

SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE GROUPS

SUBTITLE B	DEFINITIONS, RULES OF MEASUREMENT, AND USE GROUPS	B-1
DEFINITIONS.....		B-3
Chapter 1		B-3
101	DEFINITIONS	B-3
Chapter 2	USE GROUPS	B-33
200	INTRODUCTION	B-33
201	RULES FOR DETERMINING USE GROUPS.....	B-44
202	APPLICABILITY OF MULTIPLE USES.....	B-45
203	ACCESSORY USES.....	B-45
204	TEMPORARY USES.....	B-45
Chapter 3	GENERAL RULES OF MEASUREMENT	B-46
300	PURPOSE.....	B-46
301	APPLICABILITY	B-46
302	DENSITY – floor area ratio	B-46
303	RULES OF MEASUREMENT FOR DWELLING UNIT DENSITY	B-46
304	RULES OF MEASUREMENT FOR FLOOR AREA RATIO	B-46
305	RULES OF MEASUREMENT FOR GROSS FLOOR AREA	B-47
306	EXCEPTIONS TO DENSITY REGULATIONS FOR ENCLOSING OPEN ARCADES.....	B-49
307	HEIGHT	B-51
308	RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES.....	B-51
	RULES OF MEASUREMENT FOR BUILDING HEIGHT:.....	B-52
309	R, RF and RA zones	B-52
310	SINGLE OR SEPARATE BUILDINGS.....	B-53
311	RULES OF MEASUREMENT FOR NUMBER OF STORIES.....	B-53
312	Lot occupancy.....	B-54
313	RULES OF MEASUREMENT FOR LOT OCCUPANCY.....	B-54
315	FRONT SETBACKS AND BUILD-TO LINES.....	B-58
316	FRONT SETBACKS.....	B-58
317	RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) ZONES	B-58
318	FRONT BUILD-TO LINES.....	B-59
319	PROJECTION ALLOWANCES.....	B-59
320	REAR SETBACKS	B-61
321	RULES OF MEASUREMENT FOR REAR SETBACKS	B-61
322	SIDE SETBACKS	B-64
323	RULES OF MEASUREMENT FOR SIDE SETBACKS.....	B-64
324	GENERAL CONDITIONS FOR SIDE SETBACKS	B-64
325	COURTYARDS	B-66
326	RULES OF MEASUREMENT - GENERAL COURTYARD	B-66
327	PLAZAS	B-67
328	GENERAL STANDARDS FOR PLAZA REGULATIONS.....	B-67
329	TRANSITIONS	B-68

330	GENERAL REGULATIONS FOR ZONE TO ZONE TRANSITIONS.....	B-68
331	GENERAL CONDITIONS FOR TRANSITION REGULATIONS	B-68

DRAFT

Chapter 1 DEFINITIONS

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

101 DEFINITIONS

- 101.1 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.

Accessory Apartment: A *dwelling unit* that is secondary to the principal single family 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 person 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. (53 DCR 10085)

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 (formerly codified at D.C. Code § 1-251 (1999 Repl.))).

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 (BZA) application or BZA appeal is located except that if the subject property is located on a street that serves as a boundary line between two ANC's, then the term "affected ANC" means both ANC's.

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 (30%) percent 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 or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use. (53 DCR 6363)

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. (54 DCR 8943)

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

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*.

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. (55 DCR 34)

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 Building: A building containing five (5) or more dwelling units, providing accommodations on a monthly or longer basis

Apartment House: Any building or part of a building in which there are four (4) 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. (24 DCR 10787) See Also: Rules of Measurements

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 per cent (50%) of its income from the display and sale of objects of art. (35 DCR 465).

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 a residential zone, 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 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 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 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 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 Group;
- (d) The composition of music; or
- (e) The recording and / or production of music, video or other media form; and
- (f) 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. (54 DCR 8976)

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

Bicycle Parking: See “Parking Space, Bicycle.”

Block Face: The entire front lot line of all building facades of a square between two 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 appeals of actions taken by the *Zoning Administrator*.

Boarding House: A *building* or part thereof where, for compensation, lodging and meals, are provided to three 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. (51 DCR 3440 and 52 DCR 6358)

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

Building: A structure, requiring permanent placement on the ground that has one 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, height of: In other than Residential (R) 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 (B §308).

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 a 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.

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

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

Building, Semi-detached: A *building* that abuts or shares one 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 Envelope: The maximum three 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 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.

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.

Caregiver: An individual who is responsible for the supervision and administration of a child development home or child/elderly development center. (29 DCR 4913)

Car-share Organization: A membership based service with a valid business license providing shared vehicles available twenty-four hours a day, seven 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. (18 DCMR 9901)

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.

Caterer, Catering Establishment: A person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home 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. (40 DCR 3744)

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. (45 DCR 1046)

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. (30 DCR 3271)

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. 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. (29 DCR 4913)

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 antenna or telecommunications service provider. (55 DCR 34)

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 section 4(a) of the National Capitol Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended, §§ 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) (formerly codified at D.C. Code §§ 1-244, 1-2002(a) (1999 Repl.))).

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 60 years of age or older or couples where either the husband or wife is 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;
- (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 and that is sold at a farmer's market or other public venues

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, 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. (28 DCR 4192)

Courtyard: An uncovered area, starting at or above grade, where two walls of the same building with windows face each other.

Courtyard, Open: A courtyard for which at least one side is open to a yard or lot line.

Courtyard, Closed: A courtyard for which building or structure encloses the space on all sides.

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. (39 DCR 8328)

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. (52 DCR 7259)

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.

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, unless otherwise noted.

Dwelling Unit: One or more habitable rooms comprising complete independent living facilities for one 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. (46 DCR 8286)

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.

Emergency shelter - a facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded)

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. (24 DCR 10786)

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. (55 DCR 34)

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, 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 foods that are prepared by production-line techniques, foods that are standardized foodstuffs shipped to a franchised establishment from central locations, the establishment includes trash receptacles located in the dining area for self-bussing of tables, seating for customers, and 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.

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

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. (52 DCR 9155)

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. (52 DCR 9155)

Flat - a dwelling limited to a finite number of units as prescribed in the applicable RF zone.

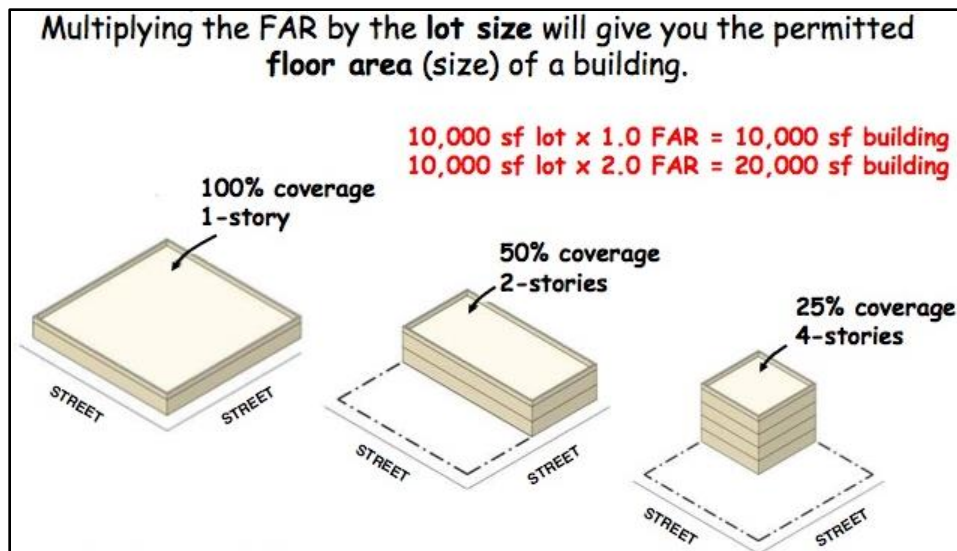
Floating Home: A sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month. (51 DCR 3440 and 52 DCR 6358)

Floor Area, Gross (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: Rules of Measurements

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 to a parking garage 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 50% of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed

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: Rules of Measurements



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* in which parking is accomplished entirely by means of shuttles, platforms, dollies, and mechanisms to lift platforms as needed that move vehicles around and where such movement is controlled by computers. The facility may be self-service or it may be staffed, to supervise loading and unloading or to accept payment; however, there shall be no human occupancy except on the *main floor*. May also be a public garage.

Garage, Parking: 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.

Garage, Public: 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 having no repair or service facilities.

