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ZONING COMMISSION
District of Columbia
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CHAPTER 1 INTRODUCTION TO GENERAL RULES

100 PURPOSE OF SUBTITLE C

100.1 Subtitle C provides general regulations and rules for measurement and calculation.

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CHAPTER 2 USE GROUPS

200 INTRODUCTION

200.1 This Chapter establishes:

(a) Rules for assigning and codifying use groups and use categories; and

(b) Regulations for the operation of temporary uses.

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 Subtitle B, Chapter 2.

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

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

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

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

(d) The customer type for each activity;

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

(f) The typical hours of operation;

(g) The building and site arrangement;

(h) The number and type of vehicles used;

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

(j) How the use is advertised;

(k) How the use is licensed; and

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

201.6 The activities, functions, physical characteristics, and impacts of a use on a property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use 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 must 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; and

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

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CHAPTER 3 NONCONFORMITIES

300 INTRODUCTION TO NONCONFORMITIES

300.1 This chapter addresses structures, uses of land, and uses of structures that were lawful before this title was adopted, but that would be prohibited, regulated, or restricted under the terms of this title as it may be amended, and provides:

(a) Guidance regarding continuance, expansion, or replacement of nonconforming uses;

(b) Guidance on additions or expansions to nonconforming structures; and

(c) Regulations for rebuilding nonconforming structures or reestablishing nonconforming uses.

300.2 Nonconformities shall be regulated in the following categories:

(a) Nonconforming use of land or structures; and

(b) Nonconforming structures.

300.3 A particular property could be regulated as either, or both, category.

301 GENERAL PROVISIONS

301.1 Except as otherwise permitted in this Chapter, nonconforming structures or uses may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

301.2 Any nonconforming use of a structure or of land, or any nonconforming structure lawfully existing on [INSERT DATE HERE] that remains nonconforming, and any use or structure lawfully existing that became nonconforming on [INSERT DATE HERE], may be continued, operated, occupied, or maintained, subject to the provisions of this chapter.

302 NONCONFORMING STRUCTURES

302.1 Except as provided in C § 303.8, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.

302.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

(a) Conform to use and structure requirements; and

(b) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

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303 DESTRUCTION OF A NONCONFORMING STRUCTURE

303.1 If a nonconforming structure is destroyed by fire, collapse, explosion, or act of God to an extent of more than seventy-five percent (75%) of the cost of reconstructing the entire structure, the nonconforming structure shall not be restored or reconstructed except in conformity with all provisions of this title, except as provided otherwise in C §§ 303.2 through 303.7.

303.2 If a casualty or act of God results in damage to an extent of more than seventy-five percent (75%), and if the structure is nonconforming only with respect to percentage of lot occupancy the structure may be reconstructed or restored to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable percentage of lot occupancy.

303.3 If a casualty or act of God results in damage to an extent of seventy-five percent (75%) or less of the cost of reconstructing the entire structure, the structure may be restored or reconstructed to its previous condition or to a more conforming condition; provided, that the reconstruction or restoration shall be started within twenty-four (24) months of the date of the destruction and continued diligently to completion.

303.4 If there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of seventy-five percent (75%) of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three (3) independent qualified contractors. One (1) contractor shall be selected by the owner, one (1) by the Zoning Administrator, and one (1) by the first two (2) mentioned contractors.

303.5 The estimates required by C§ 302.4 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator, and the cost of estimates shall be at the expense of the property owner.

303.6 Notwithstanding the restrictions of C § 302.1, a nonconforming structure that is a historic landmark or certified by the State Historic Preservation Officer to be a structure that contributes to the character of the historic district within which it is located, may be restored or reconstructed regardless of the extent of destruction of the structure, subject to the provisions of the Historic Landmark and Historic District Protection Act of 1978.

303.7 The twenty-four (24) month period provided in C § 302.3 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board, and the Mayor's agent for the Historic Landmark and Historic District Protection Act.

303.8 If a nonconforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:

(a) A permanent replacement antenna cannot be installed as a matter of right;

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(b) The temporary installation shall be removed no later than one (1) year after the nonconforming antenna stops functioning;

(c) Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply to the Board of Zoning Adjustment for a special exception under Subtitle Y Chapter 8 to install a longer term replacement; and

(d) If the owner or occupant elects to install an immediate replacement antenna, the cost of the temporary replacement shall not be considered by the Board as a basis for approval of a special exception to install a longer term replacement.

304 **NONCONFORMING USE**

304.1 A nonconforming use of land or structure shall not be extended in land area or gross floor area; and shall not be extended to portions of a structure not devoted to that nonconforming use at the time of enactment of this title.

304.2 Where the nonconforming use occupies only a portion of the structure, the restrictions in this section shall apply only to that part of the structure devoted to the nonconforming use.

304.3 A new structure shall not be constructed to contain a nonconforming use, and any addition to an existing structure containing a nonconforming use shall be devoted to a conforming use.

304.4 Discontinuance for any reason of a nonconforming use of a structure or of land, except where governmental action impedes access to the premises, for any period of more than three (3) years, shall be construed as prima facie evidence of no intention to resume active operation as a nonconforming use. Any subsequent use shall conform to the regulations of the district in which the use is located.

304.5 This presumption may only be rebutted by objective proof of a continuing use or of affirmative steps taken to resume the use during the period of time identified by the Zoning Administrator when revoking an existing certificate of occupancy or denying an application for a replacement certificate of occupancy.

304.6 A nonconforming use that is discontinued for any reason for a period of less than three (3) years shall be allowed to resume operation provided there are no changes to the use and it conforms with C § 304.1.

304.7 Ordinary repairs, alterations, or modernizations may be made to a structure or portion of a structure devoted to a nonconforming use. Structural alterations shall not be allowed, except those required by other municipal law or regulation; provided, that structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located Subtitle D Residential House zone, or to a lawfully existing, nonconforming apartment house located Subtitle E Residential Flat zone.

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304.8 A non-conforming use may be changed to a different non-conforming use within the same Use Category.

304.9 The Board of Zoning Adjustment may grant, through Special Exception, approval to change from one nonconforming use to another nonconforming use in a different Use Category, subject the general Special Exception criteria of Subtitle Y Chapter 8, and the applicant adequately demonstrating that:

(a) The proposed non-conforming use would be permitted by right in the most restrictive Subtitle in which the existing non-conforming use is permitted by right, in accordance with following order, from most restrictive to least restrictive Subtitle:

(1) Subtitle D Residential House zones;

(2) Subtitle E Residential Flat zones;

(3) Subtitle F Residential Apartment zones;

(4) Subtitle H Neighborhood Mixed Use zones;

(5) Subtitle G Mixed Use zones;

(6) Subtitle I Downtown zones; and

(7) Subtitle J PDR Zones.

(b) In Residence Districts of Subtitles D, E, or F:

(1) The proposed use shall be either a dwelling, flat, or an apartment house; except

(2) On an alley lot, the proposed use may only be a single family dwelling.

(c) In Residence Districts of Subtitles D and E:

(1) The Corner Store provisions of the relevant Subtitle shall apply.

(d) The external impacts of the proposed use will be deemed to be no greater than the existing use;

(e) The proposed use shall not adversely affect the present character or future development of the surrounding area within three hundred feet (300 ft.) of the site;

(f) The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects;

(g) When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use; and

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(h) The Board may require the provision of changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

305 DESTRUCTION OF A STRUCTURE DEVOTED TO A NONCONFORMING USE

305.1 If a structure devoted to a nonconforming use is destroyed by fire, collapse, explosion, or act of God to an extent of more than fifty percent (50%) of the cost of reconstructing the entire structure, it shall not be restored or reconstructed except in conformity with all provisions of this title, except as provided otherwise in this section.

305.2 If the casualty or act of God results in damage to an extent of fifty percent (50%) or less of the cost of reconstructing the entire structure, the structure may be restored or reconstructed to its previous condition or to a more conforming condition; provided, that the reconstruction or restoration shall be started within twenty-four (24) months of the date of the destruction and diligently continued to completion.

305.3 If there is a dispute between the property owner and the Zoning Administrator as to whether the structure has been destroyed to the extent of fifty percent (50%) of reconstruction cost, the costs of restoration and of reconstruction shall be determined by the average of the estimates furnished by three (3) independent qualified contractors, with one (1) of the contractors shall be selected by the owner, one (1) by the Zoning Administrator, and one (1) by the first two (2) mentioned contractors.

305.4 The estimates required by C § 305.3 shall be prepared and submitted according to a procedure and format established by the Zoning Administrator, and the cost of preparing the estimates shall be at the expense of the property owner.

305.5 Notwithstanding the restrictions of C § 305.1, a structure devoted in whole or in part to a nonconforming use that is an historic landmark or certified by the State Historic Preservation Officer to be a structure that contributes to the character of the historic district within which it is located, may be restored or reconstructed and the non-conforming use shall be allowed to be continued, regardless of the extent of destruction of the structure, subject to the provisions of the Historic Landmark and Historic District Protection Act of 1978.

305.6 The twenty-four (24) month period provided in C § 302.3 may be extended for as long as it takes to apply for and receive any governmental approvals necessary to accomplish the reconstruction or restoration, including but not limited to approvals from the Board of Zoning Adjustment, the Historic Preservation Review Board, and the Mayor's agent for the Historic Landmark and Historic District Protection Act.

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CHAPTER 4 SUBDIVISION

400 INTRODUCTION

400.1 This chapter provides:

(a) General rules for the creation of new record lots;

(b) Guidance regarding how to determine the applicability of lot dimension and shape regulations to a zone;

(c) General rules for measurement and standards that relate to the dimension and shape of lots; and

(d) Controls on the number of buildings on a record lot.

400.2 Lot dimension and size regulations are intended to ensure the dimensions and shapes of lots created are consistent with the purposes of a zone.

401 LOTS EXEMPTED FROM SUBDIVISION REGULATIONS

401.1 Record lots existing prior to the effective date of this title do not have to comply with lot dimension and size standards of this Chapter or the subdivision regulations chapter of a land use subtitle.

401.2 Tax lots existing on or before **[INSERT DATE HERE]** that contain a building constructed prior to that date and do not have any underlying record lot may be recorded as record lots without regard to frontage, lot width or lot area requirements.

402 SUBDIVISION REGULATIONS

402.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courtyards, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created.

402.2 Each new primary building and structure shall be erected on a separate lot of record in all R, RF, and A zones, except as provided in C § 407.1. No building or structure in any zone may be erected to cover more than one record lot.

402.3 In all other zones, multiple primary buildings may be erected on a single record lot provided that each building, and the buildings as a group, shall meet all of the development standards for the zone.

403 LOT FRONTAGE

403.1 Except for alley lots, all new record lots shall have at least one street lot line on a public street or a public access easement approved by the District Department of Transportation.

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403.2 Where a minimum lot width is required, the length of at least one street lot line shall be at least seventy-five percent (75%) of the required lot width.

403.3 New alley record lots shall comply with the following:

(a) Have frontage along a public alley with a minimum alley width of twenty-four (24) feet and have from the alley access to a street through an alley or alleys not less than twenty-four (24) feet in width;

(b) Meet the lot area standards applicable under the title of the respective zone and, if no minimum lot area standard is provided, the alley lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and

(c) Where existing abutting alley record lots or alley tax lots created on or before May 12, 1958 are combined into a larger alley record lot, the subdivision need not comply with paragraphs (a) and (b) of this subsection.

404 RULES OF MEASUREMENT FOR LOT AREA

404.1 Reserved.

405 RULES OF MEASUREMENT FOR LOT WIDTH

405.1 Where the lot is an interior lot, lot width shall be determined as follows:

(a) Establish two points by measuring along each side lot line a distance of thirty feet (30 ft.) from the intersection point of each side lot line and the street lot line.

(b) Measure the distance of a straight line connecting the two points described in paragraph (a) of this subsection.

(c) The distance of the straight line connecting the two points described in paragraph (b) of this subsection shall be the "lot width" of the lot.

405.2 Where the lot is a through lot, lot width shall be determined as follows:

(a) Identify the longest street lot line.

(b) Establish two points by measuring a distance of thirty feet (30 ft.) from the intersection of each side lot line and the street lot line identified in paragraph (a) of this subsection, along each side lot line.

(c) Measure the distance of a straight line connecting the two points described in paragraph (b) of this subsection.

(d) The distance of the straight line connecting the two points described in paragraph (c) of this subsection shall be the "lot width" of the through lot.

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405.3 Where the lot is a corner lot, the lot width shall be determined by measuring the width of the longest street lot line.

406 RULES OF MEASUREMENT FOR LOT DEPTH

406.1 Reserved

407 THEORETICAL SUBDIVISIONS

407.1 In the R, RF, and A zones, the Board of Zoning Adjustment may grant, through special exception, a waiver of C § 402.1 to allow multiple primary buildings on a single record lot provided that, in addition to the general Special Exception Criteria of Subtitle Y Chapter 8, the requirements of this section are met.

407.2 The number of buildings permitted by this section shall not be limited; provided, satisfactory evidence is submitted that all the requirements of this Title are met based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with zoning regulations.

407.3 Private driveways shall be permitted, but the creation of private streets serving multiple land owners shall not be permitted. Any right-of-way containing public utilities, including but not limited to, water, sanitary sewer, or storm sewer serving multiple land owners shall be consistent with the applicable standards of the District Department of Transportation and dedicated as a public street.

407.4 The following development standards shall apply to theoretical lots:

(a) Setbacks from all lot lines of a theoretical lot shall be consistent with the requirements of the zone;

(b) Each means of vehicular ingress and egress to any principal building shall be at least twenty-four feet (24 ft.) in width, exclusive of driveways;

(c) The height of a building governed by the provisions of this section shall be measured from the finished grade at the middle of the building façade facing the nearest street lot line; and

(d) The rule of height measurement in C § 407.4(c) shall supersede any other rules of height measurement that apply to a zone, but shall not be followed if it conflicts with the Height Act.

407.5 For a theoretical subdivision application, the following information is required to be submitted to the Board of Zoning Adjustment, in addition to other filing requirements:

(a) Site plans including the following information:

(1) A plat of the record lots proposed for subdivision;

(2) The location of proposed streets and designated fire apparatus roads;

(3) Location of proposed easements;

(4) Lot lines of proposed theoretical lots, and the delineation of the lot lines shared by theoretical lots that will serve as private drives or easements;

(5) Existing grading and proposed grading plans;

(6) Existing landscaping and proposed landscaping plans;

(7) Plans for the location of building footprints on theoretical lots; and

(8) Required setbacks (rear, side and front) based on the regulations applicable to a zone or any modifications to regulations provided through this section;

(b) Typical or individual floor plans and elevations for the proposed buildings and structures; and

(c) A table of zoning information including required and proposed development standards.

407.6 Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:

(1) Public safety relating to police and fire concerns including emergency vehicle access;

(2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;

(3) Public education;

(4) Recreation;

(5) Parking, loading, and traffic;

(6) Urban design; and

(7) As appropriate, historic preservation and visual impacts on adjacent parkland;

(b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(d) The impact of the proposed development on neighboring properties; and

(e) The findings, considerations, and recommendations of other District government agencies.

407.7 The proposed development shall comply with the provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.

407.8 The Board may impose conditions with respect to the size and location of driveways; floor area ratio; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

407.9 Any modification to a theoretical subdivision application resulting from an addition to a one dwelling unit building may be reviewed as an expedited review, pursuant to Subtitle Y, Chapter 4.

407.10 Any Education use requiring relief under this section may apply for that relief at the same time as, and be reviewed by the Zoning Commission simultaneously with the application for Educational uses submitted pursuant to Subtitle X, Chapter 1.

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CHAPTER 5 HEIGHT AND ROOF STRUCTURES

500 INTRODUCTION

500.1 The intent of regulating height is to:

(a) Promote successful transitions between areas of differing density;

(b) Ensure adequate light and air to neighboring properties and zones; and

(c) Provide vertical control to accommodate appropriate density and good design.

500.2 In addition to the height limitations of the Zoning Regulations, all buildings are also subject to and shall conform with the limitations of the Act to Regulate the Height of Buildings in the District of Columbia (Height Act). The regulatory interpretation of, and rules pertaining to, the Height Act adopted by the District Department of Consumer and Regulatory Affairs ("DCRA") are located in Subtitle M.

500.3 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.

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

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

501 SINGLE OR SEPARATE BUILDINGS

501.1 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.

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502 RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES

502.1 Unless otherwise stated, the rules of this section are identical to DCRA rules for the measurement of building height under the Height Act, which appear in Subtitle M.

502.2 The height of buildings in R zones shall be measured in accordance with the rules provided in § 500.3 through 500.8. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

502.3 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. Berms or other forms of artificial landscaping shall not be included in measuring building height.

502.4 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.

502.5 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.

502.6 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.

502.7 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.

502.8 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.

502.9 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.

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

503.1 Unless otherwise stated, the rules of this section are identical to DCRA rules for the measurement of building height under the Height Act, which appear in Subtitle M.

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503.2 In non-residential 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 or a point designated by a specific zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height.

503.3 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 district.

503.4 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.

503.5 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.).

503.6 Except as provided in § 502.7, 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.

503.7 Except as provided in § 502.8, 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.

503.8 Except as provided in § 502.6, 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.

504 RULES OF MEASUREMENT FOR NUMBER OF STORIES

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

504.2 For the purposes of determining the maximum number of permitted stories, the term "story" shall not include cellars, stairway or elevator penthouses, or other roof structures.

505 ROOF STRUCTURES AND OTHER HEIGHT LIMIT PROVISIONS

505.1 The following structures may be built above the height limit established for the zone, subject to the conditions of this section and the Height Act:

(a) Spires;

(b) Towers, including towers erected from the ground;

(c) Domes, minarets, pinnacles;

(d) Chimneys or smokestacks;

(e) Antennas;

(f) Skylights;

(g) Penthouses fully or partially enclosing utilitarian features, including, but not limited to, mechanical equipment and its housing, elevators, and stairwells;

(h) Building appurtenances dedicated to safety, including safety railings;

(i) Pergolas and similar structures;

(j) Building components or appurtenances, including but not limited to solar panels and wind turbines, dedicated to the environmental sustainability of the building; and

(k) Penthouses fully or partially enclosing accessory amenity features, such as communal recreation space, and structures accessory to communal outdoor recreation space.

