

## **Subtitle H NEIGHBORHOOD MIXED USE (NC) ZONES**

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

#### **100 GENERAL PROVISIONS**

100.1 The Neighborhood Mixed-Use zones (NC-1 through **NC-19**) 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” or “**IZPlus**” 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.

## **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 for Square 907 in 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 § 1507.2, in Square 907 in the NC-6 zone shall be subject to the IZ requirements.

## **104 USE PERMISSIONS**

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

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

- 105.1 Public recreation and community centers or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.
- 105.2 Public schools in the NC zones shall be permitted subject to the conditions of Subtitle H, Chapter 49.
- 105.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle H, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.

## **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.
- 200.3 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:
- (a) Courts;
  - (b) Floor Area Ratio (FAR);
  - (c) Green Area Ratio (GAR);
  - (d) Height;
  - (e) Lot Occupancy; or
  - (f) Yards.
- 200.4 Notwithstanding Subtitle H § 200.3, the requirements for ground floor designated uses of Subtitle H § 1101 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 or rooftop structure, 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.

### **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 OR ROOFTOP STRUCTURES**

203.1 Penthouses or rooftop structures 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 10 CHEVY CHASE NEIGHBORHOOD MIXED-USE ZONES – NC-18 and NC-19**

### **1000 PURPOSE AND INTENT**

1000.1 The purposes of the Chevy Chase Neighborhood Mixed-Use zones are to:

- (a) Implement the policies and goals of the Chevy Chase Small Area Plan as approved by the Council of the District of Columbia, effective July 12, 2022 (PR-0564);
- (b) Permit mixed-use development at a moderate density;
- (c) Establish Design Guidelines that encourage sustainable, well designed new development that is compatible with the surrounding built environment and contributes to the main street character;
- (d) Establish Connecticut Avenue N.W. between Western Avenue N.W. and Livingston Street N.W. as an attractive, active, pedestrian-oriented commercial corridor with a convenient mix of neighborhood-serving shops and services;
- (d) Allow and encourage residential development to help meet the need for housing, by accommodating a greater range of resident diversity to advance the District's housing equity goals, and by mapping both the NC-18 and NC-19 zones as subject to IZ Plus; and
- (e) Permit reimagining of the Chevy Chase Community Center and Library site, including mixed-income housing and community gathering space.

1000.2 The NC-18 zone shall be mapped in Squares 1859, 1860, 1865, 1867, and 1868 on lots generally along Connecticut Avenue N.W. between Western Avenue N.W. and Livingston Street N.W., and identified in the Comprehensive Plan and Chevy Chase Small Area Plan for mixed-use development.

1000.3 The NC-18 zone is intended to permit mixed-use development at a moderate density.

1000.4 The NC-19 zone shall be mapped in Square 1866 Lot 823 on Connecticut Avenue, N.W. between Northhampton Street N.W. and McKinley Street N.W., and identified in the Comprehensive Plan and Chevy Chase Small Area Plan for mixed-use development.

1000.5 The NC-19 zone is intended to permit mixed-use development and institutional uses at a moderate density.

1000.6 The designated use area in the NC-18 and NC-19 shall include any lot that fronts onto Connecticut Avenue, N.W. Within this area, designated uses shall be provided pursuant to H § 1101.

1000.7 The designated roadway in the NC-18 and NC-19 shall be Connecticut Avenue, N.W.

**1001 DEVELOPMENT STANDARDS**

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

**1002 DENSITY – FLOOR AREA RATIO (FAR)**

1002.1 The maximum permitted FAR in the NC-18 and NC-19 zones shall be as set forth in the following table:

<b>TABLE H § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO</b>		
Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
NC-18	2.5	1.0
	3.0 (IZ)	
NC-19	3.5	1.5
	4.2 (IZ)	

**1003 HEIGHT**

1003.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the NC-18 and NC-19 zones shall be as set forth in the following table:

<b>TABLE H § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT</b>	
Zone	Maximum Height (Feet)
NC-18	40
	50 (IZ)
NC-19	65
	70 (IZ)

1003.3 The maximum permitted height of a penthouse or rooftop structure, except as limited in Subtitle C § 1501 on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be as set forth in the following table:

<b>TABLE H § 603.1: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES</b>		
<b>Zone</b>	<b>Maximum Height (Feet)</b>	<b>Maximum Stories</b>
NC-18	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-19	12 ft. except 18 ft. 6 in for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

**1004 LOT OCCUPANCY**

1004.1 The maximum permitted lot occupancy in the NC-18 and NC-19 zones shall be as set forth in the following table:

<b>TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY</b>		
<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-18	60	none
	75 (IZ)	
NC-19	80	80
	80 (IZ)	

**1005 REAR YARD**

1005.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-18 and NC-19 zones.

