

SUBTITLE B DEFINITIONS

CHAPTER 1 DEFINITIONSB-2

100 DEFINITIONS OF WORDS, TERMS, AND PHRASESB-2

CHAPTER 2 USE GROUPSB-23

200 GENERAL PROVISIONSB-23

201 USE GROUP DEFINITIONS.....B-23

CHAPTER 3 HOME OCCUPATION USE CATEGORY (R, RF AND A ZONES)B-34

300 HOME OCCUPATION USE CATEGORYB-34

DRAFT

CHAPTER 1 DEFINITIONS

100 DEFINITIONS OF WORDS, TERMS, AND PHRASES

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

100.3 The Zoning Regulations of the District of Columbia adopted May 12, 2013, as amended, shall continue in full force and effect as follows:

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 dwelling unit in terms of *gross floor area*, intensity of use, and physical character.

Achievable Inclusionary Bonus Density: The amount of the permitted bonus density that potentially may be utilized within a particular *inclusionary residential development*.

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.))).

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, 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)

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, another publicly accessible room 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 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;
- (e) Does not have any residential uses; and
- (f) Does not have, as its primary purpose, the sale of art, but may have up to six public sales per year for art produced in the incubator, and up to six 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 sf. 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; Ceramics; Writing;

- (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.

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. See also “*Setback, Front*.”

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, meals, or lodging and meals, are provided to three or more guests on a monthly or longer basis.

Building: A *structure*, requiring permanent placement on the ground that has one or more floors and a roof supported by columns or walls.

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*. See Subtitle C, Chapter 8 for general regulations on accessory buildings in all zones.

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, 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 Area: The maximum horizontal projected area of a *principal building* and its *accessory buildings*. See Subtitle C, Chapter 7 for the formula for measuring “Building Area” and “Lot Occupancy.”

Building Envelope: The maximum three dimensional space on a lot in which a *building* may be built as limited by the applicable *front*, *rear* and *side setbacks*, height limits and other relevant limits and conditions of this Title.

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

Building Height, non-Residential Zones: In all zones other than Residential (R) zones, building height shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet, unless otherwise specified in a specific zone's development standards table.

The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at 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.

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 to the ceiling of the top story.

For a building located upon a terrace in a zone district permitting building height up to sixty feet (60 ft.), building height shall be measured from the top of the terrace to the highest point of the roof or parapet, provided that the terrace shall not exceed five feet (5 ft.) above the curb.

In those districts that permit building heights of ninety feet (90 ft.) or greater, building height shall be measured to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

For a building removed from all lot lines by a distance equal to its proposed height above grade, building height 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.

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.

Building Height, Residential Zones: In all Residential (R) zones, building height shall be the vertical distance measured at the natural grade at the midpoint of the building façade of the principal building that is closest to a street lot line, unless otherwise specified in a specific zone's development standards table. Berms or other forms of artificial landscaping shall not be included in measuring building height.

The height of a building with a flat roof shall be measured to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height. The height of a building with a roof that is not a flat roof shall be measured to the average level between the

highest point of the roof and either the highest eave, not including a dormer eave, or if there are no eaves, the top of the highest wall plate.

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

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

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.

A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming by Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.

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

Build-to Line: A *front setback* line that the front façade of the *principal building* of the *lot* must abut. See also “*Setback, Front.*”

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 of 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 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)

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.

Child/Elderly Development Center: A *building* or part of a *building*, other than a *child development home* or *elderly day care home*, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and/or for the non-residential care of individuals age 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 child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/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.

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.

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

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.))).

Corner Store: A limited commercial and service use in residential rowhouse *zones*, intended to be for the immediate neighborhood.

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 or.

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

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

Dwelling 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.

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)

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

Embassy: The official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence. (25 DCR 2771)

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)

Fast Food Establishment: A business, other than a *prepared food shop*, where food is prepared and served very quickly. 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; and payment is made before the food is provided or consumed.

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 a drive-through, trash receptacles located in the dining area for self-bussing of tables, a lack of any seating, or 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.

Flat: A two-, three-, or four-unit dwelling, which is not an apartment.

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 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.

Floor Area, Gross (GFA): The sum of the total horizontal areas of all of the floors of all *buildings* on a *lot*, excluding specified areas. See Subtitle C, Chapter 9 for the measurement of GFA and of FAR.

