TITLE 11 - ZONING

SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

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CHAPTER 1 DEFINITIONS

100 DEFINITIONS

100.1 For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used in other regulations:

(a) Words in the present tense shall include the future tense;

(b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;

(c) The word "lot" shall include the words "plot" and "parcel";

(d) The word "shall" is mandatory and not discretionary;

(e) The word "person" shall include a corporation, partnership, and government as well as an individual;

(f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and

(g) Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

1958 Zoning Regulations: The regulations that were originally adopted and became effective at 12:01 a.m., May 12, 1958, as amended.

2016 Zoning Regulations: The current regulations adopted through the publication of a notice of final rulemaking published in the *D.C. Register* on March 2, 2016 and which became effective at 12:01 a.m., September 6, 2016, as those regulations may thereafter be amended. See Subtitle A § 101.

Accessory Apartment: A dwelling unit that is secondary to the principal single household dwelling unit in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.

Adult day treatment facility: A building or part of a building used for non-residential programs operated for the purpose of providing medically supervised

day treatment services for adults with a developmental disability or mental disorder, totaling six (6) or more persons who are present for fewer than twenty-four (24) hours per day. An adult day treatment facility includes the following accessory uses: counseling, education, training, health, and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals. This definition does not encompass facilities that offer drug or alcohol abuse rehabilitation services. For the purposes of this definition, the following sub-definitions apply:

Mental disorder - an abnormal mental condition in an individual who requires a comprehensive and relatively intensive range of mental health services in a therapeutic and structured environment if he or she is to remain in the community or if he or she is to move from twenty-four (24) hour institutional care to the community.

Developmental disability - a severe, chronic disability of a person that is attributable to a mental or physical impairment, or both, that is manifested before the person attains the age of twenty-two (22) years and is likely to continue indefinitely. The impairment causes substantial functional limitations in three (3) or more areas of major life activity:

(a) Self-care;

(b) Receptive and expressive language;

(c) Learning;

(d) Mobility;

(e) Self-direction;

(f) Capacity for independent living; or

(g) Economic sufficiency.

A developmental disability reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other service, which are life-long or of extended duration, and are individually planned and coordinated.

Advisory Neighborhood Commission (ANC): A duly elected body established in accordance with § 738 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774, 824, as amended; D.C. Official Code § 1-207.38).

Affected Advisory Neighborhood Commission: The ANC for the area within which the property that is the subject of a Zoning Commission or Board of Zoning Adjustment application or appeal is located, except that if the subject property is located on a street that serves as a boundary line between two ANCs, then the term "affected ANC" means both ANCs.

Affordable Housing: Housing where costs, including utilities and any mandatory fees for rental or mortgage principle and interest, taxes, insurance and any mandatory fees, do not exceed thirty percent (30%) of the targeted household income ranges.

Airspace Development: Development above or below streets or alleys.

Alley: A public way designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a street for the purposes of this title.

Alley Lot: See Lot, Alley.

Alterations, Structural: Any change in the permanent, physical members of a building or other structure, such as bearing walls or partitions, columns, joists, rafters, beams, or girders.

Angular Plane: A plane, based on a defined angle, that a building façade may be set up to, or behind.

Animal Boarding: Any premises, other than a veterinary hospital, pet shop, or pet grooming establishment, used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any pet grooming establishment that permits ten (10) or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use.

Animal Shelter: Any premises that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency.

Antenna: A device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and rotating or other directional mechanism.

Antenna Tower: A lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground-mounted antennas as that term is used in this chapter.

Antenna, Building-mounted: Any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the walls of, or

integrated into, a building, church steeple, cooling tower, elevator bulkhead, parapet, penthouse, fire tower, tank, water tower, or other similar structure.

Antenna, Ground-mounted: Any freestanding antenna with its base placed directly on the ground. Ground does not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade, and at-grade patios.

Antenna, Roof-mounted: Any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building-mounted antenna.

Apartment: One (1) or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms. Control of the apartment may be by rental agreement or ownership.

Apartment House: Any building or part of a building in which there are three (3) or more apartments, providing accommodation on a monthly or longer basis.

Arcade, open: A continuous area, located along the perimeter of a building, designed for pedestrian uses, and which adjoins a street for its entire length; and, except for structural piers, columns, or arches, is open to the street. See also: Subtitle B, Chapter 3.

Areaway: A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard that includes window wells and passageways accessing basement/cellar doors.

Art Center: A multifunctional arts use that comprises two (2) or more distinct arts design and creation uses integrated under single management.

Art Exhibition Area: A building lobby, part of a lobby, or other publicly accessible space on the basement or first or second floors of a building or an outdoor public area on private property, which space is designed and used for the public display and sale of works of art.

Art Gallery: an establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art.

Art Incubator: An arts use that:

(a) Is organized under single management with a single certificate of occupancy;

(b) Has as its core mission the provision of work space at a reduced cost for aspiring artists or arts organizations;

(c) Provides work space that is either communal or subdivided into any number of areas;

(d) May include the following uses: artist studio, administrative offices of arts organizations, legitimate theater, or media studio; and

(e) Does not have any residential uses.

When located in any residential zone pursuant to Subtitle A § 101.8(a), the art incubator may have up to six (6) public sales per year for art produced in the incubator, and up to six (6) performances per year of dramatic or performance art produced in the incubator.

Artist Live-Work Space: A dwelling unit or building in which an artist or artists reside and work in an artist studio use in compliance with the requirements of one (1) of the following categories:

(a) Single artist live-work space: A single dwelling unit occupied by an artist to both live and work, where a minimum of thirty percent (30%) of the gross floor area of the unit is used for an artist studio use by the artist residing therein. The minimum size of a live-work unit shall be one thousand square feet (1,000 sq. ft.). In residential zones the artist may sell art produced on site as a clearly incidental part of the live-work use; or

(b) Multi-artist live-work space: A building or part of a building with two (2) or more dwelling units, with all units inhabited by artists whose primary studio is in the same structure or on the same property, but not in their unit. The studio space may be communal or may be subdivided into any number of areas.

Artist Studio: A place of work of one (1) or more persons who are engaged actively and, either gainfully or as a vocation, work in the following:

(a) The fine arts, including but not limited to crafts, painting, printmaking, or sculpturing;

(b) The performing and visual arts, including but not limited to dance, choreography, photography, or filmmaking;

(c) Any use from the arts design and creation use category;

(d) The composition of music; or

(e) The recording and/or production of music, video, or other media form.

In residential zones the artist may sell art produced on site as a clearly incidental part of the studio use.

Ballpark: The building and use authorized by Zoning Commission Order No. 06-22.

Basement: That portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.

Bedroom: A habitable room with immediate access to an exterior window and a closet that is designated as a "bedroom" or "sleeping room" on construction plans submitted in an application for a building permit.

Bicycle Parking: See Parking Space, Bicycle.

Blockface: The entire front lot line of all building façades of a square between two (2) streets.

Board of Zoning Adjustment (Board): An independent quasi-judicial body empowered to grant relief from the strict application of the Zoning Regulations (variances), approve certain uses of land (special exceptions), and hear zoning appeals.

Boarding House: A building or part thereof where, for compensation, lodging and meals are provided to three (3) or more guests on a monthly or longer basis.

Boathouse: A building or structure designed and used to store and provide water access for non-motorized watercraft, including racing shells, kayaks, canoes, sailboats, rowboats, and similar boats.

Building: A structure requiring permanent placement on the ground that has one (1) or more floors and a roof supported by columns or walls. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

Building, Accessory: A subordinate building located on the same lot as the principal building, the use of which is incidental to the use of the principal building.

Building Area: The maximum horizontal projected area of a principal building and its accessory buildings. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.

Building area shall not include: Building components or appurtenances dedicated to the environmental sustainability of the building; cornices and eaves; sills,

leaders, belt courses, and similar ornamental or structural features; awnings, serving a window, porch, deck or door; uncovered stairs, landings, and wheelchair ramps that serve the main floor; and chimneys, smokestacks, or flues.

Building, Attached: A building that abuts or shares walls on both side lot lines with other buildings on adjoining lots.

Building, Detached: A freestanding building that does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot.

Building Envelope: The maximum three (3) dimensional space on a lot in which a building may be built as limited by the applicable development standards and other relevant limits and conditions of this Title.

Building Façade: An exterior vertical plane, face, or side of a building, exclusive of any permitted projections.

Building, Height of: In other than R, RF, RA, RC-1, CG-1, and D-1 zones, the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district; in Residential (R) zones the vertical distance measured at the existing grade at the midpoint of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height.

