS

206.1 Except for properties subject to review by the Historic Preservation Review Board or their designee, or the U.S. Commission of Fine Arts, a roof top architectural

element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size; provided that:

- (a) For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line; and
- (b) For all other lots, the roof top architectural elements shall include identified roof top architectural elements on all sides of the structure; and

206.2 For the purposes of Subtitle E § 206.1, ordinary repairs to a roof top architectural element shall be permitted. Ordinary repairs may include the replacement of an original roof top architectural element when the Zoning Administrator has determined, based on photographs provided by the owner and other evidence acceptable to the Zoning Administrator, that:

- (a) The original roof top architectural element is substantially eroded or damaged due to no overt actions of the owner or affiliates; and
- (b) The replacement will be visually indistinguishable from the original in style, dimensions, profile, and appearance when viewed from a public right of way.

206.3 Any new building, or alteration or addition to an existing building, including a roof structure or penthouse (the "proposed construction") at the time of application, shall not significantly interfere with the operation of a solar energy system on an abutting property, unless agreed to by the owner of the solar energy system, subject to the following

- (a) "Time of application" shall mean the earlier of either:
  - (1) The Department of Consumer and Regulatory Affairs officially accepts as complete the application for the building permit for the proposed construction; or
  - (2) The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;
- (b) "Solar energy system" shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:
  - (1) Legally permitted, installed, and operating; or
  - (2) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid

interconnection delays caused solely by a utility company connecting to the solar energy system;

- (c) “Significantly interfere” shall mean that the proposed construction increases the shading incident on the solar energy system by more than five percent (5%), as determined by a comparative solar shading study acceptable to the Zoning Administrator; and
- (d) All applications for the proposed construction, whether for a building permit or for zoning relief, must include one of the following:
  - (1) An affidavit by the applicant stating that there is no solar energy system on an abutting property;
  - (2) A comparative solar shading study that meets the minimum standard established by the Zoning Administrator for the purpose of determining the increased annual incident solar shading by percent; or
  - (3) A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.

206.4 Relief from the requirements of Subtitle E §§ 206.1 and 206.3 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the conditions of Subtitle E § 5207.

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. 14-11B published at 64 DCR 4055 (April 28, 2017); Final Rulemaking & Order No. 08-06L published at 64 DCR 8596 (September 1, 2017); Final Rulemaking & Order No. 19-21 published at 67 DCR 13346 (November 13, 2020).

## **207 SIDE YARD**

207.1 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.

207.2 Any side yard provided shall be a minimum of five feet (5 ft.).

207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.

207.4 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 reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

SOURCE: Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

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

### **300 PURPOSE AND INTENT**

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

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).

### **301 DEVELOPMENT STANDARDS**

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

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

### **302 MAXIMUM NUMBER OF DWELLING UNITS**

- 302.1 In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.
- 302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.
- 302.3 Accessory dwelling units shall not be permitted in a dwelling unit in the RF-1 zone.

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. 08-06E published at 63 DCR 10932 (August 26, 2016).

### **303 HEIGHT**

- 303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.
- 303.2 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.
- 303.3 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.
- 303.4 The maximum permitted building height for a place of worship, not including the penthouse, in the RF-1 zone shall be sixty feet (60 feet) and three (3) stories.

- 303.5 A building or other 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 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.
- 303.6 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.
- 303.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 303.8 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.
- 303.8 A non-residential building constructed pursuant to Subtitle E §§ 303.4 through 303.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

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).

## 304 LOT OCCUPANCY

- 304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table:

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

| STRUCTURE                                                                                          | MAXIMUM PERCENTAGE OF LOT OCCUPANCY                                  |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Detached dwellings;<br>Semi-detached dwellings;<br>Row dwellings and flats;<br>Places of worship   | 60%                                                                  |
| Conversion of a building or structure to an apartment house                                        | The greater of 60% or the lot occupancy as of the date of conversion |
| An apartment house that existed prior to 1958 and has been in continuous use as an apartment house | 60%                                                                  |
| All other structures                                                                               | 40%                                                                  |

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); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**305 FRONT SETBACK**

305.1 For residential dwellings in the RF-1 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

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

**306 REAR YARD**

306.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.

