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## CHAPTER 1 USE PERMISSIONS

### 100 GENERAL USE PROVISION

- 100.1 This subtitle contains use permissions for all zones.
- 100.2 There are three zone categories:
- (a) R, Residential,
  - (b) MU, Mixed Use, and
  - (c) PDR, Production Distribution and Repair.
- 100.3 Each zone category may be divided into separate Use Groups which include specific use limitations.
- 100.4 Use Groups identify different zones within a zone category that share the same permissions, with or without conditions. The use groups are not interchangeable between zone categories unless stated.
- 100.5 The use and locations of antennas in any zones shall be governed by C Chapter 25.

**CHAPTER 2 USE PERMISSION RESIDENTIAL (R) ZONES**

**200 GENERAL USE PROVISION FOR R ZONES**

200.1 This chapter contains uses permitted as a matter of right or as a special exception and, when applicable, uses that are not permitted in the R zones Use Groups.

200.2 USE GROUPS for the R zones are as follows:

- (a) R-Use Group A includes the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-19 and R-21 zones; [R-1s]
- (b) R-Use Group B includes the R-2 and R-10 zones; [R-2s]
- (c) R-Use Group C includes the R-3, R-13, R-17, and R-20 zones; and [R-3s]
- (d) R-Use Group D includes the R-16 zone. [R-1B/SSH]

R-Use Group A [R-1]	R-Use Group B [R-2]	R-Use Group C [R-3]	R-Use Group D [R-1-B/SSH]
R-1-A, (R-1A) R-1-B, (R-1B) R-6, R-7 (R-1/AB/TSP) R-8, R-9 (R-1/AB/TSP/FH) R-11 (R-1A/TSP/NO) R-12 (R-1B/NO) R-14, R-15 (R-1/AB/WH) R-19 (R-1B-Gtwn) R-21 (R-1A/CBUT)	R-2 R-10(R-2/TSP/FH)	R-3 R-13 (R-3/NO) R-17 (R-3/FB) R-20 (R-3-Gtwn)	R-16

200.3 In the R zones, non-residential business uses may be permitted as a home occupation subject to the conditions and regulations of a home occupation as defined in U § 211. A home occupation is considered an accessory use.

**201 MATTER OF RIGHT USES – R-USE GROUPS A, B, C, and D**

201.1 The uses in this section shall be permitted as a matter of right subject to any applicable conditions.

201.2 A single–household principal dwelling unit shall be permitted as follows:

- (a) In the R-1-A, R-1-B and R-16 zones, the principal dwelling unit shall be in a detached dwelling;
- (b) In the R-2, R-10 [R-2s] zones, the principal dwelling unit may be in either a detached or semi-detached dwelling; and
- (c) In the R-3, R-13, R-17, R-20 [R-3s] zones, the principal dwelling unit may be either a detached, semi-detached or an attached dwelling.

201.3 Clerical and Religious Group residences for no more than fifteen (15) persons.

201.4 One Accessory Apartment shall be permitted in any single household principal dwelling unit in an R zone as an accessory use and subject the conditions of U § 213.

**202 MATTER OF RIGHT USES – USE GROUPS A, B, and C**

202.1 The uses in this section shall be permitted as a matter of right subject to any applicable conditions in Use Groups A, B and C.

202.2 Accessory uses, subject to U § 210;

- 202.3 Agricultural –Large uses, except for a private stable;
- 202.4 Agricultural –Residential uses except for a private stable;
- 202.5 Chancery existing on September 22, 1978; provided that the following requirements shall be met:
- (a) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;
  - (b) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;
  - (c) there shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;
  - (d) If an existing building or structure that is used as a chancery is destroyed by fire, collapse, explosion, or act of God, the building or structure may be reconstructed;
  - (e) The reconstruction that is authorized by subparagraph (4) of this paragraph shall not be subject to the requirements of chapter 20 of this title; and
  - (f) The reconstruction that is authorized by subparagraph (4) of this paragraph shall be limited to the chancery site as it existed on February 23, 1990.
  - (g) Any chancery not meeting the conditions of this section shall be permitted subject to the conditions and procedures of Subtitle X Chapter 2.
- 202.6 Child Development / Elderly Care Center located in a District of Columbia public school or a public recreation center operated by the District of Columbia Government; provided, that written permission to use the premises shall have been granted by the Chancellor of the District of Columbia Public Schools or the Director of the managing government agency, respectively;
- 202.7 Emergency Shelter of up no more than four (4) persons, not including resident supervisors or staff and their families;
- 202.8 Local Government uses;
- 202.9 Religious-Based Institutional uses but not including rescue mission or temporary revival tents;
- 202.10 Skilled Care Facility and Intermediate Nursing Care Facility up to six (6) persons not including resident supervisors or staff and their families; The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families provided there shall be no property containing an existing Skilled Care Facility or Intermediate Nursing Care Facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property.
- 202.11 Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted;
- 202.12 Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 sq. ft.) in area and subject to the requirements of Subtitle D Chapter 14.
- 202.13 Public education buildings and structures, public recreation and community centers, and public libraries subject to the development standards of C chapter 16.
- 202.14 Reuse of Former Public Schools, subject to the conditions of U § 212;

- 202.15 Temporary buildings for the construction industry that is incidental to erection of buildings or other structures permitted by this section;
- 202.16 Temporary use of premises by fairs, circuses, or carnivals, subject to the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation); and
- 202.17 Transportation Infrastructure, provided the use shall be operated, directly or under contract by the District government or the Washington Metropolitan Area Transit Authority.
- 202.18 Corner Store in R-Use Group C subject to the conditions of U § 214.

**203 SPECIAL EXCEPTION USES – R ZONES USE GROUPS A, B, AND C**

- 203.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to applicable conditions of each section.
- 203.2 An accessory apartments that does not meet the requirements of U § 213; and
- 203.3 A private stable shall be permitted as an accessory use subject to the following conditions:
  - (a) It shall be set back a minimum of fifty feet (50 ft.) from all lot lines and located so as not to affect adversely the light and air of the building to which it is accessory or of adjacent land and buildings;
  - (b) It shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, and/or waste; and
  - (c) The applicant shall demonstrate that any external yard will be fenced for the safe confinement of the animals.
- 203.4 Chancery not meeting the conditions for a matter of right use, subject to disapproval by the Board of Zoning Adjustment pursuant to Subtitle Y;
- 203.5 Community Based Institutional Facilities subject to the following conditions:
  - (a) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families;
  - (b) In the R-2, R-3, R-10, R-13, and R-17 zones there shall be no other lot containing a Community Based Institutional Facility use in the same square or within a radius of five-hundred (500) feet from any portion of the lot; and
  - (c) In all other R zones there shall be no other lot containing a Community Based Institutional Facility use in the same square or within a radius of one thousand (1,000) feet from any portion of the lot.
- 203.6 Community center building, park, playground, swimming pool, or athletic field operated by a local community organization or association subject to the following conditions:
  - (a) A community center shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located.
  - (b) A community center shall offer no articles of commerce for sale in the center.
  - (c) A community center shall not likely become objectionable in a Residence District because of noise or traffic.

- (d) The use of a community center shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located
- 203.7 Corner Store uses not permitted as a matter of right pursuant to U § 214, subject to the special exception conditions of U § 214;
- 203.8 Daytime Care Uses subject to the following conditions:
- (a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;
  - (b) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;
  - (c) The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and
  - (d) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.
- 203.9 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university subject to the conditions of Subtitle X, chapter 1.
- 203.10 Private schools and residences for teachers and staff of a private school, but not including a trade school subject to the following conditions:
- (a) Shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions;
  - (b) Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile; and
  - (c) After hearing all evidence the Board may require additional parking to that required by this title.
- 203.11 Emergency Shelter use for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families subject to the following conditions:
- (a) In Use Group A, there shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property
  - (b) In Use Groups B and C, there shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.
  - (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
  - (d) The proposed facility shall meet all applicable code and licensing requirements;

- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (f) The Board may approve more than one (1) emergency shelter in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
- (g) The Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

203.12 Health care facility use for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families subject to the following conditions:

- (a) In R-Use Group A, there shall be no other property containing a health care facility either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;
- (b) In R-Use Groups B and C, there shall be no other property containing a health care facility either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;
- (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (d) The proposed facility shall meet all applicable code and licensing requirements;
- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
- (f) More than one health care facility in a square or within the distances of (a) and (b) above may be approved only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

203.13 General Institutional uses, except in the R-19 and R-20 zones:

- (a) The use may include a community center building, park, playground, swimming pool, or athletic field is operated by a local community organization or association
- (b) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;
- (c) The use shall offer no retail sales in the center to the general public but may charge a fee to members for services;
- (d) The proposed use together with any existing general institutional, religious institutional or any educational uses shall not occupy more than forty percent (40%) of the square in which the use is proposed; and
- (e) The use shall not likely become objectionable because of noise or traffic.

203.14 General Institutional use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:

- (a) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites;
- (b) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater;
- (c) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;
- (d) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;
- (e) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization; and
- (f) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

203.15 Religious Institutional uses and programs conducted by a religious congregation or group of congregations subject to the following conditions:

- (a) The program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community;
- (b) The part of the program conducted on the property shall be carried on within the existing church building(s) or structure(s);
- (c) The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services;
- (d) The operation of the program shall be such that it is not likely to become objectionable in the R zones because of noise, traffic, parking, or other objectionable conditions;
- (e) No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds; and
- (f) Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.

203.16 Parking as a principal use or as an accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions:

- (a) Parking garages shall not be permitted; Parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.
- (b) All parking shall meet the conditions of C chapter 7;
- (c) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Chapter 6 of Title 24 DCMR, "Public Space and Safety";
- (d) The applicant shall demonstrate the following:

- (e) The parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;
- (f) The present character and future development of the neighborhood will not be affected adversely; and
- (g) The parking is reasonably necessary and convenient to other uses in the vicinity;
- (h) A surface parking lot shall be subject to the following conditions:
  - (i) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing MU, NC, D or PDR zone;
  - (j) The lot shall be contiguous to or separated only by an alley from a MU, NC, D, or PDR zone;
  - (k) A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity; and
  - (l) At least eighty percent (80 %) of the parking surface shall be of pervious pavement
- (m) The Board may require that all or a portion of the parking spaces be reserved for the following:
  - (n) Residential parking;
  - (o) Unrestricted commercial parking;
  - (p) Accessory parking for uses within eight hundred feet (800 ft.); and
  - (q) Shared parking for different uses by time of day; condition on lighting to reduce impacts on adjoining properties.
- (r) In the R-19 and R-20 zones no commercial parking lots shall be permitted.
- (s) The application shall be referred to the D.C. Department of Transportation for review and report.

203.17 Clerical and Religious Group residences in excess of fifteen (15) persons subject to the following conditions:

- (a) The use shall not adversely affect the use of neighboring property; and
- (b) The amount and arrangement of parking shall be determined adequate.

203.18 Utility uses subject to the following conditions:

- (a) An electronic equipment facility shall not be permitted;
- (b) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood; and
- (c) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping and there shall be no advertisement on the structure.

203.19 Live theatrical and performing arts use of an existing theater or performance space in an institutional, educational, or performing arts building by a group otherwise not related to the building owner or tenant;

- (a) The use shall not be organized for profit; and
- (b) The use shall not likely become objectionable in because of noise hours of events, traffic, parking or other objectionable conditions.

203.20 Continuing Care Retirement Community

**204 MATTER OF RIGHT USES – R-USE GROUP D [R-1-B/SSH]**

204.1 The uses in this section shall be permitted in the R-Use Group D (R-16) zones in addition to the uses permitted as a matter of right in U§ 201.

204.2 In the R-Use Group D (R-16) an existing nonresidential use with a valid Certificate of Occupancy shall be considered a conforming use and may expand by up to ten percent (10%) of its gross floor area as a matter of right under the provisions of the R-16 zone; provided, that the following requirements are met:

- (a) No additional land area or subdivision of lots is involved in the expansion; and
- (b) The ten percent (10%) expansion limit shall be a total limit on expansion based on the gross floor area of the building as of July 29, 1994.

**205 SPECIAL EXCEPTION USES – R-USE GROUP D [R-16 (R-1-B/SSH)]**

205.1 The uses in this section shall be permitted in the R-Use Group D (R-16) zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y and subject to the provisions of this section:

205.2 Any non-residential use permitted as a matter of right in U § 202;

205.3 A proposed expansion of an existing non-residential use in excess of ten percent (10%) of gross floor area, subject to the U § 205.5;

205.4 Any use permitted as a special exception in D § 203; and

205.5 The following conditions shall apply to any application for use as a special exception under this section:

- (a) The nonresidential use is capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design, or other objectionable conditions;
- (b) There shall be adequate, appropriately located, and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants, and visitors who can use the facility at one time; provided:
  - (1) The number of parking spaces provided shall be not less than the number required by C chapter 7 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic, or other objectionable condition;
  - (2) Parking spaces and driveways providing access to them shall not be located in a required side setback, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;
  - (3) If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and sixty inches (60 in.) high, or by evergreen

hedges or evergreen growing trees that are thickly planted and maintained and are at least sixty inches (60 in.) in height when planted; and

- (4) Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes

## **210 ACCESSORY USES – R ZONES**

210.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions.

210.2 Home Occupation subject to the conditions of U § 211;

210.3 Child Development Home or Elderly Day Care Home subject to the following conditions:

- (a) The use shall be located in the principal residence of the caregiver;
- (b) There shall be no more than one sign or display, which shall not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (c) No more than one person who does not reside on the premises may be employed; and
- (d) No mechanical equipment shall be used except such as is permissible for purely domestic or household purposes.

210.4 Parking, up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking;

210.5 Two boarders within the principal dwelling;

210.6 Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.