The term "curb" shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height (Subtitle B § 308).

Building Height Measuring Point (BHMP): The point used to measure building heights in R, RF, and RA zones.

Building Line: A line beyond which property owners have no legal or vested right to extend a building or any part of the building without special permission and approval of the proper authorities; ordinarily a line of demarcation between public and private property, but also applied to building restriction lines, when recorded on the records of the Surveyor of the District of Columbia.

Building, Principal: The building in which the primary use of the lot is conducted.

Building, Semi-detached: A building that abuts or shares one (1) wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lot lines.

Building, Separate: Structures that are separated from the ground up by common division walls or contain multiple sections separated horizontally, such as wings or additions, are separate buildings. Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.

Build-to Line: A front setback line that the front façade of the principal building of the lot must abut.

Bulkhead: A retaining wall or protective structure along a shoreline whose primary purpose is to stabilize, hold, or prevent earth or backfill from eroding or washing away. For purposes of this definition, the term bulkhead does not differentiate between and includes bulkheads, seawalls, and revetments.

Car Wash: A structure or portion of a structure, the principal use of which is the washing of automobiles or other motor vehicles with the use of a chain or other conveyor and blower or steam cleaning device.

Caregiver: An individual who is responsible for the supervision and administration of a child development home, expanded child development home, or child/elderly development center.

Car-share Organization: A membership based service with a valid business license providing shared vehicles available twenty-four (24) hours a day, seven (7) days a week, at unattended self-serve locations. Vehicles are provided without restriction at hourly rates that include fuel, insurance, and maintenance primarily for shorter time and shorter distance trips.

Car-sharing Space: A parking space that is designated for the parking of a car-sharing vehicle.

Car-sharing Vehicle: Any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle, and for which they are charged based on actual use as determined by time and/or mileage.

Caterer, Catering Establishment: A person or business that prepares and provides food, beverages, or both, along with the necessary accessories for serving these products, for consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy-five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment.

Cellar: That portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade.

Central Area: The area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia.

Central Employment Area (CEA): The core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan.

Chancery: The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes.

Child Development Center: A building or part of a building, other than a child development home, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, and similar programs and facilities. A child development center includes the following accessory uses: counseling, education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.

Child Development Home: A dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day (2012care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

Clinic: A building or part of a building in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities; provided that all the facilities are limited to the treatment and care of out-patients.

The term "clinic" shall be limited to those buildings in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a building in which the separate and individual practice of the above professions is conducted.

Club, Private: A building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.

Collocation: The use of a single mount, tower, monopole, or site by more than one (1) antenna or telecommunications service provider.

Commission: The Zoning Commission for the District of Columbia, unless otherwise noted.

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

Comprehensive Plan: The Comprehensive Plan for the National Capital adopted pursuant to § 4(a) of the National Capital Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended; D.C. Official Code §§ 2-1002(a)), and §§ 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 779, 792; D.C. Official Code §§ 1-204.23, 2-1002(a)).

Continuing Care Retirement Community: A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further enjoyment, service or care of the residents. The facility is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

Corner Store: A limited commercial and service use in residential rowhouse zones, oriented to serve the immediate neighborhood.

Cottage Food Business: A business that:

(a) Produces or packages cottage food products in a residential kitchen;

(b) Sells the cottage food products in accordance with the Cottage Food Act and regulations adopted by the Department of Health; and

(c) Has annual revenues from the sale of cottage food products in an amount not exceeding $25,000.

Cottage Food Product: A food product made in compliance with the Cottage Food Act effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code §§ 7-749.01 *et seq*.) and that is sold at a farmer's market or other public venues.

Court: An unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building

Court, Closed: A court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft.) in width.

Court, Height of: The vertical distance from the lowest level of the court to the highest point of any bounding wall.

Court, Length of: The mean horizontal distance between the open and closed end of an open court or the greater horizontal dimension of a closed court.

Court Niche: an indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley, or court.

Court Niche, Depth of: the greatest distance between the sides of the court niche, measured perpendicular to the line delineating the width of court niche.

Court Niche, Width of: the distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts.

Court, Open: A court opening onto a street, yard, or an alley not less than ten feet (10 ft.) wide.

Court, Width of: The minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court.

Dinner Theater: A restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.

Director: The Director of the Office of Zoning or such successor official as shall be designated to be the supervisor of the full-time administrative staff of the Commission and Board, unless otherwise noted.

District of Columbia Construction Codes: The District of Columbia Construction Codes and District of Columbia Construction Codes Supplement as those terms are further described at 12 DCMR A § 101.1.

Driver's License Road Test Facility: A building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements.

Drive-Through: A system designed to permit customers of an establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where customers place orders or receive services or both. No part of this definition shall be construed to apply to a gasoline service station.

Dwelling, Multiple: A building containing three (3) or more dwelling units or rooming units, or any combination of these units totaling three (3) or more.

Dwelling Unit: One (1) or more habitable rooms comprising complete independent living facilities for one (1) or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit is intended for a single household.

Dwelling Unit, Principal: The primary residential structure on a lot.

El: An uncovered, unoccupied space, bounded by a side lot line and two (2) exterior walls of a building.

Elderly Day Care Home: A dwelling unit used in part for the care, education, recreation, or training of no more than five (5) elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than

twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities.

Elderly Development Center: A building or part of a building, other than an elderly day care home, used for the non-residential care of individuals age sixty-five (65) or older, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. An elderly development center includes the following accessory uses: counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.

Electronic Equipment Facility (EEF): A facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term "Electronic Equipment Facility" includes, but is not limited to, Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central Office.

Embassy: The official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence.

Emergency Shelter: A facility providing temporary housing for one (1) or more individuals who are otherwise homeless as that arrangement is defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 *et seq.*); an emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.

Enclosed Pedestrian Space: An area located within a building designed for pedestrian use and enclosed on all sides that may be covered by a roof of a transparent material that exposes the area to natural light.

Equipment Cabinet or Shelter: An enclosure housing only equipment related to the operation of an antenna located at the site and connected to the antenna by cable.

Expanded Child Development Home: A dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided

that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

Farmers Market: A temporary market, open to the public for no charge, held in an open area where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits and vegetables, fresh flowers, meats, eggs, and honey that they produce or grow; items for sale may also include items made from the agricultural produce such as baked goods, jams, jelly, and sausages; sales are customarily made from temporary booths or vehicles located on site. The market may operate daily, intermittently throughout the week, or seasonally.

Fast Food, Drive-through: A fast food restaurant that includes a drive-through and may not provide customer seating.

Fast Food, Restaurant: A business, other than a prepared food shop, where food is prepared and served very quickly; and where the food is typically made of preheated or precooked ingredients, served to the customer in a packaged form for carry-out/take-away, although it may be eaten on site.

Characteristics of a fast food establishment may include:

(a) Foods that are prepared by production-line techniques;

(b) Foods that are standardized foodstuffs shipped to a franchised establishment from central locations;

(c) The establishment includes trash receptacles located in the dining area for self-bussing of tables;

(d) Seating for customers; and

(e) Food served on disposable tableware.

An establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carry out sales that is clearly subordinate to its principal use shall not be deemed a fast-food establishment.

Firearm: a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms Retail Sales Establishment: An establishment engaged in the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

Fire Department: the Fire and Emergency Medical Services Department of the District of Columbia.

Fire Station: A building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District- of Columbia, and includes the harbor facility.

Flat: A dwelling used exclusively as a residence for two (2) families living independently of each other.

Floating Home: A sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month.

Floor Area Ratio (FAR): The ratio of the total gross floor area of a building to the area of its lot; determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See Also: Subtitle B §§ 304 and 305.

Gross Floor Area (GFA): The sum of the gross horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. See Also: Subtitle B §§ 304 and 305.

GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses; attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.

GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

Floor, Ground: The floor level nearest to and above the adjacent finished grade.

Food Delivery Service: A restaurant, prepared food shop, or fast food establishment, in which the principal use is production of prepared food for delivery to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of preparing food for delivery to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments.

Gallery, Display: An establishment that displays and may sell art, but that does not derive more than fifty percent (50%) of its income from the display and sale of objects of art.

Gallery, Retail: An establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art.

Garage, Automated Parking: A building or other structure, or part thereof, in which parking is accomplished by means of shuttles, platforms, dollies, or other mechanisms that move vehicles around and where such movement is controlled by computers. The facility may be self-service or it may be staffed to accept payment or observe operations where vehicles enter or exit the automated environment. May also be a parking garage or public storage garage.