Floor, Finished: 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. (40 DCR 3744 and 54 DCR 9393)

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, Mechanical Parking: A *building* or other *structure* without repair or service facilities in which parking is accomplished entirely by means of elevators and in such manner that there is no human occupancy other than by the elevator operators anywhere 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 an automobile laundry 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 year prior to applying for a building permit.

Green Area Ratio: Ratio of the weighted value of landscape elements to *lot area* [see Subtitle C, Chapter 17].

Gross Floor Area: See “*Floor Area, Gross*.”

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:

- (a) Elements of the building structure other than columns and walls;
- (b) Components of mechanical, plumbing, or fire suppression systems; or
- (c) Components of electrical systems 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 (a), (b), or (c) above. (52 DCR 9713).

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.

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 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

- (a) Listed in the D.C. Inventory, or
- (b) 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 or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.

Home Occupation: A business, profession, or other economic activity conducted full-time or part-time in a *dwelling unit* that serves as the principal residence of the practitioner.

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,*

tenement 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: One (1) family related by blood, marriage, adoption, or foster agreement, or not more than six (6) persons who are not so related, living together as a single house-keeping unit; provided, that the term family shall include a religious community having not more than fifteen (15) members. (19 DCR 281)

Inclusionary Unit: A dwelling unit set aside for sale or rental to Low-Income or Moderate-Income Households as required by the Inclusionary Zoning Program.

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.

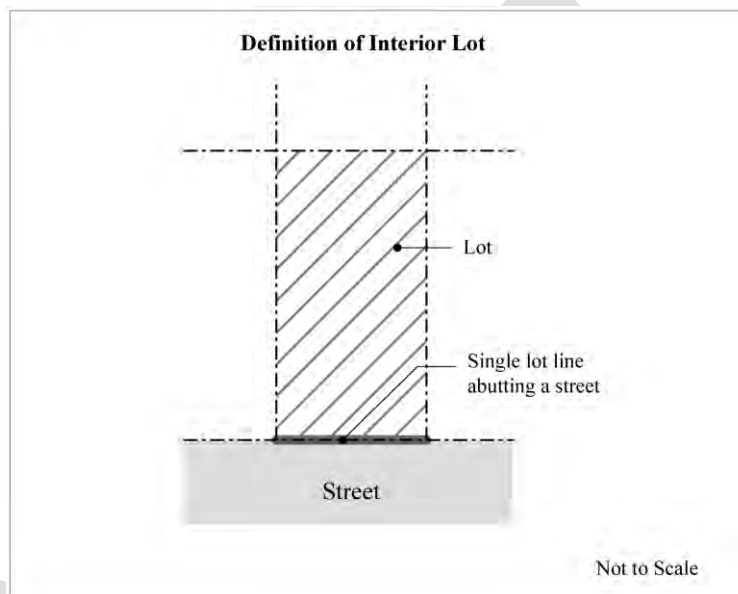
Intermediate Materials Recycling Facility: A fully enclosed structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass, plastics, tires, bulk waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. 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)

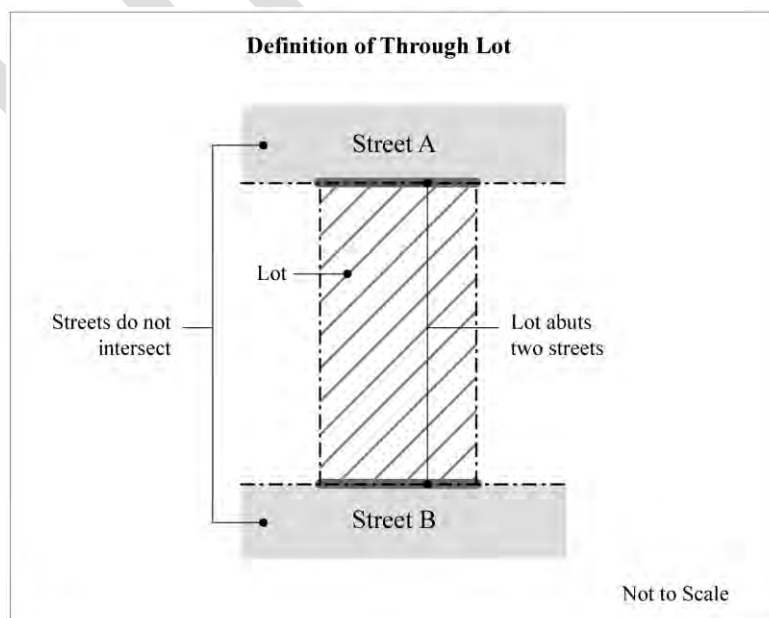
Lot: The land bounded by definite lines that, when occupied or to be occupied by a *building* or *structure* and *accessory buildings*, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