## **211 HOME OCCUPATION USES**

211.1 The following uses shall be permitted as home occupations; the uses listed under this subsection shall include similar uses in each category subject to the same conditions and requirements of this chapter:

- (a) Business support and technology services;
- (b) Child Care Centers;
- (c) Cosmetologist, hair stylist, or barber;
- (d) Cottage food business;
- (e) Dressmaking, sewing, and tailoring;
- (f) Home crafts, graphic arts, photography and other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;
- (g) Home office of a businessperson, non-profit organization, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site;

- (h) Home office of a physician, dentist or other health care or medical professional licensed medical professional; provided, there is no other medical or dental practice on the site;
- (i) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (j) of this subsection, or other professional person;
- (j) A practitioner may perform and be paid for a service, even if the service results in the creation of a product;
- (k) Sales, subject to the following conditions:
  - (l) Items sold are directly associated the home occupation;
  - (m) Five (5) sales in the nature of yard sales, garage sales, or home sales parties may be held at a dwelling as a matter-of-right during a twelve-month (12-month) period; one additional sale for a total of six (6) may be permitted if approved by the Board of Zoning Adjustment pursuant to U § 211.6; and
  - (n) General retail sales or sales to customers without appointments shall not be permitted.
  - (o) Tutoring and Instruction of not more than five (5) students at any one time, including academic tutoring, dance, languages, culinary arts, and musical instrument and similar activities;
  - (p) Lodging subject to the following conditions:
    - (q) The dwelling shall be owned and occupied as the principal residence of the operator(s);
    - (r) The use shall not be permitted in a multiple dwelling building;
    - (s) Breakfast shall be the only meal served, and served only to overnight guests;
    - (t) The maximum number of sleeping rooms shall be two (2), except:
      - (1) Pursuant to U § 211.6 (b), the maximum number of sleeping rooms may be increased to four (4); or, in a dwelling that is an historic landmark, or that is located in a historic district and certified by the State Historic Preservation Officer as contributing to the character of that historic district, the number of sleeping rooms may be increased to six (6); and
      - (2) The number of sleeping rooms permitted as a matter of right or as a special exception as set forth in this paragraph shall be reduced by one (1) for each person who rooms or boards in the dwelling for thirty days or longer;
  - (u) No cooking facilities shall be permitted in any of the rented rooms; and
  - (v) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use.
  - (w) A home occupation may be permitted in an accessory apartment subject to the following limitations:
    - (x) There shall be no more than six (6) visitors or clients per day;
    - (y) There shall be no related sales; and

- (z) There shall be no lodging or overnight stays as part of the home occupation.

211.2 A Home Occupation Permit (HOP) shall be required prior to the practice of a home occupation and subject to the following requirements:

- (a) A HOP shall be obtained by the practitioner;
- (b) A HOP shall be granted only to a designated person or group of persons who reside at a residential address;
- (c) A HOP may not be transferred from one person to another or from one address to another;
- (d) A HOP shall require evidence of the property owner's concurrence for any HO that involves employees, clients, customers or other non-residents to attend the property;
- (e) A HOP shall be issued without a public hearing if the requirements of this subsection are met, or by the Board of Zoning Adjustment pursuant to § 211.6 and Subtitle Y;
- (f) If the Zoning Administrator determines that an application for a HOP appears to meet the conditions of this chapter, but is inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board; and
- (g) In making the determination to refer the HOP to the Board, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

211.3 Except for the uses described in U §§ 211.1 (h) and 211.1 (b), a home occupation shall comply with the following conditions and requirements:

- (a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;
- (b) Except for Lodging, no more than the larger of two hundred fifty square feet (250 sq. ft.) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized for the home occupation;
- (c) All materials or finished products shall be stored within the floor area utilized for the home occupation or in a basement or accessory structure;
- (d) No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation except for the home office of a physician or dentist;
- (e) No more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in a home occupation of a physician or dental practice;
- (f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to use that is exclusively residential;
- (g) No operations related to the home occupation shall be conducted outside a structure, nor shall any storage or other unsightly condition be permitted outside a structure;
- (h) No equipment or process shall be utilized that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;

- (i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;
- (j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;
- (k) No more than two (2) vehicles may be used in the practice of the home occupation;
- (l) Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;
- (m) The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period;
- (n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations shall not exceed any of the standards set forth in this chapter; and
- (o) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot.

211.4 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions:

- (a) No more than one (1) exterior sign may be displayed on a dwelling or other building in which a home occupation is practiced, regardless of the number of home occupations permitted in the dwelling or building;
- (b) The sign shall not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (c) The sign shall be flush-mounted;
- (d) The sign shall not be illuminated; and
- (e) The sign may state only the name of the practitioner and the type of home occupation.

211.5 Except as explicitly permitted by U§ 211.1 the following uses categories are prohibited as home occupations:

- (a) Animal Sales, Care and Boarding;
- (b) Entertainment, Assembly and Performing Arts;
- (c) Firearms Sales;
- (d) Motor Vehicle sales, service or repair;
- (e) Production, Distribution and Repair;
- (f) Retail Sales
- (g) Sexually-based Business Establishment; and
- (h) Waste-related Services.

211.6 A home occupation that is not permitted or prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle Y subject to the following conditions:

- (a) The proposed use and related conditions shall be consistent with the purposes of this chapter and shall generally comply with the requirements

of §§ 211.1 through 211.4, subject to specific findings and conditions of the Board in each case;

- (b) An applicant for a home occupation that is permitted by U § 211.1 may request the Board to modify no more than two (2) of the conditions enumerated in U §§ 211.3 and 211.4;
- (c) In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;
- (d) Any request to modify more than two (2) of the requirements found in U §§ 211.3 and 211.4 shall be deemed a request for a variance; and
- (e) In considering any request for approval under this section, the Board shall determine that the request is consistent with the general purposes and intent of this chapter and may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this chapter.

## **212 USES IN FORMER PUBLIC SCHOOLS**

- 212.1 The provisions of this section shall apply to uses within a building owned by the District of Columbia that formerly served as the location of a public school (“former school building”) in an R zone.
- 212.2 In the R-16 (SSH) zones the non-residential uses shall be limited to ten percent (10%) of the gross floor area of the school as a matter of right.
- 212.3 The following uses shall be permitted as a matter of right within a former school building subject to the following conditions:
  - (a) Residential uses subject to the maximum number of dwelling units of an R zone;
  - (b) Daytime Care uses;
  - (c) Community college uses, subject to the following conditions:
  - (d) The use shall not occupy more than 50,000 sq. ft. of building area;
  - (e) There shall be no external activities after 9:00 p.m.; and
  - (f) There shall be no use of the college space after midnight.
  - (g) Health Care uses that meet the definition of a clinic provided the use shall not be a substance abuse treatment facility;
  - (h) Community Service use or uses provided:
    - (i) The application for a certificate of occupancy include evidence demonstrating that the established mission of the use will serve the community, neighborhood, or District of Columbia population;
    - (j) The use shall not be a community-based institutional facility, part of the criminal justice system, or a substance abuse treatment facility; and
  - (k) There is no outdoor storage of materials.
  - (l) Administrative offices of District of Columbia government agencies not part of the criminal justice system, provided:
  - (m) The use shall not extend outside the building unless accessory and incidental to the principal administrative use;

- (n) Any storage shall be fully enclosed.
- (o) The following arts uses:
  - (1) Art center;
  - (2) Art incubator; or
  - (3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking.

212.4 The following uses shall be permitted as a temporary use as a matter of right within a former school building subject to the following conditions:

- (a) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section for a period no longer than one year; and
- (b) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of Title 19 DCMR, Chapter 13 (Amusements, Parks and Recreation).

212.5 The following uses shall be permitted as a special exception within a former school building if approved by the Board of Zoning Adjustment under Subtitle Y:

- (a) A use permitted by U § 212.3 that does not meet one or more of the applicable conditions or provisions; and
- (b) A government use or not-for-profit use not otherwise permitted by this section.
- (c) In the R-16 (SSH) zone any non-residential use in excess of ten percent (10%).

212.6 Any expansion of a former school building housing a use permitted by this section shall be permitted as a special exception within a former school building if approved by the Board of Zoning Adjustment under Subtitle Y.

212.7 In addition to any other conditions of approval, the Board may impose setbacks, screening, lighting requirements, or other safeguards that the Board deems necessary for the protection of the neighborhood.

## **213 ACCESSORY APARTMENT**

213.1 One accessory apartment may be established in an R zone, subject to the conditions of this section.

213.2 An accessory apartment shall be permitted in a principal dwelling as a matter of right in the R zones, except the R-19 or R-20 zones, consistent with the conditions of this section.

213.3 An accessory apartment shall be permitted in an accessory building as a special exception consistent with the conditions of this section.

213.4 In the R-19 or R-20 zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building consistent with the conditions of this section.

213.5 Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.

213.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-19 or R-20 zone where the aggregate number of

persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).

213.7 An accessory apartment located in the principal dwelling shall be subject to the following conditions:

- (a) The house shall have a minimum of gross floor area, exclusive of garage space in the following zones:

Zones	Minimum House Size
R-1-A R-1-B R-19 (R-1-B/Gtwn)	2,000 sf gross floor area
R-2 R-3 R-20 (R-3/Gtwn)	1,200 sf gross floor area

- (b) The accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house; and
- (c) If an additional entrance is created to a house in an R-1-A, R-1-B, R-2 or R-19 zone, it shall not be located on a wall of the house that faces a street;
- (d) If an additional entrance to the house is created, it may be located on a wall of the house that faces a street provided it is below the main level of the house.

213.8 An accessory apartment in an accessory building shall be subject to the following conditions:

- (a) There shall be permanent access to the accessory building apartment;
- (b) The dwelling use of the accessory building shall be coterminous with the permanent access; and
- (c) The permanent access shall be provided by either or both of the following:
- (d) A permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback or shared recorded easement between properties;
- (e) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or
- (f) Through an improved public alley with a minimum width less than twenty-four feet (24 ft.) that is within 300 feet of a public street.
- (g) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio or storage for a dwelling unit on the lot;
- (h) An accessory building that houses an apartment shall not have a roof deck.

213.9 In the R-19 and R-20, in addition to the restrictions of U§§ 213.5 through 213.8 an accessory apartment shall be subject to the following conditions:

- (a) It shall only be permitted on the second story of a detached accessory building;
- (b) Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building; and

- (c) Sections U §§ 213.5 and 213.6 shall not be modified or waived by the Board.
- 213.10 The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (f) of this chapter; subject to the following limitations:
- (a) The owner-occupancy requirement of paragraph (b) shall not be waived for all R zones; and
  - (b) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.
- 213.11 In addition to 213.10, the Board may grant as a special exception the inclusion of a balcony or projecting windows for the accessory apartment.
- 213.12 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.
- 213.13 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Regulatory Affairs and the property shall be inspected for relevant housing code compliance.
- 213.14 IN addition to the accessory apartment, the accessory building may also be used for parking, an artist studio or storage.

## **214 CORNER STORES**

- 214.1 A Corner Store shall only be permitted in the R-3, R-13, R-17, R-20 and RF-1, RF-2 and RF-3 zones.
- 214.2 A Corner Store use shall be a Retail, General Service, Arts Design and Creation, or Eating and Drinking Establishment use subject to the provisions of this section.
- 214.3 Only a Corner Store compliant with the conditions of U § 214.13 shall be permitted as a matter of right use.
- 214.4 Any Corner Store that is not compliant with all the conditions of U § 214.13 shall only be permitted as a special exception subject to the conditions of U § 214.14.
- 214.5 The allowable total area for a Corner Store shall be one thousand-two hundred feet (1,200 ft.) not including cellar space, and shall be limited to the ground story and cellar or basement.
- 214.6 A Corner Store shall only be located on a lot that is:
- (a) In the R-3, R-13, or R-17 zones at the intersection of two generally perpendicular streets;
  - (b) On an interior or through lot, provided the building was built prior to May 12, 1958 for the purpose of a non-residential use, as established by permit records or other historical documents accepted by the Zoning Administrator; or
  - (c) In the R-20 zone, on an interior or on a through lot with a building that was built prior to May 12, 1958 for the purpose of a non-residential use, and only if the building was used for a Corner Store use within the previous three (3) years established by a certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator.
  - (d) A minimum of five hundred feet (500 ft.) from the nearest property zoned MU or NC in the R-3, R-13, or R-17 zones;

- (e) A minimum of seven hundred and fifty feet (750 ft.) from the nearest property zoned MU or NC in the R-20 zone;
- (f) Not within five hundred feet (500 ft.) of more than one other lot with a Corner Store use defined as an Eating and Drinking Establishment; and
- (g) Not within five hundred feet (500 ft.) of more than three (3) other lots with a Corner Store use defined as Retail, General Service, or Arts, Design and Creation uses.

214.7 A Corner Store shall not be permitted:

- (a) On an alley lot;
- (b) On a lot or within a building containing more than one dwelling unit or another Corner Store;
- (c) Within a building that is accessory to the principal building on the lot;
- (d) On an R zoned lot within squares 1327 or 1350, 1351, 1352 or 1353 inclusive; or
- (e) In the R-20 zone, on an interior or through lot that has not been used for Corner Store uses for three or more consecutive years shall not be deemed eligible for a Corner Store use.

214.8 There shall be no on-site cooking of food or installation of grease traps; however, food assembly and reheating is permitted.

214.9 There shall be no sale of alcoholic beverages for on-site consumption.

214.10 All storage of materials and trash shall occur within the building area devoted to the Corner Store. There shall be no external storage of materials or trash.

214.11 There shall be no on-site use or storage of dry-cleaning chemicals.

214.12 Only one external sign may be displayed on the building's facade, provided that the sign is not illuminated and is flush-mounted.