Garage, Private: A building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 sq. ft.) in area, used for the parking of motor vehicles and having no repair or service facilities other than a means by which to charge batteries or an electric vehicle.

Garage, Parking: A building or other structure, or part of a building or structure, over nine hundred square feet (900 sq. ft.) in area, used for the parking of one (1) or more motor vehicles and where any services are minor and incidental such as charging a battery, washing or detailing a vehicle, tire inflation, replacing bulbs and wiper blades, and an electric vehicle charging station.

Garage, Public Storage: a building or other structure, or part of a building or structure, in which any repair, greasing, washing, or similar services are incidental to its primary use for the parking of motor vehicles.

Garage, Repair: A building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicle maintenance or repair.

Gasoline Service Station: An area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include a car wash or a repair garage.

Glass, Clear and/or Low-Emissivity: Glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).

Grade, Finished: The elevation of the ground directly abutting the perimeter of a building or structure.

Grade, Natural: The undisturbed elevation of the ground of a lot prior to human intervention; or where there are existing improvements on a lot, the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the two (2) years prior to applying for a building permit; natural grade may not include manually constructed berms or other forms of artificial landscaping.

Green Area Ratio (GAR): Ratio of the weighted value of landscape elements to lot area See Also: Subtitle C, Chapter 6.

Grocery Store: A use whose primary business is the sale of fresh produce and food products. At least fifty percent (50%) of customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption, and at least thirty percent (30%) of retail space is for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods. Groceries represent the majority of the sales in a grocery store although there may be accessory uses such as prepared food and drink, pharmaceuticals, and bank services.

Group Instruction Center or Studio: An establishment that principally offers group instruction in the performing arts, the martial arts, physical exercise, or yoga.

Habitable Room: An undivided enclosed space used for living, sleeping, or kitchen facilities. The term "habitable room" shall not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than one hundred square feet (100 sq. ft.) in area, nor kitchens in commercial establishments.

Health Care Facility: A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 32-1301 *et seq*.)

Height Act: The Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910, as amended (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09).

Height, Floor-to-Ceiling Clear: The vertical distance measured from the finished floor to the underside of the finished ceiling. (See Subtitle B § 328.)

Historic District: An area listed as an historic district in the D.C. Inventory of Historic Sites, or which the State Historic Preservation Officer has nominated or issued a written determination to nominate to the National Register of Historic Places after a public hearing before the Historic Preservation Review Board.

Historic Landmark: A building, structure, object or feature, and its site, or a site that is listed in the D.C. Inventory of Historic Sites, or for which an application for listing is pending with the Historic Preservation Review Board (provided the statutory time period for consideration of the application has not expired).

Historic Landmark and Historic District Protection Act of 1978: An Act adopted by the Council of the District of Columbia effective March 3, 1979, as amended (D.C. Law 2-144; D.C. Official Code §§ 6-1101 to 6-1115).

Historic Resource: A historic landmark or a building, structure, object or feature, and its site, that contributes to the character of a historic district, as determined in accordance with the Historic Landmark and Historic District Protection Act of 1978.

Home Occupation: An accessory use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit or its accessory building or accessory structure that serves as the principal residence of the practitioner.

Home Sales Party: a gathering that is held at a dwelling of any kind for the purpose of selling or distributing goods or services.

Hospice: A program of in-house, outpatient, or inpatient medical nursing, counseling, bereavement, and other palliative and supportive services to terminally ill individuals and their families.

Hotel: A building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby. The term "hotel" shall not be interpreted to include an apartment house, rooming house, boarding house, or

private club. All areas within a hotel shall be included in one (1) of the following categories:

(a) Commercial adjuncts - retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or news stand, and other similar uses;

(b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events;

(c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events;

(d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; or

(e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer's office), and similar uses.

Household: Shall be defined as one (1) of the following:

(a) One (1) family related by blood, marriage, adoption, or foster agreement;

(b) Not more than six (6) persons who are not so related, living together as a single house-keeping unit;

(c) A religious community having not more than fifteen (15) members; or

(d) A residential facility providing housing for up to six (6) persons with disabilities and two (2) caregivers. For purposes of this subsection, a "disability" means, with respect to a person, a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such item does not include current, illegal use of a controlled substance.

Housing Trust Fund: Either the fund established under § 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802 (formerly codified at D.C. Code § 45-3102 (1996 Repl.))); or an organization that qualifies as a nonprofit organization under § 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and that also:

(a) Exists primarily for the purpose of assisting in the production of affordable housing units;

(b) Operates a trust fund that disburses money for affordable housing;

(c) Receives applications for funds directly from developers of affordable housing;

(d) Has adopted criteria for selection of projects and allocation of funds among various types of affordable housing developments; and

(e) Has been certified by the Director of the D.C. Department of Housing and Community Development as a qualifying nonprofit organization that also complies with the requirements of (a) through (d) of this definition.

Development, Inclusionary: A residential development subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning.

Inclusionary Unit: A dwelling unit set aside for sale or rental to a targeted household required by Subtitle C, Chapter 10.

Inclusionary Zoning Act (IZ Act): The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007(D.C. Law 16-275; D.C. Official Code §§ 6-1041.01 *et seq*.)). References to the IZ Act include any Mayor's Order, agency rule, or other administrative issuance promulgated pursuant to that legislation.

Inn: A building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guestrooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house. For the purposes of this definition, the limitation on central dining does not prohibit an inn from allowing guests to prepare their meals at centrally located cooking facilities and to eat such meals in a central dining area.

Intermediate Materials Recycling Facility: A structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass,

plastics, tires, bulk waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. Such facility shall not include storage or processing of biodegradable materials, construction and demolition debris, white goods, and hazardous substances, as defined by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.02), and the rules and regulations pursuant thereto. The facility shall be limited in operation to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of acceptable materials. The structure shall be fully enclosed by solid walls, exclusive of doors and windows, and a roof. Doors and windows shall be operative and kept closed except for the coming and going of vehicles and individuals.

International Organization: A public international organization designated as such pursuant to § 288 of the International Organizations Immunities Act, approved December 29, 1995 (59 Stat. 669; 22 U.S.C. §§ 288 - 288f-3), or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs, and an official mission (other than a United States mission) to such a public international organization, including any real property of such an organization or mission and including the personnel of such an organization or mission.

Large Format Retail: A single retailer or common retail space with a minimum floor space of fifty thousand square feet (50,000 sq. ft.); the use shall include warehouse club stores with or without paid memberships, discount retailers, and similar uses. A large format retailer may include grocery sales as a secondary use but a grocery store shall not be considered a large format retail use.

Legitimate Theater: A building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance.

Loading berth: An off-street space provided for cargo vehicles, when loading and unloading.

Lot: The land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

Lot Lines: The lines bounding a lot as defined in this section.

Lot, Alley: Is either a lot that is recorded on the records of the Surveyor, District of Columbia, that faces or abuts an alley that does not face or abut a street at any

point (alley record lot) or a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot).

Lot, Corner: A lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135°).

Lot, Interior: A lot other than a corner lot or a triangular lot.

Lot Line, Street: A lot line that abuts a street.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings and structures on the lot.

Lot of Record: A lot recorded on the records of the Surveyor of the District of Columbia.

Lot, Theoretical: A lot determined by dividing the subdivided lot into theoretical building sites.

Lot, Through: An interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less.

Lot, Triangular: A lot fronting on two (2) streets at their junction, the streets forming with each other an angle of less than forty-five degrees (45°).

Lot Width: The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. Where the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.

Main Floor: The floor of the story in which the principal entrance of a building is located.

Manufacturing, Light: A light production, distribution and repair use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building.

Map Amendment: A change to the zoning designation of a lot or lots on the District of Columbia Zoning Map.

Marina: The use of land, buildings, structures, and the surface of water for the provision of docking and storage facilities for boats.

Mass Transit Facilities: Facilities, such as but not limited to stations, trackage, ventilating and electrical equipment, parking lots or structures and bus or automobile transfer areas, that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system and subject to the restrictions and conditions as may be imposed by the Council of the District of Columbia. Mass transit facilities shall not include commercial, residential, industrial, or other development located in, on, or over facilities approved as part of the basic operating system.

Material Salvage: The processing for further use of goods, wares, merchandise, substances, articles, or things.

Mayor: The Mayor of the District of Columbia.

Media Studio: A studio space dedicated to the recording or production of audio and/or visual art forms or the broadcast via radio, television, internet or other media of audio and/or visual art forms, or the combination of any of the above.

Median Family Income (MFI): The Median Family Income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.

Metrorail Station: Rapid transit station operated by the Washington Metropolitan Area Transit Authority (WMATA).