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

**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 [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).

## CHAPTER 4 DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2

### 400 PURPOSE AND INTENT

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

400.2 The RF-2 zone is intended to:

- (a) Recognize that Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;
- (b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;
- (c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;
- (d) Protect the integrity of “contributing buildings,” as that term is defined by the Historic Landmark and Historic District Protection Act of 1978.);
- (e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and
- (g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

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

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).

### 401 DEVELOPMENT STANDARDS

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

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

## **402            MAXIMUM NUMBER OF DWELLING UNITS**

- 402.1            The RF-2 zone permits a maximum of two (2) dwelling units which may both be located within the principal structure or one (1) dwelling unit each may be located within the principal structure and an accessory structure.
- 402.2            Conversion of an existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.

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).

## **403            HEIGHT**

- 403.1            Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.
- 403.2            A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.
- 403.3            New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.
- 403.4            The maximum permitted building height for a place of worship, not including the penthouse, in the RF-2 zone shall be sixty feet (60 ft.) and three (3) stories.
- 403.5            A building or other 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 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.
- 403.6            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 one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.
- 403.7            The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.8 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.

403.8 A non-residential building constructed pursuant to Subtitle E §§ 403.4 through 403.6 shall be permitted a mechanical penthouse 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. 17-18 published at 65 DCR 8555 (August 17, 2018).

**404 LOT OCCUPANCY**

404.1 The maximum permitted lot occupancy in the RF-2 zone shall be as set forth in the following table:

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

| STRUCTURE                                                                                          | MAXIMUM PERCENTAGE OF LOT OCCUPANCY                              |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Detached dwellings;<br>Semi-detached dwellings;<br>Row dwellings and flats;<br>Places of worship   | 60%                                                              |
| Conversion of a building or structure to an apartment house                                        | Greater of 60% or the lot occupancy as of the date of conversion |
| An apartment house that existed prior to 1958 and has been in continuous use as an apartment house | 60%                                                              |
| All other structures                                                                               | 40%                                                              |

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); Final Rulemaking & Order No. 17-23 published at 66 DCR 2337 (February 22, 2019).

**405 FRONT SETBACK**

405.1 For residential dwellings in the RF-2 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

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

**406 REAR YARD**

406.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-2 zone.

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

**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 [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).

## **CHAPTER 5 CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3**

### **500 PURPOSE AND INTENT**

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

500.2 The RF-3 zone is intended to:

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

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).

### **501 DEVELOPMENT STANDARDS**

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

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

### **502 MAXIMUM NUMBER OF DWELLING UNITS**

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

502.2 Conversion of an existing building or structure existing before May 12, 1958 in the RF-3 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.

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

## **503 HEIGHT**

- 503.1 In the RF-3 zone, building height, not including the penthouse, shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.
- 503.2 The maximum permitted height of buildings or structures and any additions thereto in an RF-3 zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.
- 503.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.
- 503.4 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.
- 503.5 The height of buildings or structures as specified in Subtitle E §§503.2 through 503.4 may be exceeded in the following instances:
- (a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 503.2 through 503.4; and
  - (b) The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, row dwelling, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.
- 503.6 A non-residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 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 RF-3 zone shall be as set forth in the following table:

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

| <b>STRUCTURE</b>                                                                                   | <b>MAXIMUM PERCENTAGE OF LOT OCCUPANCY</b>                       |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Detached dwellings;<br>Semi-detached dwellings;<br>Row dwellings and flats;<br>Places of worship   | 60%                                                              |
| Conversion of a building or structure to an apartment house                                        | Greater of 60% or the lot occupancy as of the date of conversion |
| An apartment house that existed prior to 1958 and has been in continuous use as an apartment house | 60%                                                              |
| All other structures                                                                               | 40%                                                              |

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).