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

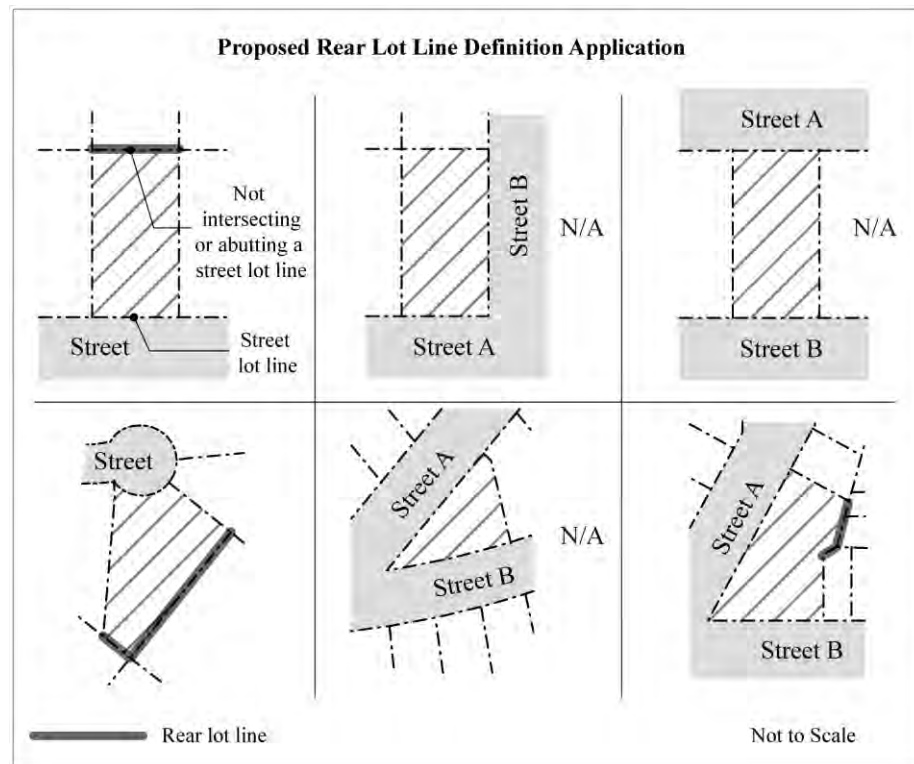


Lot, Through: A lot with at least four (4) distinct points where the side lot lines intersect street lot lines.