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: Ratio of the weighted value of landscape elements to *lot area* [see 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 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 ft.²) in area, nor kitchens in commercial establishments.

Health care facility - a facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded);

Height Act: the Act to Regulate the Height of Buildings in the District of Columbia, approved

June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. and 1999 Supp.))).

Height, Floor-to-Ceiling Clear: The vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following: Elements of the building structure other than columns and walls; Components of mechanical, plumbing, or fire suppression systems; or Components of electrical systems other than lighting fixtures.

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 (1), (2), or (3) above. (52 DCR 9713)

Historic District: An area listed as an historic district in the D.C. Inventory, 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. (DCMR 10A)

Historic Landmark: A building, structure, object or feature, and its site, or a site that is listed in the D.C. Inventory or National Register of Historic Places, 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 District City Council effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2001) (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)))

Historic Resource: A building, structure, object or feature, and its site, or a site listed in the District of Columbia Inventory of Historic Sites or the National Register of Historic Places or a building, structure, feature, and its site, or a site certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.

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* 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. (35 DCR 6916)

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; and
- (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. (36 DCR 7625)

Household: shall be defined as one of the following:

- (a) One (1) family related by blood, marriage, adoption, or foster agreement, or
- (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. (19 DCR 281) or
- (d) A residential facility providing housing for up to six (6) persons with disabilities and two (2) care givers. For purposes of this subsection, a "disability " means, with respect to a person, a physical or mental impairment which substantially limits one 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, or addiction to, a controlled substance.

Inclusionary Unit: A dwelling unit set aside for sale or rental to Low-Income or Moderate-Income Households as required by 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; 54 DCR 880). References to the IZ Act include any Mayor's Order, agency rule, or other administrative issuance promulgated pursuant to that legislation.

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 § 8-109.2 (formerly codified at D.C. Code § 6-983 (1995 Repl.))), 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. (40 DCR 1951) 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. (30 DCR 3271)

Large Format Retail: A single retailer or common retail space with a minimum floor space of 50,000 square feet; 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. (39 DCR 8328)

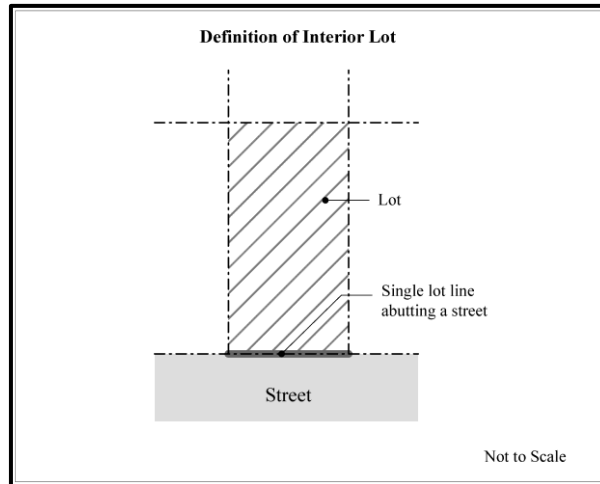
Loading berth: An off-street space provided for cargo vehicles, when loading and unloading.

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, Alley: A *lot* that faces or abuts an *alley* that does not face or abut a *street* at any point, and that is recorded on the records of the Office of the Surveyor or the Office of Tax and Revenue on or before November 1, 1957.

Lot, Corner: A lot bounded on two or more intersecting sides by street lot lines, provided that the angle of intersection is less than one hundred thirty-five degrees (135°).

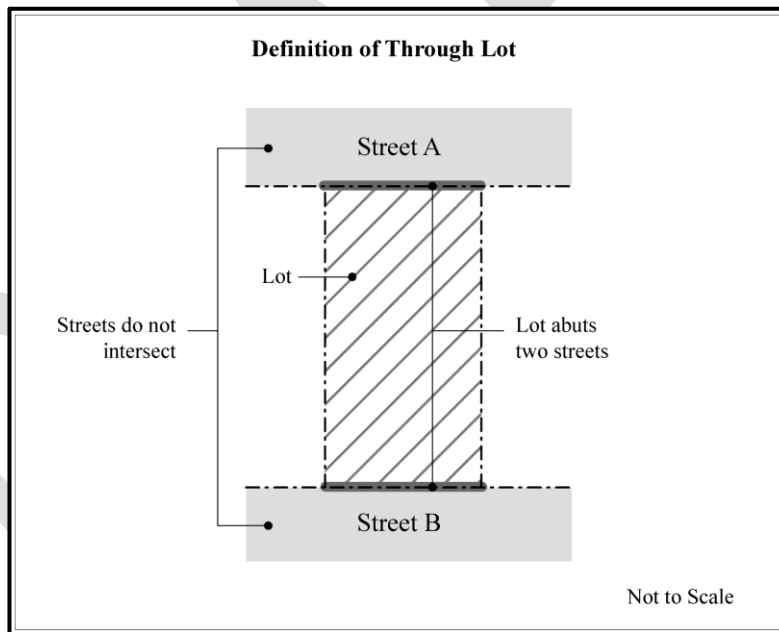
Lot, Flag: A lot so shaped that the main portion of the lot area does not front onto a street, other than by connection of a narrow strip of land used solely or primarily for access purposes.



Lot, Interior: A lot that is abutting one (1) street.

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

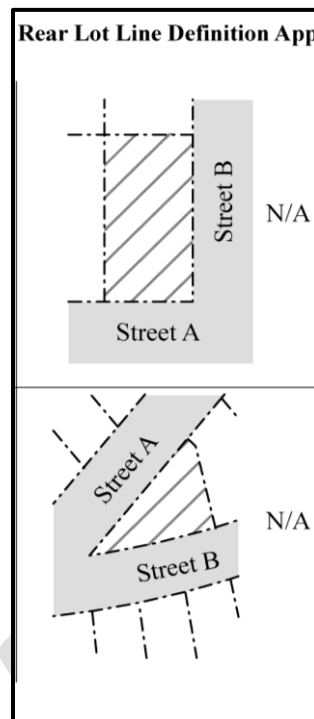
Lot, Through: A lot with at least four (4) distinct points where the side lot lines intersect street



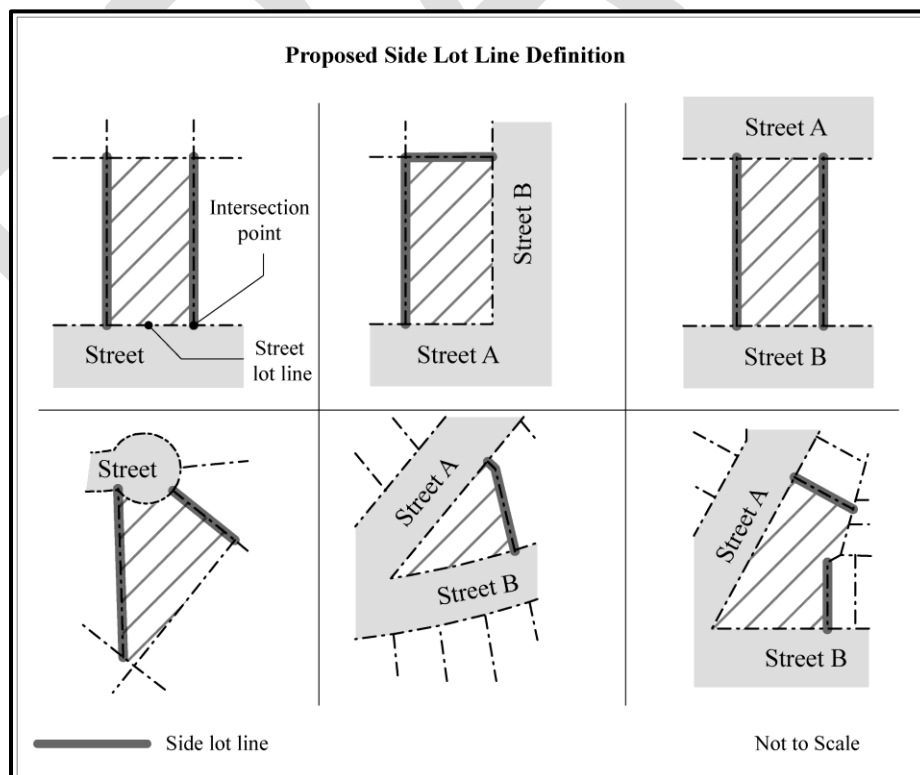
lot lines.

Lot Line: A single straight or curved line forming a boundary of a *lot*.