Mezzanine: A floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below and which shares a common ceiling. Except in an RF zone, a mezzanine shall not be considered a story in determining the maximum number of permitted stories. In an RF zone, a mezzanine shall be considered a story in determining the maximum number of permitted stories within a principal structure, but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.

Monopole: A single, self-supporting pole-type structure, supporting a fixture designed to hold one (1) or more antennas. Such structures shall not be deemed ground-mounted antennas as that term is used in this chapter.

Mount: The necessary support structure to which an antenna is attached, not including antenna towers or monopoles.

Multifamily Project: As defined by the Secretary of the U.S. Department of Housing and Urban Development (HUD), means a project which consists of not

less than five (5) dwelling units on one (1) site, each such unit providing complete living facilities including provisions for cooking, eating, and sanitation within the unit and which is not now covered by a mortgage insured or held by the Secretary.

Nonconforming Structure: A structure lawfully existing at the time this title or any amendment to this title became effective that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and penthouse requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, setback, court, and residential recreation space requirements.

Nonconforming Use: Any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective that does not conform to the use provisions for the zone in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of Subtitle X.

Optical Transmission Node: An interior or exterior facility that is utilized as remote terminal units for the operation of such things as cable television systems, high-speed internet access, and interactive video, not including any broadcast antenna or related towers for the transmission of radio waves.

Organization, Non-Profit: An organization organized, registered with the appropriate authority of government, and operated exclusively for religious, charitable, literary, scientific, community, or educational purposes, or for the prevention of cruelty to children or animals; provided that no part of its net income inures to the benefit of any private shareholder or individual.

Parking Area: The area of a lot, building, or structure devoted to parking spaces, attendant driveways, aisles, queuing lanes, and landscaping. All such areas on a lot shall be considered to constitute a single parking area, even if the areas are not contiguous.

Parking Lot: A tract of land used for the temporary parking of motor vehicles when the use is not accessory to any other use.

Parking Space: An accessible off-street area to be used exclusively for the temporary parking of a motor vehicle subject to the dimensional requirements of Subtitle C, Chapter 7.

Parking Space, Bicycle: A space for the temporary storage of a bicycle in the form of a rack, locker, or storage area of appropriate design and dimension, used

exclusively for the storage of a bicycle, subject to the dimensional requirements of Subtitle C, Chapter 8.

Parking Space, Compact: A parking space designed for smaller cars which meets the requirements of Subtitle C.

Parking Space, Shared: A parking space that is made available to more than one (1) use, or to the general public and that meets the requirements of Subtitle C.

Parking Space, Structured: A parking space that is within a building or structure above grade.

Parking Space, Surface: A parking space that is not within a building or structure.

Party: An applicant, or the Advisory Neighborhood Commission for the area within which the property that is the subject of the contested case is located, or any person who is accepted as a party by the Commission pursuant to Subtitle Z, or by the Board of Zoning Adjustment pursuant to Subtitle Y.

Penthouse: A structure on or above the roof of any part of a building. The term includes all structures previously regulated as "roof structures" prior to January 8, 2016 by § 411 of the 1958 Regulations. Skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, roof mounted antennas, and plumbing vent stacks shall not be considered as penthouses.

Penthouse Habitable Space: An enclosed space within a penthouse devoted to any use permitted in the zone, unless otherwise restricted, other than penthouse mechanical space. The term penthouse habitable space shall include communal recreation space and associated facilities such as storage, kitchen space, change rooms, or lavatories.

Penthouse Mechanical Space: An enclosed space within a penthouse devoted to mechanical equipment for the building, elevator over-rides, or stair towers.

Permeable Paving: A surface that facilitates water infiltration through paving material while providing a stable, load-bearing surface. Examples include pervious concrete, porous asphalt, perforated brick pavers, flexible porous paving (including porous rubber), mechanically reinforced grass, but do not include grass or gravel.

Pervious Surface: A surface that allows the percolation of water into the underlying soil. Pervious surfaces are required to be contained so neither sediment nor the pervious surface discharges off the site. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any structure or building, any porch or deck that limits the covered lot surface from absorbing

water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.

Pet Grooming Establishment: An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten (10) animals are on the premises at a time or the overnight stay of animals is permitted.

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D.C. Law 17-281; D.C. Official Code § 8-1808(h)(1)), and related supplies and equipment.

Planned Unit Development (PUD): A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.

Prepared Food: Food that is assembled and heated by microwave, heating lamps or toaster, on the premises of a prepared food shop.

Prepared Food Shop: A food and beverage business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes, but is not limited to, an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.

Presiding Officer: The chairperson or the chairperson *pro tem* of the Zoning Commission or the Board of Zoning Adjustment, as relevant.

Public Library: A facility that falls into one (1) of the following categories:

(a) Full-Service Neighborhood - A District of Columbia Public Library housed in a permanent structure that may include meeting rooms, staff work rooms, kitchen facilities and book overflow space. It contains space for a variety of activities, such as children's story hour, film showings and book talks, to take place simultaneously;

(b) Community - A District of Columbia Public Library housed in a portable structure that may include a small staff and minimal space for activities; or

(c) Kiosk - A District of Columbia Public Library housed in a portable structure with no space for activities.

Public Recreation and Community Center: An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.

Recreational Building or Use: Any establishment providing facilities for recreation; including, but not limited to, picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device.

Regional Command Center: A Police Department Local Facility used for community outreach or administrative control and managerial services for operations, for a specific geographic area that encompasses two (2) or more districts or commands of the Metropolitan Police Department.

Restaurant: A place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carry out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.

Retaining Wall: A vertical, self-supporting structure constructed of concrete, durable wood, masonry or other materials, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulter walls, or other retaining structures.

Rooming Unit: One (1) or more habitable rooms forming a single, habitable unit used or intended to be used for living or sleeping purposes; but not for the preparation or eating of meals.

School, Public: A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable.

The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.

Service/Delivery Loading Space: An off-street space provided for motor vehicles that are twenty feet (20 ft.) in length or less, and that are making deliveries and/or providing a maintenance service. This space shall not be considered a parking space or a loading berth.

Setback, Front: A distance required between a building and a street lot line, and measured from the street lot line inward to the lot.

Sexually-Oriented Business Establishment: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas.

These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

Specified Anatomical Areas: Parts of the human body as follows:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The following activities:

(a) Acts of human masturbation, sexual intercourse, sexual stimulation or arousal, sodomy, or bestiality; and

(b) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Square: Land designated as a square on the records of the Surveyor of the District of Columbia.

Stable, Private: An accessory building housing not more than four (4) horses or other equine animals for private use and not for remuneration, hire, or sale. The building may also house not more than four (4) horse-drawn vehicles.

Stable, Public: A stable, other than a private stable.

Stealth Structure: A free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements.

Story: The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured.

For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars or penthouses.

Story, Top: The uppermost portion of any building or structure that is used for purposes other than penthouses. The term "top story" shall exclude architectural embellishment.

Street: A public highway designated as a street, avenue, or road on the records of the Surveyor of the District of Columbia.

Street Frontage: The property line where a lot abuts upon a street. When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.

Street, Designated: A street within the boundaries of the D zones whose categorization as Primary, Secondary or Tertiary indicates that a building with frontage on that street must adhere to additional dimensional or use regulations that would not apply to a building in a D zone without frontage on a Designated Street.

Street, Designated Business: For the purpose of administering this title, that portion of the Height Act that designates certain streets as "business streets" shall be interpreted to mean those sides and portions of any street located in an MU, NC, PDR, or D zone, or any zone in Subtitle K.

Streetcar Line: A streetcar or light rail line developed and operated in partnership by the District Department of Transportation (DDOT) and the Washington Metropolitan Area Transit Authority (WMATA).

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

Sustainability: To create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations of District residents.

Uptown Center: A multi-purpose major activity center with strong transit orientations and significant concentration of employment and high density residential as the principal elements, developed in a manner that serves the surrounding lower density community while protecting it from avoidable intrusions.

Urban Tree Canopy: The layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

Use: The purpose or activity for which a lot or building is occupied. Use shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy."

Use, Accessory: A use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use. Unless otherwise specifically permitted, an accessory use in a residential dwelling in a residential zone shall be limited to twenty percent (20%) of the gross floor area.

Use, Principal: The primary purpose or activity for which a lot, structure, or building is occupied.

Use, Temporary: Any use which is established for a fixed period of time with the intent that permission for that use will expire automatically unless renewed. The

time period of the allowance of the use shall be determined by the certificate of occupancy.