214.13 A Corner Store for which the use is a fresh food market or grocery store devoted primarily to the retail sale of food shall be permitted as a matter of right subject to the following conditions:

- (a) The use shall meet the requirements of U §§ 214.5 through 214.12;
- (b) The use shall not operate between 9:00 P.M. and 7:00 A.M.;
- (c) A minimum of forty percent (40%) of customer-accessible sales and display area shall be dedicated to the sale of a general line of food products intended for home preparation and consumption;
- (d) A minimum of twenty percent (20%) of retail space shall be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; and
- (e) A maximum of fifteen percent (15%) of the gross floor area of the Corner Store located on the ground floor of the building may be devoted to the sale of alcohol for off-site consumption only when approved as a special exception.

214.14 Any Corner Store use that is not permitted as a matter of right pursuant to U §214.13, shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y subject to the following conditions:

- (a) The applicant shall demonstrate that the proposed Corner Store use will not detract from the overall residential character of the area and will enhance the pedestrian experience by providing within the application the following information for the Corner Store use:
- (b) A demonstration of conformity to the provisions of U §§ 214.5 through 214.12;
- (c) A description of proposed uses, activities, goods sold, or services rendered, including:
- (d) Proposed size and location within the principal building;
- (e) Proposed number of employees at any one time and in total;
- (f) Proposed hours of operation;
- (g) Proposed signage;
- (h) Any proposed amplified music or other sound outside of the building containing the Corner Store use;
- (i) Any outdoor seating associated with the Corner Store use;
- (j) Proposed parking number, location, and screening such that any parking shall be fully screened from all adjacent properties, streets and alleys;
- (k) Proposed location of all storage;
- (l) Proposed location of trash storage and method and timing for removal;
- (m) Any alterations to the property proposed to accommodate the Corner Store use, including any grading changes, tree removal; or addition of retaining walls, patios, or pervious surfaces; and
- (n) Any modifications to the building façade, including changes to window and door openings.

214.15 The Board may waive the location restrictions of U §§ 214.6 (d) and (e) provided the applicant adequately demonstrates that the proposed Corner Store use:

- (a) Will be neighborhood serving;
- (b) Will not negatively impact the economic viability or vitality of an area zoned MU or NC that is closer than five hundred feet (500 ft.) to an R zones except an R-20 zone, or seven hundred and fifty feet (750 ft.) to an R-20 zone;
- (c) Will not create a concentration of non-residential uses that would detract from the overall residential character of the area; and
- (d) Will not result in undue impacts uses on residents of the area through the concentration of such.

214.16 Except as provided in U §§ 214.13 and 214.14, an application not meeting the requirements of this section shall be deemed a variance, subject to the provisions of Y chapter 9.

**CHAPTER 3 USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES**

**300 GENERAL USE PROVISION FOR RF ZONE**

- 300.1 This chapter contains use permissions and any applicable conditions a in the RF Residential Flat zones.
- 300.2 In the RF zones, non-residential business uses may be permitted as a home occupation use subject to the conditions and regulations of a home occupation as defined in U § 211. A home occupation is considered an accessory use.

**301 MATTER OF RIGHT USES – RF ZONES**

- 301.1 The uses in this section shall be permitted as a matter of right in an RF zone subject to any applicable conditions.
- 301.2 Any use permitted in the R zones under U §§ 201 and 202.

301.3 Residential flats with a maximum number of principal dwelling units as follows:

RF Zone	Number of Principal Dwellings
RF-1	2
RF-2	2
RF-3	2
RF-4	3
RF-5	4

- 301.4 A permitted principal dwelling unit within an accessory building subject to the conditions of E § 807;
- 301.5 A Boarding house subject to the following conditions:
  - (a) No more than eight (8) total persons shall live on the premises;
  - (b) Accommodations are not provided to transient guests who stay less than 90 days at the premises;
  - (c) No sign is displayed on the premises;
  - (d) No advertisement is displayed or published on or off the premises holding out the establishment to be a hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation; and
  - (e) Cooking facilities are not provided in any individual unit;

- 301.6 The conversion of a building or other structure existing before May 12, 1958, to an apartment house provided there is a minimum of land area of 900 square feet per each dwelling unit.
- 301.7 A Corner Store use subject to the matter of right conditions of U § 214.
- 301.8 Any uses permitted within a District of Columbia former public school building subject to the matter of right conditions of U § 212;
- 301.9 Medical Care uses; and
- 301.10 Private Vehicle Parking subject to the matter of right conditions of E § 807.

**302 ACCESSORY BUILDING THAT HOUSES A PERMITTED PRINCIPAL DWELLING UNIT (RF)**

- 302.1 An accessory building may house a permitted principal dwelling unit in an RF zone as a matter of right subject to the following conditions:
  - (a) The accessory building was in existence on January 1, 2013;

- (b) No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;
- (c) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way;
- (d) Permanent access shall be provided by either or both of the following:
  - (1) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia;
  - (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or
  - (3) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred linear feet (300 ft.) of a public street; and
- (e) An accessory building that houses a principal dwelling unit shall not have a roof deck;

302.2 An accessory building constructed as a matter of right after January 1, 2013 and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;

302.3 Any proposed expansion of an accessory building for residential purposes shall be permitted only as a special exception approval pursuant to Subtitle Y, and shall be evaluated against the applicable standards of U § 302.1.

302.4 An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage or as an artist studio.

### **303 PRIVATE VEHICLE GARAGE**

303.1 A private vehicle garage that is an accessory building shall be permitted as a matter of right in an RF zone subject to the following conditions:

- (a) The private garage may be located either within a rear setback or beside the main building; provided, if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side setback and from all building lines a distance of not less than ten feet (10 ft.); and
- (b) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens.

303.2 A private garage permitted in a RF zone as a principal use on a lot other than an alley lot shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of the alley upon which it opens.

303.3 The lot upon which a private garage is located shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy.

### **304-309 [RESERVED]**

### **310 ACCESSORY USES – RF ZONES**

310.1 The accessory uses in this section shall be permitted as a matter of right in an RF zone subject to any applicable conditions.

310.2 Any accessory use permitted in the R zones under U §210;

- 310.3 Accessory parking spaces or an accessory parking garage subject to the all applicable provisions of Subtitle C chapter 7; and
- 310.4 Other accessory uses buildings or structures customarily incidental to the uses permitted in RF zones under the provisions of this chapter.
- 311- 319 [RESERVED]**
- 320 SPECIAL EXCEPTION USES IN THE RF ZONES**
- 320.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y subject to any applicable provisions of each section.
- 320.2 Any use or structure permitted under U § 203 subject to any modification by this chapter.
- 320.3 A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, subject to the following conditions:
- (a) A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions;
  - (b) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located; and
  - (c) A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.
- 320.4 Corner Store uses not permitted as a matter of right pursuant to U § 214, subject to the special exception conditions of U § 214.
- 320.5 Parks and Recreation uses not meeting the conditions of C § chapter 16 subject to the following conditions:
- (a) A building housing such a use may be erected to a height not to exceed forty-five feet (45 ft.); and
  - (b) A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception pursuant to C § 1610 and provided that the agency shows that the increase is consistent with agency policy of preserving open space]
- 320.6 Any use permitted within a District of Columbia former public school building that does not comply with the matter of right conditions of U § 212, subject to the special exception conditions of U § 212.
- 321 ADDITIONAL USE RESTRICTIONS AND CONDITIONS**
- 321.1 This section shall modify uses of this chapter otherwise permitted as a matter of right or as a special exception.
- 321.2 In the RF-3 zones, the following uses shall not be permitted as a matter of right or as a special exception.
- (a) Parking lot; provided, that a parking lot in existence on May 31, 1985 may continue subject to any conditions of the zone;

- (b) Public utility pumping station
- (c) Storage of wares and goods on an alley lot; and
- (d) Telephone exchange.

## CHAPTER 4 USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES

### 400 GENERAL USE PROVISIONS FOR RA ZONES

- 400.1 This chapter contains use permissions and any applicable conditions a in the RA Residential Apartment zones.
- 400.2 In the RA zones, non-residential business uses may be permitted as a home occupation use subject to the conditions and regulations of a home occupation as defined in U § 211, and provided further that when a home occupation is permitted within an apartment building, no more than four clients or visitors per day shall be allowed.

### 401 MATTER OF RIGHT USES – RA ZONES

- 401.1 The uses in this section shall be permitted as a matter of right subject to any applicable conditions.
- 401.2 Any use permitted in the RF zones under U § 301.
- 401.3 Private Clubs with sleeping accommodations.
- 401.4 Child/Elderly development center or adult day treatment facility in RA zones provided, that the center shall be limited to no more than twenty-five (25) individuals.
- 401.5 Except for the RA-1 and RA-6 zones:
- (a) Multiple dwellings provided that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month; and
  - (b) Hotel in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered.
- 401.6 Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local jurisdictional transfer agreement; subject to the following:
- (a) No part of any use is nearer than seventy feet (70 ft.) to the nearest residential structure;
  - (b) The uses shall not be organized for profit;
  - (c) All parking areas shall be shared by all uses on a lot;
  - (d) Scoreboards shall be installed such that the highest point is no taller than twenty-five feet (25 ft.) above grade; and
  - (e) any lighting used to illuminate a park, playground, athletic field, trail or other outdoor space, shall be so arranged that all direct rays of lighting are confined to the boundaries of the lot;
- 401.7 A chancery is a permitted use in RA-4 (R-5D), RA-5 (R-5E), RA-10 (R-5-D/DC) or RA-11 (R-5-E/DC) zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of chapter 10 of this title

### 402-409 Reserved

**410 ACCESSORY USES – RA ZONES**

- 410.1 The following accessory uses shall be permitted as a matter of right subject to the associated conditions.
- 410.2 Any accessory use permitted in the R zones under U §210;
- 410.3 Accessory parking spaces or an accessory parking garage subject to the all applicable provisions of Subtitle C chapter 7;
- 410.4 Temporary exhibits, fundraising functions, and benefit sales for nonprofit organizations not to exceed ten (10) days in a hotel with more than one hundred (100) rooms or suites;
- 410.5 Commercial adjuncts as accessory uses to a hotel containing one hundred (100) or more rooms or suites shall be permitted in an RA zones, provided:
  - (a) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased;
  - (b) There shall be no direct entrance to the function rooms, exhibit space, and commercial adjuncts from the outside of the building;
  - (c) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk; and
  - (d) No sign or display indicating the existence of the adjuncts shall be visible from the outside of the building; and
- 410.6 Other accessory uses buildings or structures customarily incidental to the uses permitted in RF zones under the provisions of this section

**411- 419 Reserved**

**420 SPECIAL EXCEPTION USES IN THE RA ZONES**

- 420.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Y Chapter 8 subject to any applicable provisions of each section.
- 420.2 Any use or structure permitted under U § 320 except as modified by this section.
- 420.3 A corner store shall not be permitted within the RA zones;
- 420.4 A drive-through accessory to any use shall not be permitted.
- 420.5 Non-residential adjunct uses as an accessory use within an apartment building, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs subject to the following conditions:
  - (a) The adjuncts authorized under this section shall be limited to the main floor of the building or below.
  - (b) There shall be no direct entrance to the adjunct from the outside of the building.
  - (c) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
  - (d) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
  - (e) The center of the principal entrance of the apartment building shall be more than one-fourth (1/4) mile walking distance from the nearest MU, NC or PDR zone.

- (f) Uses authorized under this section may also be permitted within an interior patio or other type of open ground level area subject to the restrictions of (a) through (d) of this section.
- (g) In considering an application under this section the Board shall give consideration to the following:
- (h) The proximity of MU and NC zones;
- (i) The adequacy and convenience of parking spaces existing in or for the MU and NC zones;
- (j) The adequacy and scope of commodities and services provided within those MU and NC zones; and
- (k) The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.

420.6 Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites subject to the following conditions:

- (a) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased.
- (b) There shall be no direct entrance to the adjunct from the outside of the building.
- (c) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
- (d) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
- (e) The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

420.7 Emergency Shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the following conditions:

- (a) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.
- (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (c) The proposed facility shall meet all applicable code and licensing requirements;
- (d) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (e) The Board may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
- (f) The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject

location and if there is no other reasonable alternative to meet the program needs of that area of the District.

420.8 An art gallery or museum subject to the following conditions:

- (a) The art gallery or museum shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.
- (b) The Board shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings.
- (c) Adequate off-street parking shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.
- (d) The proposed use shall not adversely affect the present character or future development of the surrounding area.
- (e) The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties.

420.9 A parking garage constructed as a principal use on a lot other than an alley lot in an RA-5 zone subject to the following conditions:

- (a) The use shall comply with all provisions of chapter 23 of this title.
- (b) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Title 24 DCMR, Chapter 6 "Public Space and Safety."
- (c) The Board shall find that no dangerous or otherwise objectionable traffic conditions will result, that the present character and future development of the neighborhood will not be affected adversely, and that the parking garage is reasonably necessary and convenient to other uses in the vicinity.
- (d) Before taking final action on an application for the use, the Board shall submit the application to the D.C. Department of Transportation for review and report.

#### **421 NEW RESIDENTIAL DEVELOPMENTS RA-1 and RA-6**

421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle Y, in accordance with the standards and requirements in this section.

421.2 The Board shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

- (a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and
- (b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

421.3 The Board shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

421.4 In addition to other filing requirements, the developer shall submit to the Board with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

**422 ADDITIONAL USE RESTRICTIONS AND CONDITIONS**

422.1 This section shall modify uses of this chapter otherwise permitted as a matter of right or as a special exception.

422.2 In the RA-7 zones, the following uses shall not be permitted as a matter of right or as a special exception.

- (a) Parking lot; provided, that a parking lot in existence on May 31, 1985 may continue subject to any conditions of the zone;
- (b) Public utility pumping station
- (c) Storage of wares and goods on an alley lot; and
- (d) Telephone exchange.

