

## TITLE 11 – ZONING

### SUBTITLE H NEIGHBORHOOD MIXED USE (NC) ZONES

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## **CHAPTER 1 INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NC) ZONES**

### **100 GENERAL PROVISIONS**

- 100.1 The Neighborhood Mixed-Use zones (NC-1 through NC-17) are designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.
- 100.2 In addition to the purpose statements of each individual chapter, the purposes of the NC zones are to:
- (a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;
  - (b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
  - (c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;
  - (d) Encourage a general compatibility in scale between new and older buildings;
  - (e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;
  - (f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;
  - (g) Identify designated roadways within NC zones with limitations on driveways and curb cuts; and
  - (h) Identify designated use areas within NC zones within which use restriction shall apply to the ground floor.

### **101 DEVELOPMENT STANDARDS**

- 101.1 The bulk of structures in the NC 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 and the relationship of buildings to street lot lines;
- (c) Regulate the mixture of uses; and
- (d) Ensure the environmental performance of development.

101.3 The bulk of public buildings and structures in the NC zones shall be controlled through the development standards specified in Subtitle H, Chapter 10.

101.4 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 criteria, if applicable, shall be considered by the Board and are found at Subtitle H, Chapter 12.

101.5 Development standards followed by “IZ” represent standards available to projects subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning.

101.6 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 & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **102 PARKING**

102.1 Parking requirements for the NC zones are as specified in Subtitle C, Chapters 7 and 8.

## **103 INCLUSIONARY ZONING**

103.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all NC zones except the NC-6 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space as described in Subtitle C § 1500.11 in the NC-6 zone shall be subject to the IZ requirements.

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

## **104 USE PERMISSIONS**

104.1 The use permissions for the NC zones are as set forth in Subtitle H, Chapter 11.

## **CHAPTER 2 GENERAL DEVELOPMENT STANDARDS**

### **200 GENERAL PROVISIONS**

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

### **201 DENSITY – FLOOR AREA RATIO (FAR)**

- 201.1 The maximum permitted floor area ratio (FAR) in all NC zones may be used for residential purposes, unless specifically required otherwise in an NC zone. However, of the maximum permitted FAR, non-residential uses shall be limited to a maximum non-residential FAR as established in the development standards for each zone. The maximum permitted FAR is inclusive of the non-residential FAR.
- 201.2 The matter-of-right height, penthouse, and density limits shall serve as the guidelines for planned unit developments except if specifically stated otherwise.
- 201.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in FAR.
- 201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle U §1101 are provided.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

### **202 REAR YARD**

- 202.1 Except in the NC-13 zone, rear yards as required in the NC zones may be measured according to the following rules:
- (a) If the subject lot does not abut an alley, the rear yard shall be measured as follows:
    - (1) Measure a horizontal plane from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and

- (2) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, define a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard; and
- (b) If the subject lot abuts an alley, the rear yard shall be measured as follows:
  - (1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and
  - (2) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, measure a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard.

## **203 PENTHOUSES**

203.1 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.

## **204 MISCELLANEOUS**

204.1 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted in an NC zone.

204.2 The development standards for buildings on alley lots in NC zones shall be as required by the zone.

## **CHAPTER 3 MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE — NC-1**

### **300 PURPOSE AND INTENT**

- 300.1 The purposes of the Macomb-Wisconsin Neighborhood mixed-use zone (NC-1) are to:
- (a) Provide for public review of large developments to ensure that they are compatible with and enhance the primary neighborhood retail function of the area;
  - (b) Ensure new construction is compatible with and enhances the primary neighborhood retail function of the area; and
  - (c) Limit the scale and massing of new buildings and a mix of uses that is in general compatible in scale with existing buildings.
- 300.2 The NC-1 zone is intended to permit mixed-use development at a low density.
- 300.3 The NC-1 zone shall be mapped on the mixed-use area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those non-residentially zoned lots in Squares 1920 and 1920N.
- 300.4 The designated use area in the NC-1 zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.
- 300.5 The designated roadway in the NC-1 zone shall be Wisconsin Avenue and Macomb Street, N.W.

### **301 DEVELOPMENT STANDARDS**

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

### **302 DENSITY – FLOOR AREA RATIO (FAR) AND GROSS FLOOR AREA (GFA)**

- 302.1 The maximum permitted FAR in the NC-1 zone shall be 1.0 (1.2 with IZ) with a maximum non-residential FAR of 1.0.
- 302.2 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Subtitle X, Chapter 9.



### **303 HEIGHT**

- 303.1 The maximum permitted building height, not including the penthouse, in the NC-1 zone shall be forty feet (40 ft.) and three (3) stories.
- 303.2 The maximum permitted height of a penthouse, except 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.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

### **304 LOT OCCUPANCY**

- 304.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

### **305 REAR YARD**

- 305.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the NC-1 zone.

### **306 SIDE YARD**

- 306.1 No side yard is required for a building or structure in the NC-1 zone other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than six feet (6 ft.).
- 306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-1 zone.

### **307 COURT**

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

**TABLE H § 307.1: 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>
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;  10 ft. minimum	4 in./ft. of height of court;  15 ft. minimum	Twice the square of the required width of court dimension;  350 sq. ft. minimum

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;  6 ft. minimum	3 in./ft. of height of court  12 ft. minimum	Twice the square of the required width of court dimension;  250 sq. ft. minimum

**308 GREEN AREA RATIO (GAR)**

308.1 The minimum required (GAR) for the NC-1 zone shall be 0.3.

## **CHAPTER 4 TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2**

### **400 PURPOSE AND INTENT**

400.1 The purposes of the Takoma Neighborhood Mixed-Use zone (NC-2) are to:

- (a) Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station;
- (b) Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service, and office uses;
- (c) Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses;
- (d) Permit mixed-use development at a moderate density;
- (e) Encourage residential development to enhance safety and provide resident population to support neighborhood-serving commercial uses; and
- (f) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.