Vegetated Roofs: A horizontal or near-horizontal surface on top of a building or structure covered with vegetation and a growing medium. Vegetated roofs are intended to promote water or energy conservation by using plants and soils to slow, filter, and infiltrate stormwater runoff. Vegetative roofs may be intensive or extensive but are not limited to modular or layered growth systems.

Vegetated Walls: A vertical or near vertical surface covered with vegetation and in some cases, a growing medium. Vegetated walls may include but are not limited to walls or screens with climbing vines, espalier trees, or modular planting systems.

Veterinary Boarding Hospital: A veterinary hospital that boards animals as an independent line of business.

Veterinary Hospital: An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an animal boarding establishment.

Wall, Lot Line: An enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.

Wall Plate: A horizontal member built into or laid along the top of a wall to support and distribute pressure from joists, rafters, etc.

Warehouse: Any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises.

Waterfront: That area proximate to either the Washington Channel or Potomac or Anacostia Rivers. See Subtitle C, Chapter 11.

Yard: An exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

Yard, Front: A yard between the front façade of a building and the front lot line. The front yard when required, shall extend for the full width of the front of the lot.

Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

Yard, rear, depth of: The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.

Yard, Side: A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

Zone: A geographic area delineated on the Zoning Map, which corresponds to the regulations included in DCMR Title 11.

Zone Boundary Line: The line that forms the perimeter of a zone, as mapped in accordance with this title.

Zoning Act: The Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15).

Zoning Administrator: The Zoning Administrator of the District of Columbia.

Zoning Commission: The independent quasi-judicial body charged with preparing, adopting and amending the Zoning Regulations and Zoning Map, campus plans, airspace development in public space, and planned unit developments.

SOURCE: Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06D published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2016); Final Rulemaking & Order No. 08-06H published at 64 DCR 340 (January 13, 2017).

CHAPTER 2 USE CATEGORIES

200 INTRODUCTION

200.1 Use permissions for each zone are identified in the Land Use subtitles.

200.2 When used in this title, the following use categories shall have the following meanings:

(a) Agriculture, Large:

(1) The on-site cultivation or maintenance of plants, or the breeding or keeping of animals and livestock, intended for personal use or eventual sale or lease off-site;

(2) Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry;

(3) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery; and

(4) Exceptions: This use category does not include the customary landscaping of yards, residential gardening, or household pets;

(b) Agricultural, Residential:

(1) The on-site cultivation or maintenance of plants, or keeping of small domestic animals, intended for personal use, sale on-site, or eventual sale off-site;

(2) Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees;

(3) This use category does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals; and

(4) Examples include, but are not limited to: small-scale truck garden, beekeeping, greenhouse, or community garden;

(c) Animal Sales, Care, and Boarding:

(1) The on-site sale, medical care, or short-term boarding of animals for a fee;

(2) These uses may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking;

(3) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter; and

(4) Exceptions: This use category does not include uses which would typically fall within the agriculture use categories or the selling of a litter of a domestic pet;

(d) Antennas:

(1) A structure conducting, transmitting, or receiving communication signals;

(2) This use category encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately related support and stabilizing elements, and rotating or other directional mechanisms; and

(3) Examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas;

(e) Arts, Design, and Creation:

(1) The on-site design, rehearsal, or creation of visual, auditory, or performance art;

(2) This use may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts, and may include the sale of items created on the site;

(3) Examples include, but are not limited to: artist studio, artisan production including kiln-firing, metal-working, wood-working, furniture making and glass-blowing arts, or photographic studio; and

(4) Exceptions: This use category does not include uses which would typically fall within the entertainment, assembly, and performing arts, educational, or sexually-oriented business establishment use categories;

(f) Basic Utilities:

(1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;

(2) This use commonly takes the form of infrastructure services which are provided city-wide;

(3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station; and

(4) Exceptions: This use category does not include uses which would typically fall within the antennas or waste-related services use categories;

(g) Chancery:

(1) The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes; and

(2) Exceptions: This use category does not include uses which would typically fall within the office or residential use categories, such as an ambassador's residence or embassy staff residence building;

(h) Community-Based Institutional Facility:

(1) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation;

(2) Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities that do not fall within the large-scale government use category; and

(3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or large-scale government use category. This use category also does not include residential or medical care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes;

(i) Daytime Care:

(1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day;

(2) Examples include, but are not limited to: an adult day treatment facility, child care centers and programs, pre-schools, nursery schools, before-and-after school programs, child development home, an expanded child development home, and elder care centers and programs; and

(3) Exceptions: This use category does not include uses which more typically fall within the medical care or parks and recreation use categories. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a certificate of occupancy;

(j) Eating and Drinking Establishments:

(1) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises;

(2) Examples include, but are not limited to: prepared food shop, restaurant, fast food restaurant, or fast food drive-through; within these defined terms, uses may also include, but are not limited to, bar, café, cafeteria, cocktail lounge, coffee shop, delicatessen, an ice cream parlor or nightclub; and

(3) Exceptions: This use category does not include uses which more typically would fall within the sexually-oriented business establishment use category;

(k) Education, College/University:

(1) An institution of higher educational or academic learning providing facilities for teaching and research, offering courses of general or specialized study leading to a degree, and authorized to grant academic degrees; and

(2) Above uses may include, but are not limited to: accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, or sports facilities;

(l) Education, Private:

(1) An educational, academic, or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses;

(2) Above uses may include, but are not limited to: accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities; and

(3) Exceptions: This use category does not include uses which more typically would fall within the daytime care, public education or college/university education use category. This use category also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor;

(m) Education, Public:

(1) Public or public charter schools at the elementary, middle, junior high, or high school level;

(2) Above uses may include, but are not limited to: accessory athletic areas, dormitories, cafeterias, recreational, or sports facilities; and

(3) Exceptions: This use category does not include uses which more typically would fall within the daytime care, private education or college/university education use category. This group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor;

(n) Entertainment, Assembly, and Performing Arts:

(1) A use involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities;

(2) These uses may be characterized by activities and structures that draw large numbers of people to specific events or shows;

(3) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium; and

(4) Exceptions: This use category does not include uses which more typically would fall within the arts design and creation, sexually-oriented business establishment, or parks and recreation use categories;

(o) Firearm Sales:

(1) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition;

(2) This use category has been established to identify those uses which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

(3) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store;

(p) Medical Care:

(1) A use involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans;

(2) These facilities may provide medical or surgical care to patients or offer overnight care;

(3) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use category also includes any facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 32-1301 *et seq*.); and

(4) Exceptions: This use category does not include uses which more typically would fall within the community-based institutional facility or emergency shelter use category;

(q) Institutional, General:

(1) A non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community;

(2) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profits, or social service providers; and

(3) Exceptions: This use category does not include uses which more typically would fall within the religious based institutional; chancery; education; entertainment, assembly, and performing arts;

local government; service; office; or parks and recreation use categories;

(r) Institutional, Religious Based:

(1) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission;

(2) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, or related religious schools; and

(3) Exceptions: This use category does not include uses which more typically would fall within the general institutional; chancery; education; entertainment, assembly, and performing arts; local government; service; office; or parks and recreation use categories;

(s) Government, Large Scale:

(1) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services;

(2) Examples include, but are not limited to: airports, jails, truck dispatch facilities, or police/fire training facilities; and

(3) Exceptions: This use category does not include uses which more typically would fall within the motor vehicle-related or transportation infrastructure use categories;

(t) Government, Local:

(1) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas;

(2) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations; and

(3) Exceptions: This use category does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the large-scale government, emergency shelter, parks and recreation, or motor vehicle-related use category. It also does not include administrative offices of

local government agencies, when those office functions meet the definition of the office use category;

(u) Lodging:

(1) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests;

(2) Examples include, but are not limited to: hotels, motels, inns, hostels, or bed and breakfast establishments; and

(3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or residential use categories;

(v) Marine:

(1) A use in which proximity to the waterfront constitutes an integral aspect of its function; or uses which depend upon access to the water for their effectuality;

(2) This use category includes activities associated with water and marine-based travel, movement, storage, and related activities;

(3) Examples include, but are not limited to: marina, boathouse, boat launch, dock or pier, boat repair facility, water taxi facility, or water facilities; and

(4) Exceptions: This use category does not include uses which more typically would fall within the motor vehicle-related use category;

(w) Motor Vehicle-Related

(1) A use engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components;

(2) These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles;

(3) Examples include, but are not limited to: gasoline service station, auto repair facility, car wash, automobile sales, boat sales, or motorcycle sales; and

(4) Exceptions: This use category does not include uses which more typically would fall within the retail or parking use category;

