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| <b>Topic:</b>                             | Tree Preservation & Protection; Steep Slope Protection; Overlay District |
| <b>Resource Type:</b>                     | Regulations  |
| <b>State:</b>                             | N/A  |
| <b>Jurisdiction Type:</b>                 | Municipal  |
| <b>Municipality:</b>                      | District of Columbia   |
| <b>Year (adopted, written, etc.):</b>     | 2000   |
| <b>Community Type - applicable to:</b>    | Suburban; Rural  |
| <b>Title:</b>                             | District of Columbia Tree & Slope Protection Overlay District            |
| <b>Document Last Updated in Database:</b> | May 3, 2017  |

### ***Abstract***

The purpose of this ordinance is to preserve steep slope topography, mature tree stands, surrounding ecological areas and the open space character of residential areas near stream banks and public parks. It protects natural resources by restricting tree removal, limiting impervious cover and restricting ground coverage of new and existing buildings.

### ***Resource***

#### **1511 TREE AND SLOPE PROTECTION OVERLAY DISTRICT (TSP)**

1511.1 The Tree and Slope Protection (TSP) Overlay District is established to preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces.

1511.2 The TSP Overlay District shall include a number of individual overlay zone districts that may be established and mapped from time to time, consistent with the general provisions of this chapter.

1511.3 The purposes of the TSP Overlay District is to:

- (a) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;
- (b) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and

(c) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.

1511.4 The TSP Overlay District is designed for residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.

**SOURCE:** Final Rulemaking published at 39 DCR 1900 (March 20, 1992).

### **1512 GENERAL PROVISIONS (TSP)**

1512.1 The TSP Overlay District is mapped in combination with the underlying Residence District and not instead of the underlying zone district.

Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern.

**SOURCE:** Final Rulemaking published at 39 DCR 1900, 1901 (March 20, 1992).

### **1513 GROUND COVERAGE RESTRICTIONS (TSP)**

1513.1 The principal building and any accessory building on the lot shall not exceed a total lot occupancy of thirty percent (30%).

1513.2 The maximum impervious surface coverage on a lot shall be fifty percent (50%); provided this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of March 20, 1992; and
- (b) Create nonconformity of a structure as regulated by chapter 20 of this title.

**SOURCE:** Final Rulemaking published at 39 DCR 1900, 1901 (March 20, 1992).

### **1514 TREE REMOVAL LIMITATIONS (TSP)**

1514.1 Construction of a building, accessory building, or an addition to a building or the creation of any impervious surface area shall only be permitted as a matter of right subject to the following tree removal limitations:

- (a) The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of twelve inches (12 in.) or greater at a height of four and one-half feet (4½ ft.) above ground;

(b) The prohibitions of this section do not apply to the removal of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any tree shall be certified by an arborist or other tree care professional;

(c) No tree that has a circumference of seventy-five inches (75 in.) or more at a height of four and one-half feet (4½ ft.) above ground may be removed or cut down;

(d) No more than three (3) trees that each have a circumference of more than thirty-eight inches (38 in.) at a height of four and one-half feet (4½ ft.) above ground may be removed, and none of these may be located within twenty-five feet (25 ft.) of any building restriction line or lot line abutting a public street;

(e) The total circumference inches of all trees removed or cut down on a lot shall not exceed twenty-five percent (25%) of the total circumference inches of all trees on the lot having a circumference of twelve inches (12 in.) or greater at a height of four and one-half feet (4 ½ ft.) above ground; provided that this restriction does not abrogate the right to remove up to three (3) trees as provided in paragraph (d) of this subsection; and

(f) Where removal or cutting of trees has occurred that would have been prohibited by this section if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of seven (7) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to § 1515.

**SOURCE:** Final Rulemaking published at 39 DCR 1900, 1901 (March 20, 1992); as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8456 (October 20, 2000).

### **1515 SPECIAL EXCEPTIONS (TSP)**

1515.1 Any exception from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, under § 3104, and subject to the following requirements:

(a) Tree removal, grading, and topographical change shall be limited to the maximum extent consistent with construction of a building permitted by the standards of this chapter;

(b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;

(c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the TSP Overlay District and not adversely affect neighboring property; and

(d) The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements as it deems necessary to achieve

the purpose of this chapter, and may vary side and rear yard requirements in order to achieve the purposes of this chapter.

1515.2 Before taking final action on an application, the Board shall submit the application to the following agencies for review and written reports:

(a) D.C. Office of Planning;

(b) D.C. Department of Transportation, Tree Management Administration;

(c) D.C. Department of Parks and Recreation;

(d) D.C. Department of Consumer and Regulatory Affairs, Soil Erosion and Storm Management Branch; and

(e) National Park Service, U.S. Department of the Interior.

1515.3 An applicant for a special exception shall submit at least the following materials:

(a) A site plan for development, including computation and illustration of total lot occupancy and impervious surface ratio, and regulated trees proposed to be removed; and

(b) A plan and statement indicating how trees to be preserved on the lot will be protected during the construction period, including reference to proposed procedures to guard against long-term damage by such factors as soil compaction.

**SOURCE:** Final Rulemaking published at 39 DCR 1900, 1902 (March 20, 1992).