**505 FRONT SETBACK**

505.1 For residential dwellings in the RF-3 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

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

**506 REAR YARD**

506.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-3 zone.

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

**507 [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 [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).

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

### **600 PURPOSE AND INTENT**

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

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).

### **601 DEVELOPMENT STANDARDS**

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

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

### **602 FAR AND MAXIMUM NUMBER OF DWELLING UNITS**

- 602.1 The maximum permitted floor area ratio (FAR) for all buildings and structures in the RF-4 and RF-5 zones shall be 1.8.
- 602.2 The RF-4 zone permits a maximum of three (3) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.
- 602.3 The RF-5 zone permits a maximum of four (4) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

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

### **603 HEIGHT**

- 603.1 The maximum permitted building height in the RF-4, not including the penthouse, shall be forty feet (40 ft.) and three (3) stories.
- 603.2 The maximum permitted building height in the RF-5, not including the penthouse, shall be:

- (a) Forty feet (40 ft.) and three (3) stories for detached and semi-detached dwellings; and
- (b) Fifty feet (50 ft.) and four (4) stories for row dwellings and flats and all other structures.

603.3 A place of worship in the RF-4 and RF-5 zones may be erected to a height not exceeding shall be sixty feet (60 ft.) and three (3) stories.

603.4 A building or other 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 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.

603.5 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.

603.6 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 603.7 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.

603.7 A non-residential building constructed pursuant to Subtitle E §§ 603.3 through 603.5 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. 17-18 published at 65 DCR 8555 (August 17, 2018).

## **604 LOT OCCUPANCY**

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

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

## **605 FRONT SETBACK**

605.1 For residential dwellings in the RF-4 and RF-5 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

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

**606 REAR YARD**

606.1 A minimum rear yard of twenty-foot (20 ft.) shall be provided in the RF-4 and RF-5 zones.

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 [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).

## **CHAPTER 7 THROUGH CHAPTER 48 [RESERVED]**

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

## CHAPTER 49 PUBLIC SCHOOLS

### 4900 GENERAL PROVISIONS

4900.1 The provisions of this chapter govern the height and bulk of public school buildings.

### 4901 DEVELOPMENT STANDARDS

4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

### 4902 DENSITY

4902.1 Public schools shall be permitted a maximum floor area ratio of 1.8 in the RF zones.

### 4903 LOT DIMENSIONS

4903.1 Unless otherwise permitted or required, use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:

**TABLE E § 4903.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR PUBLIC SCHOOLS**

| Zone     | Minimum Lot Area (sq. ft.) | Minimum Lot Width (ft.) |
|----------|----------------------------|-------------------------|
| RF zones | 9,000                      | 120                     |

4903.2 Minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

4903.3 On split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.

4903.4 On a lot with more than one (1) street front, the minimum lot width may include the measurement of all street frontages, provided the lot width can be measured without interruption by another lot.

### 4904 HEIGHT

4904.1 Public schools shall be permitted a maximum building height, not including the penthouse, as set forth in the following table:

**TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

| <b>Zone</b> | <b>Maximum Height, Not Including Penthouse (ft.)</b> | <b>Maximum Number of Stories</b> |
|-------------|------------------------------------------------------|----------------------------------|
| RF-1, RF-2  | 60                                                   | No limit                         |
| RF-3        | 40                                                   | No limit                         |
| RF-4, RF-5  | 90                                                   | No limit                         |

**4905 PENTHOUSES**

4905.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public schools shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

**4906 FRONT SETBACK**

4906.1 A front setback is not required for a public school.

**4907 REAR YARD**

4907.1 A rear yard with a minimum depth of twenty feet (20 ft.) shall be provided for each public school.

4907.2 In the case of a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

**4908 SIDE YARD**

4908.1 In the RF zones, a side yard shall not be required. However, except as provided in Subtitle E §§ 4908.2 and 4908.3, if the yard is provided, it shall be not less than five feet (5 ft.) wide.

4908.2 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on one (1) or more side lot line, a required side yard may be reduced or omitted.