400.2 The NC-2 zone begins at the street right-of-way lines abutting the squares listed in Subtitle H § 300.2 and extends to a depth of one hundred feet (100 ft.).

400.3 The designated use area shall coincide with the boundaries of the NC-2 zone.

400.4 The designated roadways shall be portions of 4<sup>th</sup> Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the NC-2 zone.

### **401 DEVELOPMENT STANDARDS**

401.1 The development standards in Subtitle H §§ 402 through 408 modify the general development standards in Subtitle H, Chapter 2.

### **402 DENSITY – FLOOR AREA RATIO (FAR)**

402.1 The maximum FAR in the NC-2 zone shall be 2.5 (3.0 with IZ) with a maximum non-residential FAR of 1.5.

- 402.2 An existing building on a lot ten thousand square feet (10,000 sq. ft.) or less may exceed the maximum FAR standard for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

## **403 HEIGHT**

- 403.1 The maximum permitted building height, not including the penthouse, in the NC-2 zone shall be fifty feet (50 ft.) (fifty-five feet [55 ft.] with IZ).
- 403.2 The maximum permitted height of a penthouse, except 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.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

## **404 LOT OCCUPANCY**

- 404.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy-five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

## **405 REAR YARD**

- 405.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-2 zone.

## **406 SIDE YARD**

- 406.1 No side yard is required for a building or structure in the NC-2 zone other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than six feet (6 ft.).
- 406.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-2 zone.

## **407 COURT**

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

**TABLE H § 407.1: 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>
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;  10 ft. minimum	4 in./ft. of height of court;  15 ft. minimum	Twice the square of the required width of court dimension;  350 sq. ft. minimum
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;  6 ft. minimum	3 in./ft. of height of court  12 ft. minimum	Twice the square of the required width of court dimension;  250 sq. ft. minimum

## **408 GREEN AREA RATIO (GAR)**

408.1 The minimum required GAR for the NC-2 zone shall be 0.3.

## **409 DESIGN REQUIREMENTS TAKOMA NEIGHBORHOOD MIXED-USE ZONE (NC-2)**

409.1 The street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W., or any addition to an existing building frontage on any of these streets, shall setback for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curb line.

409.2 Except as provided in Subtitle H § 409.4, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

409.3 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).

409.4 Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the NC-2 zone do not have to provide the designated retail and service establishments on the ground floor level required by Subtitle H § 1101.1, nor comply with the ground floor level floor-to-ceiling height requirement of Subtitle H § 409.2, if the ground floor level is devoted exclusively to residential uses.

409.5 If ground floor residential uses are established pursuant to Subtitle H § 409.4, no certificate of occupancy for a permitted non-residential use on the ground floor level may be issued, unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of Subtitle H § 409.2.

## **CHAPTER 5 CLEVELAND PARK NEIGHBORHOOD MIXED-USE — NC-3**

### **500 PURPOSE AND INTENT**

- 500.1 The purposes of the Cleveland Park Neighborhood Mixed-Use zone (NC-3) are to:
- (a) Encourage compatibility of development with the purposes of the Historic Landmark and Historic District Protection Act of 1978;
  - (b) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings; and
  - (c) Provide for retention of existing housing within the Cleveland Park commercial area to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.
- 500.2 The NC-3 zone is intended to permit mixed-use development at a moderate density.
- 500.3 The NC-3 zone shall be mapped to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those non-residentially zoned lots in Squares 2218, 2219, 2222, 2068, 2069, and 2082.
- 500.4 The designated use area shall include any lot within the NC-3 zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.
- 500.5 The designated roadway in the NC-3 zone shall be Connecticut Avenue, N.W.

### **501 DEVELOPMENT STANDARDS**

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

### **502 DENSITY – FLOOR AREA RATIO (FAR)**

- 502.1 The maximum FAR in the NC-3 zone shall be 2.0 (2.4 with IZ) with a maximum non-residential FAR of 1.0.

## **503 HEIGHT**

- 503.1 The maximum permitted building height, not including the penthouse, in the NC-3 zone shall be forty feet (40 ft.) (forty-five feet [45 ft.] with IZ).
- 503.2 The maximum permitted height of a penthouse, except 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.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

## **504 LOT OCCUPANCY**

- 504.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy-five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).

## **505 REAR YARD**

- 505.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-3 zone.

## **506 SIDE YARD**

- 506.1 No side yard is required for a building or structure in the NC-3 zone other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).
- 506.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-3 zone.

## **507 COURT**

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

**TABLE H § 507.1: 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>
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;  10 ft. minimum	4 in./ft. of height of court;  5 ft. minimum	Twice the square of the required width of court dimension;  350 sq. ft. minimum

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;  6 ft. minimum	3 in./ft. of height of court  12 ft. minimum	Twice the square of the required width of court dimension;  250 sq. ft. minimum

## **508 GREEN AREA RATIO (GAR)**

508.1 The minimum required GAR for the NC-3 zone shall be 0.3.



## **CHAPTER 6 WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 AND NC-5**

### **600 PURPOSE AND INTENT**

- 600.1 The purposes of the Woodley Park Neighborhood Mixed-Use zones (NC-4 and NC-5) are to:
- (a) Limit the height of new buildings; and
  - (b) Encourage a scale of development and a mixture of building uses that are in general compatible in scale with existing buildings in the Woodley Park neighborhood.
- 600.2 The NC-4 zone is intended to permit mixed-use development at a moderate-density.
- 600.3 The NC-5 zone is intended to permit compact mixed-use development at a medium density with an emphasis on residential development.
- 600.4 The NC-4 and NC-5 zones shall be mapped to a compact geographic area comprising those non-residentially zoned lots in Squares 2202 and 2203 and in Square 2204.
- 600.5 The designated use area shall include any lot within the NC-4 and NC-5 zones that fronts on Connecticut Avenue, Calvert Street, or 24<sup>th</sup> Street, N.W. For the purposes of Subtitle H § 1101.3, the designated use areas of NC-4 and NC-5 shall be treated as a single use area.
- 600.6 The designated roadway in the NC-4 and NC-5 shall be Connecticut Avenue, N.W.