**CHAPTER 5 USE PERMISSIONS MIXED USE (MU) ZONES**

**500 GENERAL USE PROVISION FOR MU ZONES**

500.1 This chapter contains use permissions and any applicable conditions in the MU Mixed Use zones.

500.2 USE GROUPS for the MU zones are as follows:

Use Group A [SP]	Use Group B [W-0]	Use Group C [W1/2/3]	Use Group D [C-1]
MU-1 (SP-1) MU-2 (SP-2) MU-15 (SP-1/DC) MU-16 (SP-2/DC) MU-23 (SP-1/CAP)	MU-11	MU-12 (W-1) MU-13 (W-2) MU-14 (W-3) <a href="#">CG-5 (CG/W-2)</a> <a href="#">CG-6 (CG/W-1)</a> <a href="#">CG-7 (CG/W-3)</a>	MU-3 (C-1)

Use Group E [C-2]	Use Group F [C-3]	Use Group G [CR]
MU-4 (C-2-A) MU-5 (C-2-B) MU-6 (C-2C) MU-17 (C-2-A/ DC) MU-18 (C-2-B/ DC) MU-19 (C-2-C/ DC) MU-24 (C-2-A/CAP) MU-25 (C-2-A/CHC) MU-26 (C-2-A/CAP/CHC) MU-27 (C-2-A/NO) <a href="#">CG-2 (CG/C-2-C)</a>	MU-7 (C-3-A) MU-8 (C-3-B) MU-9 (C-3-C) MU-20 (C-3-B/DC) MU-21 (C-3-C/DC) MU-28 (C-3-A/FT) <a href="#">CG-3 (CG/C-3-C)</a>	MU-10 (CR) MU-22 (CR/DC) MU-29 (CR/FT) <a href="#">CG-4 (CG/CR)</a>

**501 MATTER OF RIGHT USES – MU ZONES**

501.1 The uses in this section shall be permitted as a matter of right subject to any applicable conditions.

501.2 Any use permitted as a matter of right in any residential (R, RF, RA) zone.

501.3 Other Accessory Uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted.

**502 MATTER OF RIGHT USES – USE GROUP A**

Use Group A	MU-1 (SP-1) MU-2 (SP-2) MU-15(SP-1/DC) MU-16 (SP-2/DC) MU-23 (SP-1/CAP)
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502.1 The uses in this section shall be permitted in Use Group A as a matter of right subject to any applicable conditions.

502.2 Arts Design and Creation of the visual arts, including classes, subject to the following conditions:

- (a) All operations and storage of materials shall occur inside the building; and
- (b) Sales of art work produced by the occupants of the studio shall be permitted within the studio.

502.3 Car-sharing spaces, none of which may be a required parking space for any use on site;

502.4 Continuing Care Retirement Community

- 502.5 Daytime Care;
- 502.6 Private school, including kindergarten, elementary, secondary;
- 502.7 Trade or any other school;
- 502.8 General Institutional uses
- 502.9 Medical Care
- 502.10 Parks and Recreation
- 502.11 General office use, including chancery, shall be permitted as a matter of right as a replacement for office use authorized by a validly issued certificate of occupancy prior to January 29, 1999; and
- 502.12 Local Government uses.

**503 ACCESSORY USES USE GROUP A [SP]**

- 503.1 Retail and General Service uses shall be permitted as accessory uses and appropriate adjuncts to an apartment building or hotel, subject to the following conditions:
  - (a) The uses shall be oriented for the service and convenience of the tenants or guests of the building;
  - (b) There shall be no direct entrance to the commercial establishment from the outside of the building;
  - (c) There shall be no direct entrance to the commercial establishment from the outside of the building; and
  - (d) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.

**504 SPECIAL EXCEPTION USES – USE GROUP A**

- 504.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y subject to any applicable provisions of each section.
- 504.2 Chancery use subject to disapproval by the Board of Zoning Adjustment in accordance with X Chapter 2;
- 504.3 Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:
  - (a) There shall be no other property containing a CBIF for seven (7) or more persons in the same square;
  - (b) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
  - (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
  - (d) The proposed facility shall meet all applicable code and licensing requirements;

- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
  - (f) The Board may approve more than one (1) community-based institutional facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 504.4 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university subject to the conditions of Subtitle X, chapter 1.
- 504.5 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the conditions of CBIF above.
- 504.6 Institutional, Religious, church program uses subject to the following conditions:
- (a) The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).
  - (b) The operation of the program shall be such that it is not likely to become objectionable in the zone because of noise and traffic.
  - (c) No sign or display indicating the location of the church program shall be located on the outside of the building or the grounds.
  - (d) Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.
  - (e) The operation of the program shall be such that it is not likely to become objectionable in the zone because of noise and traffic.
- 504.7 Lodging for any number of guests, subject to the following conditions:
- (a) The height, bulk, and design of the lodging use shall be in harmony with existing uses and structures on neighboring property.
  - (b) To ensure that the height, bulk, and design is in harmony with existing uses and structures on neighboring property, the Board may require special treatment in the way of design, building setbacks, screening, landscaping, sign controls, and other features as it deems necessary to protect neighboring property.
  - (c) The approval of the lodging use shall result in a balance of residential, office, and lodging uses in the applicable zones in the vicinity of the lodging use.
  - (d) The gross floor area devoted to function rooms and exhibit space shall not exceed fifteen percent (15%) of the gross floor area of the hotel.
  - (e) The lodging use shall be located within thirteen hundred feet (1,300 ft.) of the Central Employment Area or a Metrorail station as measured from the entrance of the lodging use closest to the main lobby and guest registration desk to the edge of the Central Employment Area or the entrance to the Metrorail station, following public rights-of-way.
  - (f) The Board may require more or less off-street parking spaces and loading berths than required by this title to accommodate the activities of the lodging use, so as to avoid unduly impacting parking or traffic on the surrounding streets.

- (g) The location and design of driveways, access roads, and other circulation elements of the lodging use shall be located to avoid dangerous or other objectionable traffic conditions.

504.8 Parking garages, subject to the following conditions:

- (a) The use and all related facilities shall be located and designed so that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions.
- (b) The present character and future development of the neighborhood shall not be affected adversely by the use.
- (c) The parking facility shall serve either residential uses or provide short-term parking for retail, service, and public facility uses, but shall not provide all-day commuter parking.
- (d) The parking provided shall be within eight hundred feet (800 ft.) of the use to be served, and shall be necessary to that use.
- (e) An automobile laundry, including interior detailing, is a permitted accessory use within a permitted parking garage.

504.9 Parking, as an accessory use located elsewhere than on the same lot on which the principal use, subject to the following conditions:

- (a) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use.
- (b) 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:
- (c) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
- (d) Unusual topography, grades, shape, size, or dimensions of the lot;
- (e) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
- (f) Traffic hazards caused by unusual street grades or other conditions; and
- (g) 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.

504.10 Office Use: Construction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use, shall be permitted subject to the following conditions:

- (a) The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property; and
- (b) The use shall not create dangerous or other objectionable traffic conditions.

504.11 Retail and Service (General) Uses subject to the following conditions:

- (a) The properties are those located south of M Street, N.W. and N.E.;
- (b) The uses shall be located on or below the ground floor of the building;
- (c) The uses shall not include a drive-through; and

- (d) The uses shall be located and designed such that they are not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions.

504.12 Utility uses, subject to the following conditions:

- (a) A use is determined necessary in the public interest by the Public Service Commission;
- (b) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood; and
- (c) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping and there shall be no advertisement on the structure; and

## **505 MATTER OF RIGHT USES – ZONE GROUP B [MU-11 (W-0)]**

505.1 The uses in this section shall be permitted in Use Group B as a matter of right subject to any applicable conditions.

505.2 The following Marine uses shall be permitted as a matter of right:

- (a) Boat construction on an occasional basis by a local community organization;
- (b) Community garden operated by a local community organization or District government agency;
- (c) Publicly-accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
- (d) Public nature education or interpretive center including a boat dock;
- (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures; and
- (f) Floating homes within a permitted marina or yacht club provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the marina or yacht club.
- (g) A home occupation within a floating home.

## **506 SPECIAL EXCEPTION USES – ZONE GROUP B [MU-11 (W-0)]**

506.1 The uses in this section shall be permitted as a special exception in the MU-11 if approved by the Board of Zoning Adjustment under Subtitle Y subject to any applicable provisions of each section and the requirements of U § 506.11 through §506.16

506.2 Boathouse, subject to the following conditions:

- (a) A boathouse may include rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, one caretaker's residence pursuant to U § 506.8, rowing tank, dock, and related functions; and One or more motorized safety launches for coaches are allowed for supervision of rowing practice and water safety.
- (b) A demonstration that the boathouse and associated structures:
- (c) Will be designed to enhance the visual and recreational opportunities offered along the waterfront;

- (d) Will not result in the filling of normally submerged areas, and will minimize excavation to that reasonably required for a facility that is principally above-grade; and
  - (e) Will be located so as not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking
- 506.3 Off-street parking spaces shall be provided in the amount and manner specified in Subtitle C.
- 506.4 A Marina, which may also include as accessory uses the following conditions:
- (a) An office for the operation of the marina;
  - (b) Boat launching;
  - (c) The sale of marine fuels;
  - (d) Minor repairs and maintenance to boats and marine engines;
  - (e) The rental of boats; and
  - (f) Retail sales of supplies and services for small pleasure and commercial vessels.
- 506.5 Off-street parking spaces shall be provided in the amount and manner specified in Subtitle C.
- 506.6 Yacht Club provided the applicant shall demonstrate that the yacht club and associated facilities:
- (a) Will be primarily for the use of the members of the yacht club, except that the yacht club may provide transient berths;
  - (b) Will be located so as not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking; and
  - (c) Will not result in the filling of normally submerged areas and will minimize excavation to that reasonably required for a facility that is principally above-grade.
- 506.7 Floating homes within a permitted marina or yacht club with a proposed maximum density of floating home berths in excess of fifty percent (50%) of the total number of berths in the marina or yacht club.
- 506.8 Caretakers Residence subject to the following conditions:
- (a) The caretaker's residence shall be located within the principal building and exclusively for the use of the facility's caretaker and immediate family.
  - (b) If the caretaker's residence is larger than 1,200 square feet, it shall occupy no more than 20% of the total area of the principal building.
- 506.9 General Retail and Arts, Design and Creations and Entertainment, Assembly and Performing Arts uses.
- 506.10 Parking, for uses within this chapter that are located elsewhere than on the lot on which the use is located.
- (a) The parking spaces will be located to furnish reasonable and convenient parking for patrons of the principal building;
  - (b) Any support facility in relation to the parking spaces is designed so as not likely to become objectionable to adjoining or nearby property, park

space, or the waterfront because of noise, traffic, or other objectionable conditions;

- (c) The parking spaces will be adequately screened from adjacent park space and from the waterfront, and shall be designed to prevent storm water run-off directly into the river.

506.11 With respect to any special exception use under consideration, the Commission may authorize the following if the applicant is able to demonstrate that application of normally applied zoning regulations would result in an infeasible project and would hinder furtherance of the objectives of the Waterfront areas:

- (a) An increase of not more than five percent (5%) in the maximum lot occupancy, height, or floor area ratio as otherwise prescribed in this Title. The Commission shall have the option to approve a greater increase if the subject property is surrounded by National Park Service lands; or
- (b) A reduction of not more than five percent (5%) of the minimum setback or courtyard requirements as otherwise prescribed in this Title. The Commission shall have the option to approve a greater decrease if the subject property is surrounded by National Park Service lands.

506.12 An applicant for a special exception shall provide the following information

- (a) A survey plan showing:
  - (1) Existing vertical contours at two-foot intervals;
  - (2) The 100-year floodplain and all existing streams, wetlands, and bodies of water, as well as general drainage patterns with arrows indicating the directions of major drainage flow;
  - (3) Existing vegetation, including a listing of most abundant species; and
  - (4) All existing disturbed areas, including the locations of utilities, paved areas, streets, culverts, storm water management systems, and bridges
  - (5) The proposed location, height, bulk, and design of all improvements, including buildings, structures, pedestrian and vehicular access, parking, piers and wharves, berths, utilities, paved areas, culverts, storm water management, and bridges;
  - (6) Suitable open space treatment of a waterfront setback area, for uses such as walkway, bikeway, passive or active recreation; and including provisions assuring private maintenance of the space, convenient and public access to the space, and suitable connections to adjacent public space along the waterfront;
  - (7) Proposed grading, including a calculation of the amount of cutting from and filling to natural grade;
  - (8) Proposed landscaping, including riverbank treatment/restoration; and
  - (9) The location and design of fencing, gates, screening, exterior lighting, and signage
  - (10) The location and design of parking spaces, access driveways, and other impervious surface landscaping;
  - (11) The location and design of emergency vehicle access to all buildings, structures, and active public spaces;

- (12) For boathouse, marina, and yacht club facilities, a parking management plan for special events (such as regattas); and
- (13) A description of activities proposed to be conducted at the site.