505.2 A structure listed under § 505.1 (f) through (k) must be set back greater than or equal to its height above the roof on which it is situated from:

(a) Any wall facing a public street;

(b) Any wall facing a public alley;

(c) Any wall facing a courtyard open to a public street;

(d) Any wall maintaining a setback from and facing a lot line; or

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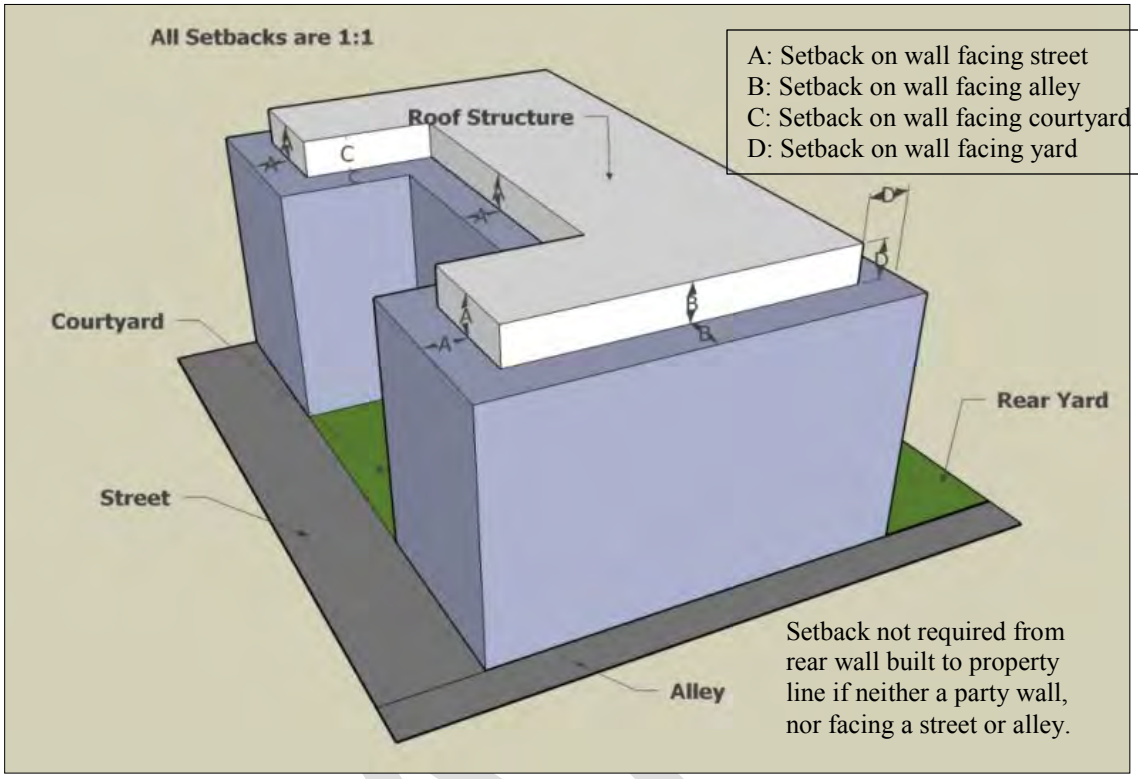
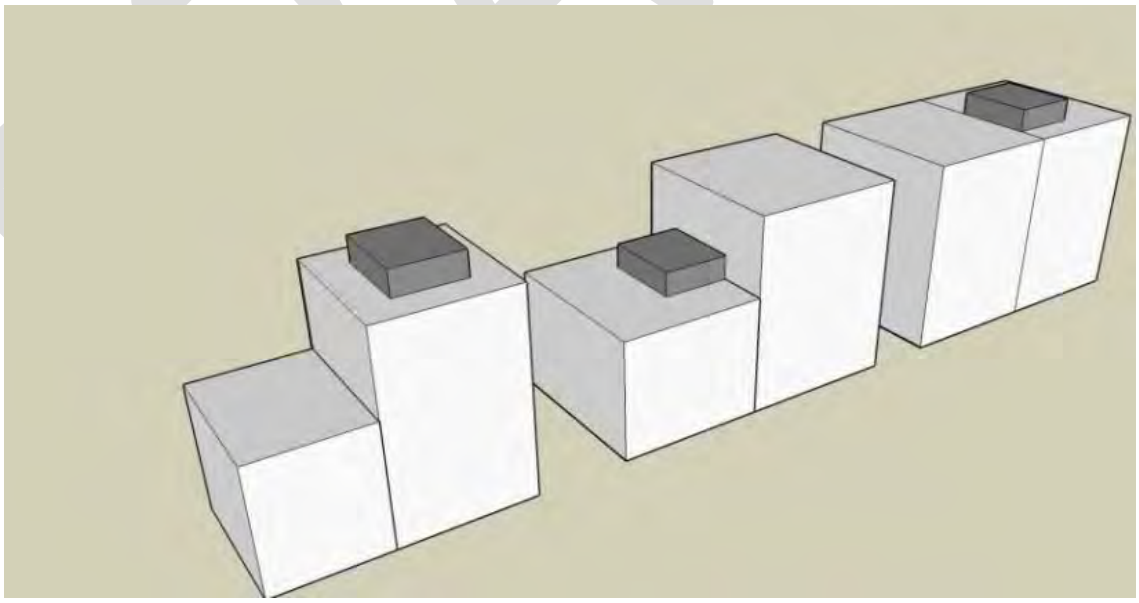


(e) Any wall abutting a lot line and being taller than the greater of the adjacent property's existing or by-right height.



§ 505.2(e) Setbacks for Roof Structures

505.3 Structures listed under § 505.1 (g) through (k) shall not rise more than twenty feet (20 ft.) above the roof.

505.4 Space enclosed by walls on a roof shall not exceed forty percent (40%) of the building's total footprint.

506 HEIGHT AND ROOF STRUCTURE SPECIAL EXCEPTION STANDARDS

506.1 The Board may grant, by special exception, relief from § 505 if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that granting the relief would not:

(a) Be inconsistent with the purpose and intent of height and roof structure regulations listed in § 505.2; or

(b) Result in adverse impact on:

(1) Existing solar or wind power generation facilities in the immediate vicinity; or

(2) The visual character of the surrounding neighborhood.

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CHAPTER 6 DWELLING UNIT DENSITY

600 INTRODUCTION

600.1 Unit density regulations are intended to control the quantity of dwelling units permitted relative to a lot. By controlling the quantity of dwelling units, the District is able to:

(a) Conserve the District's inventory of housing for larger households, through the preservation of single dwelling unit houses;

(b) Permit the provision of quantities of dwelling units consistent with designations provided in the Future Land Use Map of the Comprehensive Plan; and

(c) Provide housing options that are affordable through the ability to share common facilities, such as bathrooms and kitchens, while maintaining limits on the total number of occupants that may occur on a lot to prevent overconcentration.

601 RULES OF MEASUREMENT FOR DWELLING UNIT DENSITY

601.1 Dwelling unit density is regulated as a maximum number of dwelling units located on a single lot, with the following limitations of a maximum number of occupants relative to each dwelling unit:

(a) There is no limitation on the number of occupants of each dwelling unit, where all the occupants are related by blood, marriage or adoption.

(b) Where the occupants are members of a religious community, up to fifteen (15) of them may be permitted per dwelling unit; and

(c) Where any other occupants of a dwelling unit are unrelated, the maximum number of them shall be six (6), provided that any occupants that are resident care givers assisting residents shall not be limited.

601.2 If a limit is placed on the number of dwelling units, rooms may be configured in any arrangement, provided that the number of separate dwelling units is not exceeded and that the number of occupants in any single dwelling unit does not exceed the limits of C § 601.1.

601.3 If no limit is placed on the number of dwelling units, rooms may be configured in any arrangement. This includes any and all spaces, with or without keyed locks, that are dedicated to sleeping, sanitation, eating, cooking or any other purposes consistent with the residential use permissions of a zone.

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CHAPTER 7 LOT OCCUPANCY

700 INTRODUCTION

700.1 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.

701 RULES OF MEASUREMENT FOR LOT OCCUPANCY

701.1 The main building and any accessory buildings shall be subject to the lot occupancy standard prescribed in the development standards table.

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

701.3 Building area shall be the maximum horizontal projected area of a principal building and its accessory buildings, measured at the finished floor 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.

701.4 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) Open or lattice-enclosed fire balconies or fire escapes; and

(f) Chimneys, smokestacks, or flues.

701.5 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.

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

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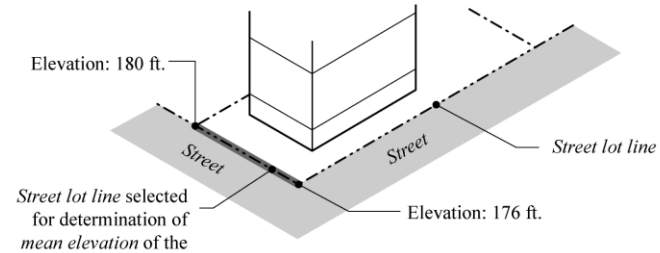
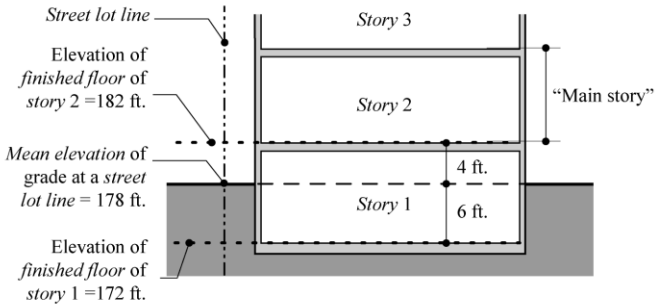
Figure B § 1002.1 (a): Identification of Main Story, Based on a Lot with Two Street Lot Lines

Step 1: Determination of Mean Elevation of the Grade at a Street Lot Line; Isometric View



Therefore the *mean elevation* of the grade, at the *street lot line* selected in the example, would be 178 ft., which is the average of the two end points of the *street lot line*

Step 2: Determination of Main Story Based on Mean Elevation of the Grade at a Street Lot Line; Section View



Therefore *story* 2 would be considered the "main story" as its *finished floor* is closest to the *mean elevation* of the grade at a *street lot line*.

Not to Scale

Figure B § 1002.1 (b): Establishment of Horizontal Plane at Finished Floor of a Building's Main Story; Isometric View

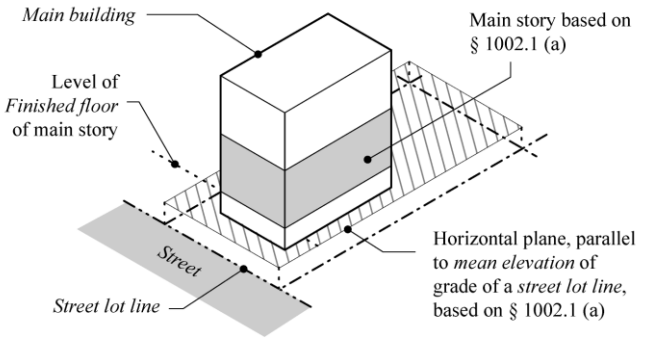


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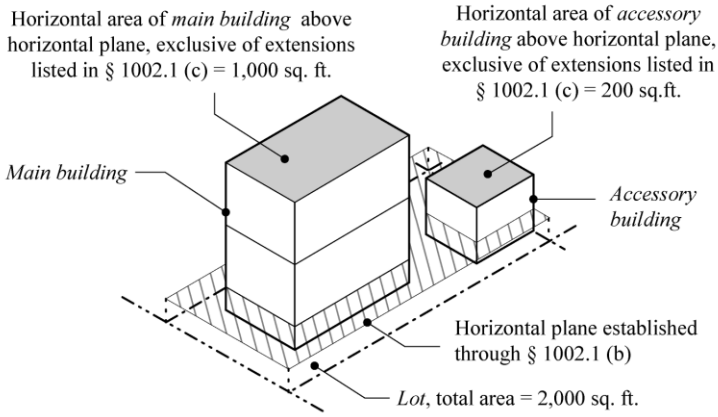
Figure B § 1002.1 (c): Calculation of Horizontal Area of Main Building and Accessory Buildings; Isometric View



$$\frac{\text{1,000 sq. ft. } \textit{main building} \text{ building area} + \text{200 sq. ft. } \textit{accessory building} \text{ building area}}{\text{2,000 sq. ft. area of } \textit{lot}} = \text{60 \% lot occupancy}$$

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

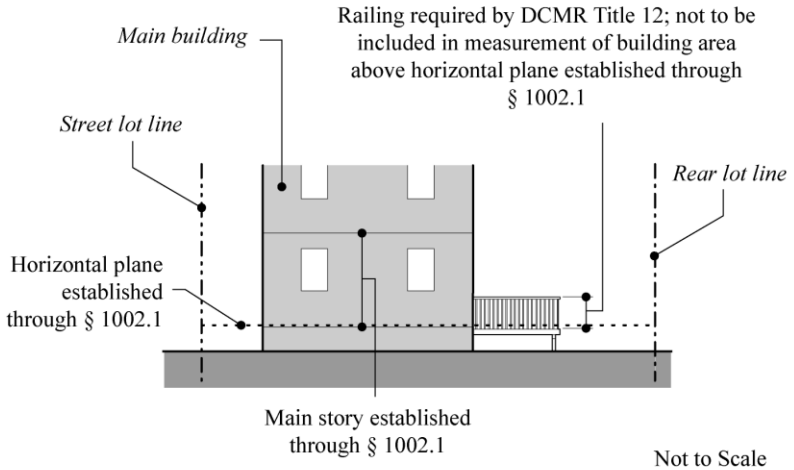


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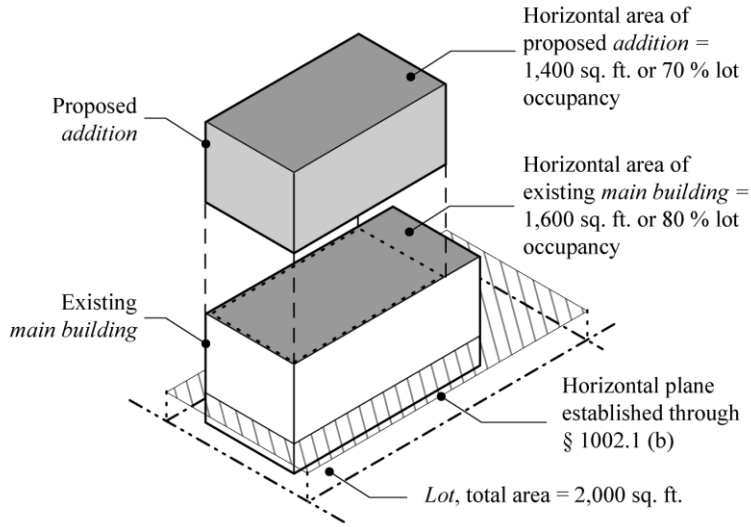
Figure B § 1002.3: Compliance with Lot Occupancy by Story; Isometric View of Vertical Addition to Main Building



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

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CHAPTER 8 ACCESSORY BUILDINGS

800 INTRODUCTION

800.1 This chapter provides general rules for the location and size of accessory buildings.

801 ACCESSORY BUILDING REGULATIONS

801.1 Except where a primary building already exists, construction of an accessory building may not begin until construction of a new or replacement primary building has commenced.

801.2 An accessory building shall not be located within a front yard.

801.3 An accessory building shall not be subject to rear setback requirements of the zone, and if constructed in the rear yard, shall not be subject to side setback requirements.

801.4 An accessory building may be built within a side yard, provided that it shall comply with the side setback standards applicable to the zone.

801.5 An accessory building may be used for parking; provided that it complies with all General Parking Regulations (Subtitle C, Chapter 19).

801.6 An accessory building may be used for any use category permitted as an accessory use in the applicable Use Permissions and Regulations table, provided it conforms to applicable conditions on the accessory use.

801.7 When permitted by the regulations of the relevant land use subtitle and meeting all the requirements of this Chapter, an accessory building may be used for an accessory dwelling unit.

801.8 The height of an accessory building shall be measured from the finished grade at the middle of the façade of the accessory building that faces the main building, to the highest point of the roof.

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CHAPTER 9 FLOOR AREA RATIO

900 INTRODUCTION

900.1 The floor area ratio ("FAR") regulations provide appropriate standards for:

(a) The bulk of buildings compared to the area of their lots; and

(b) The relative amounts of floor area devoted to different uses, consistent with the development goals for a zone.

901 RULES OF MEASUREMENT FOR FLOOR AREA RATIO

901.1 Floor area ratio shall be calculated by dividing the total Gross Floor Area ("GFA"), as calculated under C § 902, of all buildings on a lot by the area of that lot.

901.2 Lot area shall not include private rights-of-way that generally serve the principal entrances to buildings, but shall include private rights-of-way that generally provide access to service, loading or automobile parking areas.

901.3 Floor area ratios provided in the development standards table shall be limited to one decimal place.

902 RULES OF MEASUREMENT FOR GROSS FLOOR AREA

902.1 Gross Floor Area ("GFA") is the sum of the horizontal areas of all of the floors of all buildings on a lot.

902.2 GFA is measured from the exterior faces of exterior walls and from the center line of walls separating two buildings.

902.3 GFA shall include:

(a) All internal floor area of all stories entirely above finished grade, including interior balconies and mezzanines, and parking areas and ramps, with structural headroom of six feet, six inches (6 ft., 6 in.) or more;

(b) Stairwells and elevator shafts at each story at or above the ground story;

(c) The first floor of open spaces such as atriums, vent shafts or pipe chases;

(d) Areas occupied and used for purposes such as a mechanical parking structure, that are at or above the ground story, provided that the distance between floors of these areas is at least ten (10) feet; and

(e) The portion of all stories where the distance between the finished grade and the finished floor of the story directly above is six (6) feet or more, as determined through C § 504.

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902.4 GFA shall not include:

(a) Exterior balconies;

(b) Ground story ramps leading to parking on a lower level;

(c) Interior space of all stories entirely above finished grade, measuring less than six feet and six inches (6 ft., 6 in.) in structural headroom;

(d) The floors above the first floor of the story where open spaces such as atriums, vent shafts, and pipe chases begin; and

(e) Roof structures listed in C § 505.1, whether enclosed or not.

903 GROSS FLOOR AREA OF STORY OR STORIES PARTIALLY BELOW FINISHED GRADE

903.1 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 six (6) feet, when measured between the finished grade and the finished 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.

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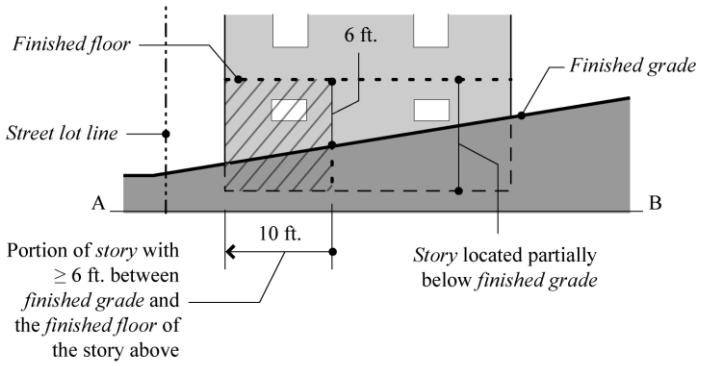
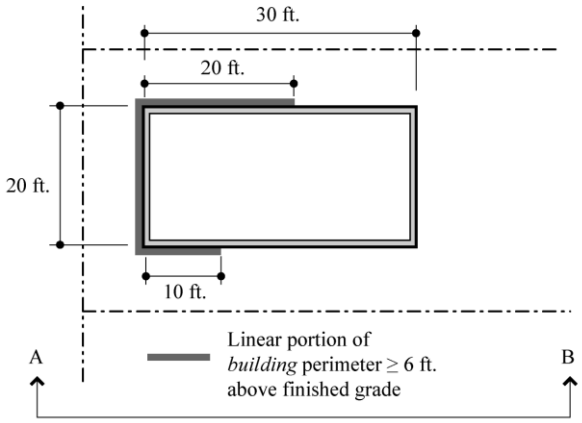
Figure B § 904.2: Measuring GFA of the Story of a Detached Building Located Partially Below Finished Grade

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 ft. / 100 ft.) X 600 sq. ft. = 466 sq. ft.