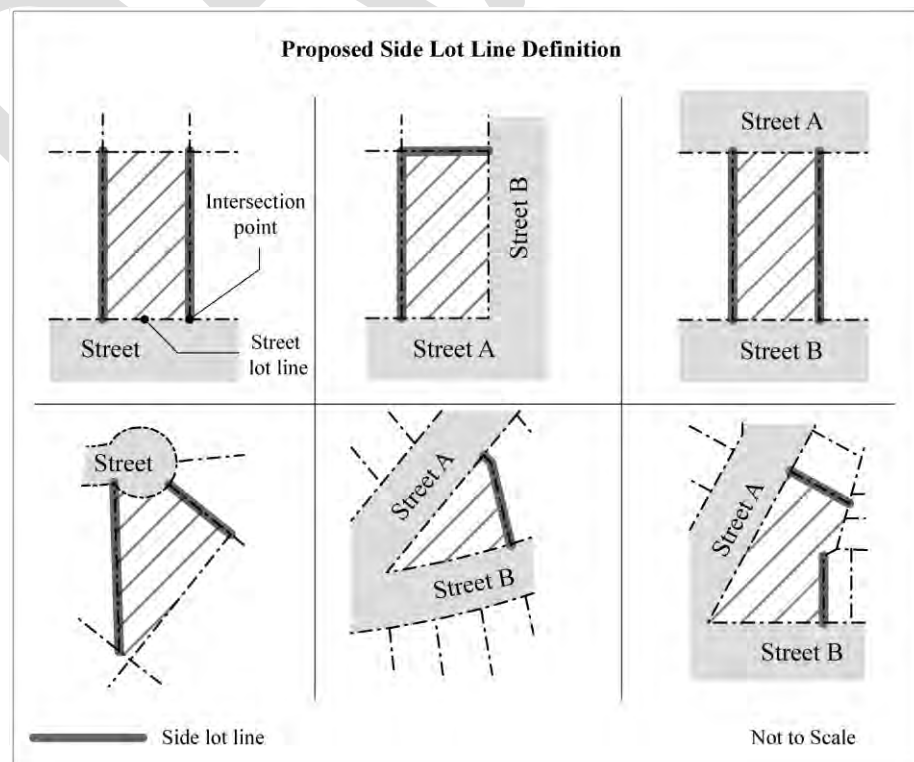


Lot Line: A single straight or curved line segment forming a boundary of a *lot*.

Lot Line, Rear: A *lot line* that does not intersect a street lot line or abut a street. See Subtitle C, Chapter 11 for rules of measurement of rear setbacks.



Lot Line, Side: A *lot line* that intersects a *street lot line*. Subtitle C, Chapter 12 for rules of measurement of side setbacks.



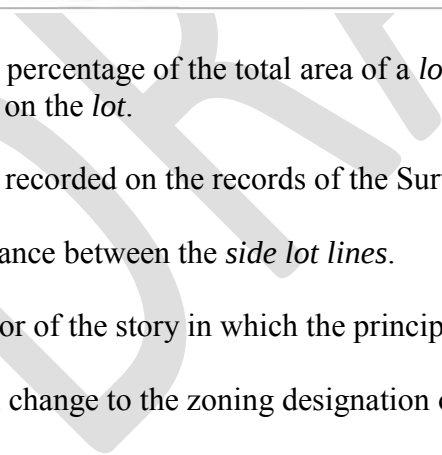
Lot Occupancy: The percentage of the total area of a *lot* occupied by the *gross floor area* of all *buildings* on the *lot*.

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

Lot Width: The distance between the *side lot lines*.

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

Map Amendment: A change to the zoning designation on the *Zoning Map*.



Lot of Record: A *lot* recorded on the records of the Survey.

Lot Width: The distance between the *side lot lines*.

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

Map Amendment: A change to the zoning designation on the

Zoning Map.

Lot Width: The distance between the *side lot lines*.

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

Map Amendment: A change to the zoning designation on the

Zoning Map.

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

Map Amendment: A change to the zoning designation on the

Zoning Map.

Map Amendment: A change to the zoning designation on the *Zoning Map*.

Mass Transit Facilities: Facilities, such as but not limited to, electrical equipment, parking lots or structures and bus stops, shall have been determined by the Council of the District of Columbia to be a fixed right-of-way mass transit system and subject to the rules and regulations imposed by the Council. Mass transit facilities shall not be located in, on, or over industrial, or other development located in, on, or over a mass transit operating system. (19 DCR 489)

Subtitle B-16

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. A mezzanine shall not be considered a story in determining the maximum number of permitted stories.

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)

Organization, Non-Profit: An organization organized 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 Space: An accessible off-street area to be used exclusively for the temporary parking of a motor vehicle subject to the dimensional requirements of Subtitle C, Chapter 19.

Parking Space, Bicycle: A space for the temporary storage of a bicycle in the form of a rack, locker or storage area of appropriate design and dimension, used exclusively for the storage of a bicycle, subject to the dimensional requirements of Subtitle C, Chapter 20.

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*.

Permeable Paving: A surface that facilitate water infiltration through paving material while providing a stable, load-bearing surface. Examples include pervious concrete, porous asphalt, perforated brick pavers, 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 chapter 24 of this title. (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.

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.

Public School: 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.

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)

Restaurant: A business that serves food and beverages to customers for consumption on site at tables or counter with seats, on non-disposable tableware, and where payment is made after the food and beverage is consumed. 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.

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

Setback, Front: A *setback* from a *street lot line*.

Setback, Side: A *setback* from a *side lot line*.

Setback, Rear: A *setback* from a *rear lot line*.