Lot Line, Rear: A *lot line* that does not intersect a street lot line or abut a street. See B Chapter 9 for rules of measurement of rear setbacks.



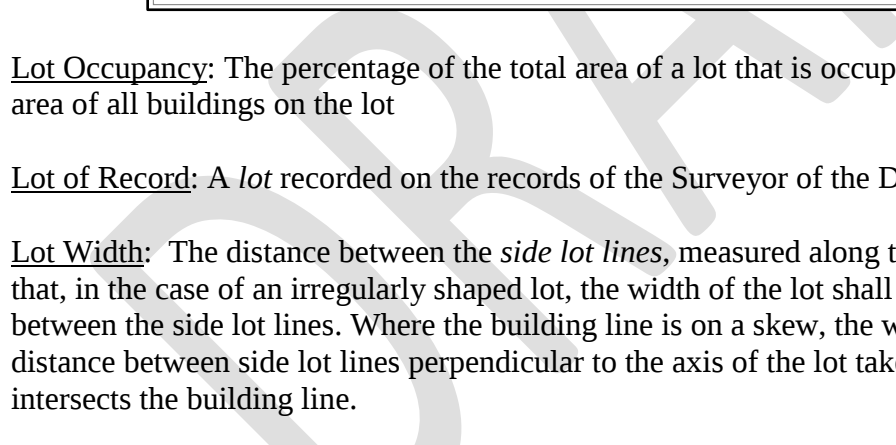
Lot Line, Side: A *lot line* that intersects a *street lot line*. See B Chapter 10 for rules of measurement of side setbacks.



Lot Occupancy: The percentage of the total area of a lot that is occupied by the buildings on the lot

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

Lot Width: The distance between the *side lot lines*, measured along the front lot line. In the case of an irregularly shaped lot, the width of the lot shall be the distance between the side lot lines. Where the building line is on a skew, the width shall be the distance between side lot lines perpendicular to the axis of the lot taken through the point where the building line intersects the building line.



Lot Occupancy: The percentage of the total area of a lot that is occupied by the buildings on the lot

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

Lot Width: The distance between the *side lot lines*, measured along the front lot line. In the case of an irregularly shaped lot, the width of the lot shall be the distance between the side lot lines. Where the building line is on a skew, the width shall be the distance between side lot lines perpendicular to the axis of the lot taken through the point where the building line intersects the building line.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the buildings on the lot

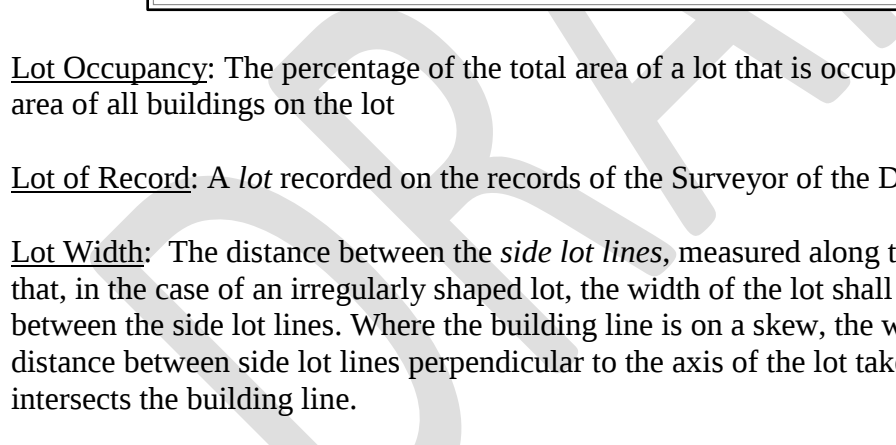
Lot of Record: A lot recorded on the records of the Surveyor of the District

Lot Width: The distance between the *side lot lines*, measured along the front lot line. In the case of an irregularly shaped lot, the width of the lot shall be the distance between the side lot lines. Where the building line is on a skew, the width shall be the distance between side lot lines perpendicular to the axis of the lot taken through the point where the building line intersects the building line.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the buildings on the lot

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

Lot Width: The distance between the *side lot lines*, measured along the front lot line. In the case of an irregularly shaped lot, the width of the lot shall be the distance between the side lot lines. Where the building line is on a skew, the width shall be the distance between side lot lines perpendicular to the axis of the lot taken through the point where the building 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. (51 DCR 3440 and 52 DCR 6358)

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. 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. (19 DCR 489)

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.

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.

Monopole: A single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)

Mount: the necessary support structure to which an antenna is attached, not including antenna towers or monopoles. (55 DCR 34)

Multifamily Project: As defined by the U.S. Department of Housing and Urban Development (HUD) means a project which consists of not less than five dwelling units on one 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 roof structure 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, courtyard, and residential recreation space requirements. (30 DCR 3922)

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 district 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 §§ 3104.2 and 3104.3. (30 DCR 3922)

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. (50 DCR 8818)

Organization, Non-Profit: An organization organized, registered with appropriate authority or 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 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 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 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*.

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 admitted as a party by the Commission pursuant to Subtitle Z, or by the Board of Zoning Adjustment pursuant to Subtitle Y.

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 animals are on the premises at a time or the overnight stay of animals is permitted. (54 DCR 8943)

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by D.C. Official Code § 8-1808(h)(1), and related supplies and equipment. (54 DCR 8943)

Planned Unit Development: 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 districts irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in X Chapter 3. (15 DCR 170)

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 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 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. (50 DCR 10822)

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. (21 DCR 1030)

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 or more districts or commands of the Metropolitan Police Department. (51 DCR 4778)

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 carryout 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

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. (53 DCR 9580)

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.

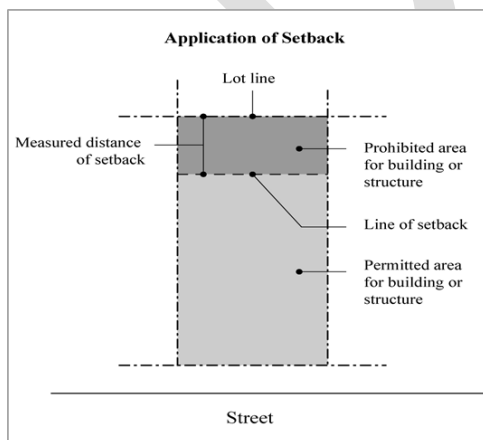
The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.

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. (24 DCR 5144)

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. (31 DCR 6585)

Setback: A distance required between a *building* and a *lot line* or other point defined in this Title; and measured from the lot line inward.



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

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

Setback, Side: A distance required between a building and a side lot line, and measured from the side lot line inward to the lot

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. (24 DCR 5144)

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. (24 DCR 5144)

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. (55 DCR 34)

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, stairway or elevator penthouses, or other roof structures; provided, that the

total area of all roof structures located above the top story shall not exceed one-third (1/3) of the total roof area.

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

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 a Mixed Use, Neighborhood Mixed Use, Production Distribution and Repair, or Downtown zone, or any zone in Subtitle K.

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

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).

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.

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 requirement 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. (21 DCR 1465-66)

Urban Tree Canopy: Is 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 use in a residential zone shall be limited to twenty percent (20 %) of the floor area.

Use, Principal: The primary purpose or activity for which a *lot* 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. (54 DCR 8943)

Veterinary Hospital: An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an *animal boarding* establishment. (54 DCR 8943)

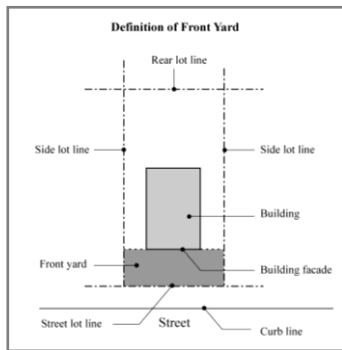
Wall, lot line: an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.

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

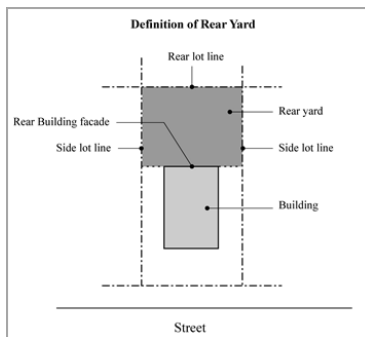
Warehouse: Any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises.

Waterfront: That area proximate to either the Potomac or Anacostia rivers. See Subtitle C Chapter 11.