Not to Scale

903.2 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:

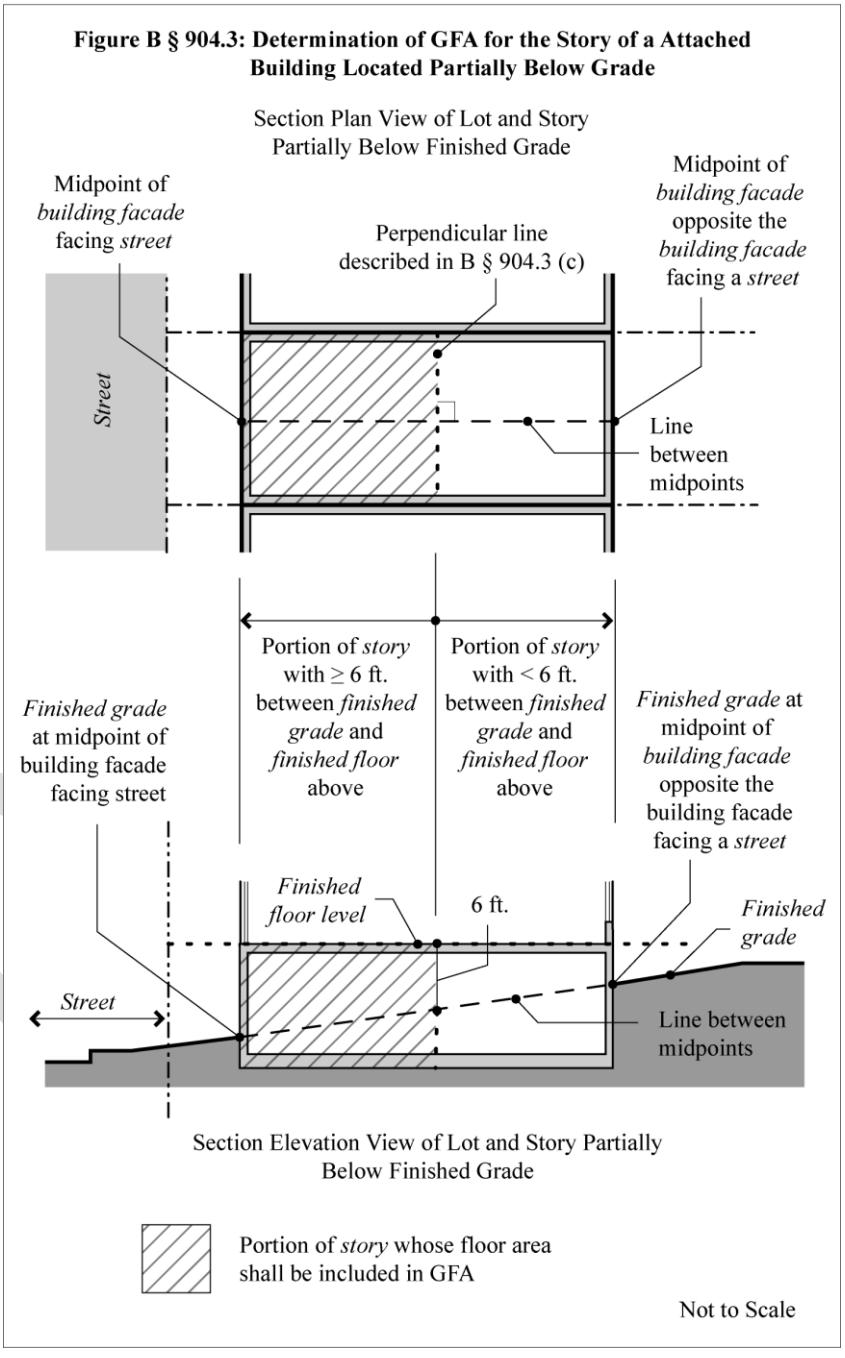
(a) Establish a line between the midpoint of a building façade facing the nearest street at finished grade and the midpoint of the opposite building façade at finished grade;

(b) Determine the portion of this line where the distance between it, and the finished 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 finished floor of the story above.

Figure B § 904.3: Determination of GFA for the Story of a Attached Building Located Partially Below Grade



904 CONDITIONS ON BONUS FLOOR AREA RATIO

904.1 When a project is an inclusionary development, and has been granted additional FAR through "Floor Area Ratio Conditions," the project:

(a) Shall meet the IZ requirements and use all IZ density before incorporating any bonus FAR allowed by a condition on FAR; and

(b) May attain a total FAR allowed by either the IZ density or the bonus FAR allowed by condition, whichever is higher; but may not add the two FAR increases to reach a total FAR beyond the higher amount.

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CHAPTER 10 FRONT SETBACKS AND BUILD-TO LINES

1000 INTRODUCTION

1000.1 Front setback and build-to regulations are intended to control the relationship of buildings to street lot lines.

1000.2 Front setbacks and build-to lines regulate the distance between a building and a front lot line.

1000.3 A lot may have more than one street lot line, and therefore more than one front setback.

1001 FRONT SETBACKS

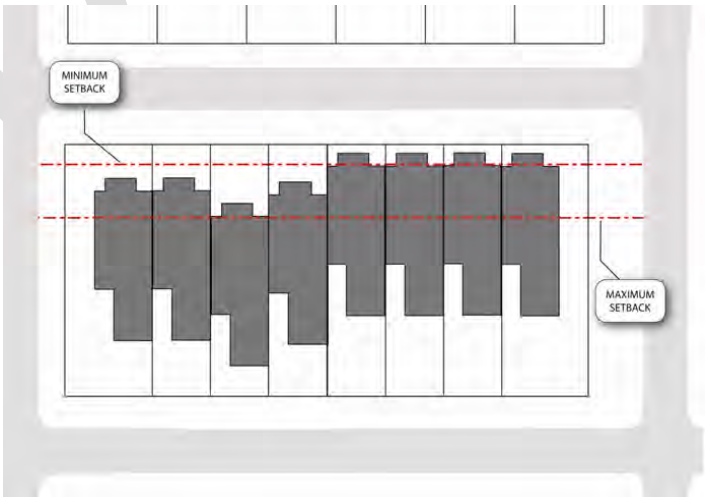
1001.1 When a zone has a standard or reference for front setback in the development standards table, all buildings and structures must be setback from the entire length of all front lot lines, except as provided in § 1004.

1001.2 Front setbacks shall be regulated in one of three ways:

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

(b) By a setback range cited in the development standards table 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 in the development standards table for a zone; buildings and structures in the zone must be setback between from the front 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.



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1001.3 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.

1002 **RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) ZONES**

1002.1 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.

1002.2 A building façade shall be the façade of a building exclusive of the projections permitted through C §1004.

1002.3 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.

1003 **FRONT BUILD-TO LINES**

1003.1 When a zone has a standard or reference for front build-to in the Development Standards Table, the front façade of all buildings and structures must directly abut the build-to line.

1004 **PROJECTION ALLOWANCES**

1004.1 Consult Title 12, DCMR, Chapter 32A for additional standards related to projections.

1004.2 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.

1004.3 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

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PROJECTING ELEMENT OR STRUCTURE	PROJECTION LIMITATION(Maximum)	SIDE LOT LINE CLEARANCE (Minimum)
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
Steps, ramps and associated guardrails providing access to the first story located entirely above grade, or a story below grade	10 feet	8 inches
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 § 1004.4)	None

1004.4 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 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 facades 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 FACADE WIDTHS < 16 FT.	PERMISSIONS FOR BUILDING FACADE 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.

TYPE OF PROJECTION	PERMISSIONS FOR BUILDING FACADE WIDTHS < 16 FT.	PERMISSIONS FOR BUILDING FACADE WIDTHS 16 TO 24 FT.	PERMISSIONS FOR BUILDING FAÇADE WIDTHS > 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.

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CHAPTER 11 SIDE SETBACKS

1100 INTRODUCTION

1100.1 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.

1100.2 Side setbacks regulate the distance between a building and a side lot line.

1100.3 A side lot line is any lot line that intersects a street lot line. A lot may have multiple side lot lines, and therefore multiple side yard setbacks.

1101 GENERAL REGULATIONS FOR SIDE SETBACKS

1101.1 Required setbacks shall be parallel to side lot lines and apply to the entirety of principal buildings and structures.

1101.2 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.

1102 GENERAL CONDITIONS FOR SIDE SETBACKS

1102.1 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.

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1102.2 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.
An open or lattice-enclosed fire balcony or fire escape.	4 ft.
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.

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CHAPTER 12 REAR SETBACKS

1200 INTRODUCTION

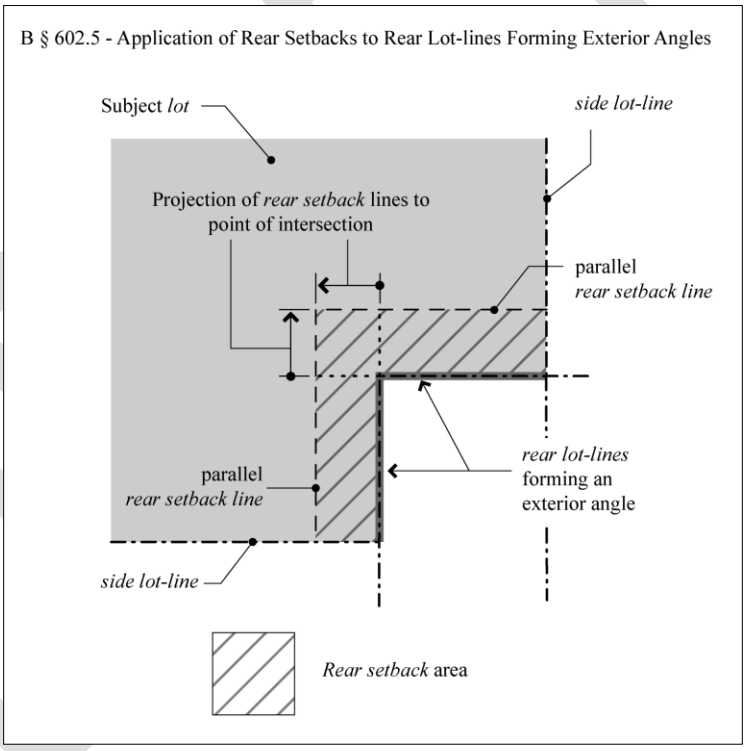
1200.1 Rear setbacks regulate the distance between a building and a rear lot line.

1200.2 A rear lot line is any lot line that does not intersect a street lot line or abut a street. A lot may have multiple rear lot lines, and therefore multiple rear setbacks.

1201 GENERAL REGULATIONS FOR REAR SETBACKS

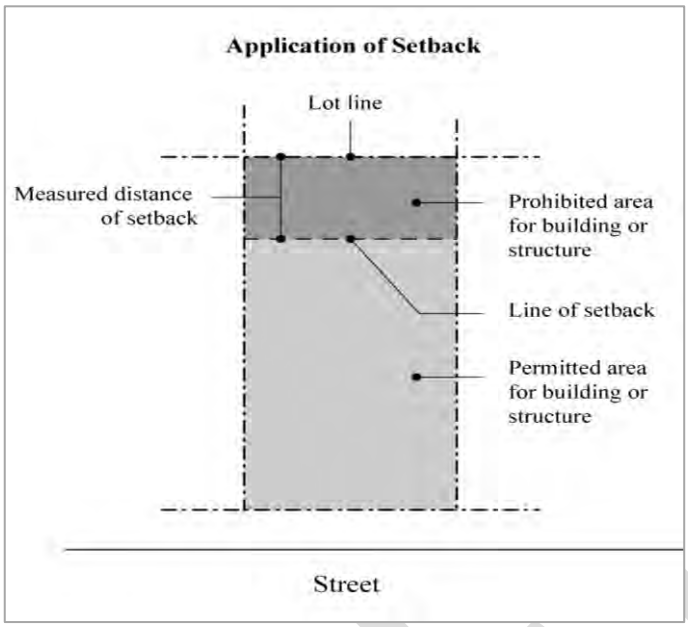
1201.1 A separate measurement shall be made for the required setback from each rear lot line.

1201.2 Where the intersection of two rear lot lines forms an exterior angle, any required setbacks shall be established based on the projection of the setback lines to their point of intersection.

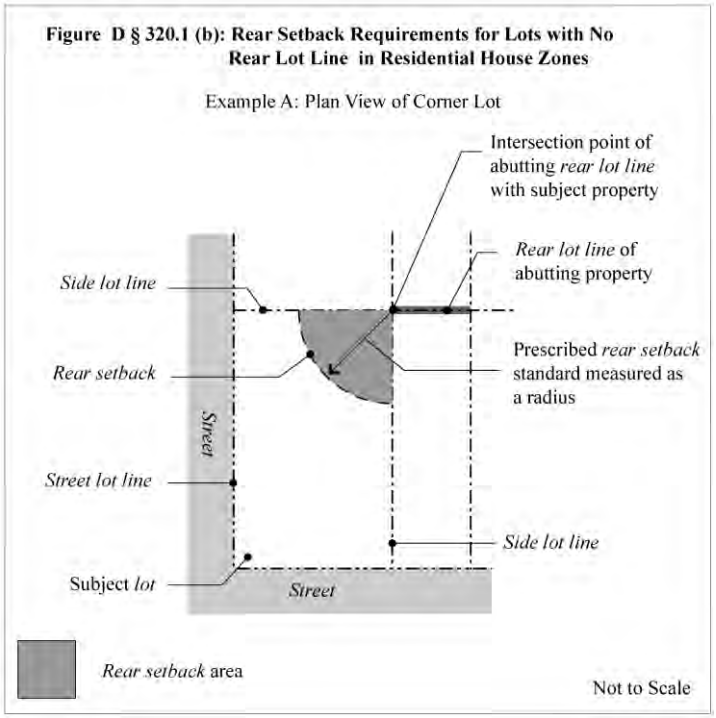


1201.3 For all R and RF zones, the required rear setback shall be measured as follows:

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



(b) Where a lot does not have a rear lot line, a rear setback shall be established from any point where a rear lot line of an abutting lot intersects the subject lot. The rear setback shall be measured as a radius from each rear lot line intersection point into the lot the distance of the required minimum setback.



1202 GENERAL CONDITIONS ON REAR SETBACKS

1202.1 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.

1202.2 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.
An open or lattice-enclosed fire balcony or fire escape.	4 ft.
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.

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CHAPTER 13 COURTYARDS

1300 INTRODUCTION

1300.1 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.

1301 GENERAL COURTYARD REGULATIONS

1301.1 The provisions of this chapter do not require a courtyard, but regulate its minimum required dimensions where they exist.

1301.2 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.

1301.3 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.

1301.4 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.

1301.5 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.

1301.6 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.

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CHAPTER 14 PLAZAS

1400 INTRODUCTION

1400.1 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 and accessible to the public.

1401 GENERAL STANDARDS FOR PLAZA REGULATIONS

1401.1 Plaza regulations apply only on lots that are 10,000 square feet or greater in area.

1401.2 Plaza requirements shall be provided as a percentage of lot area.

1401.3 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.

1401.4 The area shall not be charged against the gross floor area of the building.

1401.5 A plaza shall:

(a) Be uncovered and open to the sky;

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

(c) Be suitably lighted and landscaped for public use.

1401.6 A plaza may be used by building occupants and visitors for:

(a) Café seating;

(b) Temporary commercial displays;

(c) Access to mass transportation facilities; or

(d) Other similar uses.

1401.7 Where preferred use space is required and is provided, the requirement to provide plaza space shall not apply.

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CHAPTER 15 TRANSITIONS

1500 INTRODUCTION

1500.1 Transition regulations control the physical relationship of buildings and lot improvements, in designated zones, to reduce potential impacts on existing neighbors in adjacent zones. Means of controlling the physical relationship between zones include, but are not limited to height transition planes, buffering, or screening.

1500.2 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.

1501 GENERAL REGULATIONS FOR ZONE TO ZONE TRANSITIONS

1501.1 For the purposes of this chapter, and for the purposes of specific transition regulations, the term "protected zone" means the zone that is intended to be protected by a buffer or height transition in the zone where the transition regulations apply.

1501.2 A lot must comply with transition regulations if it is located adjacent to a protected zone. A lot that is not adjacent to a protected zone does not have to comply with transition regulations.

1501.3 Transition regulations only apply to a lot line that forms a zone boundary line, or is immediately adjacent to the street or alley that forms a zone boundary line.

1501.4 Transition regulations apply in addition to, and not instead of, side setbacks, rear setbacks and front setbacks.

1501.5 Transition regulations in this Title come in two types:

(a) Height transitions; and

(b) Buffer transitions.

1501.6 Height transitions limit the height of buildings based on an angled plane drawn from a point above the protected property's property line.

1501.7 Buffer transitions provide a setback from a lot line adjacent to a protected zone. Buffer transitions generally include screening requirements for the setback.

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1502 GENERAL CONDITIONS FOR TRANSITION REGULATIONS

1502.1 The projections identified in the following table are permitted to encroach into any height transition plane required through this chapter 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.)
An open or lattice-enclosed fire balcony or fire escape	Not to exceed four feet (4 ft.)
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

1502.2 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.)
An open or lattice-enclosed fire balcony or fire escape	Not to exceed four feet (4 ft.)
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

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CHAPTER 16 PERVIOUS SURFACES

1600 INTRODUCTION

1600.1 Pervious surface regulations are intended to provide a minimum amount of pervious area and limit the amount of impervious surface on a lot. By limiting impervious surfaces, stormwater can infiltrate, evaporate or transpire on the lot, rather than flowing off it, entering storm drains and waterways as urban stormwater runoff.

1601 RULES OF MEASUREMENT FOR PERVIOUS SURFACES

1601.1 The total area of pervious surfaces on a lot shall meet at least the minimum standard prescribed for a zone in the development standards table included as a part of a land use subtitle. The proportion of pervious surface area shall be calculated by dividing the "total area of pervious surfaces" on the lot by the total area of the lot.

1601.2 Pervious surfaces on a lot shall include:

(a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;

(b) Pervious pavers or paving that facilitate the infiltration of water into the soil; and

(c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.

1601.3 Pervious surfaces on a lot shall not include:

(a) On-grade surface treatments used for purposes of recreation (e.g. patios), outdoor stairways, walking, driving and parking areas made of concrete, brick, asphalt, decorative pavers, compacted gravel or other material that does not facilitate the infiltration of water directly into the subsurface of the lot;

(b) The building footprint based on its foundation perimeter, whether located below grade or at grade;

(c) Where a building does not have a foundation, the area of the roof; and

(d) The area dedicated to a below or above grade swimming pool.

1602 EXCEPTIONS FROM PERVIOUS SURFACE REGULATIONS

1602.1 This section provides conditional allowances from the pervious surface regulations, where an applicant faces design challenges that limit strict compliance with the minimum total area of pervious surfaces.

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1602.2 The Zoning Administrator may reduce the total area of pervious surfaces required on a lot, provided that the applicant complies with the conditions of this section.

1602.3 The applicant shall submit documentation showing that effective treatment of stormwater on the subject lot exceeds stormwater treatment that would be achieved by the minimum pervious surface required in that zone.

1602.4 The application shall be submitted to the Zoning Administrator upon application for a building permit or other lot improvement that decreases the total area of pervious surfaces below the required minimum.

1602.5 The documentation of effective stormwater treatment shall be prepared for the entire land area of the lot whether or not it is not dedicated to pervious surfaces.

1603 **PERVIOUS SURFACE REQUIREMENT**

1603.1 The minimum pervious surface percentage requirement stated below shall be applicable only in conjunction with the following:

(a) The construction of a new principal structure;

(b) An addition to a principal or accessory structure, other than a historic resource, that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more;

(c) The construction of a new accessory structure that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more; or

(d) An addition to a historic resource that increases the existing lot occupancy at the time of building permit application by twenty-five percent (25%) or more.

1603.2 For the purposes of § 1603.1 a historic resource is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

1603.3 Except as provided in §§ 1603.1 and 1603.4 or as otherwise required by this title, the minimum percentage of pervious surface of a lot in a Residence District listed in the table below shall be as set forth in the following table:

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ZONE DISTRICT AND STRUCTURE	MINIMUM PERCENTAGE OF PERVIOUS SURFACE
R-1 through R-4 Public recreation and community centers	30%
R-l-A, R-l-B All other structures	50%
R-2 All other structures	30%
R-3All other structures	20%

1603.4 Except as required in § 1603.3 for public recreation and community centers or as otherwise required by this title, in the R-4 zone a minimum pervious surface requirement for structures other than those listed in § 1603.2 shall be based on lot size as set forth in the following table:

MINIMUM LOT SIZE	MINIMUM PERCENTAGE OF PERVIOUS SURFACE
Less than 1,800 square feet	0%
1,801 to 2,000 square feet	10%
Larger than 2000 square feet	20%

1603.5 The percent of pervious surface area shall be calculated by dividing the total area of pervious surfaces on the lot by the total area of the lot.

1603.6 Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:

(a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;

(b) Permeable pavers or paving that facilitate the infiltration of water into the soil; and

(c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.

1603.7 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the minimum pervious surface requirement required by this section if, in addition to meeting the general requirements of Subtitle Y, Chapter 8, the applicant demonstrates that complying with the minimum pervious surface requirement is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, or as a result of equivalent measures being implemented on the property that provide the same minimum pervious surface amount.

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CHAPTER 17 GREEN AREA RATIO

1700 INTRODUCTION TO GREEN AREA RATIO

1700.1 Green Area Ratio (GAR) is the ratio of the weighted value of landscape elements to land area. The GAR score relates to an increase in the quantity and quality of environmental performance of the urban landscape.

1700.2 Green Area Ratio sets integrated environmental requirements for landscape elements and site design that contribute to the reduction of stormwater runoff, the improvement of air quality, and the mitigation of the urban heat island effect.

1700.3 The purposes of the GAR regulations are to:

(a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards; and

(b) Promote attractive and environmentally functional landscapes.

1700.4 The purpose of this chapter is to:

(a) Provide general guidance about the regulation of GAR requirements;

(b) Define the applicability of GAR;

(c) Set forth the formula for calculating the GAR and define its component parts;

(d) Identify those landscape elements that are included in the GAR, explain how their area is measured, and set forth eligibility conditions;

(e) Establish multipliers for each eligible landscape element;

(f) Indicate what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance; and

(g) Establish maintenance requirements for the landscape elements that are provided as part of a property's GAR requirement.