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)

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

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. See Rules of Measurement for Building Height, Subtitle C, §503.

Story, Ground Level: The floor or *story* that is nearest in grade elevation to a sidewalk in the front of a building.

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

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.

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

Structure: Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

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)

Use: The purpose or activity for which a *lot* or *building* is occupied.

Use, Accessory: A use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use.

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.

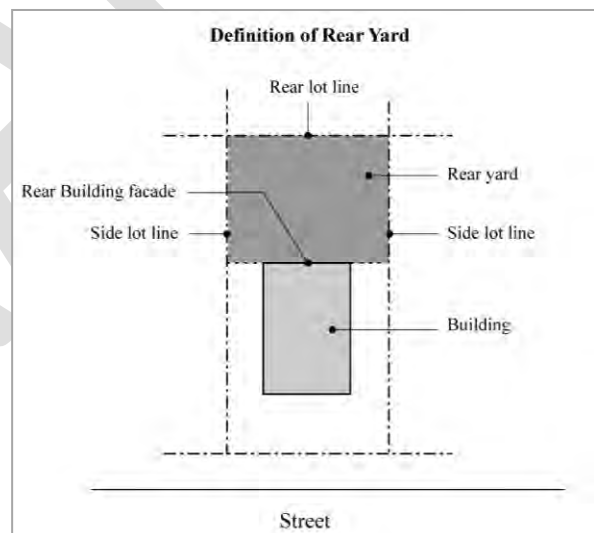
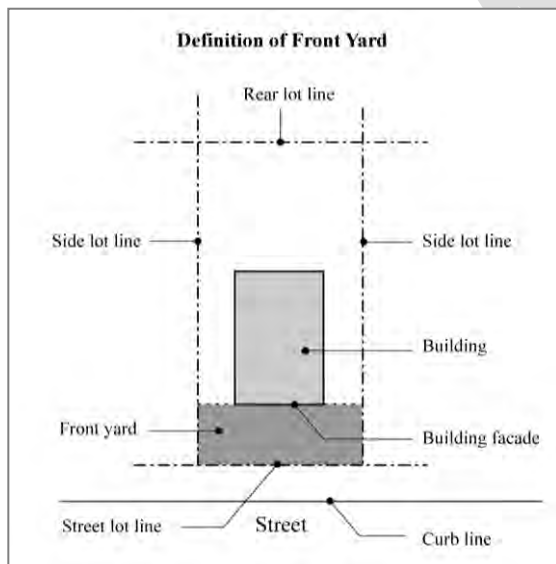
Vegetated Walls: A vertical or near vertical surface covered with vegetation and in some cases, a growing medium. Vegetated walls may include but are not limited to walls or screens with climbing vines, espalier trees, or modular planting systems.

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)

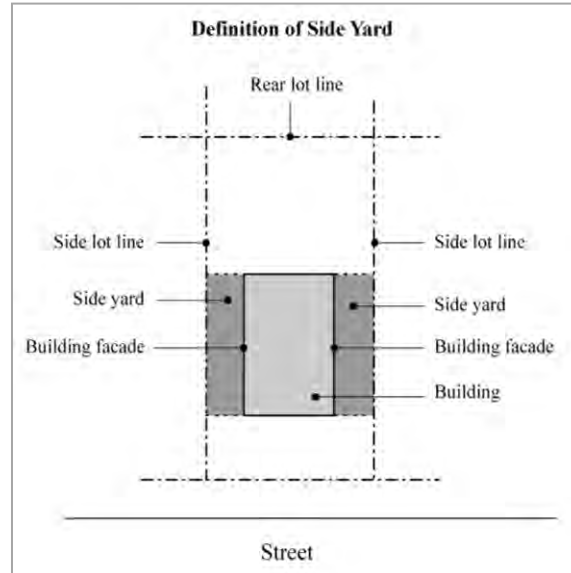
Waterfront: That area proximate to either the Potomac or Anacostia rivers.

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, air rights in public space, and planned unit developments.

CHAPTER 2 USE GROUPS

200 GENERAL PROVISIONS

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

201 USE GROUP DEFINITIONS

201.1 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, horticultural nursery, or community garden.
- (c) Exceptions: This use category does not include the customary landscaping of yards, residential gardening or household pets.