4908.3 A side yard may be reduced or omitted along a side street abutting a corner lot in an RF zone.

**4909 COURT**

4909.1 Where a court is provided, it shall have the following minimum dimensions:

**TABLE E § 4909.1: MINIMUM COURT DIMENSIONS FOR PUBLIC SCHOOLS**

| <b>Zone</b> | <b>Minimum Width Open Court</b>                  | <b>Minimum Width Closed Court</b>                 | <b>Minimum Area Closed Court</b>                                                  |
|-------------|--------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------|
| RF zones    | 2.5 in./ft. of height of court;<br>6 ft. minimum | 2.5 in./ft. of height of court;<br>12 ft. minimum | Twice the square of the required width of court dimension;<br>250 sq. ft. minimum |

**4910 LOT OCCUPANCY**

4910.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

| <b>Zone</b>      | <b>Maximum Lot Occupancy (%)</b> |
|------------------|----------------------------------|
| RF-1, RF-2, RF-3 | 60                               |
| RF-4, RF-5       | No limit                         |

4910.2 A public school may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section subject to all of the following conditions:

- (a) The portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and
- (b) The total lot occupancy shall not exceed seventy percent (70%).

**4911 PERVIOUS SURFACE**

4911.1 The minimum percentage of pervious surface of a lot shall be fifty percent (50%).

**4912 SPECIAL EXCEPTION**

4912.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

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

### **5000 GENERAL PROVISIONS**

- 5000.1 Accessory buildings shall be permitted within an RF zone subject to the following conditions:
- (a) An accessory building shall be subordinate to and located on the same lot as the building to which it is accessory; provided, that required accessory parking space may be permitted on another lot where specifically permitted under other provisions of this title;
  - (b) An accessory building shall be used for purposes which are incidental to the use of the principal building but may house no more than one (1) principal unit;
  - (c) An accessory building shall not be constructed prior to a principal building on the same lot; and
  - (d) An accessory building shall not be constructed in front of the principal building.
- 5000.2 The accessory buildings shall be secondary in size compared to the principal building, and shall be considered within the lot occupancy, pervious surface, as applicable the floor area ratio requirements of the RF zones.
- 5000.3 A private garage permitted in an RF zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve 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); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

### **5001 DEVELOPMENT STANDARDS**

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

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).

### **5002 HEIGHT**

- 5002.1 The maximum permitted height for an accessory building in an RF zone 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).

## **5003 LOT OCCUPANCY**

- 5003.1 The maximum lot occupancy for an accessory building in an RF zone shall be the greater of thirty percent (30%) of the required rear 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).

## **5004 REAR YARD**

- 5004.1 No minimum rear yard is required for an accessory building in an RF zone except when abutting an alley, where it shall be set back at least twelve feet (12 ft.) from the center line of the alley.
- 5004.2 An accessory building shall be permitted in a required rear yard of a principal building pursuant to the following conditions:
- (a) The accessory building is less than ten feet (10 ft.) in height; and
  - (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area.
- 5004.3 If the required rear yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

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 an RF zone.
- 5005.2 An accessory building shall be permitted in a required side yard of a principal building pursuant to the following conditions:
- (a) The accessory building is less than ten feet (10 ft.) in height;
  - (b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area; and
  - (c) If the required side yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.

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

**5006 MISCELLANEOUS**

5006.1 The development standards that permit the following uses are located in Subtitle U, Chapter 3:

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

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

**5007 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

## CHAPTER 51 ALLEY LOT REGULATIONS (RF)

### 5100 GENERAL PROVISIONS

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the RF zones:

**TABLE E § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RF)**

|                                             |                                                        |
|---------------------------------------------|--------------------------------------------------------|
| (a) Maximum Height                          | 20 ft. and 2 stories, including the penthouse          |
| (b) Maximum Lot Occupancy                   |                                                        |
| Less than 1,800 sq. ft. of lot area         | N/A                                                    |
| Between 1,800 and 2,000 sq. ft. of lot area | 90%                                                    |
| Over 2,000 sq. ft. of lot area              | 80%                                                    |
| (c) Minimum Rear Yard                       | 5 ft. from any lot line of all abutting non-Alley Lots |
| (d) Minimum Side Yard                       | 5 ft. from any lot line of all abutting non-Alley Lots |
| (e) Minimum Alley Centerline Setback        | 7.5 ft. from the centerline of all abutting alleys     |
| (f) Minimum Pervious Surface                | 10%                                                    |

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020).