1701 APPLICABILITY OF GREEN AREA RATIO STANDARDS

1701.1 The requirements of this chapter shall become applicable October 1, 2013.

1701.2 Except as provided in § 1701.3 and pursuant to the conditions and requirements of this chapter, properties in zones listed in the following table shall provide a GAR as specified in the following table:

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ZONE DISTRICT	GREEN AREA RATIO
R-5-A and R-5-B	0.40
R-5-C, R-5-D and R-5-E C-1, C-2-A, C-2-B and C-2-C W-1, W-2, W-3 SP-1, SP-2	0.30
C-3-A, C-3-B	0.25
C-3-C, C-4, C-5, CR and any property within the DDD overlay	0.20
CM-1. CM-2, CM-3 and M, all structures except one story warehouses one story warehouses	 0.30 0.10

1701.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:

(a) Buildings that do not require certificates of occupancy;

(b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;

(c) The interior renovation of an existing building that:

(1) Is located in the Central Employment Area;

(2) Has an existing 100% lot occupancy prior to the filing of the building permit;

(3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and

(4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or

(d) A historic resource and any additions thereto subject to the provisions of § 1701.7.

1701.4 Notwithstanding § 1701.2 and Subtitle A, §301.4, the provisions of this chapter shall not apply to any application for a building permit:

(a) That has been officially accepted by the Department of Consumer and Regulatory Affairs as being complete prior to October 1, 2013 if the building permit plans are consistent; or

(b) Filed on or after October 1, 2013 if the building permit plans are consistent with:

(1) An unexpired approval of a first stage, second stage, or consolidated planned unit development, variance, special exception, design review under the CG or SEFC overlay, or concept design by the Historic Preservation Review Board or Commission of Fine Arts; provided the vote to approve occurred prior to October 1, 2013:

(2) An unexpired approval of a variance, special exception, or design review under the CG or SEFC overlay granted on or after October 1, 2013, for which a public hearing was held prior thereto;

(3) An unexpired approval of a first stage, second stage, or consolidated planned unit development that was granted after October 1, 2013, but which was set down for a public hearing prior thereto;

(4) A Large Tract Review completed prior to July 1, 2012 subject to the following:

(A) The application shall be filed no later than July 1, 2014;

(B) The application shall be consistent with the conditions of the Large Tract Review;

(C) The building shall achieve a GAR of no less than 0.1; and

(D) This subparagraph shall expire on July 2, 2014.

1701.5 Any approved change or modification to a permit, project or application in §§ 1701.3 and 1701.4 that results in an increase in impervious surface or lot occupancy of twenty percent (20%) or more shall cause the GAR to be applicable for that portion of a project that is effected by the modification.

1701.6 In addition to meeting the applicable burden for obtaining further processing approval under a campus plan to construct or add to a building, the college or university applicant shall demonstrate the extent to which the building or addition meets the GAR standards. Further processing approval shall include the determination by the Zoning Commission that the proposed building is complaint with the intent of the GAR regulations.

1701.7 A historic resource and any additions thereto are exempt from the requirement of this chapter as a result of a change of use or an increase of intensity of use, except that this chapter shall be applicable when any addition results in an increase in the gross floor area of the historic resource by 50% or more. For the purposes of this chapter a "historical resource" is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

1701.8 The cost basis for additions, alterations or repairs to an existing building shall be the amount indicated by the applicant on the application for a building permit.

1702 CALCULATION OF GREEN AREA RATIO

1702.1 The GAR shall be calculated using the following formula:

$$GAR = \frac{\text{(area of landscape element 1 x multiplier)+ (area of landscape element 2 x multiplier)+…}}{\text{Lot Area}}$$

1702.2 For the purposes of the above formula and the remainder of this chapter:

(a) The term "landscape element" refers to one of the elements listed in the table in § 1702.9, and will be hereafter referred to as "landscape element" or "element;"

(b) The term "multiplier" refers the number listed the Table in § 1702.9 that corresponds to a "landscape element"; and

(c) The "area of landscape element" shall be the square feet of a landscape element, unless the element is a tree or large shrub, in which case "area of landscape element" refers to the element's equivalent square footage as indicated in § 1702.7.

1702.3 The process for calculating a property's GAR under the formula is as follows:

(a) The area of each landscape element is multiplied by its corresponding multiplier;

(b) The resulting numbers for all landscape elements are added together;

(c) The resulting point total is then divided by the total land area of the lot; and

(d) The product of the equation equals the property's GAR.

1702.4 The total points for all permeable paving and enhanced tree growth credits may not count for more than one-third (1/3) of the GAR score for a lot.

1702.5 If multiple landscape elements occupy the same area, for example groundcover under a tree or trees and shrubs on an intensive green roof, the full square footage or equivalent square footage of each element may be counted.

1702.6 A landscape element must meet the eligibility conditions of § 1703.

1702.7 Equivalent square feet of tree canopy and large shrubs are identified in the table below.

GREEN AREA RATIO LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE
Plants, not including grasses, at least 2 feet tall at maturity	9 sq.ft per plant
Tree canopy for trees 2.5 inches to 6 inches in diameter	50 sq.ft per tree
Tree canopy for trees 6 inches to 12 inches in diameter	250 sq.ft per tree

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GREEN AREA RATIO LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE
Tree canopy for trees 12 inches to 18 inches in diameter	600 sq.ft per tree
Tree canopy for trees 18 inches to 24 inches in diameter	1300 sq.ft per tree
Tree canopy for trees larger than 24 inches in diameter	2000 sq.ft per tree

1702.8 Landscape elements of the GAR shall be measured in the following ways:

(a) All trees shall be measured for diameter at a height four feet, six inches (4 ft. 6 in.) above grade when planted and the square footage equivalent based on diameter shall be as established in the table in § 1702.7;

(b) For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation; and

(c) For all other elements other than trees, large shrubs, perennials, and vegetated walls, square footage is determined by the area of a horizontal plane that is over the element.

1702.9 Eligible landscape elements are identified in the table below:

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Landscaped area (select one of the following for each area)	
Landscaped areas with a soil depth of less than 24 inches	0.3
Landscaped areas with a soil depth of 24 inches or more	0.6
Bioretention facilities	0.4
Plantings	
Ground covers, or other plants less than 2 feet tall at maturity	0.2
Plants , not including grasses, at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches to 6 inches in diameter	0.5
Tree canopy for new trees 6 inches in diameter or larger	0.6
Tree canopy for preservation of existing trees 6 inches to 24 inches in diameter	0.7
Tree canopy for preservation of existing trees 24 inches diameter or larger	0.8
Vegetated wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
Intensive vegetated roof over at least 8 inches of growth medium	0.8
Permeable paving	

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GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Permeable paving over at least 6 inches and less than 2 feet of soil or gravel	0.4
Permeable paving over at least 2 feet of soil or gravel	0.5
Other	
Enhanced tree growth systems	0.4
Renewable energy generation (area of)	0.5
Water features (using at least 50% recycled water)	0.2
Bonuses	
Native plant species listed in §3403.9	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

1703 **LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO**

1703.1 No landscape element may be counted towards a property's GAR unless it meets the applicable conditions stated in this section.

1703.2 Plantings over the specified soil depths shall meet the required conditions listed in the Table of Landscape Elements and Multipliers in § 1702.9.

1703.3 Bioretention facilities shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. Bioretention facilities include but are not limited to rain or rainwater gardens, bioretention planters, or linear cells or swales. These do not include structures made of cement or concrete alone.

1703.4 Trees shall meet the following conditions:

(a) All trees shall be at least two and one-half inches (2.5 in.) in diameter measured at a height four feet, six inches (4 ft. 6 in.) above grade when planted and shall be replaced if damaged or killed by any cause; and

(b) All trees shall meet the American Standard for Nursery stock, as set forth by the American Nursery and Landscape Association.

1703.5 Vegetated walls shall meet the following conditions:

(a) The maximum calculated vertical dimension shall not exceed thirty feet (30 ft.) unless the vegetated wall features a built-in growth medium;

(b) The area calculated for the vegetated wall features shall be fully covered within a period of two (2) to five (5) years from planting;

(c) The area calculated is the ground coverage area, not the total plant growth area;

(d) The walls shall be at least five feet (5 ft.) from a side or rear lot line; and

(e) Where stormwater harvesting for irrigation is proposed, vegetated walls shall contain a connection to the proposed irrigation system.

1703.6 Vegetated roofs shall meet the following conditions:

(a) Designs for vegetated roofs must include plans to provide supplemental water;

(b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and

(c) The groundcover vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

1703.7 Water features shall meet the following conditions:

(a) Water features must use harvested rainwater for at least fifty percent (50%) of the annual flow; and

(b) The water features must be under water for at least six (6) months out of twelve (12).

1703.8 Enhanced tree growth systems shall meet the following conditions:

(a) Be at least twenty-four inches (24 in.) deep, under pavement, and adjacent to planting areas; and

(b) Be composed of soils that are not considered contaminated or compacted according to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, approved December 11, 1980 (94 Stat. 2767; 42 USC § 9601 et seq.).

1703.9 Native plant species shall meet the following conditions:

(a) The plants are listed in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Conservation Landscaping: Chesapeake Bay Watershed guide; or

(b) The applicant provides two (2) references in current publications showing that the plant is native to the region; and

(c) The plant is not listed on the U.S. Fish and Wildlife Service's list of Plant Invaders of Mid-Atlantic Natural Areas.

1703.10 Food cultivation shall meet the following conditions:

(a) All food cultivation areas must be easily accessible to at least one occupant of the building;

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(b) All food cultivation areas must have a source of water that can reach all portions of the food cultivation area; and

(c) The cultivation of animals for food is not eligible for GAR credits.

1703.11 Harvesting stormwater for irrigation shall meet the following conditions:

(a) If the irrigation type is spray, applicants shall follow treatment standards set forth in the current District Department of Environment's Stormwater Management Guidebook; and

(b) If the irrigation type is drip, no additional treatment of stormwater is required.

1704 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

1704.1 This section lists the submittal requirements for demonstrating compliance with a GAR requirement.

1704.2 For the purposes of this section, the term Certified Landscape Expert means a person who is a:

(a) State of Virginia certified landscape architect;

(b) State of Maryland certified landscape architect;

(c) International Society of Arboriculture Certified Arborist;

(d) Maryland's certified Professional Horticulturist; or

(e) Landscape Contractors Association MD-DC-VA Certified Landscape Technician;

1704.3 Applicants shall submit a GAR score sheet with the GAR calculated for the given lot at the time of building permit application.

1704.4 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert that includes the following information:

(a) GAR elements called out by category and area, which may be provided as a part of the landscape plan or as a separate document;

(b) Lot dimension and size;

(c) Location and areas of all landscape elements with dimensions;

(d) Location, size, and species of all plants used to meet requirements;

(e) Both common and botanical names of all plant material;

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(f) Identification of all existing trees that are to be preserved, with their location, trunk diameter at four feet, six inches (4 ft. 6 in.) above grade, canopy radius, and species;

(g) Plans indicating how preserved trees and other plants will be protected during demolition and construction;

(h) Location and dimensions of wheel stops, curbs, or other devices to protect landscaping for landscaped areas adjacent to driveways;

(i) A schematic irrigation and drainage plan and the size and depth of all plant containers for rooftop or container landscaping or areas to be irrigated with rainwater;

(j) Location and size of any trees to be removed;

(k) Specifications for soil improvement; and

(l) Signature of the Certified Landscape Expert who prepared the plans together as verification that plantings and other landscape elements meet the requirements of the this chapter.

1704.5 Applicants shall provide a landscape maintenance plan prepared and signed by a Certified Landscape Expert that describes how the plantings, water features and hardscape features will be cared for and maintained including:

(a) Soil preparation;

(b) Use of compost;

(c) Plant replacement;

(d) Irrigation;

(e) Weed and pest control; and

(f) Control of noxious or invasive species.

1704.6 The following modifications or substitutions to the landscape elements of an approved landscape plan require a plan revision and approval:

(a) Number of trees, shrubs, or groundcovers;

(b) Location of required plantings or landscape features;

(c) Substitution of species; or

(d) Revisions of any feature that could decrease the planting area or lower the GAR score.

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1704.7 Except as provided below, approved landscape elements shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.

1704.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by DCRA.

1704.9 The Zoning Administrator may grant a temporary certificate of occupancy when installation of the required landscaping is not currently possible due to weather, season or site construction subject to the condition that the required landscaping must be installed within four (4) months after the date the temporary certificate is issued.

1704.10 The Zoning Administrator may grant up to two (2) extensions of a temporary certificate of occupancy, each for a four (4) month period by based on the same conditions of C§ 1704.9.

1705 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO

1705.1 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the GAR required under this chapter if, in addition to meeting the general requirements of Subtitle Y, Chapter 8, the applicant demonstrates that providing the GAR is impractical as a result of equivalent sustainability measures already being implemented on the property that achieve the intent of the GAR through methods not available through the GAR requirement.

1706 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

1706.1 All plantings and landscape elements used to calculate a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape elements fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio. These elements are not required to be the same as the submitted plans, so long as the GAR achieved is equivalent.

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CHAPTER 18 TREE PROTECTION

1800 INTRODUCTION

1800.1 Tree protection regulations are intended to:

(a) Preserve mature trees in the District to the maximum extent possible;

(b) Prevent adverse impacts on open space, parkland, stream beds, or other environmentally sensitive natural areas that can result from loss of tree cover; and

(c) Encourage improved air quality and stormwater control that result from mature tree cover.

1800.2 Tree protection regulations of this title are not to be construed to relieve a property owner of their obligation to comply with the provisions of the Urban Forest Preservation Act of 2002 and the regulations promulgated under its authority, currently codified in Chapter 37 of the Public Space and Safety Regulations, Title 24 DCMR.

1801 GENERAL TREE PROTECTION REGULATIONS

1801.1 The tree protection standards required by specific zones, apply when:

(a) Constructing a building, accessory building, horizontal building addition, or other structure;

(b) Creating any impervious surface area as identified in Subtitle C, Chapter 15; and

(c) Causing any other land disturbing activity to the lot that could result in the disturbance of the existing tree canopy.

1801.2 Tree protection standards are set based on trunk circumference. Trunk circumference shall be measured at a height of four and one-half feet (4 ½ ft.) above the ground.

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CHAPTER 19 VEHICLE PARKING

1900 INTRODUCTION

1900.1 This chapter provides parking regulations intended to:

(a) Ensure that vehicular parking areas are located, accessed, and designed to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces;

(b) Ensure that vehicle parking areas are safe and accessible; and

(c) Ensure that surface parking areas are planted and landscaped to be compatible with their surroundings, and to reduce environmental impacts.

1900.2 Any building permit application for new construction or an addition to an existing building shall be accompanied by a detailed parking plan demonstrating full compliance with this Chapter.

1900.3 The Zoning Administrator may, at his or her discretion, request that DDOT review and make a recommendation regarding any item on the vehicle parking plan prior to approving the building permit application.

1900.4 No certificate of occupancy shall be issued unless the vehicle parking spaces have been constructed in accordance with the approved parking plans.

1901 MINIMUM VEHICLE PARKING REQUIREMENTS

1901.1 The minimum parking requirements set forth in this section shall apply to all zones in Subtitles D, E, F, G, H and J; and only as specified in zones within Subtitle K.

1901.2 Where required, the minimum parking requirements set forth in C § 1901.5, in addition to any specific parking requirements of Title 11, shall be met when a new building is constructed.

1901.3 Parking standards for uses in the Residential use categories are calculated in the number of parking spaces per dwelling unit.

1901.4 Parking standards for uses in all other use categories are calculated in the number of parking spaces per one thousand (1,000) square feet of gross floor area.

1901.5 Except as provided for in C § 1902, parking requirements for all use categories are as follows:

Use Category	Minimum number of vehicle parking spaces
Agriculture, Large	1.67 per 1,000 sq.ft.

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Use Category	Minimum number of vehicle parking spaces
Agriculture, Residential	None
Animal Sales, Care and Boarding	1 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Antennas	None
Arts Design and Creation	1 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Basic Utilities	0.33 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Chancery	0.5 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Community-Based Institutional Facility	1 per 1,000 sq.ft.
Daytime Care	0.25 per 1,000 sq.ft.
Eating and Drinking Establishments	1.33 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Education, College/University	as per approved campus plan
Education, Private	1.25 per 1,000 sq.ft.
Education, Public	0.25 per 1,000 sq.ft.
Emergency Shelter	0.5 per 1,000 sq.ft.
Entertainment, Assembly, and Performing Arts	1.67 per 1,000 sq.ft., in excess of 5,000 sq.ft.
Firearm Sales	1.33 per 1,000 sq.ft., in excess of 5,000 sq.ft.
Government, Large-Scale	None
Government, Local	None
Health Care	1 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Institutional, General	1.67 per 1,000 sq.ft., in excess of 5,000 sq.ft.
Institutional, Religious	1.67 per 1,000 sq.ft., in excess of 5,000 sq.ft.
Lodging	0.5 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Marine	0.5 per 1,000 sq. ft.,
Motor Vehicle-related	2 per 1,000 sq.ft.
Office	0.5 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Parking	None
Parks and Recreation	0.5 per 1,000 sq. ft.,
Production, Distribution, Repair	1 per 1,000 sq.ft,, in excess of 3,000 sq.ft. except Warehouse or Storage Facility – 1 per 3,000 sq.ft.
Residential, Single Family	1 per principal dwelling
Residential, Two Family	1 per 2 dwelling units
Residential, Multi-Family	1 per 3 dwelling units in excess of 4 units except 1 per 2 dwelling units for any zone within Subtitles D or E 1 per 6 units of publicly assisted housing, reserved

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Use Category	Minimum number of vehicle parking spaces
	for the elderly and/or handicapped
Retail	1.33 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Service, General	1.33 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Service, Financial	1.33 per 1,000 sq.ft., in excess of 3,000 sq.ft.
Sexually-based Business Establishment	1.67 per 1,000 sq.ft., in excess of 5,000 sq.ft.
Transportation Infrastructure	None
Waste-related Services	1 per 1,000 sq. ft.

1901.6 If two or more uses are located on a single lot or in a single building and the applicable parking standard for such uses exempts an initial floor area (for example, the first 3,000 sq. ft. of gross floor area), only one exempt floor area may be deducted from the total combined parking requirements for the uses and the exempt floor area shall be pro-rated among uses.

1901.7 If two or more uses are located on a single lot or in a single building, the number of parking spaces provided on-site, or off-site in accordance with C § 1901.7 (b), must equal the total number of parking spaces required for all uses, except when parking is shared among uses as provided in C § 1901.8. If a single use falls into more than one (1) use category for which different parking minimums apply, the greater number of parking spaces shall apply.

1901.8 Required parking spaces shall be located either:

(a) On the same lot as the use or structure they are meant to serve; or

(b) On another lot, subject to the following provisions:

(1) The off-site location shall be a maximum of four hundred feet (400 ft.) from the use or structure that the parking spaces serve, as measured from the nearest lot line;

(2) The off-site location may be located within a different zone, except that the off-site parking location for a use within any zone other than a Residential House or Flat zone of Subtitles D or E may not be within a Residential House or Flat zone of Subtitles D or E, except in accordance with the provisions of D § 1603.16 and E § 1102.11; and

(3) Spaces provided off-site in accordance with C § 1901.7 (b) shall not serve as required parking for any other use, unless they are shared parking spaces in accordance with C § 1901.9.

1901.9 Required parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots. Required parking spaces that are shared among more than one use shall be subject to the following conditions:

(a) The spaces shall not serve as required parking for any other use during the days and times each use they serve is in operation;

(b) Required parking maybe shared:

(1) Between uses and a parking site within the same zone; or

(2) Between uses and a parking site within a Residential House zone of Subtitle D and a Residential Flat zone of Subtitle E, or

(3) Between a use in a Residential House zone of Subtitle D or a Residential Flat zone of Subtitle E and a parking site in any other zone; but

(4) May not be shared between a parking site within a Residential House zone of Subtitle D or a Residential Flat zone of Subtitle E and a use located in any other zone.