201.2 Agricultural, residential

- (a) The on-site cultivation, or maintenance of plants, or keeping of domestic animals intended for personal use or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use category does not include the customary landscaping of yards, or keeping of household pets.

201.3 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 category does not include uses which would typically fall within the Agriculture use categories or the selling of a litter of a domestic pet.

201.4 Antennas

- (a) A structure conducting, transmitting, or receiving communication signals. This use category encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional mechanisms; and Examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas.

201.5 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 category does not include uses which would typically fall within the Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment use categories.

201.6 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 category does not include uses which would typically fall within the Antennas or Waste-related Services use categories.

201.7 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 category does not include uses which would typically fall within the Office, or Residential use category, such as an ambassador's residence or embassy staff residence building.

201.8 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 category.
- (c) Exceptions: This use category does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use category. This use category also does not include Residential or Health Care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes.

201.9 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: child care centers and programs, pre-schools, nursery schools, before-and-after school programs, or elder care centers and programs.
- (c) Exceptions: This use category does not include uses which more typically fall within the Health Care, or Parks and Recreation category. 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.

201.10 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: cafeteria, prepared food shop, café, delicatessen, restaurant, fast food establishment, bar, nightclub, ice cream parlor, or coffee shop.

- (c) Exceptions: This use category does not include uses which more typically would fall within the Sexually-based Business Establishment use category.

201.11 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.

201.12 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 category does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use category. This category also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

201.13 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 category does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use category. This category also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

201.14 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.

201.15 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 category does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation.

201.16 Firearm Sales

- (a) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition. This use category has been established to identify those uses which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other uses of land.
- (b) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.

201.17 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 category 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 category does not include uses which more typically would fall within the Community-based Institutional Facility or Emergency Shelter use category.

201.18 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 category does not include uses which more typically would fall within the Religious Based Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use categories

201.19 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 category does not include uses which more typically would fall within the General Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use categories

201.20 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 category does not include uses which more typically would fall within the Motor-Vehicle-related or Transportation Infrastructure use categories.

201.21 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 category does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the Large Scale Government, Emergency Shelter, Parks and Recreation, or Motor Vehicle-related use category. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use category.

- 201.22 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 category does not include uses which more typically would fall within the Emergency Shelter or Residential use category.

- 201.23 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 category 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 category does not include uses which more typically would fall within the Motor Vehicle-related use category.

- 201.24 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 category does not include uses which more typically would fall within the Retail or Parking use category.

- 201.25 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 category 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 category.

201.26 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 category does not include parking that is accessory to another use.

201.27 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 category does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the Entertainment, Assembly, and Performing Arts, Arts Design and Creation, Health Care, or Service use category.

201.28 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 category does not include uses which more typically would fall within the Retail, Service or Waste-related Services use category.

201.29 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 category 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, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses.
- (c) Exceptions: This use category does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use categories.

201.30 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, or grocery stores, clothing or gift boutique, and pawn and antique shops.
- (c) Exceptions: This use category does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Food and Alcohol Services, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use categories.

201.31 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 category does not include uses which more typically would fall within the Food and Alcohol Services, 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 categories.

201.32 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 category does not include uses which more typically would fall within the Office use category.

201.33 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 category has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land.
- (b) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

201.34 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 category does not include uses which more typically would fall within the Basic Utilities use category.

201.35 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 category 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.

CHAPTER 3 HOME OCCUPATION USE CATEGORY (R, RF AND A ZONES)

300 HOME OCCUPATION USE CATEGORY

- 300.1 This chapter describes the organization and relationship of the Subtitles and the rules for creating new zone districts.
- 300.2 This chapter sets forth the group of uses, provisions, conditions and restrictions applicable to a home occupation in the R and A zones.
- 300.3 The purpose of the home occupation provisions are to allow home occupations as accessory uses to residential uses in a manner compatible with the residential neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while permitting residents of the community the opportunity to use the home as a workplace and source of livelihood under specific regulatory conditions.
- 300.4 The following uses shall be permitted as home occupations; the uses listed under this subsection shall include similar uses in each category subject to the same conditions and requirements of this chapter:
- (a) Business support and technology services;
 - (b) Cosmetologist, hair stylist, or barber;
 - (c) Cottage food business;
 - (d) Dressmaking, sewing, and tailoring;
 - (e) Home crafts, graphic arts, photography and other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;
 - (f) Home office of a businessperson, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site;
 - (g) Home office of a physician, dentist or other licensed medical professional; provided, there is no other medical or dental practice on the site;
 - (h) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (j) of this subsection, or other professional person;
 - (i) A practitioner may perform and be paid for a service, even if the service results in the creation of a product;
 - (j) Sales, subject to the following conditions:

- (1) Items sold are directly associated the home occupation
 - (2) Five (5) sales in the nature of yard sales, garage sales, or home sales parties may be held at a dwelling as a matter-of-right during a twelve-month (12-month) period; one additional sale for a total of six (6) may be permitted if approved by the Board of Zoning Adjustment pursuant to § 300.8; and
 - (3) General retail sales or sales to customers without appointments shall not be permitted.
- (k) Tutoring and Instruction of not more than five (5) students at any one time, including academic tutoring, dance, languages, and musical instrument and similar activities;
- (l) Lodging subject to the following conditions:
- (1) The dwelling shall be owned and occupied as the principal residence of the operator(s);
 - (2) The use shall not be permitted in a multiple dwelling building;
 - (3) Breakfast shall be the only meal served, and served only to overnight guests;
 - (4) The maximum number of sleeping rooms shall be two (2), except:
 1. Pursuant to § 300.6 (b), the maximum number of sleeping rooms may be increased to four (4); or, in a dwelling that is an historic landmark, or that is located in a historic district and certified by the State Historic Preservation Officer as contributing to the character of that historic district, the number of sleeping rooms may be increased to six (6); and
 2. The number of sleeping rooms permitted as a matter of right or by special exception as set forth in this paragraph shall be reduced by one (1) for each person who rooms or boards in the dwelling for thirty days or longer;
 - (5) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use; and
 - (6) No cooking facilities shall be permitted in any of the rented rooms.

300.5

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

- (a) A HOP shall be obtained by the practitioner;

- (b) A HOP shall be granted only to a designated person or group of persons who reside at a residential address;
- (c) A HOP may not be transferred from one person to another or from one address to another;
- (d) A HOP shall require evidence of the property owner's concurrence for any HO that involves employees, clients, customers or other non-residents to attend the property;
- (e) A HOP shall be issued without a public hearing if the requirements of this subsection are met, or by the Board of Zoning Adjustment pursuant to §400.8 and Subtitle Y Chapter 8;
- (f) If the Zoning Administrator determines that an application for a HOP appears to meet the conditions of this chapter, but is inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board; and
- (g) In making the determination to refer the HOP to the Board, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

300.6

A home occupation shall comply with the following conditions and requirements:

- (a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;
- (b) Except for Lodging, no more than the larger of two hundred fifty square feet (250 ft.2) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized for the home occupation;
- (c) All materials or finished products shall be stored within the floor area utilized for the home occupation or in a basement or accessory structure;
- (d) No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation except for the home office of a physician or dentist;
- (e) No more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in a home occupation of a physician or dental practice;
- (f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to use that is exclusively residential;

- (g) No operations related to the home occupation shall be conducted outside a structure, nor shall any storage or other unsightly condition be permitted outside a structure;
- (h) No equipment or process shall be utilized that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;
- (i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;
- (j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;
- (k) No more than two (2) vehicles may be used in the practice of the home occupation;
- (l) Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;
- (m) The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period;
- (n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations shall not exceed any of the standards set forth in this chapter; and
- (o) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot.

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

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

300.8 Except as explicitly permitted by §300.3 the following uses categories are prohibited as home occupations:

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

300.9 A home occupation that is not permitted or prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle Y Chapter 8 subject to the following conditions:

- (a) The proposed use and related conditions shall be consistent with the purposes of this chapter and shall generally comply with the requirements of this §§ 400.3 and 400.6, subject to specific findings and conditions of the Board in each case;
- (b) An applicant for a home occupation that is permitted by §300.3 may request the Board to modify no more than two (2) of the conditions enumerated in §§ 300.5 and 300.6;
- (c) In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;
- (d) Any request to modify more than two (2) of the requirements found in §§ 300.5 and 300.6 shall be deemed a request for a variance; and
- (e) In considering any request for approval under this section, the Board shall determine that the request is consistent with the general purposes and intent of this chapter and may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this chapter.