### 5101 [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. 19-13 published at 67 DCR 12690 (October 30, 2020).

### 5102 [DELETED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020).

### 5103 [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. 08-06E published at 63 DCR 10932 (August 26, 2016).

### 5104 [DELETED]

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020)..

**5105 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020)..

**5106 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020)..

**5107 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-13 published at 67 DCR 12690 (October 30, 2020)..

**5108 [DELETED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

## **CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF ZONES**

### **5200 GENERAL PROVISIONS**

- 5200.1 The provisions of this chapter provide for special exception relief from 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 authorized by this chapter shall be processed as a variance pursuant to Subtitle X, Chapter 10.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

### **5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

- 5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:
- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
  - (b) Yards, including alley centerline setback;
  - (c) Courts; and
  - (d) Pervious surface.
- 5201.2 For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:
- (a) Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
  - (b) Yards, including alley centerline setback;
  - (c) Courts; and

(d) Pervious surface.

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Yards, including alley centerline setback; and

(b) Pervious surface.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(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 proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

5201.5 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.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- (a) District Department of Transportation (DDOT);
- (b) Department of Public Works (DPW);
- (c) Metropolitan Police Department (MPD);
- (d) Fire and Emergency Medical Services Department (FEMS);
- (e) DC Water (WASA); and
- (f) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

## **5202 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**

- 5202.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:
- (a) Compatible with the present and proposed development of the neighborhood;
  - (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and
  - (c) In accordance with the plan promulgated under the Act.
- 5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.
- 5202.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

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

## **5203 SPECIAL EXCEPTION CRITERIA BUILDING HEIGHT**

- 5203.1 The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) for a principal residential building and

any additions thereto located on a non-alley lot subject to the following conditions:

- (a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
  - (1) The light and air available to neighboring properties shall not be unduly affected;
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
  - (3) The proposed construction, 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 or alley;
- (b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction's height to adjacent buildings and views from public ways; and
- (c) 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 or nearby properties, or to maintain the general character of a block.

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. 19-21 published at 67 DCR 13346 (November 13, 2020).

## **5204 [RESERVED]**

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 19-14 published at 67 DCR 8068 (July 3, 2020).

## **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 RF 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 E § 201.3.
- 5206.2 For Voluntary Inclusionary Developments in the RF 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 E § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle E § 5206.1.

SOURCE: Final Rulemaking & Order No. 04-33I published at 66 DCR 13705 (October 18, 2019).

**5207 SPECIAL EXCEPTION CRITERIA ROOF TOP OR UPPER FLOOR ELEMENTS**

- 5207.1 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 206.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:
  - (a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
    - (1) The light and air available to neighboring properties shall not be unduly affected;
    - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
    - (3) The proposed construction, 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 street or alley frontage;
  - (b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and
  - (c) 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 or nearby properties, or to maintain the general character of a block.

5207.2 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 206.3 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The application demonstrates the applicant has made its best efforts to minimize and mitigate the potential shading impact to solar energy systems on abutting properties to the extent reasonably practical, including possible design alternatives to the application's proposed construction and potential solar access easements;
- (b) The application shall include illustrations of the shading impact on solar energy systems on abutting properties:
  - (1) As proposed by the application;
  - (2) As allowed as a matter of right; and
  - (3) Of possible design alternatives considered by the applicant; and
- (c) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate shading impacts identified in the consideration of the application.

SOURCE: Final Rulemaking & Order No. 19-21 published at 67 DCR 13346 (November 13, 2020).