(c) Unless under common ownership, a written agreement shall remain in effect between the owner of the parking area and the owner of the use for which the parking spaces are required (the "use"), and shall include the obligation set forth in C § 1901.8(a);

(d) The original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use and any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and

(e) The Zoning Administrator should maintain a file of all written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces.

1901.10 The number of required parking spaces shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence.

1901.11 Dedicated car-share parking spaces may be counted toward fulfillment of a minimum parking requirement.

1901.12 Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.

1901.13 Nothing in this section prohibits the provision of parking spaces in an amount which exceeds that required by this section; provided, that parking provided in excess of the minimum required amount shall be subject to the provisions of C § 1907, and such parking shall comply with all other applicable provisions of this chapter.

1901.14 Required parking spaces shall be provided and maintained so long as the structure that the parking spaces are designed to serve exists.

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1902 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS

1902.1 The minimum vehicle parking requirement identified in the table of C§ 1901.4 shall be reduced by fifty percent (50%) for any site which is located:

(a) In any zone other than a Residential House (Subtitle D) or Residential Flat (Subtitle E) zone; and

(b) Within one-half (1/2) mile of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; or

(c) Within one-quarter (1/4) mile of streetcar line that is currently in operation or for which a construction contract has been awarded; or

(d) Within one-quarter (1/4) mile of a WMATA identified WMATA Priority Corridor Network Metrobus Route located entirely or partially within the District of Columbia.

1902.2 Vehicle parking shall not be required:

(a) Within the Residential Single Family and Residential Two Family use categories, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

(b) Within the Downtown zones of Subtitle I; provided that the parking requirements applicable to a Disposition Lot as defined in the Urban Renewal Plan for the Downtown Urban Renewal Area shall be as specified in that Plan;

(c) Within the zones of Subtitle K Chapter 2 Southeast Federal Center (SEFC);

(d) Within the zones of Subtitle K Chapter 4 Capitol Gateway (CG);

(e) Within the M-11 zone of Subtitle G.

1903 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

1903.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District regulations; or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.

1903.2 The Board may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle Y Chapter 8, and the applicant's demonstration of at least one of the following:

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(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within four hundred feet (400 ft.) of the lot in accordance with C §1901.7;

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;

(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;

(f) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;

(g) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

(1) A curb cut permit for the property has been denied by DDOT; or

(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR.

(h) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

1903.3 Any reduction in the required number of parking spaces shall only be for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

1903.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval.

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1904 **MINIMUM PARKING REQUIREMENTS FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES**

1904.1 An addition to an existing building triggers additional parking requirements only when the gross floor area of the building is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [effective date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.

1904.2 Notwithstanding C§ 1904.1, additions to historic resources shall be required to provide additional parking spaces for an addition only if:

(a) The addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [effective date of amendment]; and

(b) The resulting requirement is at least four (4) parking spaces.

1905 **MINIMUM PARKING REQUIREMENTS FOR AN EXPANSION OR CHANGE OF USE WITHIN AN EXISTING BUILDING OR STRUCTURE**

1905.1 Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same gross floor area.

1905.2 When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided at least the minimum number of spaces required.

1905.3 A historic resource shall not be required to provide additional parking spaces for a change in use without expansion.

1905.4 If a use operates solely outside of a building or structure, any expansion of that use shall conform to the applicable parking standards.

1906 **MAXIMUM PARKING REQUIREMENTS**

1906.1 The following maximums shall apply to all newly constructed parking areas, and to parking areas that increase the number of parking spaces or the land area by twenty-five percent (25%) or more:

(a) No above-grade parking area shall be built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area.

1906.2 The Board may grant, by special exception, an increase in the maximum size of parking area allowed under C § 1906.1 (a) or the maximum parking standards of a land use subtitle if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that a transportation demand management plan approved by DDOT will be implemented. The Board may impose as a condition of its approval, requirements as to

screening, landscaping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property.

1907 MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT

1907.1 For the purposes of this section, the term "excess parking space" is defined as all vehicle parking spaces provided in excess of the minimum parking requirement for that location and use pursuant to C §§ 1901 and 1902, but shall not include either parking spaces to be dedicated to an off-site use in accordance with the provisions of C §§ 1901.7 and 1901.8, or dedicated car-share spaces provided in accordance with the provisions of C § 1908.

1907.2 For the purposes of this section, the term "minimum parking required" shall mean:

(a) The minimum required number of parking spaces pursuant to C §§ 1901.4 and 1902 for the relevant use(s); or

(b) Within the Downtown zones of Subtitle I and the zones of Subtitle K Chapter 4, where there is no minimum parking requirement, the minimum number of parking spaces otherwise required for that use pursuant to C §§ 1901.4 and 1902.

1907.3 The provision of excess parking spaces shall require the following Transportation Demand Management (TDM) features:

(a) For any excess parking space greater than one point five times (1.5 X) the minimum parking required for that zone, the following TDM measures shall be required:

(1) Bicycle parking spaces provided in accordance with the provisions of C § 2001 at a rate of 1 bicycle parking space for each 3 excess parking spaces, to a maximum of 100 additional bicycle parking spaces, with such bicycle parking spaces being provided at the same ratio of long and short terms spaces as required in C § 2002.1;

(2) One tree for every 10 excess parking spaces, with such trees to be planted within public space in the Ward in which the site is located, at a location to be determined by the Urban Forestry Division of DDOT, and of a species and size consistent with industry standards for street trees;

(3) One on-site electric car charge station for every 20 excess parking spaces;

(4) One car share spaces to be provided in accordance with the provisions of C §§ 1908.3 through 1908.10 for every 20 excess parking spaces, to a maximum of 10 car share spaces;

(5) The Green Area Ratio required for the site pursuant to C Chapter 17 shall be increased by a rate of .001 for each 2 excess parking spaces, to a maximum of an additional .1.

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(b) In addition, the provision of more than one hundred (100) excess parking spaces shall require the provision of one (1) Capital Bikeshare station with a minimum of twelve (12) bike stalls, and the provision of more than two hundred (200) excess parking spaces shall require the provision of two (2) Capital Bikeshare station with a minimum of twelve (12) bike stalls each. These shall be located on site or at an off-site location within the Ward at a location to be determined by DDOT.

(c) Requirements of this section shall be provided in full prior to the issuance of a certificate of occupancy for the site.

(d) Any requirement of this section shall be in addition to any other requirements of Subtitle C Chapters 19 and 20.

(e) The Board may grant, by special exception, relief from C §§ 1907.3 (a) AND (b) if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that:

(1) Mitigation requirements for the excess parking spaces are not required due to other Transportation Demand Management, bike way, or pedestrian way improvement commitments of the applicant, to be provided prior to the issuance of a certificate of occupancy for the building or site containing the parking; or

(2) The excess parking spaces will serve a District-identified need for parking in the community, and will be entirely shared (non-dedicated) parking spaces available at regular market rates to the public at all times that the facility with the parking is open.

1908 CAR-SHARE PARKING SPACE REQUIREMENTS

1908.1 Car-share parking spaces, whether required by this section or not, may be counted toward fulfillment of any minimum parking requirement.

1908.2 Any new parking area with fifty (50) or more parking spaces shall include car-share spaces as follows:

Number of parking spaces to be built	Number of car-share spaces required
50 to 149	1 minimum
150 to 249	2 minimum
250 or more	3 minimum, plus 1 space for each additional 100 spaces over 250

1908.3 All required car-share spaces shall be made available to any car-share organization with a valid business license, for the purpose of providing car-share services for its subscribers.

1908.4 The spaces shall be offered at no cost to any licensed car-share organization, unless there is more than one (1) request received for the space(s), in which case the owner may provide the space(s) to the car share organization of his or her choice; and when there are more than one (1) required car share spaces, the owner may allocate different spaces to different car share organizations.

1908.5 Required car-share spaces shall be accessible at all times to subscribers who may or may not be residents or employees of uses on the lot. Reasonable security measures, such as keyless entry devices, may be used.

1908.6 The following information shall be provided to the Zoning Administrator and all car-sharing organizations with a valid business license by any property owner of a proposed parking area required to provide car-share spaces no later than ten (10) days after the issuance of a building permit:

(a) Written notice of the number and location of car-share spaces that will be available;

(b) A floor plan or site plan of the parking area clearly identifying the required car-share spaces;

(c) The square and lot number, address, property owner contact information; and

(d) Any other pertinent information as determined by the Zoning Administrator.

1908.7 If no licensed car-sharing organization provides the property owner with written notice of intent to use the car-share spaces, the property owner may use required car-share spaces to provide general parking spaces.

1908.8 No later than ninety (90) days after receipt of written notice from a licensed car-sharing organization, the property owner shall terminate any non-car-sharing leases for such spaces and shall make those spaces available to the car-share organization.

1908.9 If a required car-share space claimed by a car-share organization is not used for car-sharing services for a period of more than thirty (30) days, the car-share organization's claims to that space shall be void, and may not be reclaimed by the same organization for at least one (1) year. Any such parking space may be claimed by a different car-share organization or used by the owner as general parking pursuant to C § 1908.7.

1908.10 The Zoning Administrator should maintain an online and publicly-accessible file of:

(a) All car-sharing organizations with a valid business license; and

(b) All projects approved with required car-share parking spaces containing the information required by C § 1908.6.

1908.11 The Board may grant, by special exception, relief from this subsection if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that:

(a) Unusually high security needs for tenants of the building preclude the provision of publically available car share spaces, and

(b) Car-share spaces, not otherwise required by a separate building or use, are being provided by the applicant within four hundred feet (400 ft.) of the site.

1909 **RULES OF CALCULATION**

1909.1 For purposes of calculating off-street parking requirements, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

1909.2 When an initial amount of floor area or number of dwelling units is exempted, that amount or number is subtracted from the total before the minimum parking requirement is calculated.

1909.3 Calculations of parking spaces that result in a fractional number of one-half (0.5) or more shall be rounded up to the next whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous whole number.

1910 **LOCATION RESTRICTIONS**

1910.1 The intent of this section is to prevent negative impacts on neighboring property from excessive parking, minimize vehicle-pedestrian conflicts, respect the pedestrian environment, foster good urban design, and provide space for active uses to line parking structures.

1910.2 Vehicle parking spaces shall be located:

(a) Within or below a building or structure; except

(1) In all zones except for any zone of Subtitles D, E, or J, parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets or a waterfront setback required pursuant to C §2301.1, unless the surface of the parking spaces is at least ten feet (10 ft.) below grade, at all points along the building frontage.

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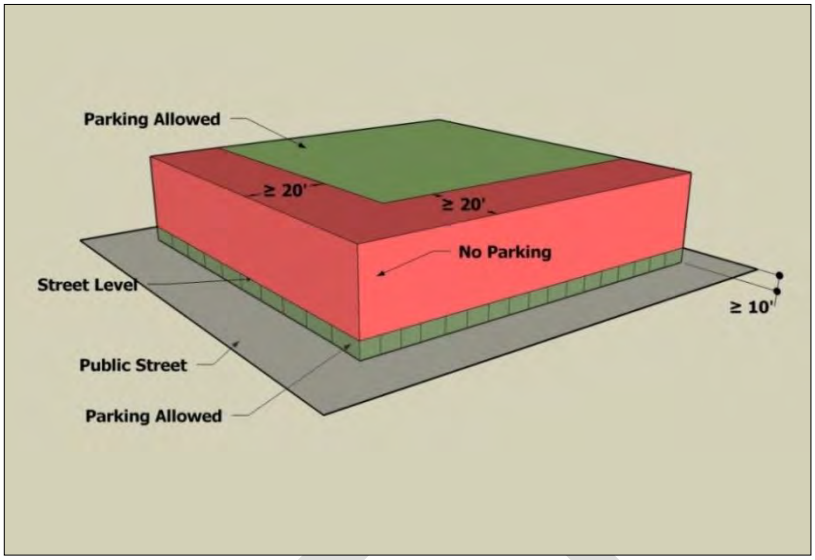
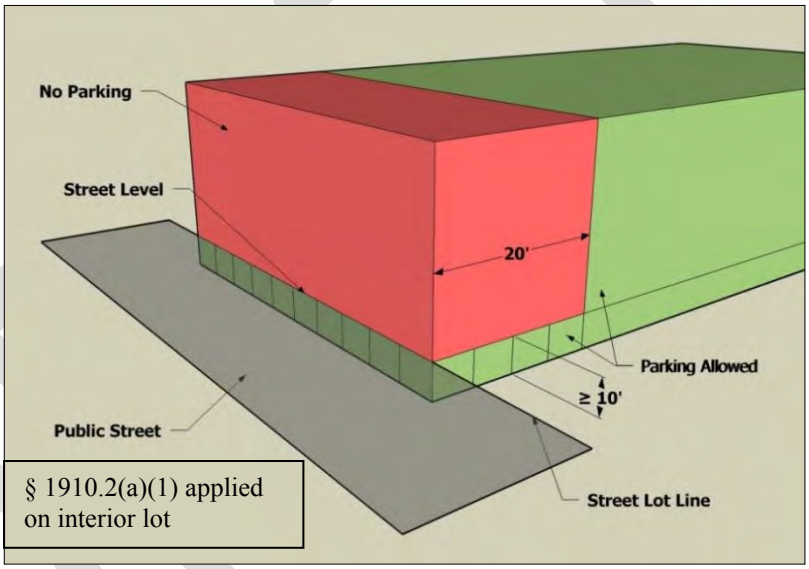


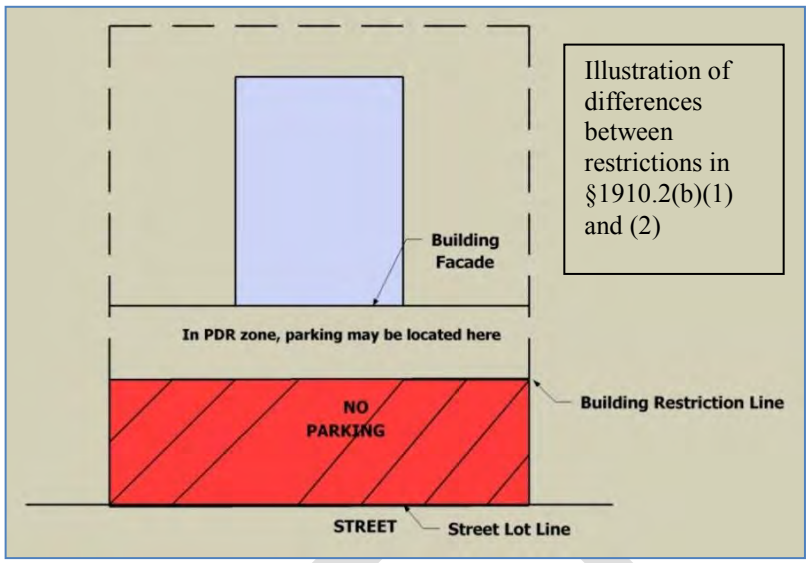


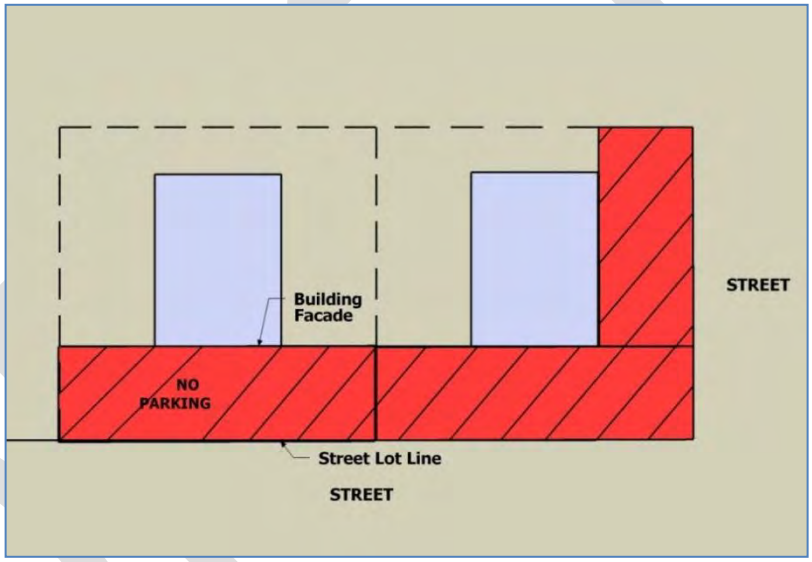
§ 1910.2(a)(1) applied on interior lot

(b) On an open area of the lot, except:

(1) Between a building restriction line and a front lot lone;

(2) In any zone other than a PDR zone, surface parking spaces shall not be located within a *front yard*. A building used solely as a parking attendant shelter shall not trigger this restriction;





(3) Surface parking spaces shall be permitted only by special exception pursuant to C § 2301.5 if located:

(4) Anywhere on a lot within the zones of Subtitle H Chapter 4 (Waterfront zones); or

(5) Within a waterfront setback area pursuant to C § 2301.1.

(6) Parking spaces serving the District of Columbia Correctional Facility and other uses and agencies currently on the site as of March 2, 2007 may be located anywhere within Public Reservation 13 tract; provided that this permission shall expire on March 2, 2014.

(7) Parking spaces and access isles for and buildings, structures or uses adjacent to the Anacostia River, Potomac River, or Washington Channel shall be and sited and designed accordance with the requirements of C § 2301

1910.3 The Board may allow open parking spaces to be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with the general special exception requirements of Subtitle Y Chapter 8, and the applicant's demonstration of the following:

(a) The Board shall determine that it is not practical to locate the spaces in accordance with C § 1910.2 for the following reasons:

(1) Unusual topography, grades, shape, size, or dimensions of the lot;

(2) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;

(3) Traffic hazards caused by unusual street grades; or

(4) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

(b) When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, parking on a lot within four hundred feet (400 ft.) of the site is preferred.

(c) The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

(d) The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

1911 **ACCESS REQUIREMENTS**

1911.1 Approval of a driveway under this Title does not constitute permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals from the District Department of Transportation (DDOT).

1911.2 All parking spaces, driveways, and entrances that provide access to parking areas, shall conform to the requirements of this section.

1911.3 All parking spaces, other than those discussed in C § 1911.4, shall be accessible at all times from a driveway accessing either:

(a) An improved street; or

(b) An improved alley or alley system with a minimum width of ten feet (10 ft.).

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1911.4 A mechanized parking system shall meet the requirements of C § 1911.3, although individual parking spaces provided as part of the mechanized parking system do not.

1911.5 Within twenty feet (20 ft.) of all street lot lines, a driveway shall be at least eight feet (8 ft.) wide and not more than ten feet (10 ft.) wide if it:

(a) Provides access to parking spaces serving a single family dwelling or flat;

(b) Provides access to no more than two (2) parking spaces for any use; or

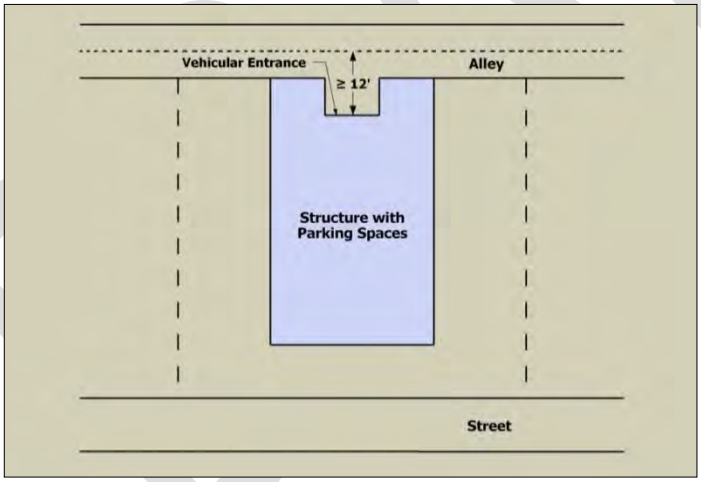
(c) Provides shared access across public or private property to no more than three (3) single family dwellings or flats.

1911.6 Within twenty feet (20 ft.) of all street lot lines, a driveway other than as described in C § 1911.5 shall be:

(a) At least twelve feet (12 ft.) wide for one-way traffic or twenty feet (20 ft.) wide for two-way traffic; and

(b) Not more than twenty-four feet (24 ft.) wide.

1911.7 When parking spaces are provided within a building or structure, all vehicular entrances or exits shall be set back at least twelve feet (12 ft.) from the center line of any adjacent alley.