(x) Office:

(1) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities;

(2) These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals;

(3) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory; and

(4) Exceptions: This use category does not include uses which more typically would fall within the medical care; education; local government; retail; production, distribution, and repair; financial service; or chancery use categories;

(y) Parking:

(1) A use involving the on-site short or long-term storage of motor vehicles, including surface lots or within structures, when such motor vehicle storage is not provided as accessory parking for another use;

(2) Examples include, but are not limited to: public parking lot, public parking garage, or private garage; and

(3) Exceptions: This use category does not include parking that is accessory to another use;

(z) Parks and Recreation:

(1) A use involving publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities;

(2) Examples include, but are not limited to: public plazas, parks, outdoor recreation, community gardens; areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming; classes and services relating to health and wellness, culture, arts and crafts, or education; and structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities; and

(3) Exceptions: This use category does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the entertainment, assembly, and performing arts, arts design and creation, medical care, or service use category;

(aa) Production, Distribution, and Repair:

(1) A use involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application;

(2) Uses may include firms that provide centralized services or logistics for retail uses, and wholesale goods establishments commonly selling to businesses in bulk. These uses typically have little contact with the public;

(3) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, storage, self-storage, ground shipping facility, or wholesale sales; and;

(4) Exceptions: This use category does not include uses which more typically would fall within the retail, service, or waste-related services use categories;

(bb) Residential:

(1) A use offering habitation on a continuous basis of at least thirty (30) days. The continuous basis is established by tenancy with a minimum term of one (1) month or property ownership;

(2) This use category also includes residential facilities that provide housing and supervision for persons with disabilities, which may include twenty-four hour (24 hr.) on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services;

(3) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, or other residential uses; and

(4) Exceptions: This use category does not include uses which more typically would fall within the lodging, education, or community-based institutional facility use categories;

(cc) Retail:

(1) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license;

(2) These uses include goods commonly sold to individuals in small quantities for their direct use;

(3) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores; clothing or gift boutiques; or pawn and antique shops; and

(4) Exceptions: This use category does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the arts, design, and creation; eating and drinking establishments; automobile-related; firearm sales; marine; production, distribution, and repair; or sexually-oriented business use categories;

(dd) Service, General:

(1) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity;

(2) These uses may provide personal services or provide small-scale product repair or services for consumer and business goods on-site. Service uses which provide services off-site are typically office uses;

(3) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery service; and

(4) Exceptions: This use category does not include uses which more typically would fall within the eating and drinking establishments; entertainment, assembly, and performing arts; local government; parks and recreation; animal care and boarding; motor vehicle-related; accommodation; daytime care facility; medical care; sexually-oriented business establishment; arts, design, and creation; marine; or waste-related services use categories;

(ee) Service, Financial:

(1) A use engaging primarily in the provision of banking, loan, mortgage or other similar financial services;

(2) Examples include, but are not limited to: banks, credit unions, or mortgage companies; and

(3) Exceptions: This use category does not include uses which more typically would fall within the office use category;

(ff) Sexually-Oriented Business Establishment:

(1) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities;

(2) Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast;

(3) This use category has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

(4) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, or amusement enterprises;

(gg) Transportation Infrastructure:

(1) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes;

(2) These uses may include land or facilities for the movement or storage of transportation system components;

(3) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, access ways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets; and

(4) Exceptions: This use category does not include uses which more typically would fall within the basic utilities use categories; and

(hh) Waste-Related Services:

(1) A use involving the collection, transportation, recycling, or disposal of refuse either on-site or at a transfer station;

(2) This use category may include the collection of sanitary wastes or uses that produce goods or energy from wastes; and

(3) Examples include, but are not limited to: composting facility, incinerator, solid waste handling facility, or non-intensive recycling facility. Unless otherwise noted, these terms have the same meaning as defined in the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94; D.C. Official Code § 8-1051).

201 RULES FOR DETERMINING USE CATEGORIES

201.1 Use categories describe activities being performed on-site that have similar functions, physical characteristics, impacts, or operational behaviors.

201.2 All individual uses shall be included in at least one (1) use category. On- and off-site activities associated with a use may cause that use to be included in more than one (1) group.

201.3 A principal use may have one (1) or more accessory uses.

201.4 The Zoning Administrator shall determine the category or categories for a use, based on consistency with Subtitle B, Chapter 2.

201.5 The following may be considered when determining the appropriate group or groups for a use:

(a) The description of the activity or activities in relationship to the definition of each use category;

(b) The relative amount of site or floor space and equipment devoted to each activity;

(c) The relative amounts of sales from each activity;

(d) The customer type for each activity;

(e) The relative number of employees in each activity;

(f) The typical hours of operation;

(g) The building and site arrangement;

(h) The number and type of vehicles used;

(i) The relative number of vehicle trips generated by the activity;

(j) How the use is advertised;

(k) How the use is licensed; and

(l) Similarities in function to the examples and exceptions listed for each use category.

201.6 The activities, functions, physical characteristics, and impacts of a use on a property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use category or a different use category permitted within the applicable zone.

202 APPLICABILITY OF MULTIPLE USES

202.1 When a site contains more than one (1) use and these uses fall within different use categories, each use is subject only to the regulations of the applicable use category.

202.2 If a use is determined to fall into more than one (1) use category, the use is subject to the regulations for all applicable use categories. If this results in conflicting conditions or criteria, the most stringent conditions shall be met.

203 ACCESSORY USES

203.1 Any use allowed as a permitted use in a zone shall be allowed as an accessory use within that zone.

203.2 Any use allowed only with conditions in a zone shall be allowed as an accessory use within that zone, subject to all applicable conditions.

203.3 Accessory uses shall:

(a) Be customarily incidental and subordinate to the principal use, and located on the same lot with the principal use; and

(b) Meet all of the conditions of the appropriate use category.

204 TEMPORARY USES

204.1 Any use allowed as a permitted use in a zone shall be allowed as a temporary use within that zone.

204.2 Any use allowed only with conditions in a zone shall be allowed as a temporary use within that zone, subject to all applicable conditions.

204.3 Temporary uses shall:

(a) Have the time period of the allowance established on the certificate of occupancy but shall not exceed one (1) year; and

(b) Not result in the erection of any new permanent structures, although existing permanent structures may be used for a temporary use.

CHAPTER 3 GENERAL RULES OF MEASUREMENT

300 PURPOSE

300.1 This chapter provides general rules for measurement and calculation applicable to all zones unless otherwise stated in this title.

300.2 The development and density standards shall be applied together to regulate bulk and build out of a lot.

300.3 The potential density of a lot does not create an entitlement that supersedes the physical development standards nor shall potential density be given greater status when considering a variance application.

301 DENSITY

301.1 Residential density is calculated as either the maximum number of principal dwelling units per lot in the R and RF zones or by floor area ratio (FAR) in the other zones.

301.2 In other than residential zones, the density is calculated by FAR.

301.3 Specified uses may also be limited to a gross floor area (GFA) and are identified within applicable zones.

301.4 Each use within a zone may or may not have the same density entitlements within the same zone. In the MU, NC, D, and Subtitle K zones, there may be a limit on non-residential density or a residential requirement.

302 RULES OF MEASUREMENT FOR DWELLING UNIT DENSITY

302.1 In the low-density R zones, density is established as a single principal dwelling unit per lot. In those low-density residential zones that are limited to a single principal dwelling per lot, a single accessory apartment may be permitted per principal dwelling subject to conditions.

302.2 In the moderate-density RF zones, density is established as a maximum number of principal dwelling units per building, and in certain cases, through the number of principal dwelling units per minimum land area.

302.3 Occupancy of a principal dwelling unit is based on a household, unless otherwise permitted within a zone.

303 RULES OF MEASUREMENT FOR FLOOR AREA RATIO

303.1 FAR shall be calculated by dividing the total GFA, as calculated under Subtitle B § 304, of all buildings on a lot by the area of that lot.

303.2 For the purpose of calculating FAR, lot area shall not include private rights-of-way that serve as the equivalent of a private street for the site, but shall include private rights-of-way that provide access to service, loading, or automobile parking areas.

303.3 FAR provided in the development standards shall be limited to two (2) decimal places.

304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)

304.1 GFA is measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings.

304.2 Non-residential floor area shall be the total GFA of a building not dedicated to one (1) of the following uses:

(a) Residential;

(b) Community-based institutional facility;

(c) Emergency shelter;

(d) Lodging use with less than thirty (30) rooms;

(e) Guest rooms and service areas of a lodging use with thirty (30) or more rooms; or

(f) Education uses that are operated or chartered by the District government.