506.13 When applying for special exception under this section an applicant shall also demonstrate:

- (a) The buildings, structures, and uses will enhance the visual and public recreational opportunities offered along the waterfront;
- (b) Buildings, structures, and uses on land will be located and designed to minimize adverse impacts on the river and riverbank areas;
- (c) If the proposed use is a boathouse, marina, or yacht club, the buildings will be located entirely on shore directly in front of berths, separated only by the setback area described in C chapter 11, unless doing so would result in an infeasible project and would hinder furtherance of the objectives of the MU-11 zone;
- (d) Buildings, structures, and uses on, under, or over water will be located and designed to minimize adverse impacts on the river and riverbank areas;
- (e) All structures and buildings will be located so as not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking, and so as not to limit public access along or to the waterfront, other than directly in front of the principal building or structure of a boathouse, marina, or yacht club;
- (f) Impervious surfaces will be minimized, and buildings, structures, and other uses will be designed and sited to minimize potential for surface storm water run-off directly into the river;
- (g) Screening, coping, setbacks, fences, the location of entrances and exits, or any other consideration for accessory or non-accessory parking spaces will be designed to screen and protect adjacent parkland and the waterfront; and
- (h) Emergency access will be provided to any buildings, structures, or other space devoted to active public use

506.14 An applicant for a special exception under this section shall provide the following information:

- (a) A survey plan showing:
  - (1) Existing vertical contours at two-foot intervals;
  - (2) The 100-year floodplain and all existing streams, wetlands, and bodies of water, as well as general drainage patterns with arrows indicating the directions of major drainage flow;
  - (3) Existing vegetation, including a listing of most abundant species; and
  - (4) All existing disturbed areas, including the locations of utilities, paved areas, streets, culverts, storm water management systems, and bridges.
- (b) A proposed site plan showing:
  - (1) The proposed location, height, bulk, and design of all improvements, including buildings, structures, pedestrian and

vehicular access, parking, piers and wharves, berths, utilities, paved areas, culverts, storm water management, and bridges;

- (2) Suitable open space treatment of a waterfront setback area, as required in C § chapter 11, for uses such as walkway, bikeway, passive or active recreation; and including provisions assuring private maintenance of the space, convenient and public access to the space, and suitable connections to adjacent public space along the waterfront;
  - (3) Proposed grading, including a calculation of the amount of cutting from and filling to natural grade;
  - (4) Proposed landscaping, including riverbank treatment/restoration; and
  - (5) The location and design of fencing, gates, screening, exterior lighting, and signage
  - (6) The location and design of fencing, gates, screening, exterior lighting, and signage.
- (c) A parking plan showing:
- (1) The location and design of parking spaces, access driveways, and other impervious surface landscaping;
  - (2) The location and design of emergency vehicle access to all buildings, structures, and active public spaces; and
  - (3) For boathouse, marina, and yacht club facilities, a parking management plan for special events (such as regattas); and
- (d) A description of activities proposed to be conducted at the site

506.15 Before commencement of a public hearing on an application for any special exception in the MU-11 zoning district, the Commission or Board shall refer the application to the D.C. Office of Planning for coordination, review, and report. The application shall include reports and recommendations from the Departments of Environment and Transportation and all other appropriate agencies.

506.16 A report submitted by the Office of Planning under this section. shall specifically address the environmental impact of the proposed use, as that impact is identified by the Department of the Environment; provided that any such report is not intended to be, and shall not be construed to constitute, the functional equivalent of an Environmental Impact Assessment or Statement.

**507 MATTER OF RIGHT USES – USE GROUP C [MU-12/13/14 (W-1/2/3)]**

Use Group C	MU-12 (W-1) MU-13 (W-2) MU-14 (W-3)
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507.1 The uses in this section shall be permitted in Use Group C as a matter of right subject to any applicable conditions.

507.2 Any use permitted as a matter of right in any residential (R, RF, RA) zone; and

507.3 Any use within the following use categories:

- (a) Agricultural, both residential and large
- (b) Arts Design and Creation, including an artist live-work studio
- (c) Art gallery and museum

- (d) Daytime Care
- (e) Eating and drinking establishments except a drive-through operation shall not be permitted
- (f) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- (g) A private or public theater for the purpose of Entertainment, Assembly, and Performing Arts.
- (h) Local Government uses except a Driver's License Road Test Facility shall only be permitted in the MU-12 and MU-13 zones
- (i) Institutional uses, both general and religious
- (j) Lodging
- (k) Marine
- (l) Medical care facilities, including hospice care
- (m) Office uses, including Chanceries.
- (n) Parks and Recreation
- (o) Retail
- (p) Service uses, both financial and general

507.4 Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

**508 SPECIAL EXCEPTION USES – USE GROUP C [MU-12/13/14 (W-1/2/3)]**

508.1 The uses in this section shall be permitted in Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle Y, subject to the following conditions:

508.2 A veterinary office or hospital subject to the following conditions:

- (a) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs;
- (b) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (c) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (d) The veterinary hospital shall not abut an existing residential use or a residential zone;
- (e) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

508.3 Community-based Institutional Facilities for one (1) to twenty (20) persons, not including resident supervisors or staff and their families;

- 508.4 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university subject to the conditions of Subtitle X, chapter 1;
- 508.5 Education (Private) uses subject to the following conditions:
- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.
  - (b) The use shall be designed and located so that it is not likely to become objectionable because of noise, traffic, number of students, or other conditions.
- 508.6 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families.
- 508.7 Entertainment, Assembly, and Performing Arts uses subject to the following conditions:
- (a) The use shall not be within twenty-five feet (25 ft.) of a residentially zoned or used property unless separated by a public street or public alley; and
  - (b) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- 508.8 Medical Care Uses subject to the following conditions:
- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
  - (b) The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
  - (c) There shall be a demonstrated need for the facility.
  - (d) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities which shall include:
    - (1) Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;
    - (2) Screening, signs, and public utility facilities; and
    - (3) A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.
- 508.9 Parking subject to the following conditions:
- (a) A temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 664E, 707, 708, 708E, 708S, or 744S, in accordance with C § 718. In the event that the cumulative parking limit established in C§ 718.2 is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 664E, 707, 708, 708E, 708S, or 744S shall be permitted as a special exception in a MU-13 zone if approved by the Board of Zoning Adjustment pursuant to C§ 718.7
- 508.10 Production, Distribution and Repair Uses, subject to the following conditions:
- (a) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.

- (b) The use shall comply with the standards of external effects and shall have no adverse effects on other uses on the same or adjoining properties.
- (c) The use shall not result in dangerous or otherwise objectionable traffic conditions.
- (d) There shall be adequate off-street parking for trucks and other service vehicles.
- (e) There shall be no outdoor storage of materials.

508.11 Utility uses, subject to the following conditions:

- (a) Any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood; and
- (b) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping and there shall be no advertisement on the structure.

508.12 Miscellaneous uses, subject to the following conditions:

- (a) The board finds that the use is appropriate in furthering the objectives of the waterfront areas;
- (b) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront;
- (c) The use shall not adversely affect the present character or future development of the neighborhood; and
- (d) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use.

508.13 Any use permitted as a matter of right in Use Group C that does not comply with the required conditions for Use Group C may apply for permission as a special exception.

**509 USES NOT PERMITTED - USE GROUP C [MU-12/13/14 (W-1/2/3)]**

509.1 The uses in this section shall not be permitted in Use Group C as a matter of right or as a special exception.

- (a) Any establishment that has as a principal use the administration of massages that is not part of a health facility;
- (b) Automobile or motorcycle sales or repairs;
- (c) Car wash;
- (d) Carting, express, moving, or hauling terminal or yard;
- (e) Chemical manufacturing, storage, or distribution;
- (f) Drive-through establishment;
- (g) Enameling, plating, or painting (except artist's studio) as a principal use;
- (h) Firearms Retail Sales Establishment;
- (i) Gasoline service station;
- (j) Material salvage;

- (k) Outdoor advertising or billboard;
- (l) Outside material storage;
- (m) Packing or crating operation;
- (n) Parking Lot:
  - (1) Except a temporary surface parking lot permitted pursuant to C § 718 or
  - (2) Other than as permitted as a special exception in the W-0 District in U §506.10;
- (o) Smelting or rendering; and
- (p) Sexually-oriented business establishment.

**510 MATTER OF RIGHT USES – USE GROUP D [MU-3 (C-1)]**

Use Group D	MU-3 (C-1)
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- 510.1 The uses in this section shall be permitted in Use Group D as a matter of right subject to any applicable conditions.
- 510.2 Any use permitted as a matter of right in any residential (R, RF, RA) zone;
- 510.3 Agricultural, both residential and large
- 510.4 Arts Design and Creation, including an artist live-work studio
- 510.5 Art gallery and museum
- 510.6 College or University uses except that a use that would otherwise not be permitted as a matter of right but for the university or college shall not be permitted.
- 510.7 Daytime Care Uses for no more than 5 persons not including resident supervisors or staff and their families.
- 510.8 Eating and Drinking Establishment uses except for:
  - (a) A drive-through or drive-in operation and a food delivery service shall not be permitted;
  - (b) A Prepared food shop in Square 5912 shall no limitation on seats.
  - (c) A fast food establishment shall not be permitted in the MU-3 zone except for a fast food establishment with no drive-through shall be permitted in Square 5912, Square 3499 (Lot 3), and Square 3664 (Lot 820) as a matter of right.
- 510.9 Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- 510.10 Entertainment, Assembly, and Performing Arts uses shall be permitted as a matter of right except for a bowling alley.
- 510.11 Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;
- 510.12 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

- 510.13 Group Instruction Center or Studio;
- 510.14 Institutional uses, both general and religious
- 510.15 Local Government uses
- 510.16 Lodging
- 510.17 Marine
- 510.18 Medical care facilities, including hospice care;
- 510.19 Office uses, including chanceries.
- 510.20 Optical Transmission Node.
- 510.21 Parking Garage, which may include a carwash and interior detailing, as a permitted accessory use within the permitted parking garage
- 510.22 Parks and Recreation
- 510.23 Retail, except for Large Format Retail
- 510.24 Service uses, both financial and general subject to the following limitations:
  - (a) The use does not involve installation of automobile accessories; and
  - (b) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area.
- 510.25 Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

**511 SPECIAL EXCEPTION USES - ZONE GROUP D [MU-3 (C-1)]**

- 511.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to the provisions of this section.
- 511.2 A veterinary office or hospital subject to the following conditions:
  - (a) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1), except domesticated dogs;
  - (b) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
  - (c) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
  - (d) The veterinary hospital shall not abut an existing residential use or a residential zone;
  - (e) External yards or other external facilities for the keeping of animals shall not be permitted;
  - (f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

- (g) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties;
- 511.3 College or University uses that would otherwise not be permitted as a matter of right within the zone and subject to the conditions of X Chapter 1.
- 511.4 Community-based Institutional Facilities for one to twenty (20) persons, not including resident supervisors or staff and their families;
- 511.5 Daytime Care for between five (5) and fifteen (15) persons not including resident supervisors or staff and their families.
- 511.6 Eating and Drinking Establishment uses that are a Prepared Food Shop with more than eighteen seats for patrons.
- 511.7 Emergency Shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families subject to the following conditions:
- (a) 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.
  - (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
  - (c) The proposed shelter shall meet all applicable code and licensing requirements.
  - (d) 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.
  - (e) The Board may approve more than one (1) Emergency Shelter facility in a square or within five hundred feet (500 ft.) from the property only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 511.8 Entertainment, Assembly, and Performing Arts uses except a bowling alley shall not be permitted. subject to the following conditions:
- (1) The use shall not be within twenty-five feet (25 ft.) of a residentially zoned property unless separated by a street or alley.
  - (2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- 511.9 Gasoline service station to be established or enlarged, subject to the following conditions:
- (a) The station shall not be located within twenty-five feet (25 ft.) of a residential zone or unless separated from the residential zone by a street or alley.
  - (b) The operation of the use shall not create dangerous or other objectionable traffic conditions.
  - (c) Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

- 511.10 Parking, for uses within this chapter that are located elsewhere than on the lot on which the use is located but within the square in which the principal use is located.
- 511.11 Retail uses otherwise permitted with conditions that do not comply with the conditions.
- 511.12 Large Format Retail subject to the following conditions:
- (a) The development standards and design guidelines contained within this section apply to all new large format retail establishments with single tenant space of 50,000 gross square feet or greater.
  - (b) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, loading, deliveries, lighting, trash compacting and collection, hours of operation, or otherwise objectionable conditions.
  - (c) Sufficient automobile parking, but not less than that required in Subtitle C, chapter 7, shall be provided to accommodate the employees and customers.
  - (d) An application under this section shall include the following information:
    - (1) A general site and development plan, indicating the proposed use, location, dimensions, number of stories and height of building;
    - (2) A study of site characteristics and conditions;
    - (3) A description of existing topography, soil conditions, vegetation and drainage consisting of written material, plats, maps and photographs;
    - (4) Proposed topography including street grades and other grading contours;
    - (5) Identification of mature trees to remain and percent of site to be covered by impervious surface;
    - (6) Proposed drainage and sewer system and water distribution;
    - (7) Proposed treatment of existing natural features such as steep slopes, ravines, natural watercourses;
    - (8) Proposed method of solid waste collection; and
    - (9) Estimated water consumption (gallons per year).
  - (e) A transportation study, containing the following:
    - (1) Proposed circulation plan, including the location of vehicular and pedestrian access ways, other public space and the location and number of all off-street parking and loading spaces, loading berths and service delivery spaces;
    - (2) Estimated number and type of trips assumed to be generated by project, and assumed temporal and directional distribution;
    - (3) Traffic management requirements (lights, stop signs, one-way streets, etc.);
    - (4) Relationship of the proposed project to the mass transit system (nearest bus stops and routes, nearest Metrorail stations, etc.);

- (5) Vehicular trip generation, trip assignment and before-and-after capacity analyses and level of service at critical intersections; and
  - (6) Any other information needed to fully understand the final building proposed for the site.
- (f) An applicant requesting approval under this section must demonstrate that the proposed use, building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
- (1) Be in context with the surrounding street patterns;
  - (2) Minimize unarticulated blank walls adjacent to public spaces through facade articulation, materials, display windows, entries, and other architectural efforts; and
  - (3) Will not result in light spillage off the site.
- (g) Where additional stores or individual uses are located within a large format retail use each such store shall have at least one exterior customer entrance.
- (h) The following list should be considered as guidelines for the design of large format retail buildings:
- (1) Building design shall incorporate architectural features and patterns to provide visual interest;
  - (2) Exterior walls shall feature projections and recesses;
  - (3) Building roofs shall incorporate pitched rooflines and detailed roofing materials;
  - (4) Building materials shall include stone, wood, brick, glass, and metal in keeping with the surrounding architectural context;
  - (5) Entryways shall be well-marked and engaging and provide connection via wide sidewalks to primary streets and parking;
  - (6) Building design shall incorporate sustainable measures to include solar energy, geothermal heating and cooling, and use of permeable paving for surface parking areas; and
  - (7) Landscaping shall be provided in the rear and side yards to screen and limit visibility of storage areas;
- (i) This section shall not apply to the following:
- (1) Large Format Retail uses that would occupy a Planned Unit Development approved as of the effective date of this ordinance.
  - (2) Large Format Retail uses that would occupy projects approved under the Large Tract Review regulations for a development of 50,000 square feet or more, except that a modification to an approved Large Tract Review that would result in a project with 50,000 square feet or more of retail shall also require approval under this section prior to certificate of occupancy for a use meeting the definition of Large Format Retail.