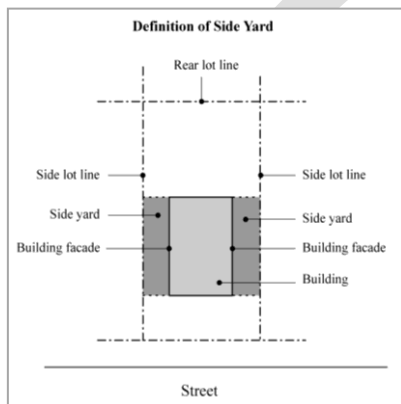
Yard, Front: An exterior space, open from the ground to the sky, between all street lot lines and the building façades of the principal building facing those street lot lines.



Yard, Rear: An exterior space, open from the ground to the sky, between a rear lot line or lines and the nearest building façade, of the principal building.



Yard, Side: An exterior space, open from the ground to the sky, between a side lot line and the nearest building façade, of the principal building facing that lot line.



Zone: A geographic area delineated on the Zone Map, which corresponds to the regulations included in 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 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001)).

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

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

DRAFT

Chapter 2 USE GROUPS

200 INTRODUCTION

200.1 When used in this title, the following use groups shall have the meanings ascribed.

200.2 Use Permissions for each zone are identified in the Land Use subtitles

200.3 Agriculture, large

- (a) 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. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry; and
- (b) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery.
- (c) Exceptions: This use group does not include the customary landscaping of yards, residential gardening or household pets.

200.4 Agricultural, residential

- (a) 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. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use group does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals.
- (b) Examples include, but are not limited to: small scale truck garden, beekeeping, greenhouse, or community garden.

200.5 Animal Sales, Care, and Boarding

- (a) The on-site sale, medical care, or short term boarding of animals for a fee. 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; and
- (b) 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.
- (c) Exceptions: This use group does not include uses which would typically

fall within the Agriculture use categories or the selling of a litter of a domestic pet.

200.6 Antennas

- (a) A structure conducting, transmitting, or receiving communication signals. This use group 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 Examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas.

200.7 Arts, Design and Creation

- (a) The on-site design, rehearsal, or creation of visual, auditory, or performance art. 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; and
- (b) Examples include, but are not limited to: artist studio, artisan production including kiln-firing, metal-working, wood-working, furniture making and glass-blowing arts, and photographic studio.
- (c) Exceptions: This use group does not include uses which would typically fall within the Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment use groups.

200.8 Basic Utilities

- (a) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. This use commonly takes the form of infrastructure services which are provided city-wide.
- (b) 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.
- (c) Exceptions: This use group does not include uses which would typically fall within the Antennas or Waste-related Services use groups.

200.9 Chancery

- (a) 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.

- (b) Exceptions: This use group does not include uses which would typically fall within the Office, or Residential use group, such as an ambassador's residence or embassy staff residence building.

200.10 Community-based Institutional Facility

- (a) 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.
- (b) 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 group.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use group. This use group 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.

200.11 Daytime Care

- (a) 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 24 hours per day.
- (b) 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, or elder care centers and programs.
- (c) Exceptions: This use group does not include uses which more typically fall within the Health Care, or Parks and Recreation use groups. 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.

200.12 Eating and Drinking Establishments

- (a) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises.
- (b) 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 and nightclub.
- (c) Exceptions: This use group does not include uses which more typically

would fall within the Sexually-based Business Establishment use group.

200.13 Education, College/University

- (a) 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; This use may include accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.

200.14 Education, Private

- (a) 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. These uses may include accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities.
- (b) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Public Education or College/University Education use group. This use group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

200.15 Education, Public

- (a) Public or public charter schools at the elementary, middle, junior high, or high school level; these uses may include accessory athletic areas, dormitories, cafeterias, recreational, or sports facilities.
- (b) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use group. This group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

200.16 Emergency Shelter

- (a) A use providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals. Emergency Shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.

200.17 Entertainment, Assembly, and Performing Arts

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

- (b) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation use groups.

200.18 Firearm Sales

- (a) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition. This use group 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.
- (b) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.

200.19 Medical Care

- (a) A use involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans. These facilities may provide medical or surgical care to patients or offer overnight care.
- (b) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use group also includes any facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded).
- (c) Exceptions: This use group does not include uses which more typically would fall within the Community-based Institutional Facility or Emergency Shelter use group.

200.20 Institutional, General

- (a) 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.
- (b) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profit or social service providers.
- (c) Exceptions: This use group 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 groups.

200.21 Institutional – Religious Based

- (a) 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.
- (b) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, and related religious schools.
- (c) Exceptions: This use group 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 groups.

200.22 Government, Large

- (a) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services.
- (b) Examples include, but are not limited to: airports, jails, truck dispatch facilities or police/fire training facilities.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Motor-Vehicle-related or Transportation Infrastructure use groups.

200.23 Government, Local

- (a) 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.
- (b) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations.
- (c) Exceptions: This use group 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 group. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use group.

200.24 Lodging

- (a) 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.

- (b) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.

200.25 Marine

- (a) 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. This use group includes activities associated with water and marine-based travel, movement, storage, and related activities.
- (b) Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, water taxi facility, or water facilities.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Motor Vehicle-related use group.

200.26 Motor Vehicle-related

- (a) A use engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles.
- (b) Examples include, but are not limited to: gasoline service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Retail or Parking use group.

200.27 Office

- (a) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. 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.
- (b) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Health Care, Education, Local Government, Retail, Production, Distribution, and Repair, Financial Service, or Chancery use group.

200.28

Parking

- (a) 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.
- (b) Examples include, but are not limited to: public parking lot, public parking garage, and private garage.
- (c) Exceptions: This use group does not include parking that is accessory to another use.

200.29

Parks and Recreation

- (a) 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.
- (b) 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.
- (c) Exceptions: This use group 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, Health Care, or Service use group.

200.30

Production, Distribution, and Repair

- (a) 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. 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;
- (b) 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, ground shipping facility, or wholesale sales.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Retail, Service or Waste-related Services use group.

200.31 Residential

- (a) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use group also includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour 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.
- (b) 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, and other residential uses.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use groups.

200.32 Retail

- (a) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use.
- (b) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores, clothing or gift boutique, and pawn and antique shops.
- (c) Exceptions: This use group 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-based Business use groups.

200.33 Service, General

- (a) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity. 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.
- (b) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery

service.

- (c) Exceptions: This use group 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, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services use groups.

200.34 Service, Financial

- (a) A use engaging primarily in the provision of banking, loan, mortgage or other similar financial services.
- (b) Examples include, but are not limited to: banks, credit unions, and mortgage companies.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Office use group.

200.35 Sexually-based Business Establishment

- (a) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. 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. This use group 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.
- (b) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

200.36 Transportation Infrastructure

- (a) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These uses may include land or facilities for the movement or storage of transportation system components.
- (b) 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, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets.

- (c) Exceptions: This use group does not include uses which more typically would fall within the Basic Utilities use group.

200.37

Waste-related Services

- (a) A use involving the collection, transportation, recycling, or disposal of refuse either on-site or at a transfer station. This use group may include the collection of sanitary wastes or uses that produce goods or energy from wastes.
- (b) 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.

201 RULES FOR DETERMINING USE GROUPS

- 201.1 Use groups 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 use group. On- and off-site activities associated with a use may cause that use to be included in more than one group.
- 201.3 A principal use may have one or more accessory uses.
- 201.4 The Zoning Administrator shall determine the category or categories for a use, based on consistency with 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 group.
- 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 group or a different use group permitted within the applicable zone.

202 APPLICABILITY OF MULTIPLE USES

202.1 When a site contains more than one use and these uses fall within different use groups, each use is subject only to the regulations of the applicable use group.

202.2 If a use is determined to fall into more than one use group, the use is subject to the regulations for all applicable use groups. 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:

- (a) Shall be allowed only when associated with permitted or conditionally permitted uses; and
- (b) Shall meet all of the conditions of the appropriate use group.

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:

- (a) Shall have the time period of the allowance established on the Certificate of Occupancy but shall not exceed one (1) year; and
- (b) Shall 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 Chapter 3 provides general rules for measurement and calculation applicable to all zones unless otherwise stated in this title.