### **601 DEVELOPMENT STANDARDS**

- 601.1 The development standards in Subtitle H §§ 602 through 608 modify the general development standards in Subtitle H, Chapter 2.

### **602 DENSITY – FLOOR AREA RATIO (FAR)**

- 602.1 The maximum permitted FAR in the NC-4 and NC-5 zones shall be as set forth in the following table:

**TABLE H § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
NC-4	2.5	1.0
	3.0 (IZ)	
NC-5	3.0	1.0
	3.6 (IZ)	

## 603 HEIGHT

603.1 The maximum permitted building height, not including the penthouse, in the NC-4 and NC-5 zones shall be as set forth in the following table:

**TABLE H § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT**

Zone	Maximum Height (Feet)
NC-4	40
	50 (IZ)
NC-5	50
	55 (IZ)

603.2 The maximum permitted height of a penthouse, except 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.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.

## 604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy in the NC-4 and NC-5 zones shall be as set forth in the following table:

**TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY**

Zone	Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)	Maximum Lot Occupancy All Other Buildings (Percentage)
NC-4	60	100
	75 (IZ)	
NC-5	80	100
	80 (IZ)	

## **605 REAR YARD**

605.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-4 and NC-5 zones.

## **606 SIDEYARD**

606.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).

606.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-4 and NC-5 zones.

## **607 COURT**

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

**TABLE H § 607.1: 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>
<b>Residential, more than three units:</b>	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

## **608 GREEN AREA RATIO (GAR)**

608.1 The minimum required GAR for the NC-4 and NC-5 zones shall be 0.3.

## **CHAPTER 7 EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6**

### **700 PURPOSE AND INTENT**

- 700.1 The purposes of the Eighth Street Southeast Neighborhood Mixed-Use zone (NC-6) are to:
- (a) Encourage and allow new neighborhood-serving retail and service businesses and office development in close proximity to the Navy Yard, with emphasis on firms that will conduct business with the Navy, as well as neighborhood-serving retail and service businesses;
  - (b) Allow and encourage mixed-use development at a medium density, in the interest of securing economic development, while restricting building heights to a low level density to respect the historic scale of buildings and the entrance to the adjacent Navy Yard; and
  - (c) Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail.
- 700.2 The NC-6 zone shall be mapped to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those non-residentially zoned properties in Squares 906, 907, 929, and 930.
- 700.3 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the NC-6 zone.
- 700.4 The designated roadways shall be Eighth Street, M Street, and Potomac Avenue, S.E. and other businesses in the area

### **701 DEVELOPMENT STANDARDS**

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

### **702 DENSITY – FLOOR AREA RATIO (FAR)**

- 702.1 The maximum permitted FAR for permitted commercial and residential uses in the NC-6 zone shall be 3.0.
- 702.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the NC-6 zone.

## **703 HEIGHT**

- 703.1 The maximum permitted building height, not including the penthouse, in the NC-6 zone shall be forty-five feet (45 ft.).
- 703.2 The maximum permitted height of a penthouse, except 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.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).

## **704 LOT OCCUPANCY**

- 704.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use in the NC-6 zone shall be seventy-five percent (75%). The maximum lot occupancy for all other buildings shall be one hundred percent (100%).

## **705 REAR YARD**

- 705.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-6 zone.

## **706 SIDE YARD**

- 706.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).
- 706.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-6 zone.

## **707 COURT**

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

**TABLE H § 707.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;  10 ft. minimum	4 in./ft. of height of court;  15 ft. minimum	Twice the square of the required width of court dimension;  350 sq. ft. minimum

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;  6 ft. minimum	3 in./ft. of height of court  12 ft. minimum	Twice the square of the required width of court dimension;  250 sq. ft. minimum

## 708 GREEN AREA RATIO

708.1 The minimum required Green Area Ratio in the NC-6 zone shall be 0.25.

## **CHAPTER 8 GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 AND NC-8**

### **800 PURPOSE AND INTENT**

- 800.1 The purposes of the Georgia Avenue Neighborhood Mixed-Use zones (NC-7 and NC-8) are to:
- (a) Implement the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia, effective July 20, 2006 (Res. 16-686);
  - (b) Implement the goals of the Great Streets Framework Plan for 7<sup>th</sup> Street - Georgia Avenue, published by the District Department of Transportation and dated 2006;
  - (c) Encourage additional residential uses along the Georgia Avenue corridor;
  - (d) Encourage improved commercial uses;
  - (e) Provide uniform building design standards;
  - (f) Set guidelines for development review through planned unit development (PUD) and special exception proceedings; and
  - (g) Encourage vertically mixed-uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue - Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.
- 800.2 The NC-7 zone is intended to permit mixed-use development at a moderate density, including additional residential uses above improved commercial uses; and
- 800.3 The NC-8 zone is intended to permit mixed-use development at a medium density with a focus on employment, including additional residential uses above improved commercial uses.
- 800.4 The NC-7 and NC-8 zones apply to non-residential properties along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street.
- 800.5 The designated use area shall coincide with the boundaries of the NC-7 and NC-8 zones.

800.6 The designated roadway in the NC-7 and NC-8 zones shall be Georgia Avenue N.W.

## **801 DEVELOPMENT STANDARDS**

801.1 The development standards in Subtitle H §§ 802 through 810 modify the general development standards in Subtitle H, Chapter 2.

## **802 DENSITY – FLOOR AREA RATIO (FAR)**

802.1 The maximum permitted FAR in the NC-7 and NC-8 zones shall be as set forth in the following table:

**TABLE H § 802.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
NC-7	2.5	1.5
	3.0 (IZ)	
NC-8	4.0	2.5
	4.8 (IZ)	

802.2 A planned unit development (PUD) in the NC-7 and NC-8 zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

- (a) Any additional height and floor area above that permitted as a matter of right in the zone shall be for residential use only; and
- (b) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 sq. ft.).