511.13 Service uses permitted as a matter of right with conditions that do not comply with the conditions.

511.14 Utilities uses subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

511.15 Any use permitted as a matter of right in Use Group D that does not comply with the required conditions for Use Group D may apply for permission as a special exception.

**512 MATTER OF RIGHT USES – USE GROUP E (C-2 A/B/C)**

Use Group E	MU-4 (C-2-A) MU-5 (C-2-B) MU-6 (C-2C) MU-17 (C-2-A/ DC) MU-18 (C-2-B/ DC) MU-19 (C-2-C/ DC) MU-24 (C-2-A/CAP) MU-25 (C-2-A/CHC) MU-26 (C-2-A/CAP/CHC) MU-27 (C-2-A/NO)
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512.1 The uses in this section shall be permitted in Use Group E as a matter of right subject to any applicable conditions.

512.2 Uses permitted as a matter of right in any R, RF, and RA zones and all uses permitted as a matter of right for Use Group D of this chapter, unless otherwise modified by U § 514.

512.3 College or university uses, except that in the MU-4 zone, a use that would otherwise not be permitted as a matter of right but for the university or college shall not be permitted.

512.4 Daytime Care Uses for up to twenty (20) persons not including resident supervisors or staff and their families.

512.5 Eating and Drinking Establishment uses shall be permitted subject to the following conditions:

- (a) A fast food establishment or food delivery service shall not be permitted within the MU-4, MU-17, MU-24, MU-25, MU-26 and MU-27 zones.
- (b) A fast food establishment or food delivery service shall be permitted in all other Use Group E zones subject to the following conditions:
  - (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a residential zone, unless separated therefrom by a street or alley;
  - (2) 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;
  - (3) 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 a residential zone; and
  - (4) The use shall not include a drive-through.
  - (5) Subparagraphs (1) and (2) shall not apply to a fast food establishment located in Square 5912.
- (c) A Prepared food shop in a MU-4, MU-17, MU-24, MU-25, MU-26 and MU-27 zone shall be limited to eighteen (18) seats for patrons.

512.6 Entertainment, Assembly, and Performing Arts uses with the following conditions:

- (a) A bowling alley shall be subject to the following conditions:
  - (1) The use shall not be within twenty-five feet (25 ft.) of a residentially zoned property unless separated by a street or alley.
  - (2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

512.7 Firearms retail sales establishments subject to the following conditions:

- (a) No portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (b) Any R, RF or RA residential zone or the MU-1 or MU-2 zone; or
  - (c) A place of worship, public or private school, public library, or playground.

512.8 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;
- (c) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage; and
- (d) The use shall not be permitted in the MU-4, MU-17, MU-25, and MU-27 zones.

512.9 Optical transmission node;

512.10 Retail uses, except for a Large Format Retail use, shall be permitted subject to the following conditions:

- (a) The off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue provided that it shall not occupy more than 2,078 square feet of the store's gross floor area.

512.11 Service (General) uses shall be permitted as a matter of right subject to the following conditions:

- (a) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area
- (b) In the MU-4, MU-17, MU-25, MU-27 zones, uses involving the installation of automobile accessories shall not be permitted.

512.12 Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

**513 SPECIAL EXCEPTION USES –USE GROUP E (C-2 A/B/C)**

513.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to the provisions of this section.

513.2 Animal Care and Boarding Uses, subject to the following conditions:

- (a) When located in a non-residential building or on a non-residentially zoned property, the use shall not abut nor be closer than twenty-five feet (25 ft.) to any property line of an existing residential use or a residential zone;

- (b) When located in a mixed use building, the use shall not be on the same floor as a residential use and shall be horizontally separated from any residential use by at least one floor of non-residential use;
- (c) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
- (d) External yards or other external facilities for the keeping of animals shall not be permitted except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred (200) feet from an existing residential use or residential zone; and
- (e) 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 means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

513.3 A veterinary office or hospital subject to the following conditions:

- (a) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1), except domesticated dogs;
- (b) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals subject to the spacing requirements of U §513.2 (a) and (b);
- (c) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (d) The veterinary hospital shall not abut an existing residential use or a residential zone;
- (e) External yards or other external facilities for the keeping of animals shall not be permitted;
- (f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (g) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

513.4 Eating and Drinking Establishments that are fast food establishments or food delivery service in the MU-4, MU-17, MU-25, MU-27 zones subject to the following conditions:

- (a) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a R, RF or RA residential zone, unless separated therefrom by a street or alley.
- (b) 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.
- (c) Any refuse dumpster 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 a residential zone.

- (d) The use shall not include a drive-through.
- (e) 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) The use shall provide sufficient off-street parking, but not less than that required by C Chapter 7 to accommodate the needs of patrons and employees.
- (g) The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions.
- (h) The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

513.5 Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following standards and requirements:

- (a) 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 subject property;
- (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (c) The proposed facility shall meet all applicable code and licensing requirements;
- (d) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- (e) The Board may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
- (f) The Board may approve an emergency shelter for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

513.6 Any establishment that has as a principal use the administration of massages subject to the following conditions:

- (a) The establishment shall be compatible with other uses in the area.
- (b) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- (c) The establishment shall not have an adverse impact on religious, educational, or other institutional facilities located in the area.

513.7 Gasoline service station to be established or enlarged, or a repair garage not including body and fender work subject to the following conditions:

- (a) The station shall not be located within twenty-five feet (25 ft.) of a residential zone or unless separated from the residential zone by a street or alley.
- (b) The operation of the use shall not create dangerous or other objectionable traffic conditions.
- (c) Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

513.8 Motorcycle sales and repair.

513.9 Parking, for uses within this chapter that are located elsewhere than on the lot on which the use is located but within the square in which the principal use is located.

513.10 Retail uses otherwise permitted with conditions that do not comply with the conditions.

513.11 Large Format Retail subject to the conditions of U § 511.12

513.12 Service uses otherwise permitted with conditions that do not comply with the conditions.

513.13 Utilities uses subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

513.14 Any use permitted as a matter of right in Use Group E that does not comply with the required conditions for Use Group E may apply for permission as a special exception.

#### **514 ADDITIONAL USE RESTRICTIONS AND CONDITIONS**

514.1 This section shall modify uses of this chapter otherwise permitted as a matter of right or as a special exception.

514.2 In the MU-24 and MU-26 (CHC) zones, the following uses shall not be permitted as a matter of right or as a special exception.

- (a) Carwash;
- (b) Automobile or truck sales;
- (c) Automobile rental agency;
- (d) Boat or other marine sales;
- (e) Drive-in restaurant;
- (f) Electric substation or natural gas regulator station;
- (g) Gasoline service station as a principal or an accessory use;
- (h) Installation of automobile accessories;
- (i) Motorcycle sales and repairs;
- (j) Parcel delivery service;
- (k) Parking lot, parking garage, or public storage garage; and

- (l) Public utility pumping station.

**515 MATTER OF RIGHT USES – USE GROUP F (C-3 A/B/C)**

Use Group F	MU-7 (C-3-A)
	MU-8 (C-3-B)
	MU-9 (C-3-C)
	MU-20 (C-3-B/DC)
	MU-21 (C-3-C/DC)
	MU-28 (C-3-A/FT)

- 515.1 The uses in this section shall be permitted in Use Group F as a matter of right subject to any applicable conditions.
- 515.2 Uses permitted as a matter of right in any R, RF, and RA zones and all uses permitted as a matter of right for Use Group E of this chapter.
- 515.3 Eating and Drinking Establishments with no restrictions.
- 515.4 In addition to the matter of right retail uses permitted in Use Group E, the following retail establishments shall be permitted in Use Group F as a matter of right:
  - (a) Motorcycle sales and repair, only in MU-9 zone provided:
    - (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 or repair shall be located within fifty feet (50 ft.) of a R, RF or RA residential zone or MU-1 or MU-2 zone.
- 515.5 Community-based institutional facilities
- 515.6 In addition to the matter of right service uses permitted in Use Group E, the following service establishments shall be permitted in Use Group F as a matter of right:
  - (a) Amusement enterprise, including penny arcade or shooting gallery;
  - (b) Laundry or dry cleaning establishment, not exceeding five thousand square feet (5,000 sq. ft.) of gross floor area;
  - (c) Gasoline service station as an accessory use to a mechanical parking garage, subject to the following conditions:
    - (1) All portions of the gasoline service station shall be located entirely within the garage;
    - (2) No part of the accessory use shall be visible from a sidewalk; and
    - (3) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage; and
  - (d) Printing, lithographing, or photoengraving establishment, with no limitation on gross floor area.
- 515.7 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university
- 515.8 Any establishment that has as a principal use the administration of massages in MU-9 provided that no portion of the establishment shall be located within two hundred feet (200 ft.) of a R, RF or RA residential zone

515.9 Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

**516 SPECIAL EXCEPTION USES - ZONE GROUP F (C-3 A/B/C)**

516.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to the provisions of this section.

516.2 Large Format Retail subject to the conditions of U § 511.12

516.3 Any use permitted as a matter of right in Use Group F that does not comply with the required conditions for Use Group F may apply for permission as a special exception.

**517 MATTER OF RIGHT USES – USE GROUP G (CR)**

Use Group G	MU-10 (CR) MU-22 (CR/DC) MU-29 (CR/FT)
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- 517.1 The uses in this section shall be permitted in Use Group G as a matter of right subject to any applicable conditions.
- 517.2 Uses permitted as a matter of right in any R, RF, and RA zones and all uses permitted as a matter of right for Use Group F of this chapter, unless required as a special exception in U § 518 or not permitted by U § 519.
- 517.3 Health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided, that the number of persons being cared for shall not exceed six (6);
- 517.4 Notwithstanding U § 519, the following parking uses shall be permitted:
  - (a) A temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 603, 605, 657, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7; Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the MU-10 zone, in accordance with C § 718. In the event that the cumulative parking limit established in C§ 718.2 is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 658, Lot 7; Square 769, Lot 19 and those portions of Lots 18 and 20 within the MU-10 zone, shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to C§ 718.7; and
  - (b) Not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use on:
    - (1) Square 661, Lot 805, for a period of five (5) years maximum , beginning from the date of issuance of a certificate of occupancy for such use, with the 5-year period renewable by the Zoning Commission; and
    - (2) Square 700, Lot 46, for a period of three (3) years maximum , beginning from the date of issuance of a certificate of occupancy for such use, with the 3-year period renewable by the Zoning Commission.

**518 SPECIAL EXCEPTION USES - ZONE GROUP G [MU-10 (CR), MU-22 (CR/DC) and MU-29 (CR/FT)]**

- 518.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to the provisions of this section.
- 518.2 Hospital or clinic use, if the Board considers that this use is appropriate in furthering the objectives of the zone, subject to the provisions of this section:
  - (a) The hospital or clinic use shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
  - (b) There shall be a demonstrated need for the facility.

- (c) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities, showing the following:
  - (1) Location, height, and bulk of all improvements, including but not limited to buildings, parking and loading facilities, screening, signs, and public utility facilities; and
  - (2) A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.
- (d) Before taking final action on an application for hospital or clinic use, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including review and report by the Department of Human Services on the need for the facility as well as the specific design of the facility and the D.C. Department of Transportation.

518.3 A Metropolitan Police Department vehicle maintenance facility or equestrian unit subject to the condition that it be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.

518.4 Utilities, subject to the provisions of this section:

- (a) Any new construction of a freestanding structure used primarily for the purpose of housing an optical transmission node shall be subject to the following:
  - (1) The structure shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
  - (2) There shall be no advertisement on the structure.
- (b) The Board may impose any requirements for setbacks, screening, or other safeguards that it deems necessary for protection of the neighborhood

518.5 A bowling alley subject to the provisions of this section.

- (a) Bowling alley use shall not be within twenty-five feet (25 ft.) of a Residence District unless separated from such district by a street or alley.
- (b) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

518.6 Light manufacturing, processing, fabricating, or milling subject to the provisions of this section:

- (a) The use shall comply with the standards of external effects for PDR zones and, further, shall have no adverse effects on other uses on the same or adjoining properties;
- (b) The use shall not result in dangerous or otherwise objectionable traffic conditions;
- (c) There shall be adequate off-street parking for trucks and other service vehicles;
- (d) There shall be no outdoor storage of materials; and
- (e) The Board may impose requirements pertaining to design, appearance, or screening, or any other requirements that it deems necessary for the protection of neighboring or adjacent property.