301 DENSITY

- 301.1 Residential density is calculated as either principal dwelling units per lot in the low density residential zones or by floor-area ratio (FAR) in the other zones.
- 301.2 Specified uses may also be limited to a gross floor area and are identified within applicable zones.
- 301.3 Each use within a zone may or may not have the same density entitlements within the same zone. In the MU, 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, Residential 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, Residential Flat zones, density is established as a maximum number of principal dwelling units per building, and in certain cases, through the number of principal 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 (FAR)

- 303.1 Floor area ratio shall be calculated by dividing the total Gross Floor Area (“GFA”), as calculated under B §304, of all buildings on a lot by the area of that lot.
- 303.2 Lot area shall not include private rights-of-way that serve as principal circulation for the site, but shall include private rights-of-way that provide access to service, loading or automobile parking areas.
- 303.3 Floor area ratios provided in the development standards shall be limited to two decimal places.

304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA

304.1 Gross Floor Area is measured from the exterior faces of exterior walls and from the center line of walls separating two buildings.

304.2 Non-residential floor area shall be the total gross floor area of a building not dedicated to one 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.

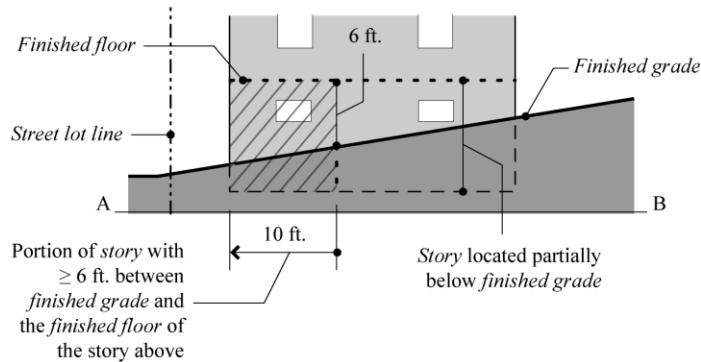
304.3 The Gross Floor Area of a Lodging use dedicated to function rooms, exhibit space, commercial adjuncts and any other use not considered guest room or service area shall be considered non-residential floor area.

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:

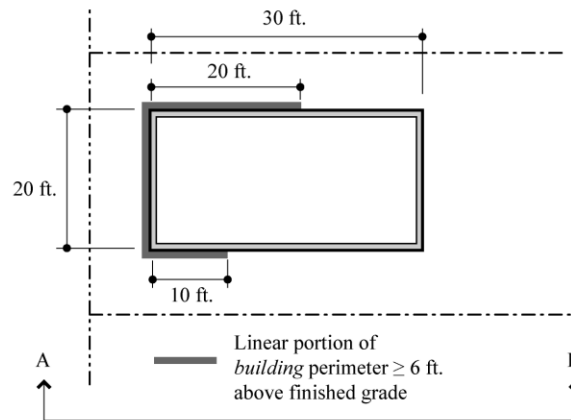
- (a) Measure the portions of the perimeter of the story located partially below finished grade that have a height greater than or equal to four (4) feet, when measured between the finished grade and the ground floor of the story above;
- (b) Measure the total perimeter of the story located partially below finished grade;
- (c) Divide the distance of the result of paragraph (a) by 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.

Figure B § 904.2: Measuring GFA of the Story of a Detached Building Located Partially Below Finished Grade

Elevation A-B View of a Detached Building on a Lot
Illustrating Measurement of Portions of Story with Height of Six Feet or Greater Between Finished Grade and Finished Floor of Story Above



Section Plan View of Building Story Partially Below Finished Grade
Illustrating Measurement of Total Perimeter and Portions of Perimeter to Serve in GFA Determination



Story area = 600 sq. ft.

Total perimeter of story = 100 ft.

Building story perimeter
≥ 6 ft. between finished grade
and finished floor above = 50 ft.

Therefore, the area of the portion of the
building story located partially below
finished grade to be included in GFA
based on B § 904.2 (c):

$(50 \text{ ft.} / 100 \text{ ft.}) \times 600 \text{ sq. ft.} = 466 \text{ sq. ft.}$

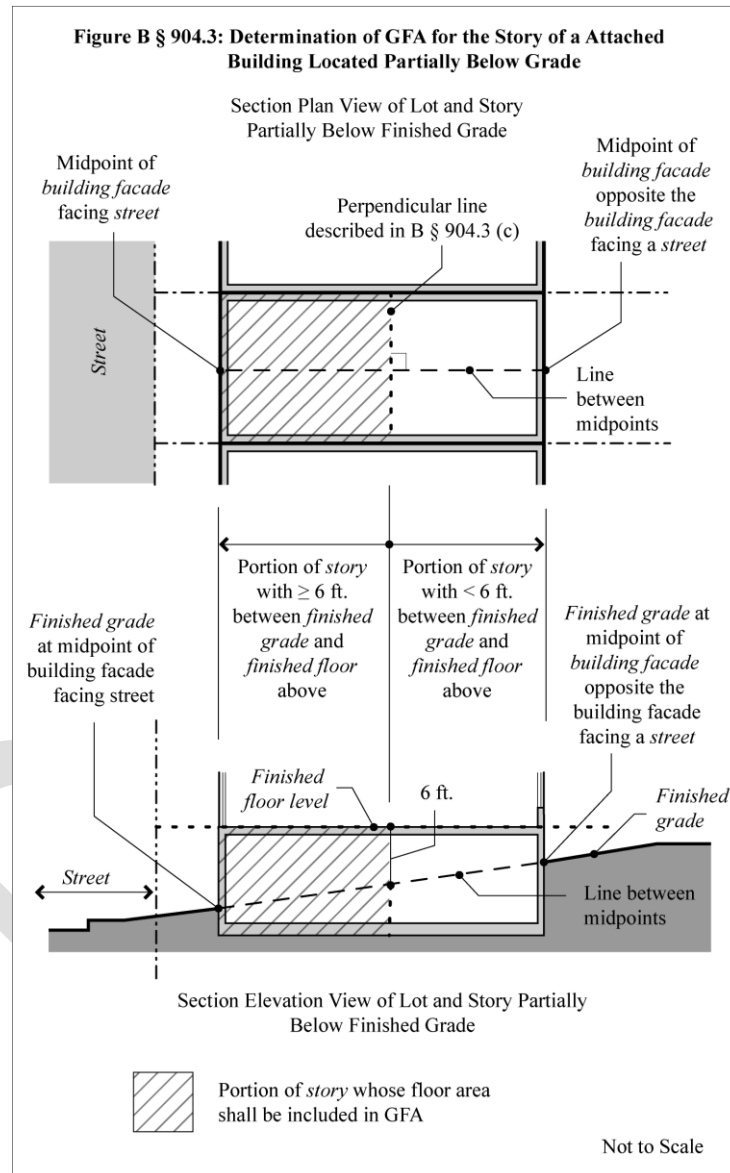
Not to Scale

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 Subtitle G or I 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 Act to Regulate the Height of Buildings in the District of Columbia (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 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 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

307.2 Unless otherwise restricted or permitted in this title, in those districts 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 districts 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 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 § 309.6, 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 § 309.7 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 § 309.5, in those districts in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured 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 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 AND RA ZONES

308.1 The height of buildings in R, RF and RA zones shall be measured in accordance with the rules provided in § 310. 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.

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, 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.

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, stairway or elevator penthouses, mechanical penthouses, or other roof structures.

310.3 A mezzanine shall not be considered a story in determining the maximum number of permitted stories. A mezzanine shall not be permitted above a third floor in those zones that have a three story limit.

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.

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.

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 principal building 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. Building Code, 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.