## **803 HEIGHT**

803.1 The maximum permitted building height, not including the penthouse, in the NC-7 and NC-8 zones shall be as set forth in the following table:

**TABLE H § 803.1: MAXIMUM PERMITTED BUILDING HEIGHT**

Zone	Maximum Height (Feet)
NC-7	50
	55 (IZ)
NC-8	65



803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

**TABLE H § 803.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES**

<b>ZONE</b>	<b>Maximum Penthouse Height</b>	<b>Maximum Penthouse Stories</b>
NC-7	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-8	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

## 804 LOT OCCUPANCY

804.1 The maximum permitted lot occupancy in the NC-7 and NC-8 zones shall be as set forth in the following table:

**TABLE G § 804.1: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)</b>	<b>Maximum Lot Occupancy All Other Buildings (Percentage)</b>
NC-7	70	100
	75 (IZ)	
NC-8	75	100
	80 (IZ)	

## 805 REAR YARD

805.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-7 zone.

805.2 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-8 zone.

## 806 SIDE YARD

806.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).

806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-7 and NC-8 zones.

## **807 COURT**

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

**TABLE H § 807.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;	4 in./ft. of height of court;	Twice the square of the required width of court dimension;
	10 ft. minimum	15 ft. minimum	350 sq. ft. minimum
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;	3 in./ft. of height of court	Twice the square of the required width of court dimension;
	6 ft. minimum	12 ft. minimum	250 sq. ft. minimum

## **808 GREEN AREA RATIO (GAR)**

808.1 The minimum required GAR in the NC-7 zone shall be 0.3.

808.2 The minimum required GAR in the NC-8 zone shall be 0.25.

## **809 DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES**

809.1 The following design requirements shall apply to any lot in the NC-7 and NC-8 zones, other than a lot used for a public school:

- (a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way;
- (b) Buildings on corner lots shall be constructed to all property lines abutting public streets;
- (c) On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;
- (d) Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building's main lobby, and to display windows having clear or clear/low emissivity glass. Decorative or architectural accents do not count toward the fifty percent (50%) requirement;

- (e) Security grilles over windows or doors shall have no less than seventy percent (70%) transparency;
- (f) The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.);
- (g) Buildings subject to Subtitle H § 809.1(f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter of right in the zone;
- (h) Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk;
- (i) Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby; and
- (j) Off-street surface parking shall be permitted in rear yards or below grade only.

## **810 SPECIAL EXCEPTION**

810.1 Construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has twelve thousand square feet (12,000 sq. ft.) or more of land area is permitted only as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H § 1201.

## **CHAPTER 9 H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 THROUGH NC-17**

### **900 PURPOSE AND INTENT**

- 900.1 The purposes of the H Street Northeast Neighborhood Mixed-Use zones (NC-9 through NC-17) are to:
- (a) Implement the policies and goals of the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia, effective February 17, 2004 (Res. 15-460);
  - (b) Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, N.E.; a neighborhood-serving retail shopping district from 7<sup>th</sup> Street to 12<sup>th</sup> Street, N.E.; and an arts and entertainment district from 12<sup>th</sup> Street to 15<sup>th</sup> Street, N.E.;
  - (c) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor;
  - (d) Encourage new construction to preserve existing façades constructed before 1958; and
  - (e) Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the NC-9 through NC-17 but not fronting H Street, N.E.
- 900.1 The H Street Northeast Neighborhood Mixed-Use zones include a housing, arts, and retail subarea, and are comprised of the NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, and NC-17 zones.
- 900.2 The H Street Northeast Neighborhood Mixed-Use Housing sub-district is divided into the NC-9, NC-10, NC-11, NC-12, and NC-13 zones.
- 900.3 The H Street Northeast Neighborhood Mixed-Use Housing sub-district zones are intended to:
- (a) Encourage residential uses along the H Street, N.E. corridor, particularly the provision of affordable units and reuse of upper floors;
  - (b) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor; and
  - (c) Encourage the reuse of existing buildings along the corridor.

- 900.4 The NC-9 zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 900.5 The NC-10 zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 900.6 The NC-11, NC-12, and the NC-13 zones are intended to permit mixed-use development at a medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.
- 900.7 The H Street Northeast Neighborhood Mixed-Use Commercial Arts sub-district is divided into the NC-14 and NC-15 zones.
- 900.8 The H Street Northeast Neighborhood Mixed-Use Commercial Arts sub-district zones are intended to encourage arts and entertainment uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.
- 900.9 The NC-14 zone is intended to permit mixed-use development at a moderate density with an emphasis on arts and arts-related uses.
- 900.10 The NC-15 zone is intended to permit mixed-use development at a medium density with an emphasis on employment and the provision of arts and arts-related uses.
- 900.11 The H Street Northeast Neighborhood Mixed-Use Retail sub-district is divided into the NC-16 and NC-17 zones.
- 900.12 The H Street Northeast Neighborhood Mixed-Use Retail sub-district zones are intended to encourage retail uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.
- 900.13 The NC-16 zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of retail uses.
- 900.14 The NC-17 zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses.
- 900.15 The H Street Northeast Neighborhood Mixed-Use zones shall be mapped along the H Street, N.E. commercial corridor between the western side of 2<sup>nd</sup> Street, N.E. and the eastern side of 15<sup>th</sup> Street, N.E.
- 900.16 The designated street lot lines in the H Street Northeast Neighborhood Mixed-Use zones are:
- (a) The street lot lines abutting H Street, N.E.; and

- (b) The street lot lines abutting Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street, N.E., and 15<sup>th</sup> Street, N.E., applicable only if the building would have ground floor space occupied by one (1) or more service, retail, or office uses permitted by-right in the zone.

900.17 The designated roadway within the NC-9 through NC-17 zones shall be H Street, N.E.

## 901 DEVELOPMENT STANDARDS

901.1 The development standards in Subtitle H §§ 902 through 910 modify the general development standards in Subtitle H, Chapter 2.