518.7 Large Format Retail subject to the conditions of U § 511.12

- 518.8 Warehouse or wholesaler use.
- 518.9 Building service trade, including but not limited to plumber, electrician, exterminator, or air conditioning mechanic.
- 518.10 Experimental research or testing laboratory.
- 518.11 Automobile or motorcycle sales or repair subject to the provisions of this section:
- (a) The use shall be located so that it is not objectionable to other uses on the same or neighboring property because of noise, fumes, or other conditions;
  - (b) The use shall not result in dangerous or otherwise objectionable traffic conditions;
  - (c) The use and all its accessory facilities, including automobile storage, shall be located within a building;
  - (d) No portion of a building use for vehicle sales or repair shall be used within fifty feet (50 ft.) of a R, RF, RA MU-1, MU-2, MU-15, MU-16 or MU-23 zone; and
  - (e) The Board may impose additional requirements pertaining to location of buildings or other structures, entrances, exits, or soundproofing, or other requirements as the Board deems necessary to protect adjacent or nearby property
- 518.12 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university subject to the conditions of Subtitle X, chapter 1.
- 518.13 Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of U § 203.11
- 518.14 Health care facility for sixteen (16) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of U § 203.12
- 518.15 An antenna tower or monopole.
- 518.16 Other uses neither identified as permitted or not permitted subject to the provisions of this section:
- (a) The use shall not adversely affect the present character and future development of the neighborhood;
  - (b) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use; and
  - (c) The Board may impose requirements pertaining to the design, appearance, screening, or any other requirements that it deems necessary for the protection of neighboring or adjacent property

**519 USES NOT PERMITTED - USE GROUP G**

- 519.1 The following uses shall be specifically prohibited in CR Districts:
- (a) Any establishment that has as a principal use the administration of massages;
  - (b) Any industrial use prohibited in an PDR zone;
  - (c) Any use first permitted in the PDR zone;

- (d) Car wash, as a principal use;
- (e) Carting, express, moving, or hauling terminal or yard, except a cooperative central delivery or pick-up system for goods or merchandise solely to serve businesses in the area;
- (f) Chemical manufacturing, storage, or distribution;
- (g) Drive-through establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles while in the vehicles);
- (h) Enameling, plating, or painting (except artist' s studio), as a principal use;
- (i) Firearms retail sales establishments as a principal or an accessory use;
- (j) Gasoline service station;
- (k) Material salvage;
- (l) Outdoor advertising or billboard as a principal use;
- (m) Outdoor material storage;
- (n) Packing or crating operations as a principal use;
- (o) Parking lot, except a temporary surface parking lot permitted pursuant to § 517.4;
- (p) Sexually-oriented business establishment;
- (q) Smelting or rendering; and
- (r) Animal Care and Boarding except for a veterinary office or hospital.

## CHAPTER 6 USE PERMISSIONS FOR ALLEY LOT

### 600 MATTER OF RIGHT USES ON ALLEY LOTS IN THE R, RF AND RA

- 600.1 The uses in this section shall be permitted as a matter of right on an alley lot in the R, RF and RA zones subject to any applicable conditions.
- 600.2 Agricultural uses
- 600.3 Artist Studio:
- (a) Occupancy of the building shall be limited to one artist and one apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area of a building on an alley lot;
  - (b) All operations and storage of materials shall occur inside the building;
  - (c) Incidental sales of art work produced by the occupants of the studio shall be permitted within the studio; and
  - (d) The artist may teach one or more apprentices
- 600.4 Parking:
- (a) Surface parking spaces for use by residents of the square;
  - (b) Up to two (2) car-sharing spaces; and
  - (c) Parking garage on a lot not containing another use shall meet the following conditions:
    - (1) No more than two (2) motor vehicles may be housed on the lot;
    - (2) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
    - (3) The building shall open directly onto an alley.
- 600.5 Residential dwelling provided that the use shall be limited to one dwelling unit on an alley lot, subject to the following limitations:
- (a) The alley lot is whole within an R-3, R-13, R-17 zone, an RF zone, or an RA zone;
  - (b) A residential dwelling may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty (450) square feet square feet of lot area;
  - (c) The alley lot has access to an improved public street as follows:
    - (1) Through an improved alley or alleys twenty-four feet (24 ft.) or more in width, or
    - (2) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of 300 linear feet of a public street.
  - (d) The residential dwelling shall meet all building code requirements for a permanent residential structure.
  - (e) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.

- 600.6 The owner of an alley lot may camp on the alley lot in a tent, wagon, van, automobile, truck, or trailer subject to the following conditions:
- (a) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions.
  - (b) Open fires shall not be permitted.
  - (c) The use shall not be for more than two consecutive weeks and no more than one month per calendar year.

**601 SPECIAL EXCEPTION USES ON ALLEY LOTS IN THE R, RF AND RA**

- 601.1 The uses in this section shall be permitted on an alley lot in the R, RF and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y subject to any specific provisions of each section.
- 601.2 Parking uses not meeting the matter of right standards provided that a publicly operating parking area use shall be subject to the following conditions:
- (a) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees; and
  - (b) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located.
- 601.3 The storage of wares or goods on an alley lot provided that the use shall be limited to the following:
- (a) No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
  - (b) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees;
  - (c) The alley upon which the use is to be located shall be readily negotiable by any truck necessary for the proposed operation; and
  - (d) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located.
- 601.4 Residential use not meeting the matter of right requirements of U § 600.5 provided that the use shall be limited to one dwelling unit on an alley lot, subject to the following limitations:
- (a) The alley lot is not wholly or partially within the R-1A, R-1B or R-2 zones;
  - (b) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty (450) square feet square feet of lot area;
  - (c) The alley lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and
  - (d) The Board of Zoning Adjustment shall consider relevant agency comments concerning:

- (1) Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department;
  - (2) Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations;
  - (3) Waste management, including any comments from the Department of Public Works; and
  - (4) Traffic and parking, including any comments from the District Department of Transportation.
- (e) An applicant shall submit or arrange for the submission of agency comments to the official case record. If no agency submission occurs, an applicant shall instead describe any communications with relevant agencies.

601.5 No camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or trailer of any description shall be permitted on an alley lot when not accompanied by the property owner, unless approved as a special exception subject to the following conditions:

- (a) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions.
- (b) Open fires shall not be permitted.
- (c) The use shall not be approved for more than two consecutive weeks and no more than one month per calendar year.

**602 USES ON ALLEY LOTS IN THE NON-RESIDENTIAL ZONES**

602.1 Any matter of right use permitted within the zone in which the alley lot is located shall be permitted as a matter of right use on the alley lot subject to the same conditions or limitations.

602.2 Any special exception use permitted within the zone in which the alley lot is located shall be permitted as a special exception use on the alley lot subject to the same conditions or limitations.

602.3 Any use not permitted within the zone in which the alley lot is located shall not be permitted on the alley lot subject to any conditions or limitations.

602.4 Any use permitted as a matter of right pursuant to § 602.1 that does not comply with the required conditions for the matter of right use on may apply for permission as a special exception.

## CHAPTER 7 ARTS USES

700.1

Arts uses shall include:

- (a) Artist Living and Production Use Group
  - (1) Artist live-work space;
  - (2) Artist studio;
  - (3) Multi-artist live-work space;
- (b) Arts-Retail Use Group
  - (1) Art gallery;
  - (2) Art services, including but not limited to set design and restoration of artworks;
  - (3) Art supplies store;
  - (4) Bookstores;
  - (5) Musical instruments store;
  - (6) Recordings store;
  - (7) Picture framing shop,
  - (8) Printmaking shop, digital print or scanning lab,
  - (9) Traditional darkroom and photographic supply sales;
- (c) Performing Arts Use Group
  - (1) Administrative offices of arts organizations,;
  - (2) Cabaret;
  - (3) Movie Theater;
  - (4) Dinner theater;
  - (5) Legitimate theater;
  - (6) Performing arts ticket office or booking agency;
  - (7) Theater, assembly hall, auditorium, concert hall, public hall, or other performing arts space, including rehearsal and / or pre-production space;
- (d) Multi-Media Media studio;
- (e) Artisan Production Use Group
  - (1) Architectural production;
  - (2) Glass working;
  - (3) Jewelry making;
  - (4) Metalworking;
  - (5) Woodworking, including furniture manufacture;
- (f) Museum

- (g) Design Use Group
  - (1) Architecture;
  - (2) Computer system and software design;
  - (3) Fashion design;
  - (4) Graphic design;
  - (5) Interior architecture and design;
  - (6) Landscape design;
  - (7) Product and industrial design;
- (h) Education and Multi-function Use Group
  - (1) Art center;
  - (2) Art incubator;
  - (3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking;
  - (4) Library
- (i) Art Exhibition Areas, curated by an art gallery, professional curator or other qualified professional subject to the following provisions:
  - (1) The area accounts for no more than five percent of the 0.5 FAR or 0.5 FAER requirement;
  - (2) The area is open to the public during normal business hours at least five (5) days per week and fifty (50 weeks) per year;
  - (3) Exhibitions change at least four (4) times per year with the exception that up to twenty percent (20%) of the art works may be a permanent exhibition; and
  - (4) There are at least two (2) public sales of the exhibitions or a majority of the total art works displayed on an annual basis;

700.2 Eating and Drinking Establishments

**CHAPTER 8 USE PERMISSIONS PRODUCTION, DISTRIBUTION AND REPAIR  
(PDR) ZONES**

**800 GENERAL PROVISIONS**

- 800.1 This chapter contains use permissions and any applicable conditions in the Production Distribution and Repair (PDR) zones.
- 800.2 Uses permitted in the PDR zones are either permitted as a matter of right, or as a special exception subject to approval by the Board of Zoning Adjustment.
- 800.3 Uses are permitted as either principal or accessory uses. Accessory uses customarily incidental to a use permitted as a matter of right shall be permitted, unless otherwise restricted in this Chapter, and subject to any conditions associated with the use as a principal use.
- 800.4 Regardless of the permissions and in addition to any restrictions or conditions of this chapter, the limitations of U § 803 shall apply to properties within one hundred feet (100 ft.) of a residential zone

**801 MATTER OF RIGHT USES – PDR ZONES**

- 801.1 The uses in this section shall be permitted in a PDR zone as a matter of right subject to any applicable conditions.
- 801.2 Agricultural uses.
- 801.3 Animal Shelter subject to the following conditions:
  - (a) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, concrete and masonry, and acoustical landscaping;
  - (b) The property shall not abut a residential zone or property;
  - (c) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
    - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 7:00 a.m.;
    - (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of animals and the absorption of noise. Fencing and/or walls shall be a minimum of eight feet (8 ft.) in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics;
    - (3) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and
    - (4) No part of an outdoor run or exercise yard shall be located within two hundred feet (200 ft.) of an existing residential use or residence zone;
  - (d) All animal waste shall be kept in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;
  - (e) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system; and
  - (f) The use shall meet the Standards of External Effect in U § 804.
- 801.4 Arts Design and Creation uses.

- 801.5 Basic Utilities uses are permitted as a matter of right subject to the following:
- (a) If the use is an electronic equipment facility that exceeds 25% of the gross floor area of a building located on site:
    - (1) The building shall not be located within 800 feet of an established or planned Metrorail station; and
    - (2) The building shall not be located within 1,250 feet of the edge of a river as measured at mean high tide.
- 801.6 Chancery
- 801.7 Community-based Institutional Facility
- 801.8 Daytime Care
- 801.9 College or University uses
- 801.10 Eating and Drinking Establishments are permitted as a matter of right provided no part of the establishment contains a live performance, night club or dance venue
- 801.11 Education Private and Public
- 801.12 Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families
- 801.13 Firearm Sales uses are permitted as a matter of right provided no part of the establishment shall be located within three hundred feet (300 ft.) of the following:
- (a) A Residential (R), Residential Flat (RF) or Residential Apartment (RA) zone,
  - (b) A Parks and Recreation use,
  - (c) Places of worship;
  - (d) Public or private schools, or
  - (e) Public libraries.
- 801.14 Government uses, local and Large Scale
- 801.15 Health Care
- 801.16 Institutional uses, General and Religious
- 801.17 Lodging
- 801.18 Marine
- 801.19 Motor Vehicle-related sales and repair, provided the use is not within two hundred feet (200 ft.) of any residential zone (R, RA or RF) or residential development
- 801.20 Office
- 801.21 Parking
- 801.22 Parks and Recreation
- 801.23 Production, Distribution, and Repair uses are permitted as a matter of right subject to compliance with the Standards of External Effect in U § 804, except for the following prohibited uses or activities:
- (1) Acetylene gas manufacture;

- (2) Bone products manufacture;
- (3) Calcium carbide manufacture;
- (4) Curing, tanning, or storage of hides;
- (5) Excavation or quarrying of rock for commercial purpose;
- (6) Fertilizer manufacture;
- (7) Manufacture or storage of ammunition, explosives, firearms, or military equipment (this condition does not apply to the storage of ammunition or firearms incidental to a use in the Firearm Sales category);
- (8) Manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt;
- (9) Refining or manufacture of bituminous products other than asphalt;
- (10) Rubber products manufacture or treatment;
- (11) Slaughter or rendering of animals; or
- (12) Steel furnace, blast furnace, bloom furnace, coke oven, or rolling mill.

801.24 Residential uses are limited to the following list of conditions:

- (a) An apartment unit for the use of a caretaker, watchman, or janitor employed on the premises
- (b) An apartment unit that is integrated with and accessory to an artist studio, provided that occupancy of the apartment shall be limited to the artist using the studio portion of the premises and the household of the artist.
- (c) A Residential dwelling existing on May 12, 1958, provided, any addition to or enlargement of the dwelling shall not result in a lot occupancy of greater than sixty percent (60 %).