304.3 The GFA of a lodging use dedicated to function rooms, exhibit space, commercial adjuncts and any other use not considered guest room or service area shall be considered non-residential floor area.

304.4 For a building entirely detached from any other building, calculation of GFA for the portion of a story located partially below finished grade shall be as follows:

(a) Measure the portions of the perimeter of the story located partially below finished grade that have a height greater than or equal to four (4) feet, when measured between the finished grade and the ground floor of the story above;

(b) Measure the total perimeter of the story located partially below finished grade;

(c) Divide the distance of the result of paragraph (a) by the distance of the result of paragraph (b); and

(d) Multiply this result by the total floor area of the story located partially below finished grade.

304.5 For a building attached at any point to a neighboring building, GFA of the portion of a story located partially below finished grade shall be calculated as follows:

(a) Establish a line between the midpoint of a building façade facing the nearest street at finished grade and the midpoint of the opposite building façade at finished grade;

(b) Determine the portion of this line where the distance between it, and the ground floor of the story directly above, is greater than or equal to six (6) feet;

(c) Project a perpendicular line from the point along the line described in paragraph (b) to the exterior walls of the building; and

(d) Measure the floor area that is between the projected perpendicular line and the other portions of the story with a height greater than or equal to six (6) feet, when measured from the perpendicular line to the ground floor of the story above.

305 EXCEPTIONS TO DENSITY REGULATIONS FOR ENCLOSING OPEN ARCADES

305.1 Notwithstanding applicable FAR limitations and subject to this section, an existing open arcade in a building in any MU or D zone may be enclosed.

305.2 An open arcade area enclosed pursuant to this section must be solely devoted to retail, arts, or service uses permitted as a matter of right within that zone.

305.3 An open arcade may not be enclosed if:

(a) It is in a building that is a historic landmark or has been designated as contributing to a historic district; and

(b) The Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building's historic or architectural significance; or

(c) The floor of the open arcade would not be at the same level and continuous with the adjacent sidewalk in public space, or would not

connect to an existing, adjoining open arcade adjacent to sidewalk in public space.

306 HEIGHT

306.1 In addition to the height limitations of the Zoning Regulations, all buildings are also subject to and shall conform to the limitations of the Height Act.

306.2 Where the maximum height permitted within a zone differs from the maximum height permitted by the Height Act, the more restrictive maximum height shall apply.

306.3 Zone height limits shall be stated in terms of feet.

306.4 The height limits in each zone apply to structures located in the public space included within the zone's boundary.

307 RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES

307.1 In other than R, RF, RA, RC-1, CG-1 and D-1 zones, the building height shall be the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district.

307.2 Unless otherwise restricted or permitted in this title, in those zones in which the height of the building is limited to forty feet (40 ft.), the height of the building may be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story.

307.3 In those zones in which the height of the building is limited to sixty feet (60 ft.), in the case of a building located upon a terrace, the height of the building may be measured from the top of the terrace to the highest point of the roof or parapet, but the allowance for terrace height shall not exceed five feet (5 ft.).

307.4 Except as provided in Subtitle B § 307.6, where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the natural grade at the middle of the front of the building to the highest point of the roof or parapet.

307.5 Except as provided in Subtitle B § 307.7, if a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building.

307.6 Except as provided in Subtitle B § 307.4, in those zones in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured from the finished grade level at the middle of the front of the

building to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

307.7 When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using the first of the following four (4) methods that is applicable to the site:

(a) An elevation or means of determination established for a specific zone elsewhere in this title;

(b) An elevation for the site that was determined prior to the effective date of this section by the Zoning Administrator, or the Redevelopment Land Agency, its predecessors or successors;

(c) A street frontage of the building not affected by the artificial elevation; or

(d) A level determined by the Zoning Administrator to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, RA, RC-1, CG-1, AND D-1 ZONES

308.1 The height of buildings, not including a penthouse, in R, RF, RA, RC-1, CG-1, and D-1 zones shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.

308.3 The height of a building with a flat roof shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.

308.4 The height of a building with a roof that is not a flat roof shall be measured as follows:

(a) From the BHMP to the average level between the highest eave, not including the eave of a dormer and the highest point of the roof; and

(b) Where there are no eaves, the average level shall be measured between the top of the highest wall plate and the highest point of the roof.

308.5 The height of a building permitted to be ninety feet (90 ft.) shall be measured from the BHMP to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height.

308.6 Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the height of building shall be measured from the BHMP to the highest point of the roof or parapet.

308.7 If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building shall be established by the street selected as the front of the building.

308.8 A conforming structure in existence on June 14, 2013, that would have been rendered nonconforming as a result of the adoption of amendments to this section made in Z.C. Order No. 12-11, shall be deemed conforming; provided that the height of the structure may neither be increased or extended.

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

309 SINGLE OR SEPARATE BUILDINGS

309.1 For purposes of this chapter, structures that are separated from the ground up by common division walls or contain multiple sections separated horizontally, such as wings or additions, are separate buildings. Structures or sections shall be considered parts of a single building if they are joined by a connection that is:

(a) Fully above grade;

(b) Enclosed;

(c) Heated and artificially lit; and

(d) Either:

(1) Common space shared by users of all portions of the building, such as a lobby or recreation room, loading dock or service bay; or

(2) Space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.

309.2 Notwithstanding Subtitle B, § 309.1, a single building shell may contain multiple uses or dwelling units that do not share access.

310 RULES OF MEASUREMENT FOR NUMBER OF STORIES

310.1 The number of stories shall be counted at the point from which the height of the building is measured.

310.2 For the purposes of determining the maximum number of permitted stories, the term "story" shall not include cellars or penthouses.

310.3 Except in the RF zones, a mezzanine shall not be considered a story in determining the maximum number of permitted stories.

310.4 In an RF zone, a mezzanine shall be considered a story in determining the maximum number of permitted stories within a principal structure, but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.

311 LOT OCCUPANCY

311.1 Lot occupancy regulations are intended to provide a primary control of the total volume of buildings on a lot through the restriction of a building's horizontal area above a designated horizontal plane. The lot occupancy standards applied through land use subtitles are intended to contribute, along with height regulations, to ensuring that buildings within a zone are generally consistent in their volume.

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

312 RULES OF MEASUREMENT FOR LOT OCCUPANCY

312.1 The main building and any accessory buildings shall be subject to the lot occupancy standard prescribed in the development standards table for the zone in which the building is located.

312.2 Lot occupancy shall be calculated by dividing the total building area of all buildings on a lot by the total area of the lot.

312.3 Building area shall be the maximum horizontal projected area of a principal building and its accessory buildings, measured at the ground level of the buildings and measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings.

312.4 Building area shall not include:

(a) Building components or appurtenances dedicated to the environmental sustainability of the building;

(b) Cornices and eaves;

(c) Sills, leaders, belt courses, and similar ornamental or structural features;

(d) Awnings, serving a window, porch, deck, or door;

(e) Uncovered stairs, landings, and wheelchair ramps that serve the main floor; and

(f) Chimneys, smokestacks, or flues.

312.5 Any railing required by the D.C. Construction Codes Supplement, Title 12 DCMR, that is required to project into the horizontal plane shall be permitted, and shall not be included in the measurement of building area.

312.6 When adding a vertical addition to an existing building, each added story must comply with the required lot occupancy limitation.

312.7 In the case of a building devoted to both residential and nonresidential uses, the percentage of lot occupancy for residential uses may be calculated on a horizontal plane located at the lowest level where residential uses begin.

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

313 FRONT SETBACKS AND BUILD-TO LINES

313.1 Front setback and build-to regulations are intended to control the relationship of buildings to street lot lines.

313.2 Front setbacks and build-to lines regulate the distance between a building and a front lot line.

313.3 A lot may have more than one (1) street lot line, and therefore more than one (1) front setback.

314 FRONT SETBACKS

314.1 When a zone has a front setback requirement, all buildings and structures must be set back from the entire length of all street lot lines, except as provided in Subtitle B § 317.

314.2 Front setbacks shall be regulated in one (1) of three (3) ways:

(a) By a single setback distance measurement cited for a zone which shall be applicable to all buildings and structures in the zone;

(b) By a setback range cited for a zone, within which all buildings and structures in the zone must be set back from a street lot line; or

(c) By an "existing range of blockface" cited for a zone; buildings and structures in the zone must be set back between from the street lot line by at least as much as the existing building on the blockface closest to the street, and no more than the existing building on the blockface furthest from the street.