## 902 DENSITY – FLOOR AREA RATIO (FAR)

902.1 The maximum permitted FAR in the NC-9 through NC-17 zones shall be as set forth in the following table:

**TABLE H § 902.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

Zone	Maximum Residential FAR	Maximum FAR Other Uses	Maximum FAR Permitted
NC-9	2.5	0.5	2.5
			3.0 (IZ)
NC-10	3.5	0.5	3.5
			4.2 (IZ)
NC-11	6.0	0.5	6.0
			7.2 (IZ)
NC-12	4.0	0.5	4.0
			4.8 (IZ)
NC-13	5.0	0.5	5.0
			6.0 (IZ)
NC-14	2.5	1.0	2.5
			3.0 (IZ)
NC-15	4.0	1.0	4.0
			4.8 (IZ)
NC-16	2.5	1.5	2.5
			3.0 (IZ)
NC-17	3.5	1.5	3.5
			4.2 (IZ)

902.2 In the NC-9, NC-10, NC-11, NC-12, and NC-13 zones, new construction that preserves a building façade constructed before 1958 is permitted a maximum non-residential FAR of 1.5, provided that at least 1.0 FAR shall be occupied by uses in the following categories:

- (a) Office, provided that the office use shall not be on the ground story;

- (b) Retail;
- (c) Service; or
- (d) Eating and drinking establishments.

902.3 In the NC-14 through NC-17 zones, new construction that preserves an existing façade constructed before 1958 is entitled to an increase of 0.5 FAR to the maximum permitted non-residential density.

902.4 New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted residential density.

902.5 On Square 776, a maximum non-residential density of 1.5 FAR shall be permitted in the event that a grocery store is constructed Square 776.

902.6 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-Use zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

- (a) Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;
- (b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;
- (c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 sq. ft.);
- (d) Development properties subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10 may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;
- (e) The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 902.2 shall be deemed to first utilize the bonus authorized for IZ units;
- (f) Use of the bonus density authorized in Subtitle H § 902.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and
- (g) Bonus density achieved through Subtitle H § 902.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.

## 903 HEIGHT

903.1 The maximum permitted building height, not including the penthouse, in the NC-9 through NC-17 zones shall be as set forth in the following table:

**TABLE H § 803.1: MAXIMUM PERMITTED BUILDING HEIGHT**

Zone	Maximum Height (Feet)
NC-9, NC-14, and NC-16	50
NC-12 and NC-15	65
NC-10 and NC-17	65
	70 (IZ)
NC-13	70
NC-11	90
	100 (IZ)

903.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

**TABLE H § 903.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES**

ZONE	Maximum Penthouse Height (Feet)	Maximum Penthouse Stories
NC-9 NC-14 NC-16	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-10 NC-12 NC-15 NC-17	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-13	20 ft.	1; Second story permitted for penthouse mechanical space
NC-11	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

## 904 LOT OCCUPANCY

904.1 The maximum permitted lot occupancy in the NC-9 through NC-17 zones shall be as set forth in the following table:



**TABLE H § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)</b>	<b>Maximum Lot Occupancy All Other Buildings (Percentage)</b>
NC-9, NC-14, and NC-16	70	100
	75 (IZ)	
NC-12 and NC-15	75	100
	80 (IZ)	
NC-10, NC-11, and NC-17	70	100
	80 (IZ)	
NC-13	100	100

904.2 For the purposes of Subtitle H § 904.1, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses.

904.3 For the purposes of this chapter, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

## **905 REAR YARD**

905.1 A minimum rear yard in the NC-9 through NC-17 zones shall be as set forth in the following table:

**TABLE H § 905.1: MINIMUM REQUIRED REAR YARD**

<b>Zone</b>	<b>Minimum Rear Yard (Feet)</b>
NC-9, NC-10, NC-11, NC-14, NC-16, and NC-17	15
NC-12, NC-13 and NC-15	12

905.2 In the NC-13-zone, rear yards shall be measured as follows:

- (a) A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;
- (b) Where a lot abuts an alley:

- (1) For that portion of the structure below a horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the center line of the alley to the rear wall of the portion; and
- (2) For that portion of the structure above the horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane; and
- (c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2015).

## 906 SIDE YARD

- 906.1 In the NC zones, no side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).
- 906.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.

## 907 COURT

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

**TABLE H § 907.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court;  10 ft. minimum	4 in./ft. of height of court;  15 ft. minimum	Twice the square of the required width of court dimension;  350 sq. ft. minimum
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court;  6 ft. minimum	3 in./ft. of height of court  12 ft. minimum	Twice the square of the required width of court dimension;  250 sq. ft. minimum

## 908 GREEN AREA RATIO (GAR)

- 908.1 The minimum required GAR shall be as set forth in the following table:

**TABLE H § 908.1: MINIMUM REQUIRED GREEN AREA RATIO**

<b>Zone</b>	<b>Minimum Required GAR</b>
NC-9, NC-10, NC-11, NC-14, NC-16, and NC-17	0.3
NC-12, NC-13 and NC-15	0.25

**909 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES**

909.1 The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-Use zones:

- (a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets;
- (b) New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses;
- (c) Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street N.E., or 15<sup>th</sup> Street N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;
- (d) Each new building on a lot that fronts on H Street N.E., Florida Avenue, N.E., Maryland Avenue N.E., 13<sup>th</sup> Street, N.E., 14<sup>th</sup> Street N.E., or 15<sup>th</sup> Street N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building;
- (e) Security grilles shall have no less than seventy percent (70%) transparency;
- (f) Each commercial use with frontage on H Street N.E., Florida Avenue N.E., Maryland Avenue N.E., 13<sup>th</sup> Street N.E., 14<sup>th</sup> Street N.E., or 15<sup>th</sup> Street N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple dwellings unit developments shall have

at least one (1) primary entrance on H Street directly accessible from the sidewalk;

- (g) Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.), on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby;
- (h) The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building:
  - (1) Fronts H Street N.E.; or
  - (2) Fronts Florida Avenue N.E., Maryland Avenue N.E., 13<sup>th</sup> Street N.E., 14<sup>th</sup> Street N.E., or 15<sup>th</sup> Street N.E., and would have ground floor space occupied by one (1) or more service, retail, or office uses permitted as a matter-of-right in the underlying zone;
- (i) Buildings subject to Subtitle H § 909.1(h) shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;
- (j) Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline;
- (k) Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building; and
- (l) Roof signs are prohibited.