1911.8 A driveway that provides access to parking spaces shall:

(a) Have a maximum grade of twelve percent (12%) with a vertical transition at the property line; and

(b) Be constructed with an all-weather. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.

1911.9 Driveways to groups of row dwellings shall be governed by the following provisions:

(a) In the case of two (2) or more row dwellings that are constructed concurrently on adjacent lots and that have no access from an improved alley, access to off-street parking is not required pursuant to C § 1902.2, but may be provided through a shared driveway opening;

(b) The Board of Zoning Adjustment may allow required parking spaces for one (1) or more row dwellings to be located on a separate lot in accordance with the requirements of Subtitle Y Chapter 8 and the following provisions: :

(1) There is no alternative access to on-site parking spaces through open and improved existing or proposed alleys or private driveways;

(2) The parking spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structure that they are designed to serve;

(3) The Board determines that the separate parking does not impose any adverse impact on the surrounding neighborhood;

(4) The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances or exits, or any other requirement it deems necessary to protect adjacent or nearby property, or to ensure the continued provision and maintenance of the spaces.

1911.10 Required parking spaces for a Motor Vehicle-related Use Category may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

1911.11 Required parking spaces for a Police Department Facility within the Local Government Use Category may be arranged so that all spaces are not accessible at all times.

1912 **SIZE AND LAYOUT REQUIREMENTS**

1912.1 All parking spaces and parking aisles shall conform to the dimension requirements of this section, except as provided in C § 1917.

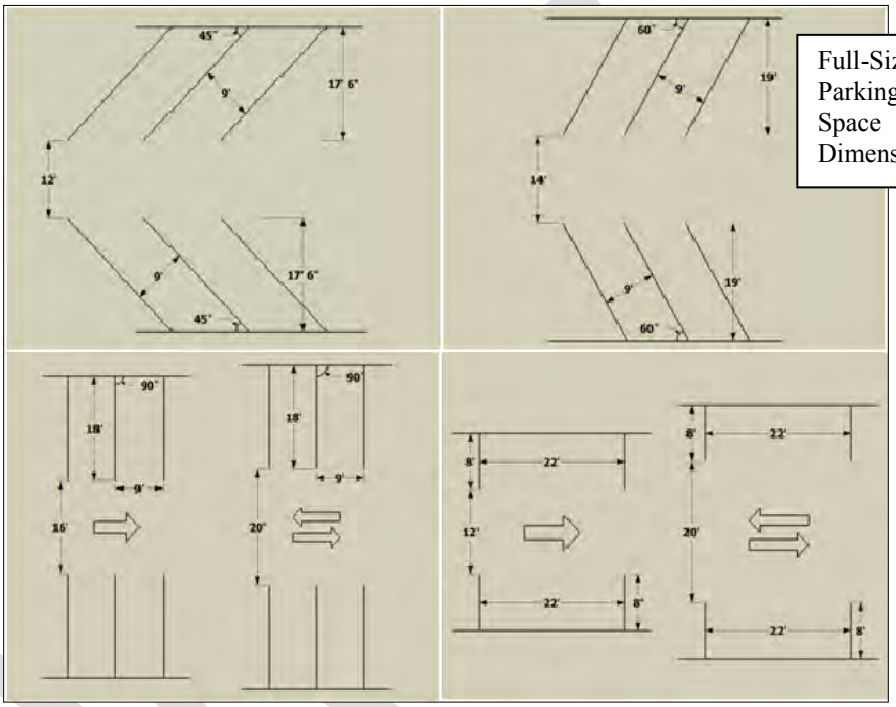
1912.2 Mechanized parking systems are exempt from the requirements of this section.

1912.3 At least fifty percent (50%) of the parking spaces in any parking area must meet the minimum full-sized parking space standards of C§ 1912.5. All other spaces must meet the minimum compact parking space standards in C § 1912.6.

1912.4 Parking spaces provided on the same lot as a historic resource shall meet the minimum dimensional requirements of C § 1912.6.

1912.5 The minimum dimensions for full-sized parking spaces and aisles are as follows:

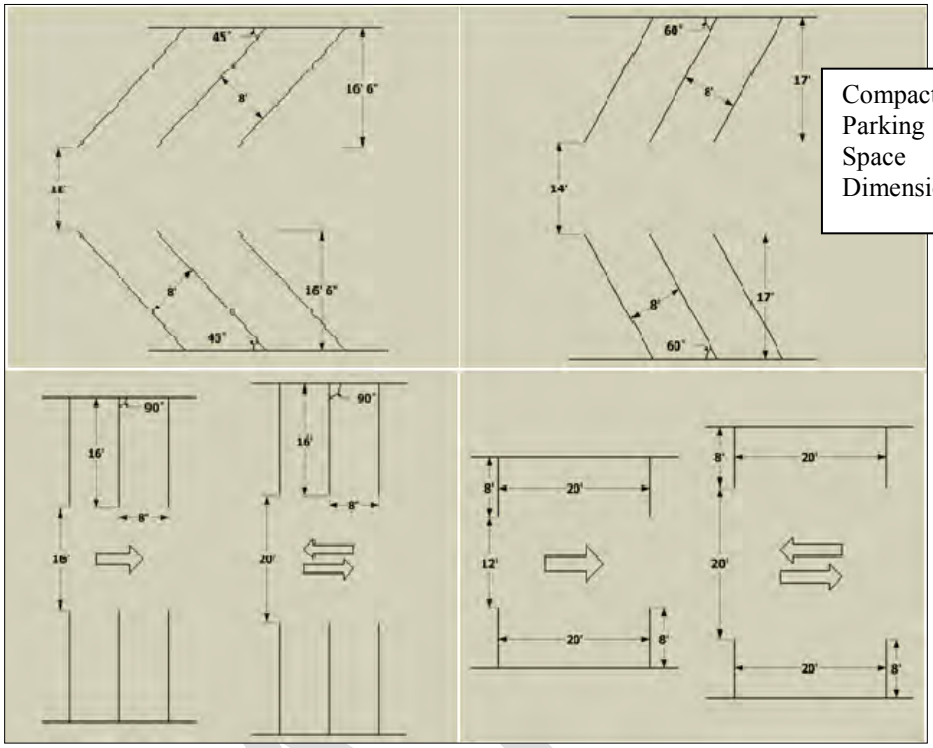
Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Drive Aisle Width (Feet)	Two-Way Drive Aisle Width (Feet)
45°	9	17.5	12.0	N/A
60°	9	19.0	14.0	N/A
90°	9	18.0	16.0	20.0
Parallel	22.0	8.0	12.0	20.0



Full-Size Parking Space Dimensions

1912.6 The minimum dimensions for compact parking spaces and aisles are as follows:

Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Aisle Width (Feet)	Two-Way Aisle Width (Feet)
45°	8	16.5	12.0	N/A
60°	8	17.0	14.0	N/A
90°	8	16.0	16.0	20.0
Parallel	20.0	8.0	12.0	20.0



Compact Parking Space Dimensions

1912.7 All parking spaces and access ways to and from spaces shall have a minimum vertical clearance of six feet, six inches (6 ft., 6 in.).

1912.8 Above grade parking areas shall be designed so that no vehicle shall project over any lot line, front setback line, or building restriction line.

1912.9 Except on a lot that only has one (1) or two (2) dwelling units:

(a) Wheel bumper guards, curbs, guard rails, or screening shall be installed between the property line and the perimeter of the parking area; and

(b) All parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

1913 **MAINTENANCE REQUIREMENTS**

1913.1 All parking areas, including access aisles, driveways, and ramp areas, shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all-weather surfaces include porous (or pervious) concrete, porous asphalt, and mechanically-reinforced grass. Gravel and grass that is not mechanically reinforced are not allowed as surface materials required under this subsection.

1913.2 All parking spaces shall be clearly striped according to the dimensions specified in C § 1912. Durable all-weather materials shall be used for striping. Striping shall be maintained for as long as the parking spaces are in use.

1913.3 A parking lot serving a use in the Retail or Eating and Drinking Establishment use category shall provide at least one (1) litter receptacle within the parking area.

1914 **SCREENING REQUIREMENTS FOR SURFACE PARKING**

1914.1 Screening shall be required for any external surface parking spaces located:

(a) Within a zone other than a PDR zone; or

(b) In a PDR zone and abutting property that is not within a PDR zone.

(c) Residential uses on lots with a maximum of three dwelling units are not required to be screened.

1914.2 Screening of external surface parking shall be provided in accordance with the following provisions:

(a) Screening shall be provided around the entire perimeter of the surface parking area.

(b) Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street or sidewalk. No individual gap may exceed twenty feet (20 ft.) in width.

(c) The screening shall be either:

(1) A wall or fence at least forty-two (42) inches high; or

(2) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two (42) inches in height when planted.

1914.3 The Board may grant, by special exception, a modification or waiver of these screening requirements. In addition to the general requirements of Subtitle Y Chapter 8, the Board may consider:

(a) Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;

(b) Existing vegetation, buildings or protective and screening walls located on adjacent property; and

(c) Existing topographic conditions; and

(d) Traffic conditions.

(e) In granting a modification or waiver, the Board may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.

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1915 **LANDSCAPING REQUIREMENTS FOR SURFACE PARKING**

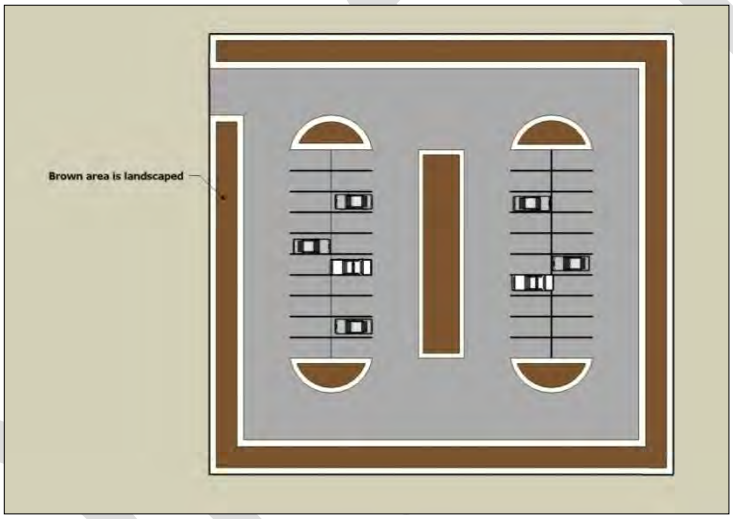
1915.1 Surface parking lots with ten (10) or more parking spaces shall conform to the landscaping, tree canopy cover, and lighting requirements of this section:

1915.2 A minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs.

1915.3 The landscaping shall be maintained in a healthy, growing condition. Dead or dying plant material shall be replaced.

1915.4 The landscaping shall be designed and maintained to accept storm water runoff from the surrounding parking area.

1915.5 All end islands of parking rows longer than nine (9) parking spaces, and all areas otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped.



1915.6 The following shall not count towards the landscape area requirements of this section:

(a) Landscape areas of less than one (1) foot in any horizontal dimension;

(b) Landscaping around the perimeter of the parking area greater than a distance of six feet (6 ft.) from the parking pavement area;

(c) Moveable planters;

(d) Any landscape area with a soil depth of less than one (1) foot; or

(e) Permeable surface area used for parking or access to parking, or otherwise incapable of being landscaped.

1915.7 The parking area shall be provided with the equivalent of one (1) canopy tree per five (5) parking spaces subject to the following requirements:

(a) Trees of the species listed in Appendix X – "Suggested List of Tree Species for Parking Lot Canopy Requirements" shall be planted with the following conditions:

(1) For every tree planted from the list of small species in [Appendix X], a tree from the list of large species in [Appendix X], or a substitute approved by the Urban Forestry Administration (UFA), shall be planted;

(2) Species not on the list in Appendix X may be planted if determined by the UFA to be equivalent to species from the list; and

(3) The Zoning Administrator may accept any written communication from the UFA as approval of a tree species;

(b) Trees shall be planted in areas that are included in the landscaped areas required by C§§ 1915.4 and 1915.5;

(c) New trees, or existing trees that are retained, shall count toward the tree requirement based on the following:

(d) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.) diameter;

(e) All trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree;

(f) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops with no horizontal dimension less than four feet (4 ft.) and a minimum depth of three feet (3 ft.); and

(g) If tree planting areas are located adjacent to vehicle overhangs, trees shall be planted within one foot (1 ft.) of lines extending from the stripes between parking spaces.

1915.8 Any lighting used to illuminate a parking area or its accessory buildings shall be arranged so that all direct light rays are confined to the surface of the parking area.

1915.9 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the landscape standards for parking lots required by this section if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that complying with the landscape standards is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

1916 DRIVE-THROUGH QUEUING LANES

1916.1 A driveway serving as a motor vehicle queuing lane shall conform to the standards in this section.

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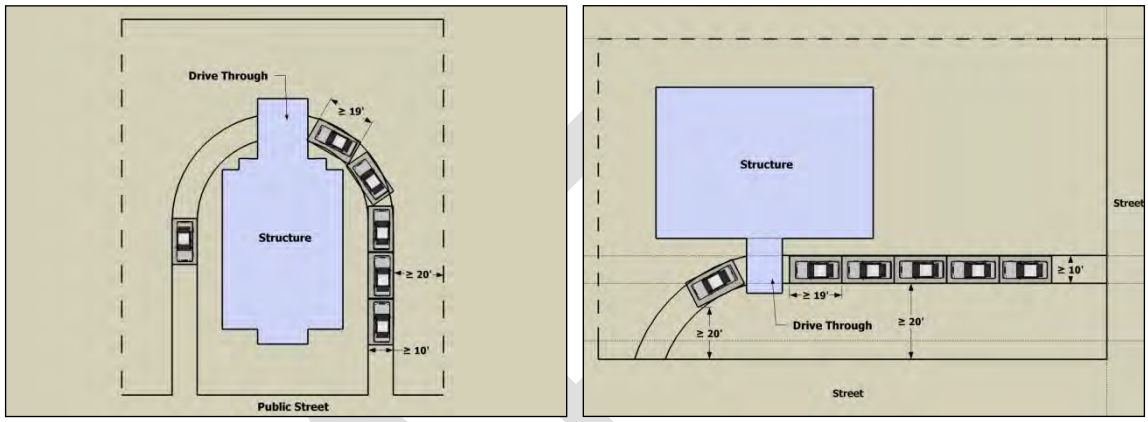
1916.2 The queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.

1916.3 No queuing space may be located within twenty feet (20 ft.) of any street lot line.

1916.4 Each queuing space shall be a minimum of ten feet (10 ft.) in width by nineteen feet (19 ft.) in length and shall constitute an exclusive queuing lane.



1916.5 The queuing lane shall not be the only entry or exit lane on the premises.

1916.6 Any lighting used to illuminate the queuing lane shall be so arranged that all direct light rays are confined to the surface of the queuing lane.

1917 **EXCEPTIONS FROM PARKING SIZE, LAYOUT AND MAINTENANCE REQUIREMENTS FOR ATTENDANT PARKING**

1917.1 In a Mixed-Use or Downtown zone, the Zoning Administrator may waive the parking space dimensional, size, design, and striping requirements stated in C §§ 1912.4 – 1912.7, and 1913 for parking located within a building if:

(a) The parking area is a minimum of twenty-thousand square feet (20,000 sq. ft.);

(b) A minimum of two hundred eighty-five square feet (285 sq. ft.) of parking area will be provided for each parking space;

(c) Residential uses will occupy no more than twenty percent (20%) of the gross floor area of the building or structure;

(d) Parking will be managed from 7:00 a.m. to 7:00 p.m. by employed attendants to park the vehicles within the parking area; and

(e) No individual area measuring less than seven feet (7 ft.) by fourteen feet (14 ft.), exclusive of column obstructions, shall be used to park motor vehicles.

1917.2 The request for a waiver under C § 1917.1 must be accompanied by:

(a) A written parking plan submitted to the Zoning Administrator that demonstrates how parking shall be provided if attendant parking is discontinued; and

(b) A certification by the building owner that the parking will be operated in conformance with C§ 1917.3.

1917.3 Parking granted a waiver pursuant to C § 1917.1 shall be operated in conformance with the following conditions:

(a) A permanent sign shall be posted at each entrance in full view of the public that states: "Attendant assisted parking is required by the District of Columbia Zoning Regulations," and that states the hours during which attendant parking is provided;

(b) The sign shall have a white background, with black lettering that is at least two inches (2 in.) in height;

(c) All parking areas and spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space;

(d) Where aisles are provided, they shall meet the design requirements stipulated in C §§ 1912.6 and 1912.7; and

(e) If attendant parking is discontinued, the parking spaces shall thereafter conform to the requirement C §§ 1912.4 – 1912.7, and 1913 and the parking area shall be operated in conformance with the parking plan required by C § 1917.2(a). The purpose of the parking plan is to demonstrate that all unattended parking spaces will meet the size and layout requirements of these subsections, and that any minimum parking requirement will be met.

1918 TEMPORARY SURFACE PARKING LOTS FOR BALLPARK

1918.1 A temporary surface parking lot for the *Ballpark* shall be permitted on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; Square 658, Lot 7; and Square 767, Lots 44 - 47; Square 768, Lots 19 - 22; and Square 769, Lots 18 - 21 ("the subject squares"), when permitted by the regulations of the relevant land use subtitle, and subject to the provisions of this section.

1918.2 The cumulative total of all temporary surface parking spaces for which a valid Building Permit has been issued pursuant to this section shall not exceed 3,775 parking spaces, except as provided in C § 1919.7.

1918.3 Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018.

1918.4 The application for a building permit for matter of right construction shall include a detailed accounting demonstrating that the circumstances described in C § 1919.7 do not apply.

1918.5 No certificates of occupancy for this use shall be issued until the District Department of Transportation (DDOT) has approved a traffic routing plan for the lot, which shall include the impact of other proposed lots if required by DDOT.

1918.6 The traffic routing plan described in C § 1919.5 shall not direct traffic through I St., SW, P St., SW, or 4th St., SW.

1918.7 If and when valid building permits issued pursuant to this section authorize an aggregate of 3,775 or more parking spaces, the construction and use of additional temporary spaces on any of the subject squares shall require approval of the Board of Zoning Adjustment pursuant to Subtitle Y Chapter 8, and in accordance with C §§ 1919.8 through 1919.10 and the following provisions:

(a) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018; and

(b) The BZA application shall include a detailed accounting of the number and locations of temporary parking spaces provided pursuant to C§§ 1918.2 through 1918.5; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation.

1918.8 Any parking lot authorized by this section shall be available for exclusive use of attendees at any baseball game or other public event held at the Ballpark for a period extending from one and a half hours prior to the scheduled start of the event, to three hours after the event. At all other times, the parking lot may be used for:

(a) Parking on a general basis for Non-Commercial Motor Vehicles as that term is defined by 18 DCMR § 1312.3 (c), except vehicles equipped to serve as temporary or permanent living quarters; or

(b) A seasonal or occasional market for produce, arts or crafts with non-permanent structures.

1918.9 No use, other than permitted in this section shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the District in which the parking lot is located.

1918.10 A temporary surface parking lot provided in accordance with this section shall comply with provisions of C §§ 1911 through 1915 and the following standards:

(a) A minimum of five percent (5%) of parking spaces shall be reserved for a registered and recognized, publicly accessible car/ride-share program with a significant District user base and a mandate that is not commuter-oriented; and

(b) The car/ride share spaces shall be provided in premium, visible, bannered locations and will be available, for a fee, exclusively for this use until the start of the event on that day.

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CHAPTER 20 BICYCLE PARKING

2000 INTRODUCTION

2000.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a bicycle parking plan, which shall be depicted on detailed site plans and building plans and demonstrate full compliance with this chapter.

2000.2 The Zoning Administrator may at his discretion, request that DDOT review and make a recommendation regarding any item on the bicycle parking plan prior to approving the building permit application.

2000.3 No certificate of occupancy shall be issued unless the bicycle parking spaces have been constructed in accordance with the approved bicycle parking plan.

2001 BICYCLE PARKING REQUIREMENTS

2001.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.

2001.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.

2001.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:

(a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;

(b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;

(c) Racks shall be placed a minimum of thirty inches (30 in.) apart from one another and any other obstructions, , and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and

(d) The rack shall be securely anchored.