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

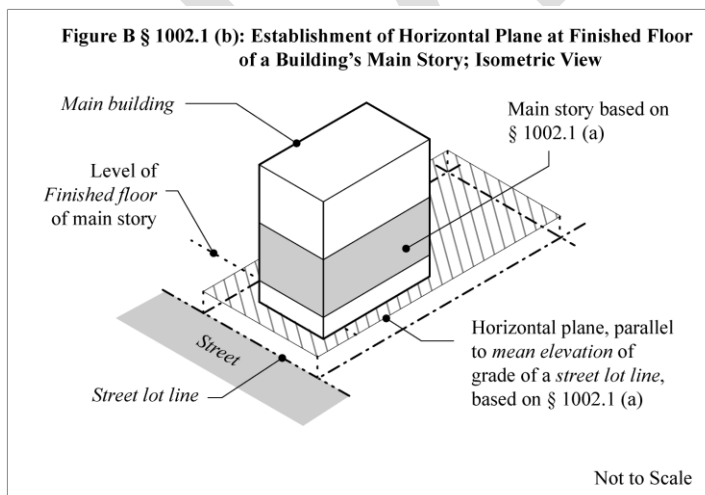
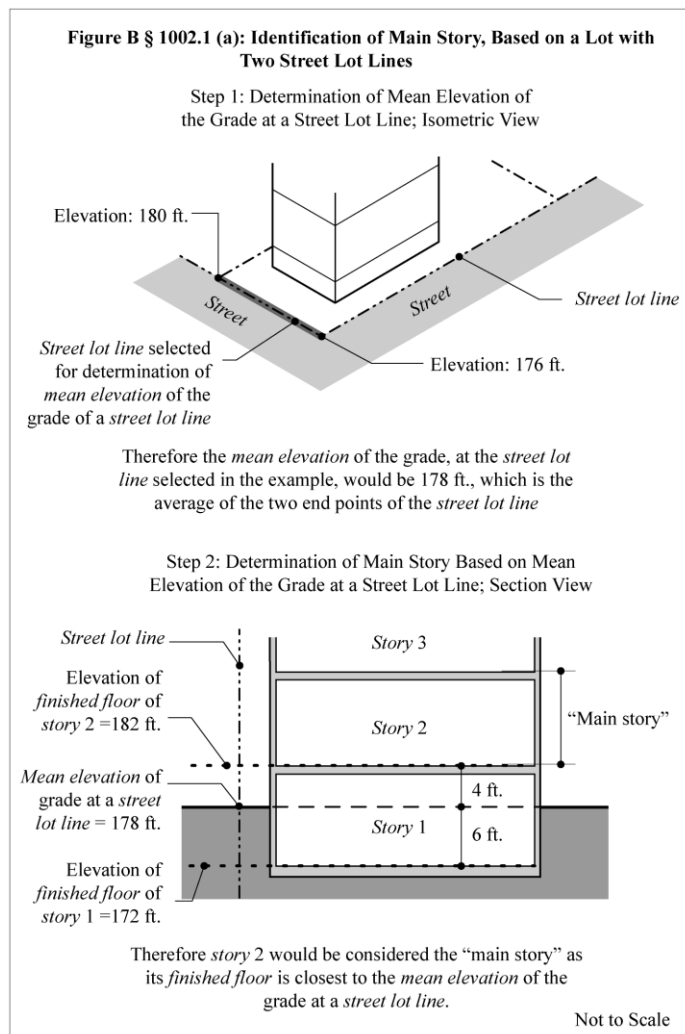
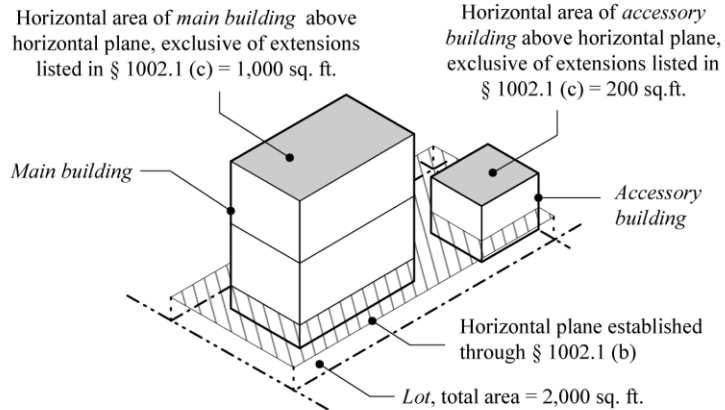


Figure B § 1002.1 (c): Calculation of Horizontal Area of Main Building and Accessory Buildings; Isometric View

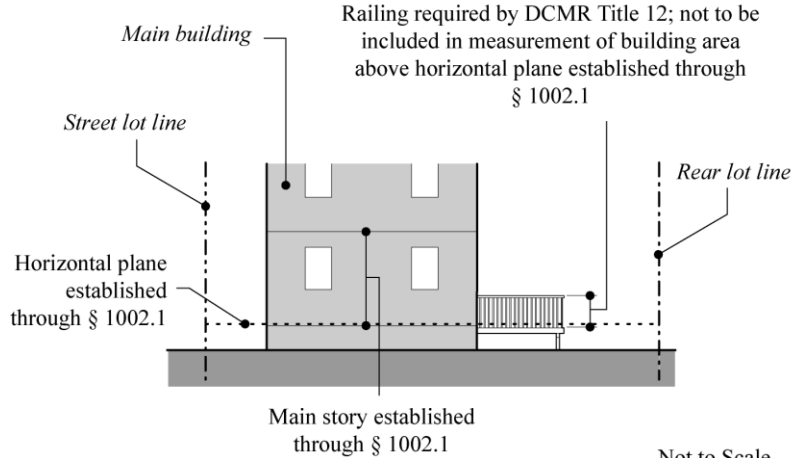


1,000 sq. ft. <i>main building</i> building area	+	200 sq. ft. <i>accessory building</i> building area	=	60 % lot occupancy
2,000 sq. ft. area of <i>lot</i>				

Therefore if the maximum lot occupancy prescribed for the zone where the example lot is located is 70%, the example would comply, with a total lot occupancy of 60%.

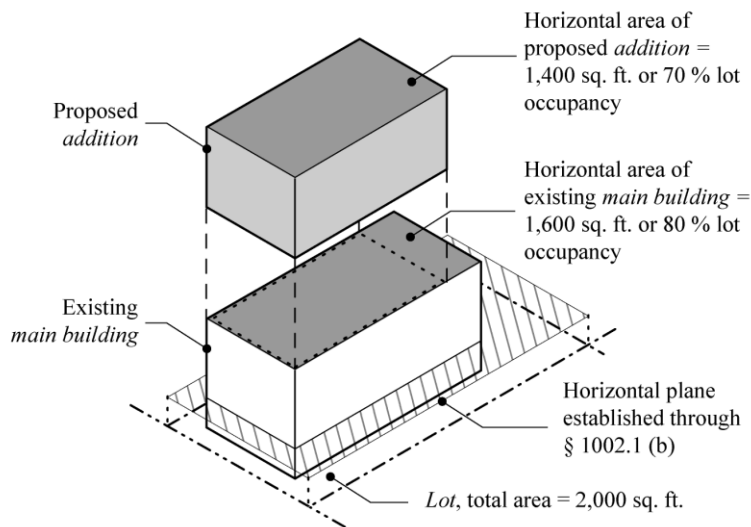
Not to Scale

Figure B § 1002.2: Handrail Exemption from Inclusion in Building Area; Side Elevation View



Not to Scale

Figure B § 1002.3: Compliance with Lot Occupancy by Story; Isometric View of Vertical Addition to Main Building



Therefore if the maximum lot occupancy prescribed for the *zone* where the example *lot* is located is 70%, the proposed *addition* in the example, with a total lot occupancy of 70%, would comply. Although the existing *main building* is non-conforming to lot occupancy, an *addition* that is within its *building area*, but greater than 70 %, would not comply.

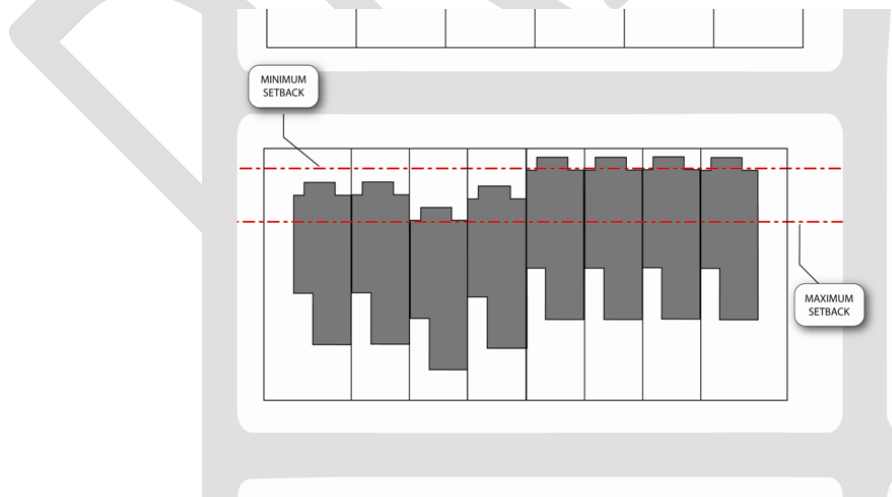
Not to Scale

314 FRONT SETBACKS AND BUILD-TO LINES

- 314.1 Front setback and build-to regulations are intended to control the relationship of buildings to street lot lines.
- 314.2 Front setbacks and build-to lines regulate the distance between a building and a front lot line.
- 314.3 A lot may have more than one street lot line, and therefore more than one front setback.