SOURCE: Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

## **910 SPECIAL EXCEPTION**

- 910.1 Construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area is permitted only as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H § 1202.

**CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC  
EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION  
AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR  
NC ZONES**

**1000 DEVELOPMENT STANDARDS**

- 1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 13.
- 1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 13 shall be those development standards for the zone in which the buildings or structures is proposed.

## CHAPTER 11 USE PERMISSIONS FOR NC ZONES

### 1100 GENERAL USE PERMISSIONS FOR NC ZONES

- 1100.1 This chapter contains use permissions, conditions, and special exceptions in the NC-1 through NC-17 zones.
- 1100.2 Uses are permitted as a matter of right, as a matter of right with conditions, or as a special exception.
- 1100.3 A condition on a matter-of-right use may limit a use category to one (1) or more specific uses, modify the characteristic(s) of a use, or limit a use to specific zone.
- 1100.4 Uses are permitted as either principal or accessory uses unless specifically permitted as only a principal or accessory use.
- 1100.5 “Other Accessory Uses” shall be those that are customarily incidental and subordinate to the principal uses permitted in this chapter.
- 1100.6 Designated uses, as described by this chapter, shall be provided pursuant to the requirements of Subtitle H §1101. All other uses shall be provided pursuant to the requirements of this chapter.
- 1100.7 Antennas in NC zones shall be controlled by Subtitle C, Chapter 13.
- 1100.8 Use groups for the NC zones are as follows:

**TABLE H § 1100.8: NC-USE GROUPS:**

NC-Use Group A	NC-Use Group B	NC-Use Group C
NC-1	NC-2, NC-3, NC-4, NC-7, NC-9, NC-10, NC-11, NC-14, NC-16, NC-17	NC-5, NC-6, NC-8, NC-12, NC-13, NC-15

### 1101 DESIGNATED AND RESTRICTED USES

- 1101.1 Any building that occupies or is constructed on a lot in a designated use area within an NC zone shall provide designated retail and service establishments on the ground level according to the requirements of this chapter and any additional requirements of the particular zone.
- 1101.2 The NC zone designated uses, for the purposes of this subtitle, are those permitted in the following use groups subject to any conditions of this section:

- (a) Animal care or animal boarding;
- (b) Arts, design, and creation;
- (c) Eating and drinking establishments;
- (d) Entertainment and performing arts;
- (e) Financial and general services; and
- (f) Retail.

1101.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:

- (a) No more than twenty percent (20%) of the ground floor level area shall be financial services, travel agencies, or other ticket offices;
- (b) Except in the NC-6 and NC-9 through NC-17 zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:
  - (1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC zone, as measured along the lots in the designated use area in the particular district; and
  - (2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of Subtitle H § 1101.3; provided, that they shall remain subject to the linear street frontage requirement of Subtitle H § 1101.3(b)(1);
- (c) In the NC-6 zone, eating and drinking establishments shall occupy no more than fifty percent (50%) of the linear street frontage as measured along the lots that face the designated roadway of which no more than one-half (0.5) of the 50% of the linear street frontage shall be occupied by fast food establishments and prepared food shops;
- (d) In those parts of the affected building or lot other than as delineated in this section, the matter-of right use provisions of the zone shall apply; and
- (e) For the purposes of this section the designated use areas of NC-4 and NC-5 shall be treated as a single zone.

1101.4 The following conditions shall apply to the matter-of-right designated uses in a designated use area in the specified NC zones:

- (a) In the NC-1 zone, entertainment and performing arts shall not be considered a designated use;
- (b) In the NC-2, NC-9, NC-10, NC-11, NC-12, and NC-13 zones, residential uses may also be considered designated uses;
- (c) In the NC-3 zone, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use such as hotel or inn; provided, that this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk;
- (d) In the NC-7 and NC-8 zones, liquor stores and pawn shops shall not be permitted;
- (e) In the NC-12 and NC-13 zones, catering establishments and bakeries may also be considered designated uses;
- (f) In the NC-14 and NC-15 zones, designated uses shall be limited to uses within the arts, design and creation, and the eating and drinking use categories; and
- (g) In all NC zones, animal care as a matter-of-right designated use shall be limited to:
  - (1) An establishment used by a licensed veterinarian for the practice of veterinary medicine subject to the following:
    - (A) No more than fifty percent (50%) of the gross floor area of the veterinary office may be devoted to the boarding of animals;
    - (B) The veterinary office shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
    - (C) The veterinary office shall not abut an existing residential use or a residential zone;
    - (D) External yards or other external facilities for the keeping of animals shall not be permitted; and
    - (E) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence shall be permitted as accessory uses;



- (2) An animal grooming business provided there are no boarding facilities, and no external yards or other external facilities for the keeping of animals; and
- (3) An animal boarding use located in a basement or cellar space subject to the following:
  - (A) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;
  - (B) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;
  - (C) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall be solid core;
  - (D) No animals shall be permitted in an external yard on the premises;
  - (E) Animal waste shall be placed in a closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;
  - (F) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and
  - (G) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable.

1101.5 No drive-through or drive-in operation shall be permitted in any NC zone as a principal or accessory use.

SOURCE: 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).

## **1102 USES IN NC ZONES**

- 1102.1 Uses in those parts of a building or lot in an NC zone that are not within a designated use area shall be permitted by Subtitle H § 1103 and the remainder of this chapter.
- 1102.2 When there is a difference between use permissions and conditions of this section and the designated use provisions, the more restrictive provisions or conditions shall apply.