801.25 Retail uses, except Large Format Retail

801.26 Service uses are permitted as a matter of right, provided that if the use offers massage services, the use shall either:

- (a) Be a licensed massage establishment under the provisions of [DC ST § 47-2811]; or
- (b) Only offer massage services provided by massage therapists with a professional license issued pursuant to Title 17 DCMR.

801.27 Transportation Infrastructure

801.28 Waste incineration, including for conversion to energy subject to the Standards of External Effects in U § 804, and the use shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone

## **802 SPECIAL EXCEPTION USES – PDR ZONES**

802.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle Y, subject to the provisions of this section.

802.2 Animal Sales, Care and Boarding uses not meeting the conditions of matter of

right of U § 801.3 and subject to the following conditions:

- (a) Animal uses, including animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters shall be subject to the following:
  - (1) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor or waste;
  - (2) 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. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
  - (3) The property shall not abut a residential use or residential zone;
  - (4) External yards or other exterior facilities for the keeping of animals shall not be permitted; and
  - (5) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.
- (b) Any use that trims or cleans domestic pets for a fee shall also be permitted to engage in the sale of pet supplies as an accessory use.
- (c) Any use that boards animals as an independent line of business in association with a veterinary hospital for reasons other than convalescence shall be subject to the following additional criteria:
  - (1) The use may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1), except domesticated dogs;
  - (2) No more than fifty percent (50%) of the gross floor area of the use may be devoted to the boarding of animals; and
  - (3) Pet grooming, the sale of pet supplies and incidental boarding as necessary for convalescence are permitted as accessory uses. Any business engaged in the sale of dogs, cats, birds, tropical fish and/or other domesticated pets, as permitted by the D.C. Office Code § 8-1808 (h)(1), including related supplied and equipment.

802.3

Basic Utilities uses not meeting the conditions of U § 801.5 subject to the following conditions:

- (a) If the use is an electronic equipment facility, the BZA shall consider:
  - (1) How the facility, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, will not inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian movement; and
  - (2) The impact of the facility on other relevant factors, including the following:
    - (A) Absence of retail uses or of a design capable of accommodating retail uses in the future;
    - (B) Presence of security or other elements in the design that could impair street life and pedestrian flow;

- (C) Disruption of or elimination of existing officially proposed pedestrian or vehicular routes; and
  - (D) Inability of the EEF to be adapted in the future for permitted uses.
- (3) The economic development potential of the area in which the facility is proposed to be established, giving greater weight to these factors if the facility is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.
  - (4) The economic benefits the proposed facility will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development; and
  - (5) The design appearance, landscaping, parking and other such requirements it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

802.4 Emergency Shelters not meeting the conditions of U § 801.12 subject to the following conditions:

- (a) There shall be a maximum limit of three hundred (300) persons, not including resident supervisors or staff and their families, provided that for facilities over one hundred and fifty (150) persons the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- (b) There shall be no other property containing an Emergency Shelter use for five (5) or more persons in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;
- (c) The use shall not be located within one thousand feet (1,000 ft.) of a Waste-Related Services use; and
- (d) The use shall not be permitted in the PDR-3, PDR-4 or PDR-7 zones.

802.5 Eating and Drinking Establishments with a live performance, night club or dance venue subject to the following conditions:

- (a) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;
- (b) The property shall not abut a residential use or residential zone;
- (c) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property
- (d) External performances or external amplification shall not be permitted;
- (e) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
  - (1) Soundproofing;
  - (2) Limitations on the hours of operation; and

(3) Expiration on the duration of the special exception approval.

802.6 Entertainment, Assembly, and Performing Arts uses subject to the following conditions:

- (a) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;
- (b) The property shall not abut a residential use or residential zone;
- (c) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property
- (d) External performances or external amplification shall not be permitted;
- (e) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
  - (1) Soundproofing;
  - (2) Limitations on the hours of operation; and
  - (3) Expiration on the duration of the special exception approval.

802.7 Production, Distribution, and Repair uses that involve the excavation of clay, sand, or gravel for commercial purposes, or the manufacturing, processing, mixing, storing, or distributing of concrete or asphalt, or the materials that are used to make concrete or asphalt, subject to the following conditions:

- (a) The use shall meet the Standards of External Effect in U § 804.
- (b) No portion of the facility, including the land used by such facility, shall be located within two hundred feet (200 ft.) of a Residential, Parks and Recreation, Retail, Office, Institutional, or Local Government use or the R, RF or RA zone;
- (c) There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are a Residential use;
- (d) No truck dumping or picking up excavation, concrete or asphalt, or related materials shall park, stand, or queue for the facility along any public right-of-way and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;
- (e) Any facility located within five hundred feet (500 ft.) of a residential zone shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks;
- (f) The facility shall be enclosed on all sides by an opaque screen, fence, or wall at least ten feet (10 ft.) in height. The use of barbed wire or razor wire that is visible from residential zones or public space is prohibited;
- (g) The side of the facility facing public space, Residential, Parks and Recreation, Retail, Office, Institutional, or Local Government uses shall contain a landscaped area of evergreen trees measuring a minimum of eight feet (8 ft.) in height which shall be maintained in a healthy growing condition.

- (h) The application shall contain:
  - (1) A site plan showing the layout of the proposed facility, including fences and screens, street access, parking, and queuing areas;
  - (2) A landscape plan showing the planting locations and soil preparation techniques;
  - (3) A lighting plan showing the proposed lighting locations, illumination spread, and noting the proposed height and wattage of the lighting fixtures;
  - (4) A traffic study which indicates truck routes to and from the facility on streets abutting residential neighborhoods, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and
  - (5) A description of the facility's methods and specifications for the control of odor, dust, smoke and other air pollutants, and noise; and
- (i) The Office of Zoning shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Public Works, Transportation, and Health, the Department of Environment, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

802.8 Service uses not meeting the conditions of U § 801.26 or whose principal use is the administration of massages, subject to the following conditions:

- (a) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and
- (b) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
  - (1) Limitations on the hours of operation; and
  - (2) Expiration on the duration of the special exception approval.

802.9 Waste-related Services uses not permitted under U§ 801.28, but not including hazardous waste, subject to the following conditions:

- (a) Regardless of use, the facility shall comply with the following:
  - (1) The use shall meet the Standards of External Effect in U § 804.
  - (2) Vehicular access shall be provide from a paved street with a road base capable of withstanding anticipated load limits;
  - (3) Truck access or queuing to the site shall not be provided adjacent to any residential zone;
  - (4) Truck access, parking, standing or queuing to the facility shall not be provided from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are residential uses;
  - (5) Parking space shall be provided on-site to for each commercial vehicle operated by the facility;

- (6) The facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way.
  - (7) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand;
- (b) All uses other than a solid waste handling facility:
- (1) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking, or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of an existing residential use or residential zone;
  - (2) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high;
  - (3) Any side of the facility facing a public right-of-way or residential zone shall be landscaped;
  - (4) The site shall be maintained free of litter, trash, debris, and any other non-recyclable materials;
  - (5) All storage of waste or recycled materials shall be contained in sturdy containers or enclosures that are fully covered, secured, and maintained in good condition and approved by the Fire and Emergency Medical Services Department; and
  - (6) All storage of waste or recycled materials shall Not be located outside the facility structures so that it is visible above the height of a required fence or wall; and
- (E) If the facility is located within five hundred feet (500 ft.) of a residential zone it shall not be in operation between 7:00 p.m. and 7:00 a.m. or any time on Sunday. Hours of operation shall include the arrival and departure of trucks and delivery and removal of materials and equipment; and
- (7) The facility shall be administered by on-site personnel during the hours the facility is open.
- (c) A solid waste handling facility:
- (1) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents and other disease vectors, dust, litter, fire hazards, decomposition gases, wastewater, vehicle and other pollution, and other hazards or objectionable conditions;
  - (2) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present;
  - (3) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation shall be located within three hundred feet (300 ft.) of a property in a residential zone or located within fifty feet (50 ft.) of any adjacent property used as a Parks and Recreation, Retail, Office, Institutional, or Local Government use;

- (4) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia unless the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically, or physically feasible.
  - (5) In determining whether to grant a special exception, the Board shall not take into consideration whether the District of Columbia government issued the applicant an interim operating permit for the facility. The granting of a special exception to a facility does not authorize that facility to operate, unless the facility has been granted all other forms of permission required for solid waste handling facilities, including, but not limited to, a valid interim operating permit or solid waste facility permit. A solid waste handling facility that has been granted a special exception remains obligated to abide by all laws applicable to solid waste handling facilities and is subject to all claims or enforcement actions that may arise from violations of the laws.
  - (6) Any otherwise valid interim permit issued by the District government to the operator of a solid waste handling facility shall be given effect by the Board only during the pendency of the Board's consideration of an application. In the event the Board denies the application, the continued operation of the facility shall be unlawful. In the event the Board grants an application, it may provide the applicant a reasonable time in which to construct the facility as approved by the Board.
- (d) The applicant shall provide credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:
- (1) An indication of the site and description of land uses within one-quarter (1/4) of a mile of the site;
  - (2) A site plan showing the layout of the proposed facility, including main buildings, fences and screens, access to rail if available, street access, parking and queuing areas, and a functional diagram indicating the proposed use of the site;
  - (3) An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;
  - (4) A plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;
  - (5) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not abut residential neighborhoods along the way; and
  - (6) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (formerly codified at D.C. Code §§ 6-3451 to 3463 (1999 Supp.))).

802.10 Any use devoted to the repair of automobiles, including body work, in a PDR-1 (CM-1), PDR-2 (CM-2), PDR-5 (CM-1/CAP) or PDR-6 (CM-1/FT) zone within 200 feet of a residential zone or residential development, subject to the following conditions:

- (a) The use shall meet the Standards of External Effect in U § 804.
- (b) All vehicles shall be parked or stored completely on the site but shall not be located within any required buffer area or yard adjacent to a residential zone;
- (c) All vehicles shall not be parked in such a manner as to block or impede the flow of vehicular, pedestrian or bicycle traffic along public rights-of-way around, adjacent or neighboring the site.
- (d) All lighting of the site shall be arranged and shielded to reduce glare and avoid light spill onto any adjacent residential property.

802.11 Any other use permitted as a matter of right use subject to conditions that does not meet the conditions of U § 801.

### **803 ADDITIONAL USE RESTRICTIONS AND CONDITIONS**

803.1 Any use not permitted by conditions, special exception or as an accessory use in this subtitle shall be deemed to be not permitted unless determined by the Zoning Administrator to be compatible with like permitted uses or consistent with the general use impacts of permitted uses.

803.2 Regardless of the permissions, and in addition to any restrictions or conditions of this chapter, the following uses shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone:

- (a) Any establishment that has as a principal use the administration of massages;
- (b) Automobile laundry as a principal use;
- (c) Carting, express, moving, or hauling terminal or yard, except a cooperative central delivery or pick-up system for goods or merchandise solely to serve businesses in the area;
- (d) Chemical manufacturing, storage, or distribution;
- (e) Drive-through establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles while in the vehicles);
- (f) Enameling, plating, or painting (except an artist's studio), as a principal use;
- (g) Firearms retail sales establishments as a principal or an accessory use;
- (h) Gasoline service station;
- (i) Material salvage;
- (j) Outdoor advertising or billboard as a principal use;
- (k) Outdoor material storage processing, fabricating, or repair, whether a principal or accessory use;
- (l) Packing or crating operations as a principal use;
- (m) Parking lot;
- (n) Sexually-oriented business establishment;

- (o) Smelting or rendering; and
- (p) Incinerator.

## **804 STANDARDS OF EXTERNAL EFFECTS**

- 804.1 Any use established in a PDR District that is not permitted in any non-PDR zone and any uses accessory to those uses shall be operated so as to fully comply with the applicable environmental standards and requirements of Title 20, DCMR, Environment.
- 804.2 The volume of sound inherently and recurrently generated shall not exceed the maximum permissible sound levels established in Title 20 Chapter 27 Noise Control and Chapter 28, Maximum Noise Levels, at any point along the boundaries of the zone district in which the use is located.
- 804.3 The emission of any odorous gases or other odorous matter or steam in quantities that are offensive or noisome at any point along the boundaries of the zone district in which the use is located shall be prohibited.
- 804.4 No noxious, toxic, or corrosive fumes or gases shall be permitted to escape or to be discharged from any use permitted in a PDR District
- 804.5 No objectionable amounts of cinders, dust, or fly-ash shall be permitted to escape or to be discharged from any use permitted in a PDR District.
- 804.6 No direct or reflected glare or heat from any source shall be detectable in objectionable amounts beyond the boundaries of the zone district in which the use is located.
- 804.7 Every use shall be operated so that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the zone district in which the use is located.
- 804.8 The use of barbed or razor wire adjacent to any residentially zoned land shall be prohibited.
- 804.9 Any back-up generators or power systems shall be either:
  - (a) Fully enclosed within the principal structure; or
  - (b) Located no closer than two hundred feet (200 ft.) from the nearest residentially zoned land or residential development.

## **805 EXTERNAL EFFECTS PERMIT APPLICATIONS**

- 805.1 When filing an application for a building permit or certificate of occupancy with the Department of Consumer and Regulatory Affairs for a use permitted subject to U § 804, the applicant shall submit with the application three (3) copies of:
  - (a) A site plan showing buildings and other structures, roadways, drainage and sanitary facilities, parking spaces, loading berths, landscaping, and exterior lighting, and back-up generators or power supplies (if any); and
  - (b) A description of any operations that would be subject to the standards of external effects in U § 804 and any information necessary to evidence compliance with U § 804.
- 805.2 A site plan approved under this section shall become a part of the building permit or certificate of occupancy.

## **806 ALLEY LOT USES**

- 806.1 Uses that are permitted in the PDR zones are allowed on alley lots, subject to the satisfaction of all related conditions, and as further limited in U § 806.2.

806.2 No new residential uses are permitted.