315 FRONT SETBACKS

- 315.1 When a zone has a front setback requirement, all buildings and structures must be setback from the entire length of all street lot lines, except as provided in C § 1004.
- 315.2 Front setbacks shall be regulated in one of three 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 setback 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 setback 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.



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

- 316.1 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 of the immediately adjoining buildings.

316.2 A building façade shall be the façade of a building exclusive of the projections permitted through C § 1004.

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

317 FRONT BUILD-TO LINES

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

318 PROJECTION ALLOWANCES

318.1 The distance of all projection allowances of this section shall be measured from the most permissive requirement toward the street, regardless of the location of the main portion of the building façade. Any width requirements shall be measured parallel to the main portion of the building façade.

318.2 Projection allowances pertain to projections within required setbacks.

318.3 There are no width limitations on the projecting elements or structures identified in the table, except for bay windows, show windows, towers and oriels.

PROJECTING ELEMENT OR STRUCTURE	PROJECTION LIMITATION (Maximum)	SIDE LOT LINE CLEARANCE (Minimum)
Areaway, including any guardrail required by the District of Columbia Building Code	7 feet	None
Below grade building components or appurtenances dedicated to the environmental sustainability of the building	7 feet	None
Sills, leaders, belt courses, water tables, pilasters and similar ornamental or structural features	8 inches	None
Cornices, eaves, roof overhangs, awnings, canopies, marquees and other similar ornamental and structural projections	5feet	None
Uncovered stairs and landings, ramps, and associated handrails providing access to the first story located entirely	10 feet	8 inches

PROJECTING ELEMENT OR STRUCTURE	PROJECTION LIMITATION (Maximum)	SIDE LOT LINE CLEARANCE (Minimum)
above grade, or a story below grade		
Balconies, including any guardrail required by the District of Columbia Building Code	6 feet	8 inches
Porches, with or without a roof, and including any guardrail required by the District of Columbia Building Code.	6 feet	8 inches
Porte-cocheres or colonnades, no greater in height than the finished floor level of the story above the story located entirely above grade.	None	8 inches
Bay windows, show windows, towers, and oriels	4 feet (subject to C § 1004.4)	None

318.4 Bay windows, show windows, towers and oriels shall all be permitted subject to the following:

- (a) The width of the projections shall be measured at a distance of one foot (1 ft.) from the building façade;
- (b) The projection allowances allocated to separate lots may be contiguous with one another at a side lot line, provided the total of their combined width does not exceed the standard in the table (included as a part of this subsection) for a single bay projection, if the two (2) lots were to be measured as one (1);
- (c) A projection may extend around the intersection point of separate setback requirements. The portion of the projection beyond the setback planes extended are not required to comply with the width requirements of this subsection; and
- (d) Projections are permitted for building façades of any width; however, for facades of a certain size, the width of the projections permitted shall be no greater than the standard prescribed in the following table:

TYPE OF PROJECTION	PERMISSIONS FOR BUILDING FAÇADE WIDTHS < 16 FT.	PERMISSIONS FOR BUILDING FAÇADE WIDTHS 16 TO 24 FT.	PERMISSIONS FOR BUILDING FAÇADE WIDTHS > 24 FT.
Single Projection	6 ft.	9 ft. + 6 in./ft. of building façade width > 16 ft.	13 ft. + 2 in./ft. of building façade width > 24 ft.
Multiple Projections (i.e., two separate projections or more)	Not permitted	Not permitted	13 ft. + 6 in./ft. of building façade width > 24 ft.

319 REAR SETBACKS

319.1 Rear setbacks regulate the distance between a building and a rear lot line.

319.2 A lot may have more than one rear lot line.

319.3 No rear setback is required for through lots.

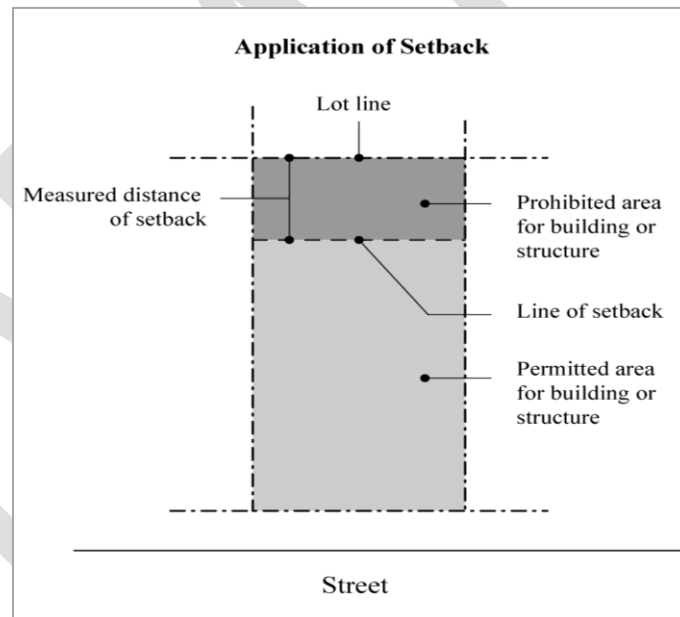
320 RULES OF MEASUREMENT FOR REAR SETBACKS

320.1 A separate measurement shall be made for the required setback from each rear lot line.

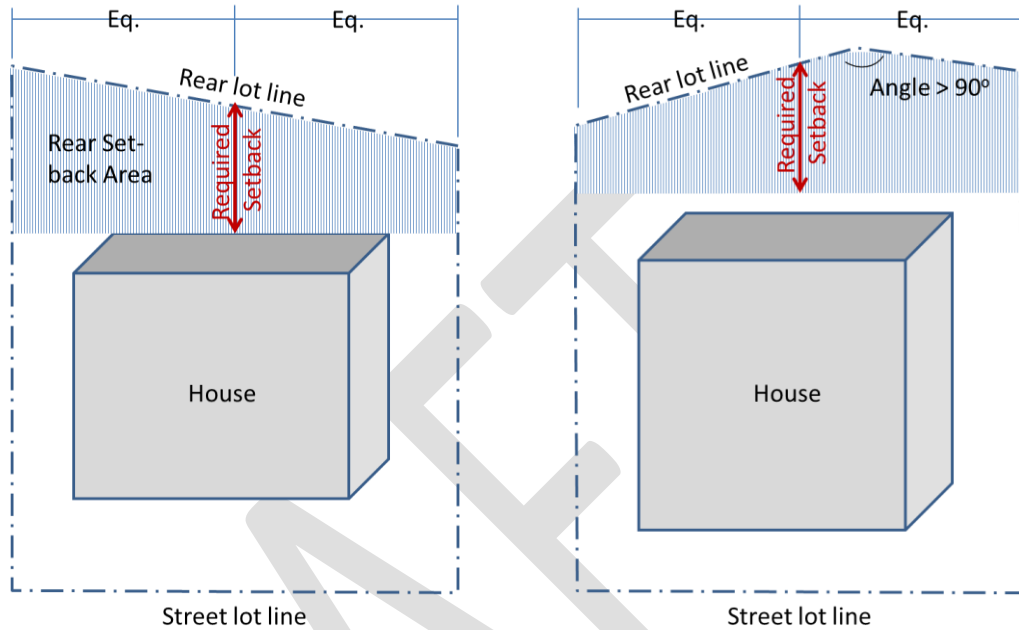
320.2 In the case of a lot that is triangular or irregularly shaped, the furthestmost point or line from the street lot line shall be deemed the point or line from which the required rear setback shall be measured.