## **1103 MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C)**

- 1103.1 The following uses in this section shall be permitted as a matter of right:
- (a) NC zone designated uses;
  - (b) Agriculture, large;
  - (c) Arts, design, and creation;
  - (d) Chancery;
  - (e) Community solar facility, subject to the following conditions:
    - (1) Roof-mounted solar array of any size; or
    - (2) Ground-mounted solar array, subject to the following requirements:
      - (A) Measures no greater than twenty feet (20 ft.) in height;
      - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
      - (C) Meets the yard and height development standards of the zone; and
      - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.
  - (f) Daytime care;
  - (g) Education, private;
  - (h) Education, public;
  - (i) Government, local;
  - (j) Health care;

- (k) Institutional, general and religious;
- (l) Office, including chancery;
- (m) Parking;
- (n) Parks and recreation;
- (o) Residential;
- (p) Retail;
- (q) Services, financial;
- (r) Short-Term Rental as an accessory use to a principal residential use; and
- (s) Transportation infrastructure.

SOURCE: Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018); Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019); Final Rulemaking & Order No. 19-15 published at 67 DCR 1543 (February 14, 2020).

## **1104 MATTER-OF-RIGHT USES (NC-USE GROUP A)**

1104.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Any use permitted in Subtitle H §1103;
- (c) Animal care and boarding uses subject to the conditions of Subtitle H § 1101.4(h);
- (d) [DELETED];
- (e) Eating and drinking establishment uses, except for:
  - (1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and
  - (2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;
- (f) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (g) Entertainment, assembly, and performing arts uses, except for a bowling alley;

- (h) Motor vehicle uses limited to the following and subject to the corresponding conditions:
  - (1) Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;
  - (2) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
    - (A) All portions of the gasoline service station shall be located entirely within the garage;
    - (B) No part of the accessory use shall be visible from a sidewalk; and
    - (C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
- (i) Service (general) uses except that a self-service or full service laundry, or dry cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry cleaning chemicals shall be used or stored on site; and
- (j) Utilities uses limited to optical transmission nodes.

SOURCE: Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018).

## **1105 SPECIAL EXCEPTION USES (NC-USE GROUP A)**

1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4 (g)(3), subject to the following:
  - (1) The animal boarding use shall take place entirely within an enclosed building;
  - (2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

- (3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;
  - (4) No animals shall be permitted in an external yard on the premises;
  - (5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
  - (6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
  - (7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
  - (8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and
  - (9) External yards or other exterior facilities for the keeping of animals shall not be permitted.
- (b) Animal care uses, not meeting the conditions of Subtitle H § 1101.4(g), subject to the following:
- (1) The use shall not be located on a lot that abuts an R, RF, or RA zone;
  - (2) The use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;
  - (3) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed;
  - (4) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High

Efficiently Particulate Air “HEPA” filtration) or an equivalently effective odor control system;

- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
  - (6) The sale of pet supplies shall be permitted as an accessory use;
  - (7) The principal use shall not be for the housing, feeding and care of stray or abandoned animals whether for profit or not for profit; and
  - (8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of building entrances or exits; buffers, fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property;
- (c) Community-based institutional facilities provided that the use shall house no more than to fifteen (15) persons, not including resident supervisors or staff and their families;
  - (d) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following conditions:
    - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
      - (A) Maintains as many existing native trees as possible;
      - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
      - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
    - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
  - (e) Emergency shelter uses for up to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:
    - (1) There shall be no other property containing an emergency shelter for seven (7) or more persons in the same square, or within a radius of five hundred feet (500 ft.) from any portion of the property;

- (2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
  - (3) The proposed shelter shall meet all applicable code and licensing requirements;
  - (4) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
  - (5) The Board of Zoning Adjustment may approve more than one (1) Emergency Shelter use in a square or within five hundred feet (500 ft.) from the property only when the Board of Zoning Adjustment finds that the cumulative effect of the shelters will not have an adverse impact on the neighborhood because of traffic, noise, or operations;
- (f) Eating and drinking establishment use that is a prepared food shop with more than twenty-four (24) seats;
- (g) Education, college/university uses shall be permitted as a special exception subject to Subtitle X § 102;
- (h) Motor vehicle-related uses limited to the following and subject to the corresponding conditions:
  - (1) The use is a gasoline service station to be established or enlarged, subject to the following conditions;
  - (2) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;
  - (3) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
  - (4) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space; and
- (i) Utilities uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; and

## **1106            MATTER-OF-RIGHT USES (NC-USE GROUP B)**

1106.1            The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a)        Uses permitted as a matter of right in any R, RF, or RA zone;
- (b)        Any uses permitted in Subtitle H § 1103;
- (c)        Animal care and boarding uses subject to the conditions of Subtitle H § 1101.4(g);
- (d)        [DELETED];
- (e)        Eating and drinking establishment uses, except for:
  - (1)        A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and
  - (2)        A fast food establishment and a food delivery business shall not be permitted as a matter of right;
- (f)        Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (g)        Education uses in the NC-10, NC-11, and NC-17 zones only;
- (h)        Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (1)        An R, RF, RA, MU-1, or MU-2 zone; or
  - (2)        A place of worship, public or private school, public library, or playground;
- (i)        Lodging uses, except that they shall not be permitted in the NC-3 and NC-4 zones;
- (j)        Motor vehicle uses shall be limited to the following and subject to the corresponding conditions:
  - (1)        An automobile rental agency;
  - (2)        A car wash with stacking spaces for a minimum of fifteen (15) cars;



- (3) A gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy; and
- (4) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
  - (A) All portions of the gasoline service station shall be located entirely within the garage;
  - (B) No part of the accessory use shall be visible from a sidewalk; and
  - (C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
- (k) Service (general) uses subject to the following limitations and corresponding conditions:
  - (1) A self-service or full service laundry, or dry cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry cleaning chemicals shall be used or stored on site; and
  - (2) Any establishment that has as a principal use the administration of massage shall not be permitted as a matter of right; and
- (l) Utilities uses limited to optical transmission nodes.