2001.4 Each required bicycle parking space shall be accessible without moving another bicycle.

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2002 **MINIMUM NUMBER OF BICYCLE PARKING SPACES**

2002.1 All residential uses with ten (10) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces.

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, Large	None	2 spaces
Agriculture, Residential	None	None
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and Drinking Establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, College / University	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Private School	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, Large-Scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, Local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Health Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, General	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, Religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential House	None	None
Residential Apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, General	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, Financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

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2002.2 Notwithstanding C § 2002.1, no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces.

2002.3 The bicycle parking standards of this chapter shall be met when a new building is constructed.

2002.4 When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.

2002.5 An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.

2002.6 Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

2002.7 Special exception relief from additional parking requirements for historic resources is provided for in C § 2007.

2002.8 If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards.

2002.9 Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.

2002.10 When there is more than one use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

2003 RULES OF CALCULATION

2003.1 All bicycle parking standards shall be calculated on the basis of gross floor area, except for Residential uses, which base bicycle parking standards on the number of dwelling units.

2003.2 For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

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2003.3 Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one half (0.5) shall be rounded down to the previous consecutive whole number.

2004 **SHORT-TERM BICYCLE PARKING SPACE REQUIREMENTS**

2004.1 Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR.

2004.2 Required short-term bicycle parking spaces shall be located within fifty feet (50 ft.) of a primary entrance to the building they serve.

2004.3 Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface conforming to the requirements of C§ 1913.1.

2004.4 Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of C § 2001.3.

2004.5 An aisle at least five feet (5 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the right-of-way.

2004.6 Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

2005 **LONG-TERM BICYCLE PARKING SPACE REQUIREMENTS**

2005.1 All required long-term bicycle parking spaces shall be located within the building of the use requiring them.

2005.2 Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants.

2005.3 Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room.

2005.4 Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier.

2005.5 Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors.

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2005.6 For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room.

2005.7 Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:

(a) Twenty-four inches (24 in.) in width at the door end;

(b) Eight inches (8 in.) in width at the opposite end;

(c) Seventy-two inches (72 in.) in length; and

(d) Forty-eight inches (48 in.) in height.

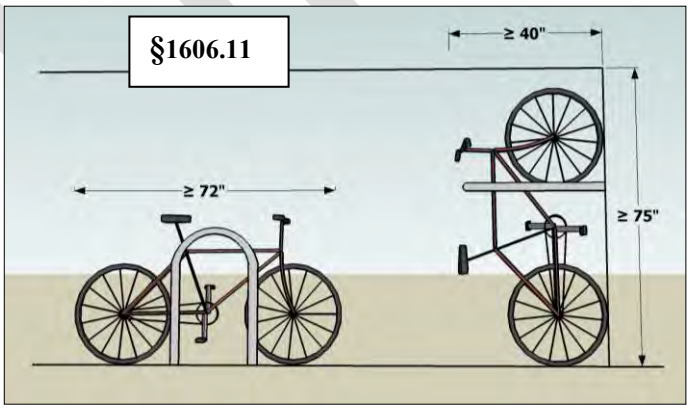
2005.8 Each required long-term bicycle parking spaces shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times.

2005.9 A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended.

2005.10 Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

(a) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or

(b) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



2006 REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES

2006.1 The intent of this section is to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses.

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2006.2 The requirements of this section shall apply to:

(a) Newly constructed buildings; and

(b) Buildings that expand in gross floor area by more than twenty-five percent (25%).

2006.3 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers.

2006.4 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high.

2006.5 Showers and lockers required by this section shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

2007 **SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS**

2007.1 This section provides flexibility from the requirements of this chapter when providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking.

2007.2 The Board may grant, by special exception, a full or partial reduction in the minimum number of long-term or short term bicycle parking spaces required for a use or structure, subject to the general requirements of Subtitle Y Chapter 8, the limitations of C § 2007.3, and the applicant's demonstration of either of the following:

(a) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space; or

(b) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:

(1) The nature of the use or structure;

(2) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces, or

(3) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval, will

result in demand for less short-term bicycle parking than the minimum bicycle parking standards require.

(c) The nature or location of the historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

2007.3 A reduction in parking granted under C§ 2007.2 shall only be for the amount that the applicant demonstrates cannot be physically provided, and proportionate to the reduction in bicycle parking demand demonstrated by the applicant

2007.4 The Board may grant, by special exception, modifications or waivers to the requirements for showers and changing facilities in C §§ 2006.3, 2006.4, and 2006.5 if in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that:

(a) The intent of C § 2006 is met; and

(b) Either:

(1) The use will not generate the demand for the full number of showers and changing facilities required; or

(2) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

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CHAPTER 21 LOADING

2100 INTRODUCTION

2100.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this Chapter.

2100.2 The Zoning Administrator may at his discretion, request that DDOT review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.

2100.3 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.

2101 LOADING REQUIREMENTS

2101.1 All buildings or structures shall be provided with loading berths and service/delivery spaces as follows:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Agriculture		
	None	None
Animal Sales, Care and Boarding		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Antennas		
	None	None
Arts Design and Creation		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Basic Utilities		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Chancery		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Community-Based Institutional Facility		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Daytime Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Education		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Emergency Shelter		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Entertainment, Assembly, and Performing Arts		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
Firearm Sales		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Food and Alcohol Services		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Government, Large-Scale		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Government, Local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Health Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Lodging		
10,000 to 50,000 sq. ft. gross floor area	1	None
More than 50,000 to 100,000 sq. ft. gross floor area	2	None
More than 100,000 to 500,000 sq. ft. gross floor area	3	None
More than 500,000 sq. ft. gross floor area	4	None
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Motor Vehicle-related		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Office		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor	2	1

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Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
area		
More than 200,000 sq. ft. gross floor area	3	1
Parking		
	None	None
Parks and Recreation		
More than 30,000 sq. ft. gross floor area	None	1
Production, Distribution, and Repair		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None
Residential		
More than 50 dwelling units	1	1
Retail		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Service		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Sexually-oriented Business Est.		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Transportation Infrastructure		
	None	None
Waste-related Services		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None

2101.2 The loading requirements must be met when a new building or structure is constructed.

2101.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum specified in § 2101.1.

2101.4 Each loading berth shall be accompanied by one (1) adjacent loading platform.

2101.5 When a property changes or adds a use category, the following shall apply:

(a) Additional loading berths, loading platforms and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same floor area;

(b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and

(c) Historic resources shall not be required to provide additional loading for a change in use without expansion.

2101.6 An addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial loading requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added.

2101.7 An addition to a historic resource shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

2101.8 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.

2101.9 For a building or structure having three (3) or more required loading berths in one location, the loading berths may be arranged so that access to a loading berth is across the length of one (1) other loading berth.

2101.10 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.

2101.11 Each service/delivery space shall be clearly marked "For Service and Delivery Vehicles Only" and used exclusively for such vehicles.

2102 **RULES OF MEASUREMENT**

2102.1 When two (2) or more non-residential uses in the same use category share a building or structure, all of the uses in the same use category shall be added together to derive the total gross floor area, or other unit of measurement in the table in § 2302.1, to determine the required number of berths and spaces for that use category.

2102.2 When two (2) or more uses in different use categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the use category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area.

2102.3 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

2102.4 For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

2103 LOCATION RESTRICTIONS

2103.1 Except as provided in this section, all loading berths and service/delivery spaces shall be located as follows:

(a) Within the building or structure the berths or spaces are designed to serve;

(b) Within the rear yard of the building they are intended to serve; or

(c) Within a side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to an R, RF, A, or M zone, the loading berths and service/delivery loading spaces shall be at least six (6) feet from any side lot line.

2103.2 Loading facilities in PDR zones are not subject to the requirements of § 2101.2. However, loading facilities located in a side yard on a lot that is within or adjacent to an R, RF, A, or M zone shall be at least six (6) feet from any side lot line.

2103.3 All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure.

2103.4 All uses in the building shall have direct access to required loading platforms or access through a common interior space or corridor.

2103.5 All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line.

2103.6 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

(a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in § 2101.1; and

(b) A binding covenant that is acceptable to the Zoning Administrator, ensuring the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by § 2101.1.

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2104 **ACCESS REQUIREMENTS**

2104.1 All loading berths and service/delivery spaces shall be accessible at all times from a driveway meeting the requirements of C §§ 2107.4 and 2107.7.

2104.2 A driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.) a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12 %).

2104.3 No driveway providing access to a loading berth or service/delivery space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection.

2104.4 A loading berth or service/delivery space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

2104.5 All loading berth or service/delivery space shall be located to be accessed from a public alley, where an open and improved alley of fifteen feet (15 ft.) width exists.

2105 **SIZE AND LAYOUT REQUIREMENTS**

2105.1 The intent of this section is to ensure that loading facilities are adequately sized and capable of performing their intended functions.

2105.2 All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty (30) feet and have a minimum vertical clearance of fourteen (14) feet.

2105.3 All service/delivery spaces shall be a minimum of ten feet (10 ft.) wide, have a minimum depth of twenty feet (20 ft.) and have a minimum vertical clearance of ten feet (10 ft.).

2105.4 All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:

(a) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;

(b) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;

(c) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and

(d) A loading platform floor shall consist of one (1) horizontal level.

2105.5 No loading platform need be provided for loading berths if the required loading berth is increased in depth for the full width thereof, such that the resulting enlarged loading berth is

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equal in area to the combined area of a required loading berth and a required loading platform.

2105.6 The dimensions specified in this section for loading berths and service/delivery spaces are exclusive of access aisles, maneuvering space, and loading platforms.

2106 MAINTENANCE REQUIREMENTS

2106.1 All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface.

2106.2 A loading berth or service/delivery space, including access aisles, driveways, and maneuvering areas, shall be maintained and used as a loading berth or service/delivery space for as long as the use exists that the loading berth or service/delivery space is designed to service.

2107 TRASH ROOM AND RECEPTACLE REQUIREMENTS

2107.1 Buildings requiring loading must have at least one (1) trash room within the building and within or immediately adjacent to the loading area, berth or platform, or within an accessory building or structure immediately adjacent to the loading area.

2107.2 All new development over two thousand square feet (2,000 sq. ft.) of gross floor area other than buildings with only one or two dwelling units must clearly show the area for the building's trash receptacles on the building plans.

2107.3 Trash receptacles external to a building shall be screened and or covered.

2108 SCREENING AND LIGHTING REQUIREMENTS

2108.1 All loading berths or service/delivery spaces that are not enclosed within a building and are located in a zone other than a P zone or a P zone that abuts a Residential zone, shall have screening around the entire perimeter, subject to the standards of §§ 1709.4 and 1709.5.

2108.2 Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).

2108.3 The screening required by § 2309.2 shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 ins.) high. The wall shall harmonize with the main structure in architectural character, material, and color.

2108.4 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street or alley. No individual gap may exceed twenty feet (20 ft.) in width.

2108.5 Any lighting used to illuminate a loading berth, loading platform or service/delivery space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.

2109 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS

2109.1 This section provides flexibility from the loading requirements when providing the number of spaces required is impractical or contrary to other District regulations.

2109.2 The Office of Zoning shall refer any application under this section to the Office of Planning and the District Department of Transportation for review and report.

2109.3 The Board may grant, by special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by C§ 2101.1 if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that:

(a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or

(b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

2109.4 The Board may grant, by special exception, a waiver of the access requirements of C§§ 2104.2 and 2104.3 if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates;

(a) The lot has unusual topography, grades, shape, size, or dimensions; or

(b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

2109.5 The Board may grant, by special exception, modifications or waivers of the screening requirements of C §2108 if, in addition to meeting the general requirements of Subtitle Y Chapter 8, the applicant demonstrates that:

(a) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or

(b) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board to be worthy of protection or to provide equal screening benefits.

2109.6 When granting a special exception under this section, the Board may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

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CHAPTER 22 INCLUSIONARY ZONING

2200 INTRODUCTION

2200.1 The purposes of the Inclusionary Zoning (IZ) Program are:

(a) To further the Housing Element of the Comprehensive Plan by increasing the amount and expanding the geographic distribution of adequate, affordable housing available to current and future residents;

(b) To utilize the skills and abilities of private developers to produce quality affordable housing;

(c) To leverage private development, combined where appropriate with zoning density increases, to produce affordable housing throughout the District of Columbia;

(d) To mitigate the impact of market-rate residential development on the availability and cost of housing available and affordable to low- and moderate-income households;

(e) To increase the production of affordable housing units throughout the District to meet existing and anticipated housing and employment needs;

(f) To provide for a full range of housing choices throughout the District for households of all incomes, sizes, and age ranges to preserve diversity and to ensure the benefits of economic integration for the residents of the District;

(g) To stabilize the overall burden of housing costs on low- and moderate-income households;

(h) To create a stock of housing that will be affordable to low- and moderate-income residents over a long term; and

(i) To make homeownership opportunities available to low- and moderate-income residents.

2200.2 It is the intent of the Zoning Commission to promulgate only such regulations as are necessary to establish the minimum obligations of property owners applying for building permits or certificates of occupancy under an Inclusionary Zoning Program. All other aspects of the program, including the setting of maximum purchase prices and rents, the minimum sizes of the units, the selection and obligations of eligible households, and the establishment of enforcement mechanisms such as covenants and certifications shall be governed by the following laws and regulations related to the IZ Requirements:

(a) The Inclusionary Zoning Implementation Amendment Act of 2006; and

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(b) Chapter 22 of the Housing Regulations (Title 14 DCMR).

2201 **APPLICABILITY**

2201.1 Except as provided in § 2201.4, the requirements and modifications of this Chapter shall apply to a development that:

(a) Is proposing new gross floor area that would result in ten (10) or more dwelling units; or

(b) Ten (10) or more new Residential uses with only one or two dwelling units, constructed concurrently or in phases, on contiguous lots or lots divided by an alley if such lots were under common ownership at the time of construction.

2201.2 If more than one building permit is issued for a development, the number of dwelling units and new gross floor area used to establish the applicability of the IZ requirements, and associated IZ modifications, shall be based on all the applications occurring within a three (3) year period, starting from the first building permit application.

2201.3 If the new gross floor area comprising ten (10) or more units would result in an increase of fifty percent (50%) or more in the floor area of an existing building, IZ requirements and modifications shall apply to both the existing and the increased gross floor area.

2201.4 IZ requirements of this chapter and applicable land use subtitle chapters shall not apply to:

(a) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff;

(b) Housing that is owned or leased by foreign missions exclusively for diplomatic staff;

(c) Any development financed, subsidized, or funded in whole or in part by the Federal or District government and administered by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:

(1) The development shall set aside, for low or moderate-income households, affordable dwelling units ("Exempt Affordable Units") equal to at least the gross square footage that would have been otherwise required pursuant to the set-aside requirements in § 2203 for the zone in which the development is located. The terms "low-income household" and "moderate-income household" shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as "Targeted Households";

(2) The Exempt Affordable Units shall be reserved for the Targeted Households and sold or rented in accordance with the pricing structure established by the

federal or District funding source, or financing or subsidizing entity, for so long as the project exists;

(3) The requirements set forth in subparagraphs (1) and (2), of this paragraph, shall be stated as declarations within a covenant approved by the District; and

(4) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; or

(d) Developments in the M-15-Z zone [existing W-3 zone] in the Georgetown Historic District, the R-4-C zone [existing R-3 zone] in the Anacostia Historic District]; the M-28-E zone [C-2-A zone in the Naval Observatory Overlay]; the zones in Subtitle K, Chapter 4 [all Hill East Zones]; and the zones in Subtitle K, Chapter 6 [all St. Elizabeth's zones]

2201.5 No exemption may be granted pursuant to § 2201.4 (c) unless the Zoning Administrator receives a written certification from the DHCD Director that the development meets the requirements of § 2201.4 (c)(1) and (4).

2201.6 A development exempted by § 2201.4 (c) may, nevertheless, utilize the IZ zoning modifications provided for in § 2202 and in the following zones[1], if so provided: A-6-A, A-7-C, A-8-D, A-9-D, A-10-F, A-11-F, R-10-B, R-13-A, R-16-C, RF-2-E, , M-16-A through M-36-W, N-1 through N-17 and all but the lowest density single-family detached zones in the SEFC, USN and CG zones in Subtitle K.

2202 BONUSES AND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY UNITS

2202.1 The following types of density bonuses and/or dimensional adjustments are available to developments subject to IZ:

(a) Inclusionary developments governed by Subtitle D, other than all types of the R-1-A and R-2-A zones, are permitted reduced lot area and/or width to accommodate additional dwelling units on a parcel, as follows:

[1] current overlays CAP, CP, WP, MW, ES, TK, HS, HS-H, HS-R, HS-A, GA,RC,DC, TSP, FHTSP, FB, NO, WH, SSH, FT, CBUT, CHC.

Base Zone	IZ Dimensional Modifications for Lower Density Zones		
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Width with Special Exception
R-3-B, R-10-B Detached (current R-2 detached)	3,200 sq.ft.	40	32
R-3-B, R-10-B Semi-Detached (current R-2- Semi-Detached)	2,600 sq.ft.	30	25
R-4-C, R-13-A, R-16-C, R-20-C (current R-3)	1,600 sq.ft.	20	16
RF-1-D, RF-2-E,RF-3-D (current R-4)	1,500 sq.ft.	18	16

(b) Inclusionary developments governed by Subtitles E, F, G, H , I or K are permitted a twenty percent (20%) increase in density through increases to permitted FAR and/or height. The applicable zones are:

(1) Subtitle E: All RF zones;

(2) Subtitle F: A-1 through A-11 zones

(3) Subtitle G: M-3, M-4, M-11, M-12, M-18, M-19, M-20, M-25 through M-29, M-33, zones;

(4) Subtitle H: N-1, N-2-, N-3, N-5, N-10, N-12, N-14, and N-16 zones;

(5) Subtitle I: D-2-B-1 and D-4-B-1 zones; and

(6) Subtitle K: SEFC, USN, and CG's zones.

(c) Inclusionary developments in the chart below may use the following modifications to height and lot occupancy in order to achieve the bonus density:

Base Zone	Matter-of-Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Zoning Height (feet)	Zoning FAR	Lot Occupancy	Height (feet)
A-5, A-11, D-1-A-2 (current R-5-E)	75%	90	6.00	90%	90
M-10, M-23, M-32, M-36 (current CR)	75%	90	6.00	80%	100
M-4, M-18, M-25 through M-29, M-33, N-2, N-3, N-5, N-10, N-12, (current C-2-A)	60%	50	2.50	75%	50
M-5, M-19, M-30, M-34, N-6, N-13, N-15 (current C-2-B)	80%	65	3.50	80%	70
M-6, M-20, N-7 (current C-2-C)	80%	90	6.00	90%	90

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Base Zone	Matter-of-Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Zoning Height (feet)	Zoning FAR	Lot Occupancy	Height (feet)
N-4, N-9, N-11, N-17 (current C-3-A)	75%	65	4.00	80%	65
M-12 (current W-1)	80%	40	2.50	80%	50
M-13 (current W-2)	75%	60	4.00	75%	80
M-15 (current W-3)	75%	90	6.00	80%	100
M-1, M-16 (current SP-1)	80%	65	4.00	80%	70
M-2, M-14 M-17, M-24 D-2-B-2 (current SP-2)	80%	90	6.00	90%	90

2202.2 An Inclusionary Development that has met its IZ set-aside requirements and used all the bonus density permitted by IZ may be eligible for other bonus density, provided the development's total FAR does not exceed the FAR-maximum associated with the zone permitting that additional bonus density.

2203 **SET-ASIDE REQUIREMENTS**

2203.1 An inclusionary development for which the primary method of residential construction does not employ steel or steel and concrete frame structure and which is located in a zone with a by-right height limit of fifty (50) feet or less shall set aside the greater of 10% of the gross floor area dedicated to residential use or 75% of its achievable bonus density to inclusionary units.

2203.2 An inclusionary development of steel or steel and concrete frame construction shall set aside the greater of 8% of the gross floor area dedicated to residential use or 50% of its achievable bonus density to inclusionary units.