**1006 SIDEYARD**

1006.1 No side yard is required for a building or structure; 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.).

**1007 COURT**

1007.1 Where a court is provided, it shall have the following minimum dimensions:

<b>TABLE H § 607.1: MINIMUM COURT DIMENSIONS</b>			
<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 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

**1008 GREEN AREA RATIO (GAR)**

1008.1 The minimum required GAR for the NC-18 and NC-19 zones shall be 0.3.

**1009 DESIGN REQUIREMENTS CHEVY CHASE NEIGHBORHOOD NC-18 MIXED-USE ZONE**

1009.1 The following design requirements shall apply to a new building or addition on any lot fronting onto Connecticut Avenue NW, Livingston Street NW, McKinley Street NW, or Northhampton Street NW within the NC-18 Zone:

- (a) No part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five degree (45°) angle from a line located twenty-five feet (25 ft.) directly above a rear property line that abuts a street, alley, or zone boundary line with an R or RF zone.
- (b) Buildings along the designated street should have a minimum height of twenty-five feet (25 ft.).
- (c) Any portion of a building or structure above the third story shall be set back not less than three feet (3 ft.) from the building façade along Connecticut Avenue NW;
- (d) New construction that preserves an existing façade constructed before 1958 is entitled to an increase of 0.5 FAR to the maximum permitted density, provided



that any new floor level(s) above the retained façade shall be set back from the façade to be retained by not less than three feet (3 ft.).

- (e) The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of between fourteen feet (14 ft.).
- (f) A building which provides a ground floor level clear floor-to-ceiling height of eighteen feet (18 ft.) or more shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;
- (g) Each space devoted to a designated use with frontage on Connecticut Avenue, N.W. shall have an individual public entrance directly at grade with the public sidewalk along Connecticut Avenue NW;
- (h) On a corner lot that fronts onto both Connecticut Avenue NW and a side street, any entrance to residential portions of the building shall be located on the side street;
- (i) Vehicle parking, loading and trash collection shall be accessed from the alley where an alley of exists. Trash and recycling rooms shall be located internal to the building, and located at-grade level of the building; and
- (j) Vehicle parking spaces shall be located below or at grade. If at grade, no portion of the parking shall be within 20 feet of the Connecticut Avenue right of way and shall be screened along Connecticut Avenue with designated uses.

1009.2 The following design requirements shall apply to the façade of any building fronting onto Connecticut Avenue NW within the NC-18 zone, but shall not apply to any building retaining the existing ground level façade:

- (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, not including permitted projections into public space;
- (b) 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;
- (c) Not less than fifty percent (50%) of the surface area of the street wall at the ground level of each building shall be devoted to display windows having clear or clear/low emissivity glass and to entrances to commercial uses or to the building;
- (d) Security grilles shall have no less than seventy percent (70%) transparency; and
- (e) Not more than fifty percent (50%) of the front façade of each building above the ground level, or for a building which is retaining an existing façade, above the façade to be retained, may be devoted to windows or glazing of any type.

## **1010 DESIGN REQUIREMENTS CHEVY CHASE NEIGHBORHOOD NC-19 MIXED-USE ZONE**

1010.1 The following design requirements shall apply to any lot for any building fronting onto Connecticut Avenue NW in the NC-19 zone:

- (a) No part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five degree (45°) angle from a line located forty-five feet (45 ft.) directly above a rear property line that abuts a street, alley, or zone boundary line with an R or RF zone.
- (b) Vehicle parking, loading and trash collection shall be accessed from the adjacent alley where one exists. Trash and recycling rooms shall be located internal to the building and located at-grade level of the building.
- (c) Vehicle parking spaces shall be located below or at grade. If at grade, no portion of the parking shall be within 20 feet of the Connecticut Avenue right of way and shall be screened along Connecticut Avenue with designated uses.
- (d) A building which provides a ground floor level clear floor-to-ceiling height of eighteen feet (18 ft.) or more shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone.

## 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-19 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:

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-18	NC-5, NC-6, NC-8, NC-12, NC-13, NC-15; NC-19

### 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-19 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;
- (g) In the NC-19 zone, designated uses shall also include Local Government and Parks and Recreation uses.**
- (h) 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.

## **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) Institutional, general and religious;
- (k) Medical Care;
- (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.

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

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

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**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.

## **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.

## **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.

## **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.

## **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.