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018).

## **1107 SPECIAL EXCEPTION USES (NC-USE GROUP B)**

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § 1101.4(h), subject to the conditions of Subtitle H § 1105.1(a);
- (b) Community-based institutional facilities provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families;
- (c) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following:

- (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
    - (A) Maintains as many existing native trees as possible;
    - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
    - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
  - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (d) Emergency shelter uses for up to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions in Subtitle H § 1105.1(c);
- (e) Eating and drinking establishment uses as follows:
- (1) Prepared food shop with seating for more than twenty-four (24) patrons; and
  - (2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:
    - (A) The uses shall not be permitted in the NC-4 zone;
    - (B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of an R, RA, or RF zone unless separated therefrom by a street or alley;
    - (C) If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;
    - (D) Any refuse dumpsters shall be housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face an R, RA, or RF zone;

- (E) The use shall not include a drive-through;
  - (F) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a residential zone; and
  - (G) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
- (f) Education, college/university uses subject to Subtitle X § 102, in all the other zones in NC-Use Group B that are not allowed as a matter of right;
- (g) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:
  - (1) The uses shall not be permitted in the NC-14 and NC-16 zones; and
  - (2) A gasoline service station or repair garage not including body or fender work, subject to the following conditions:
    - (A) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;
    - (B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
    - (C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;
- (h) Motorcycle sales and repair uses subject to the following conditions:
  - (1) The use and all its accessory facilities shall be located within a building; and
  - (2) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of a R, RF, RA, MU-1, and MU-2 zone;
- (i) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

- (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;
  - (2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
    - (A) Strip zoning or shallow zoning depth;
    - (B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
    - (C) Unusual topography, grades, shape, size, or dimensions of the lot;
    - (D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
    - (E) Traffic hazards caused by unusual street grades or other conditions; and
  - (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.
- (j) The following service (general) uses:
- (1) A self-service or full service laundry or dry cleaning establishment that exceeds two thousand five hundred square feet (2,500 sq. ft.) of gross floor area; and
  - (2) An establishment that has as a principal use the administration of massage; and
- (k) Utilities uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

SOURCE: Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019).

## **1108 MATTER-OF-RIGHT USES (NC-USE GROUP C)**

1108.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Uses permitted in Subtitle H § 1103;
- (c) Animal care and boarding uses subject to the conditions of Subtitle H § 1101.4(h);
- (d) [DELETED];
- (e) Eating and drinking establishment uses, except a fast food establishment shall not be permitted as a matter of right;
- (f) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (1) An R, RF, RA, MU-1, or MU-2 zone; or
  - (2) A place of worship, public or private school, public library, or playground;
- (g) Lodging uses shall not be permitted in the NC-5 zone;
- (h) Service (general) uses subject to the following limitations and corresponding conditions:
  - (1) A self-service or full service laundry or dry cleaning establishment shall not exceed five thousand square feet (5,000 sq. ft.) of gross floor area, and no dry cleaning chemicals shall be used or stored on site; and
  - (2) Any establishment that has as a principal use the administration of massage shall not be permitted; and
- (i) Utilities uses subject to the following limitations and conditions:
  - (1) The use is an optical transmission node; and
  - (2) The use is an EEF that occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building; or
  - (3) The use is located below ground floor.

SOURCE: Final Rulemaking & Order No. 17-20 published at 65 DCR 6596 (June 15, 2018).

## 1109

## SPECIAL EXCEPTION USES (NC-USE GROUP C)

### 1109.1

In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § 1101.4(h), subject to the conditions of Subtitle H § 1105.1(a);
- (b) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following conditions:
  - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
    - (A) Maintains as many existing native trees as possible;
    - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
    - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
  - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.
- (c) Eating and drinking establishment use that is a fast food establishment, subject to the conditions of Subtitle H § 1107.1(d); except that the use shall not be permitted in the NC-5 zone;
- (d) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:
  - (1) A gasoline service station or repair garage, subject to the following conditions:
    - (A) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;
    - (B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
    - (C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;

- (2) Motorcycle sales and repair uses, subject to the following conditions:
  - (A) The use and all its accessory facilities shall be located within a building; and
  - (B) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of an R, RF, RA, MU-1 or MU-2 zone;
- (e) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:
  - (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;
  - (2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
    - (A) Strip zoning or shallow zoning depth;
    - (B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
    - (C) Unusual topography, grades, shape, size, or dimensions of the lot;
    - (D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
    - (E) Traffic hazards caused by unusual street grades or other conditions; and
  - (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;
- (f) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

- (g) Service (general) uses not meeting the conditions of Subtitle H §1108.1(h); and
- (h) Utility (basic) uses not meeting the conditions of Subtitle H § 1108.1(i) and subject to the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

SOURCE: Final Rulemaking & Order No. 19-04 published at 66 DCR 12137 (September 13, 2019).

## **1110 USES NOT PERMITTED IN NC ZONES**

- 1110.1 Any use not permitted as a matter of right or as a special exception in this chapter shall be deemed to be not permitted.



## **CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS**

### **1200 GENERAL PROVISIONS**

- 1200.1 The Board of Zoning Adjustment may grant relief from the 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) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;
  - (b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;
  - (c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;
  - (d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;
  - (e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;
  - (f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and
  - (g) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC zone.
- 1200.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC zone.

**1201        SPECIAL EXCEPTION CRITERIA - GEORGIA AVENUE  
NEIGHBORHOOD MIXED-USE ZONES**

1201.1        In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC-7 and NC-8 zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 809.

**1202        SPECIAL EXCEPTION CRITERIA - H STREET NORTHEAST  
NEIGHBORHOOD MIXED-USE ZONES**

1202.1        In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC-9 through NC-17 zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 909 and the design guidelines of the H Street N.E. Strategic Development Plan.