320.3 The required rear setback shall be measured as follows:

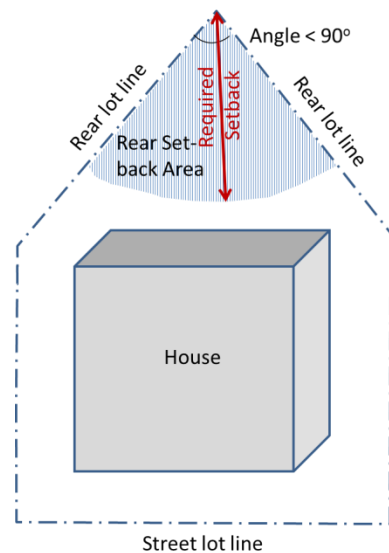
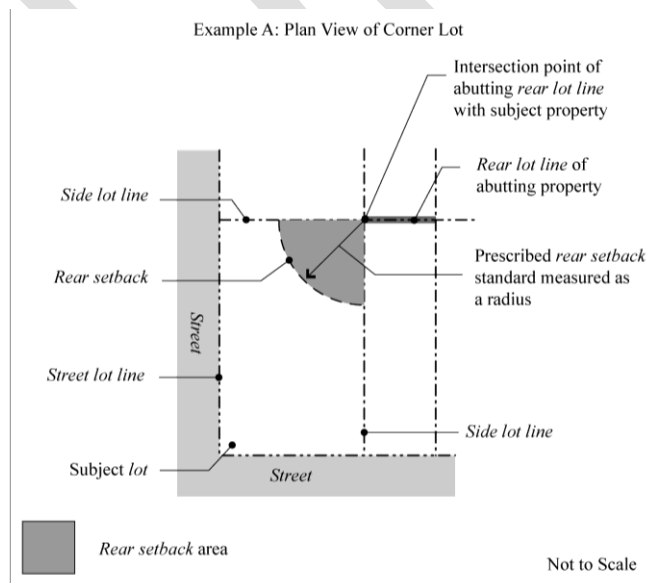
- (a) The rear setback shall be measured as a vertical plane parallel to the rear lot line(s), measured from the rear lot line(s) into the lot; and



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



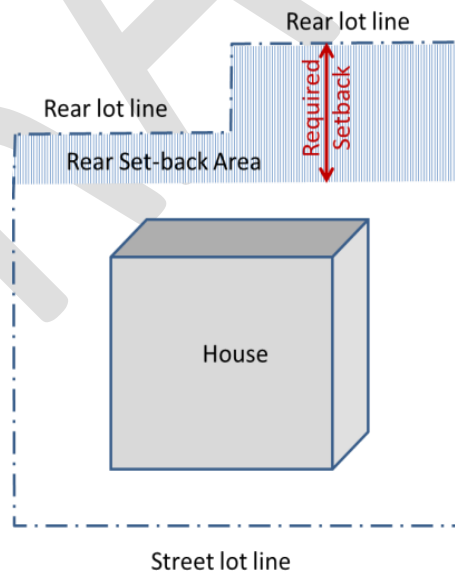
- (c) Where a lot does not have a rear lot line, such as when the side yards converge at a point, or where the rear lot lines intersect at an angle less than ninety degrees (90°), a rear setback shall be measured as an arc from the point opposite the front lot line(s).



- (d) Where there is more than one 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 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.

320.4 The following structures and projections may encroach into any required rear setback:

- (a) A structure, including a building, less than four feet (4 ft.) in height above the grade at any point. Any railing required by the D.C. Building Code, Title 12 DCMR, shall be calculated in the measurement of the structure's height;
- (b) A fence or retaining wall constructed in accordance with the D.C. Building Code;
- (c) Stairs leading to the first story of the building located entirely above grade, or to a story below grade. The stairs shall include any railing required by the provisions of the D.C. Building Code; and
- (d) An antenna that complies with all other requirements of this title.



320.5 The following elements or structures may project as defined below:

PROJECTING ELEMENT OR STRUCTURE	MAXIMUM PROJECTIONS
Cornices and eaves.	2 ft.
Sills, leaders, belt courses, and similar ornamental or structural features.	6 in.

Awnings serving a window, porch, or door.	40 in.
A chimney, smokestack, or flue.	5 sq. ft.
A self-contained room air conditioner.	2 ft.
Building components or appurtenances dedicated to the environmental sustainability of the building.	4 ft.

320.6 In the case of a corner lot in any D zone other than the D-1-A-2 zone, a courtyard complying with the width requirements for a closed courtyard as specified in I §323.1 and C Chapter 13 may be provided in lieu of a rear yard. For the purposes of this section, the required courtyard shall be provided above a horizontal plan twenty-five (25) feet above the mean elevation of the rear lot line.

321 SIDE SETBACKS

321.1 Side setback regulations:

- (a) Ensure that the character of new buildings, or additions to existing buildings, is consistent with other buildings in the same zone; and
- (b) Provide a setback, when necessary, that ensures a minimum yard for pedestrian access and building maintenance.

321.2 Side setbacks regulate the distance between a building and a side lot line.

321.3 A lot may have more than one side lot line, and therefore more than one side setback.

322 RULES OF MEASUREMENT FOR SIDE SETBACKS

322.1 Required setbacks shall be parallel to side lot lines and apply to the entirety of principal buildings and structures.

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

323 GENERAL CONDITIONS FOR SIDE SETBACKS

323.1 The following structures and projections may encroach into any required side setback:

- (a) A structure, including a building, less than four feet (4 ft.) in height above grade at any point. Any railing required by the D.C. Building Code, Title 12 DCMR, shall be calculated in the measurement of the structure's height;
- (b) A fence or retaining wall constructed in accordance with the D.C.

Building Code;

- (c) Stairs leading to the first story of the building located entirely above grade, or to a story below grade. The stairs shall include any railing required by the provisions of the D.C. Building Code; and
- (d) An antenna that complies with all other requirements of this title.

323.2

The following elements or structures may project as defined below:

PROJECTING ELEMENT OR STRUCTURE	PROJECTION LIMITATION (Maximum)
Cornices and eaves.	2 ft.
Sills, leaders, belt courses, and similar ornamental or structural features.	6 in.
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.	40 in.
A chimney, smokestack, or flue.	2 ft.
A self-contained air conditioner.	2 ft.
Building components or appurtenances dedicated to the environmental sustainability of the building.	4 ft.

323.3

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

324 COURTYARDS

324.1 Courtyard regulations control:

- (a) The minimum distance between two building walls on the same lot that face one another, when the space between the two walls is uncovered; and
- (b) The minimum area of closed courtyards.

325 RULES OF MEASUREMENT - GENERAL COURTYARD

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

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

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

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

325.5 Where a courtyard is provided for a building with both residential and non-residential uses, the width and area requirements for the residential use shall be used.

325.6 In the case of an alteration affecting the amount of light and ventilation required in an existing building by other municipal law or regulation, no legally required window shall be permitted to open onto a courtyard that does not comply with the dimensional requirements within the zone.

326 PLAZAS

326.1 Plaza regulations are intended to provide spaces in private development that serve as transitional spaces between streets or pedestrian rights-of-ways and the entrances of buildings. These spaces are intended for public use, and may also be used for temporary commercial displays and other activities, such as café seating. The plaza regulations are intended to ensure that such spaces are appropriately designed, including suitable lighting and landscaping, and are accessible to the public.

327 GENERAL STANDARDS FOR PLAZA REGULATIONS

327.1 Plaza regulations apply only on lots that are ten thousand square feet (10,000 sq. ft.) or greater in area, and only in designated zones.

327.2 Plaza requirements shall be provided as a percentage of lot area.

327.3 A plaza shall be located immediately adjacent to the main entrance to the principal building or structure on the lot, and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure.

327.4 The area shall not be charged against the gross floor area of the building.

327.5 A plaza shall:

- (a) Be uncovered and open to the sky; and
- (b) Be open and available to the general public on a continuous basis.

327.6 A plaza may be used by building occupants and visitors for:

- (a) Café seating;
- (b) Temporary commercial displays;
- (c) Access to mass transportation facilities;
- (d) Art displays; or
- (e) Other similar uses.

327.7 Where preferred use space is required and is provided, the requirement to provide plaza space shall not apply.

328 TRANSITIONS

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

328.2 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; and
- (b) Existing buildings within the surrounding zones; and the creation of preventable building shadowing.

329 GENERAL REGULATIONS FOR ZONE TO ZONE TRANSITIONS

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

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

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

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

330 GENERAL CONDITIONS FOR TRANSITION REGULATIONS

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

PROJECTING ELEMENT	LIMITATIONS
Cornices and eaves	Not to exceed two feet (2 ft.)
Sills, leaders, belt courses, and similar ornamental or structural features	Not to exceed six inches (6 in.)
A balcony railing	Not to exceed four feet (4 ft.)
Skylights	Not to exceed four feet (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

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

PROJECTING ELEMENT	LIMITATIONS
Cornices and eaves	Not to exceed two feet (2 ft.)
Sills, leaders, belt courses, and similar ornamental or structural features	Not to exceed six inches (6 in.)
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 forty inches (40 in.)
A chimney, smokestack, or flue	Not to exceed two feet (2 ft.)
A self-contained air conditioner	Not to exceed two feet (2 ft.)
Building components or appurtenances dedicated to the environmental sustainability of the building	Not to exceed four feet (4 ft.)
A structure, including a building	Must be less than four feet (4 ft.) in height above the grade at any point Any railing required by the D.C. Building Code, 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. Building Code
Stairs and associated D.C. Building Code 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