315 RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) ZONES

315.1 A proposed building façade or structure facing a street lot line shall be located a distance:

(a) Not closer to the street than the point of the building façade closest to the street, based on all the buildings located along the blockface; and

(b) Not further back from the same street than the building façade furthest from the street, based on all the buildings located along the blockface; and

(c) The building façade of an interior lot attached building shall not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

315.2 A building façade shall be the façade of a building exclusive of the projections permitted through Subtitle B § 323.

315.3 If a lot has more than one (1) street lot line, the owner of the lot may choose the street lot line that shall determine the application of any front setback requirement.

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

316 FRONT BUILD-TO LINES

316.1 When a zone has a front build-to requirement, the front façade of all buildings and structures must directly abut the build-to line.

317 REAR YARDS

317.1 Rear yards regulate the distance between a building and a rear lot line.

317.2 A lot may have more than one (1) rear lot line.

317.3 No rear yard is required for through lots.

318 RULES OF MEASUREMENT FOR REAR YARDS

318.1 In the case of a lot that is triangular or irregularly shaped, the furthermost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured.

318.2 The depth of a required rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.

318.3 Where the rear lot line is not parallel to the street lot line, or where there are more than one (1) rear lot lines that intersect at a point at an angle greater than ninety degrees (90º), the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines.

318.4 Where a lot does not have a rear lot line, such as when the side yards converge at a point, or where the rear lot lines intersect at an angle less than ninety degrees (90º), a rear yard shall be measured as an arc from the point opposite the front lot line(s).

318.5 Where there is more than one (1) rear lot line generally parallel to the front lot line but separated by a lot line generally perpendicular to the rear lot lines, then the rear yard setback shall be measured from the rear lot line more distant from the front lot line, and measured across the full width of the property to where it intersects both side lot lines.

318.6 In the case of a corner lot in any D zone other than the D-1-R zone, a court complying with the width requirements for a closed court as specified in Subtitle I § 207.1 and Subtitle B § 324 may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan twenty-five (25) feet above the mean elevation of the rear lot line.

318.7 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, MU-16, MU-20, MU-21, MU-23, NC-13, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

318.8 In the case of a through or corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

SOURCE: Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

319 SIDE YARDS

319.1 Side yards regulate the distance between a building and a side lot line.

319.2 A lot may have more than one (1) side yard.

320 RULES OF MEASUREMENT FOR SIDE YARDS

320.1 A required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures. If a required side yard intersects with a

required rear yard, the larger yard shall apply for the required distance of the larger yard.

320.2 An addition to an existing semi-detached or detached principal building must meet the side yard requirements for that type of building in the zone. An existing detached or semi-detached building may not be treated as an attached building through the construction of additions.

321 COURTS

321.1 Court regulations control:

(a) The minimum distance between two (2) building walls on the same lot that face one another, when the space between the two (2) walls is uncovered; and

(b) The minimum area of closed courts.

322 RULES OF MEASUREMENT FOR GENERAL COURT

322.1 The provisions of this chapter do not require a court, but regulate its minimum required dimensions where they exist.

322.2 Where a court is open to a yard or any lot line, the court width requirements apply only to the dimension that is parallel or nearly parallel to the opening.

322.3 Court width requirements are expressed as a ratio of required width to height of a court. The height of a court is measured from the base of the court, even where the base may be on an upper story of a building.

322.4 If the court is not rectangular, the width shall be the diameter of the largest circle that may be inscribed in a horizontal plane within the court.

323 PROJECTIONS INTO REQUIRED OPEN SPACES

323.1 Except for the projections and encroachments specified in this section and the exceptions in Subtitle B § 324, every part of a required yard or court or other required open space shall be open and unobstructed to the sky.

323.2 Cornices and eaves may project over any required yard or court for a distance not to exceed two feet (2 ft.).

323.3 Sills, leaders, belt courses, and similar ornamental or structural features may project over any required yard or court a distance not to exceed six inches (6 in.).

323.4 The ordinary projection of skylights above the bottom of a yard or court shall be permitted if placed so as not to obstruct light and ventilation.

323.5 Awnings serving a window, porch, or door may project into a required yard or open court for a distance not to exceed forty inches (40 in.).

323.6 An open or lattice-enclosed fire balcony or fire escape may project into a required yard or an open court for a distance not to exceed four feet (4 ft.).

323.7 A chimney, smokestack, or flue may project into any required rear yard, provided the horizontal section of the projection does not exceed five square feet (5 sq. ft.).

323.8 A chimney, smokestack, or flue may project into any required side yard for a distance not to exceed two feet (2 ft.).

323.9 A self-contained air conditioner may project into any required yard or court a distance not to exceed two feet (2 ft.).

324 STRUCTURES IN REQUIRED OPEN SPACES

324.1 Every part of a yard required under this title shall be open and unobstructed to the sky from the ground up except as follows:

(a) A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code Supplements, Title 12 DCMR, shall not be calculated in the measurement of this height;

(b) A fence or retaining wall constructed in accordance with the Construction Code may occupy any yard required under the provisions of this title; and

(c) Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the Construction Code.

324.2 Projecting elements or structures shall not interfere with any driveway leading to a required parking space.

325 TRANSITIONS

325.1 Transition regulations control the physical relationship of buildings and lot improvements, in designated zones, to reduce potential impacts on existing neighbors in adjacent zones.

325.2 Potential impacts intended to be avoided by transition regulations include, but are not limited to:

(a) Dramatic contrasts in height between new buildings, within subject zones;

(b) Existing buildings within the surrounding zones; and

(c) The creation of preventable building shadowing.

326 GENERAL REGULATIONS FOR ZONE TO ZONE TRANSITIONS

326.1 Transition regulations shall be required as height transitions or as buffer transitions when specifically required by a zone district.

326.2 Height transitions limit the height of buildings based on an angled plane drawn from a point above an adjacent property's property line.

326.3 Buffer transitions provide a setback from an adjacent lot line. Buffer transitions generally include screening requirements for the setback.

326.4 Transition regulations apply in addition to, and not instead of, side setbacks, rear yards, and front setbacks.

327 GENERAL CONDITIONS FOR TRANSITION REGULATIONS

327.1 The projections identified in the following table are permitted to encroach into any required height transition plane subject to the following limits:

TABLE B § 329.1: LIMITATIONS ON ENCROACHMENT INTO ANY REQUIRED HEIGHT TRANSITION PLANE

PROJECTING ELEMENT	LIMITATIONS
Cornices and eaves	Not to exceed 2 ft.
Sills, leaders, belt courses, and similar ornamental or structural features	Not to exceed 6 in.
A balcony railing	Not to exceed 4 ft.
Skylights	Not to exceed 4 ft.
A chimney, smokestack, or flue	No limit
Spires	No limit
Towers, including towers erected from the ground	No limit
Domes, minarets, pinnacles, pergolas and similar architectural embellishments	No limit

327.2 The projections and structures identified in the following table may encroach into any required buffer transition setback, up to the limits specified:

TABLE B § 329.2: LIMITATIONS ON ENCROACHMENT INTO ANY REQUIRED BUFFER TRANSITION SETBACK

PROJECTING ELEMENT	LIMITATIONS
Cornices and eaves	Not to exceed 2 ft.
Sills, leaders, belt courses, and similar ornamental or structural features	Not to exceed 6 in.

PROJECTING ELEMENT	LIMITATIONS
The ordinary projection of skylights, above the bottom of the minimum side setback	Shall be placed so as not to obstruct light and ventilation
Awnings serving a window, porch, or door	Not to exceed 40 in.
A chimney, smokestack, or flue	Not to exceed 2 ft.
A self-contained air conditioner	Not to exceed 2 ft.
Building components or appurtenances dedicated to the environmental sustainability of the building	Not to exceed 4 ft.
A structure, including a building	Must be less than 4 ft. in height above the grade at any point. Any railing required by the D.C. Construction Codes Supplement, 12 DCMR, shall not be included in the measurement of the structure's height.
A fence or retaining wall	Must be constructed in accordance with the D.C. Construction Codes Supplement, 12 DCMR
Stairs and associated D.C. Construction Code Supplement required guard rails	Must lead to the first story of the building located entirely above grade, or to a story below grade
An antenna	Must comply with all other requirements of this title

328 RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT

328.1 The upper point of the measurement is the finished ceiling that is unobstructed by any of the following:

(a) Elements of the building structure, other than columns and walls;

(b) Components of mechanical, plumbing, or fire suppression systems; or

(c) Components of electrical systems, except lighting fixtures.

328.2 If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in Subtitle B §§ 328.1(a), (b), or (c).

328.3 For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building's frontage on the street from which the building draws its clear height requirement.

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