2203.3 Inclusionary developments in zones regulated by Subtitles D, E, or F, or in zones regulated by Subtitles G and H where the by-right height limit is fifty (50) feet or less, shall set aside 50% of inclusionary units for eligible low-income households and 50% of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

2203.4 Inclusionary developments in zones regulated by Subtitle I, or in zones regulated by Subtitles G or H where by-right height limits exceed fifty (50) feet, shall set aside 100% of inclusionary units for eligible moderate-income households.

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2203.5 §§ 2202.2 through 2203.4 are summarized in the following table:

Figure B § 1803: Summary of IZ Set-Aside Requirements				
Primary Method of Residential Construction	**Subtitles and/or Zones**	**Maximum Zone Height**	**Set-Aside**	**Income Distribution of IZ Units**
Not Steel & Concrete; e.g. "stick-built"	Subtitle D: R-3, R-4, R-10, R-13, R-16 Subtitle E: RF-1, RF-2, RF-3 Subtitle F zones: A-1, A-2, A-6, A-7, A-8, A-9 Subtitle G: M-3 , M-4, M-11, M-12-Z, M-18, M-25 through M-29, M-33 Subtitle H: N-1, N-10, N-12, N-14, N-16 (Current low to moderate density residential, mixed use and waterfront zones)	50 feet or less	Greater of 10% residential GFA or 75% of achievable IZ bonus density	50% Low-Income 50% Moderate-Income
Steel and Concrete	Subtitle D: R-3, R-4, R-10, R-13, R-16 Subtitle E: RF-1, RF-2, RF-3 Subtitle F zones: A-1, A-2, A-6, A-7, A-8, A-9 Subtitle G: M-3, M-4, M-11, M-12, M-18, M-25 through M-29, M-33 Subtitle H: N-1, N-10, N-12, N-14, N-16 (Current low to moderate density residential, mixed use and waterfront zones)	50 feet or less	Greater of 8% of residential GFA or 50% of achievable IZ bonus density	50% Low-Income 50% Moderate-Income
Steel and Concrete or any other construction method	Subtitle F: A-3-E, , A-4-F, A-5-F, A-10-F (current R-5-C, R-5-D, R-5-E)	Any height	Greater of 8% of residential GFA or 50% of achievable IZ bonus density	50% Low-Income 50% Moderate-Income
Steel and Concrete or any other construction method	Subtitle G: M-1, M-2, M-14, M-5-N, M-7, M-8, M-9, M-10, M-13, M-15, M-16, M-17, M-19, M-21, M-22, M-23, M-24, M-30, M-31, M-32-, M-34 Subtitle H: N-4, N-6, N-8, N-9, N-13, N-15, N-17 Subtitle I: D-2-B-1 and D-4-B-1 Subtitle K: no zones in HE or StE. Specific zones to be determined for USN, CG, SEFC (current CR, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, W-2, W-3, SP-1, SP-2,C-3-C/ non-TDR in extended downtown, HR/C-3-C/ non-TDR in extended downtown)	Any height	Greater of 8% of residential GFA or 50% of achievable IZ bonus density	100% Moderate-Income

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2204 **PURCHASE AND TENANCY REGULATIONS**

2204.1 Except as provided for in § 2204.2 all inclusionary units created pursuant to this Chapter shall be leased or sold only to eligible households for so long as the inclusionary development exists.

2204.2 An owner/occupant of an inclusionary unit may not sell the unit at a price greater than that established by the Mayor pursuant to § 103 of the IZ Act unless the price is offered by the Mayor or a Housing Trust authorized by the Mayor;

(a) No eligible household shall be offered an inclusionary unit for rental or sale at an amount greater than that established by the Mayor pursuant to § 103 of the IZ Act;

(b) The Mayor or the District of Columbia Housing Authority shall have the right to purchase up to twenty-five percent (25%) of inclusionary units in a for-sale inclusionary development in accordance with procedures set forth in the IZ Act.

2205 **DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS**

2205.1 The proportion of efficiency, studio and one-bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.

2205.2 All inclusionary units shall be comparable in exterior design, materials, and finishes to the market-rate units.

2205.3 The interior amenities of inclusionary units (such as finishes and appliances) shall be comparable to the market-rate units, but may consist of less expensive materials and equipment.

2205.4 All inclusionary units in an inclusionary development shall be constructed prior to or concurrently with the construction of market-rate units, except that in a phased development, the inclusionary units shall be constructed at a pace that is proportional to the construction of the market-rate units.

2205.5 Inclusionary units shall not be overly concentrated on any floor of a project.

2206 **OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING**

2206.1 The Board of Zoning Adjustment is authorized to permit some or all of the set-aside requirements of § 2203 to be met by off-site construction upon proof, based upon a specific economic analysis, that compliance on-site would impose an economic hardship.

2206.2 Among the factors that may be considered by the BZA in determining the existence of economic hardship are:

(a) Exceptionally high fees in condominium developments that cannot be reduced to levels affordable to eligible households;

(b) The inclusion of expensive and specialized social or health services in a retirement housing development or a development that principally provides housing for the disabled, if such services are not severable from the provision of housing and render units in the development unaffordable to eligible households; or

(c) Proof that continuation of the existing rental inclusionary development is no longer economically feasible, when owner wishes to change the property's use to a non-residential use or to one meeting the exemption requirements of § 2201.3.

2206.3 An applicant who has demonstrated the existence of economic hardship shall further demonstrate that the off-site development:

(a) Is located within the same census tract as the inclusionary development;

(b) Consists of new construction for which no certificate of occupancy has been issued;

(c) Is at a location suitable for residential development;

(d) Has complied with or will comply with all on-site requirements of this Chapter as are applicable to it;

(e) Has not received any development subsidies from Federal or District government programs established to provide affordable housing;

(f) Will provide inclusionary units with gross floor areas for each unit type of not less than 95% of the gross floor area of the off-site market-rate unit types, and of a number no fewer than the number of units that would otherwise have been required on-site; and

(g) Will not have more than 30% of its gross floor area occupied by inclusionary units.

2206.4 The requirement of § 2206.3(a) may be waived upon a showing that the off-site development is owned by the applicant, is located in the District of Columbia, and meets all the other requirements of§ 2206.3.

2206.5 Inclusionary units permitted to be constructed pursuant to this section shall not be counted toward any set-aside requirement separately applicable to the off-site development or to any other inclusionary development.

2206.6 No order granting off-site compliance shall become effective until a covenant, found legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia between the owner of the off-site development and the Mayor. A draft covenant, executed by the owner of the offsite property, shall be attached to an application for relief under this section.

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2206.7 The covenant shall bind the owner and all future owners of the off-site development to:

(a) Construct and reserve the number of inclusionary units allowed to be accounted for off-site, in accordance with the plans approved by the Board and the conditions of the Board's order;

(b) Sell or rent, as applicable, such units in accordance with the provisions of this Chapter and the IZ Act for so long as the off-site development remains in existence;

(c) Neither apply for nor accept any development subsidies from federal or District government programs established to provide affordable housing;

(d) Acknowledge that the owners are legally responsible for the set-aside requirement accepted as if the requirement had been imposed directly on the off-site development; and

(e) Not request special exception or variance relief with respect to the obligations accepted or its own obligations under this Chapter.

2206.8 Upon the recordation of the covenant, the set-aside requirements permitted to be accounted off-site shall be deemed to be the legal obligation of the current and future owners of the off-site development. All dwelling units as are required to be reserved in the off-site development in accordance with the BZA order shall be deemed inclusionary units for the purposes of this Chapter and the IZ Act.

2206.9 No application for a certificate of occupancy for a market-rate unit on the inclusionary development shall be granted unless construction of the off-site inclusionary units is progressing at a rate roughly proportional to the construction of the on-site market-rate units.

2207 RELIEF FROM INCLUSIONARY ZONING REQUIREMENTS

2207.1 The Board of Zoning Adjustment is authorized to grant partial or complete relief from the requirements of § 1803 upon a showing that compliance, whether on-site, off-site, or a combination thereof, would deny the applicant economically viable use of its land.

2207.2 No application for a variance from the requirements of § 1803.2 may be granted until the Board of Zoning Adjustment has voted to deny an application for relief pursuant to this section or § 1806.

2208 APPLICABILITY DATE

2208.1 The provisions of this Chapter shall not apply to any building approved by the Zoning Commission pursuant to a Planned Unit Development if the approved application was set down for hearing prior to March 14, 2008.

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CHAPTER 23 WATERFRONT

2300 INTRODUCTION

2300.1 This chapter identifies waterfront regulations proximate to the Potomac River, Anacostia River, or Washington Channel.

2300.2 Waterfront regulations are intended to provide for:

(a) Physical and visual public accessibility to and along the waterfront;

(b) Protection of natural resources along the waterfront;

(c) Open space along the waterfront; and

(d) Use restrictions in the 100-year flood plain.

2301 GENERAL WATERFRONT REGULATIONS

2301.1 A waterfront setback to any building or structure shall be provided in accordance with the following provisions:

(a) The waterfront setback shall be a minimum of seventy-five feet (75 ft.) in depth, except as noted in individual zones.

(b) The waterfront setback shall be measured inland from the bulkhead or the mean high water level, whichever results in the larger waterfront setback.

(c) Parking spaces, passenger drop-off areas, access to parking spaces, and access to loading areas shall not be located within the required waterfront setback area.

(d) The waterfront setback shall apply to all buildings, structures, parking spaces, loading areas, and passenger drop-off areas, other than:

(1) Water-taxi ticketing/information booth,

(2) Structures directly associated with a publicly-accessible wharf, dock, or pier; or

(3) Public nature education center located on Kingman Island.

(e) Twenty five feet (25 ft.) of the required waterfront setback area, for the full width of the lot along the water, shall be reserved for a public pedestrian and bicycle trail along the waterfront. The property owner should align the trail reservation area with the reservation on adjacent properties.

(f) The Board of Zoning Adjustment may approve by special exception a waterfront setback of less than amount required in C § 2301.1 (a), pursuant to the general special exception criteria of Subtitle Y Chapter 8 and the following:

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(1) The buildings, structures, and uses will enhance the visual and public recreational opportunities offered along the waterfront;

(2) Buildings, structures, and uses on land will be located and designed to minimize adverse impacts on the river and riverbank areas;

(3) Buildings, structures, and uses on, under, or over water will be located and designed to minimize adverse impacts on the river and riverbank areas;

(4) All structures and buildings will be located so as to not likely become objectionable to surrounding and nearby property because of noise, traffic, or parking, and so as not to limit public access along or to the waterfront, other than directly in front of the principal building or structure of a boathouse, marina, yacht club, or other water-dependent use;

(5) Impervious surfaces will be minimized, and buildings and all other impervious surfaces will be designed and sited to prevent surface storm water run-off directly into the river;

(6) Accessory or non-accessory parking spaces, including the location of entrances and exits and any screening or fences, will be designed to minimize visual or physical impacts on adjacent parkland and the waterfront; and

(7) Emergency access will be provided to any buildings, structures, or other space devoted to active public use.

2301.2 Where the L'Enfant street grid exists in the vicinity of a waterfront lot, no buildings or structures may be built within the area defined by the street right-of-way lines extended to the water.

2301.3 Where no L'Enfant street grid exists in the vicinity of a waterfront lot, no buildings or structures may be built to a length, as measured parallel to the water, of greater than five-hundred feet (500 ft.).

2301.4 The following uses are prohibited within a one hundred year floodplain:

(a) Residential uses with only one or two dwelling units;

(b) Animal Sales, Care, and Boarding;

(c) Community-Based Institutional Facilities;

(d) Daytime Care;

(e) Education;

(f) Emergency Shelter;

(g) Hospital; and

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(h) Lodging.

2301.5 Parking Spaces

(a) Parking spaces, passenger drop-off areas, access to parking spaces, and access to loading areas, whether required by zoning or not, shall not be located within the waterfront setback area required in C § 2301.1 (a).

(b) Where parking is required, parking spaces for boathouses, marinas, yacht clubs, or other recreational uses to be located elsewhere than on the same lot or part of the lot on which the principal use is located and not located in accordance with C § 1901.7, may be permitted by special exception, in accordance with the provisions of Subtitle Y Chapter 8 and the applicant demonstrating that one or more of the following criteria are applicable.

(1) The parking spaces will be located to furnish reasonable and convenient parking for patrons of the principal building;

(2) The parking spaces and any support facilities would result in significant adverse impacts on adjacent park land, or the waterfront because of noise, traffic, or other objectionable conditions;

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

(4) The lack of street frontage or the separation of the use from any publicly-accessible street by public park space;

(5) Unusual topography, grades, shape, size, or dimensions of the lot;

(6) The lack of appropriate ingress or egress through existing or proposed streets;

(7) Strip zoning or shallow zoning depth;

(8) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot; or

(9) Traffic hazards caused by unusual street grades or other conditions.

(10) The type or location of the associated principal use results in diminished need for parking from what would otherwise be required by zoning regulations;

(11) Reasonable and conveniently-located alternatives to the required parking exist and are available to users with minimal impact on adjacent land or development; and

(12) All other requirements of Subtitle C Chapter 19 will be met.

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CHAPTER 24 PREFERRED ARTS USES AND CREDITS

2400 ARTS USE TRANSFER AND PREFERRED ARTS USE REGULATIONS

2400.1 This chapter provides instructions on how a building in a zone requiring arts uses may generate Arts Credits and how those credits may be transferred to a different property to meet the arts use requirement on the receiving property.

2400.2 The intention of the Arts Credit transfer system is to provide flexibility in the location of Arts uses within a zone.

2400.3 This chapter also provides regulations for how a preferred arts use generates bonus density and how that density may be used on the subject property or transferred for use on a different property.

2401 GENERAL ARTS USE REGULATIONS

2401.1 Where arts uses are required, they shall either be built on site or accounted for off-site through the use of Arts Credits.

2401.2 A zone may or may not have a preferred arts use, uses or use group. If a preferred arts use, uses or use group exist, they shall be identified in the Zone Reference Table for that zone.

2402 ARTS CREDITS – GENERATION

2402.1 Any property containing more than the required amount of arts uses, as described in the regulations for that zone, is eligible to generate arts credits.

2402.2 Each square foot of arts floor area or floor area equivalent constructed above the amount required shall generate one Arts Credit.

2402.3 Arts credits shall be measured in whole square feet.

2402.4 Each property containing arts uses is eligible to generate arts credits only once, unless:

(a) The arts use which originally generated arts credits has been in continual operation and is expanded in size; or

(b) A new arts use is added to the property and the arts use which originally generated arts credits has been and remains in continual operation and is not decreased in size; or

(c) A new, larger arts use replaces the arts use which originally generated arts credits, in which case the net increase in arts floor area shall be used for the purposes of this section.

2402.5 Generation of arts credits must be approved by the Zoning Administrator based upon a finding of compliance with this Section.

2402.6 Approval of arts credit generation may be requested at any point after the new arts use is fifty percent (50%) complete by submitting the following information to the Zoning Administrator:

(a) Name and contact information for the person or entity that will own the generated arts credits;

(b) Name and contact information for the person or entity owning the project that generated the arts credits, if different;

(c) Legal description of the lot or lots;

(d) Surveyed area of the lot or lots;

(e) Floor area or floor area equivalent calculations for the entire building or buildings and for each use;

(f) Zoning requirements for the lot including total FAR limits and FAR limits for non-residential uses;

(g) A map of the applicable trade area and a map and plat of the lot or lots;

(h) Calculation of arts credits generated; and

(i) Certificate of Occupancy for the use generating the arts credits, or a certification by the project architect that construction of the use is fifty percent (50%) complete.

2403 **ARTS CREDITS USE**

2403.1 The construction of any building without the required arts uses is permitted only through the acquisition of arts credits.

2403.2 Buildings may be constructed without the required arts uses provided that the square feet of arts credits used is equivalent to the difference between the square feet of arts uses required and provided.

2403.3 Arts credits may only be used in the same trade area in which they were generated. The following are the identified trade areas for trading arts credits:

(a) Downtown;

(b) U Street and 14th Street, NW;

(c) H Street, NE.

2403.4 Ownership of arts credits may be transferred at any time to any entity or individual for use, retransfer, or investment without approval of the District.

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2403.5 Use of arts credits must be approved by the Zoning Administrator based upon a finding of compliance with this Section.

2403.6 A person or entity who owns arts credits may request the use of the arts credits to permit development not meeting arts use requirements by submitting the following information to the Zoning Administrator:

(a) Proof of control over the arts credits by the person or entity proposing to use the credits;

(b) Description of the origin and transfer history of the arts credits being used;

(c) The acknowledgment by the Zoning Administrator of the generation of the arts credits that are to be used;

(d) A map of the applicable trade area;

(e) The following information on the property using the arts credits:

(1) Legal description and plat of the lot;

(2) Tabulation of zoning requirements for the lot; and

(3) Tabulation of proposed FAR, GFA, and other building development standards.

2403.7 Once construction of a new building is complete, any arts credits used to relieve an arts requirement are expired and retain no further rights or value. Arts credits not used may be transferred and used elsewhere according to the provisions of this Chapter.

2404 **ARTS USES**

2404.1 This section lists all arts uses.

2404.2 An arts zone may or may not have a preferred arts use, uses or use group. If a preferred arts use, uses or use group exist, they shall be identified in the Zone Reference Table for that arts zone. Preferred uses shall be drawn from the list in this section.

2404.3 Arts uses include:

(a) Artist Living and Production Use Group

(1) Artist live-work space;

(2) Artist studio;

(3) Multi-artist live-work space;

(b) Arts-Retail Use Group – all uses not to exceed 2,500 square feet

(1) Art gallery;

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(2) Art services, including but not limited to set design and restoration of artworks;

(3) Art supplies store;

(4) Musical instruments store;

(5) Recordings store;

(6) Book store;

(7) Picture framing shop, printmaking shop, digital print or scanning lab, or traditional darkroom and photographic supply sales;

(c) Performing Arts Use Group

(1) Administrative offices of arts organizations,;

(2) Cabaret;

(3) Cinema;

(4) Dinner theater;

(5) Legitimate theater;

(6) Performing arts ticket office or booking agency;

(7) Theater, assembly hall, auditorium, concert hall, public hall, or other performing arts space, including rehearsal and / or pre-production space;

(d) Multi-Media Use Group

(1) Media studio;

(e) Artisan Production Use Group

(1) Architectural production;

(2) Glass working;

(3) Jewelry making;

(4) Metalworking;

(5) Woodworking, including furniture manufacture;

(f) Museum Use Group

(1) Art gallery, greater than 2,500 square feet;

(2) Museum;

(g) Design Use Group

(1) Architecture;

(2) Computer system and software design;

(3) Fashion design;

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(4) Graphic design;

(5) Interior architecture and design;

(6) Landscape design;

(7) Product and industrial design;

(h) Education and Multi-function Use Group

(1) Art center;

(2) Art incubator;

(3) Art or performing arts school, including but not limited to schools of dance, photography, filmmaking, music, writing, painting, sculpting, or printmaking;

(i) Other Use Group

(1) Gallery – Lobby, subject to the following provisions:

1. The countable area for this purpose shall be not more than twenty percent (20%) of the total requirement for the preferred uses as specified in the zone;
2. The area shall be open to the public during normal business hours at least five (5) days per week and fifty (50) weeks per year;
3. The art exhibitions shall be curated by an art gallery or professional curator;
4. The exhibitions shall change at least four (4) times per year with the exception that up to twenty percent (20%) of the art works may be a permanent exhibition; and

(2) Library;

(3) Any size-limited use in the Arts-Retail Use Group, with no size limitation.

2405 **PREFERRED ARTS USES – GENERATION OF BONUS DENSITY**

2405.1 If a property provides a preferred use, it shall earn bonus density at one square foot of bonus density for each square foot of preferred arts use.

2405.2 Bonus density shall be measured in whole square feet.

2405.3 Each property providing a preferred arts use is eligible to generate bonus density only once, except if:

(a) The preferred arts use which originally generated the bonus density has been in continual operation and is expanded in size; or

(b) A new preferred arts use is added to the property and the arts use which originally generated the bonus density has been and remains in continual operation and is not decreased in size; or

(c) A new, larger preferred arts use replaces the arts use which originally generated the bonus density, in which case the net increase in arts floor area shall be used for the purposes of this section.

2405.4 Generation of bonus density must be approved by the Zoning Administrator based upon a finding of compliance with this Section.

2405.5 Approval of bonus density generation may be requested at any point by submitting the following information to the Zoning Administrator:

(a) Name and contact information for the person or entity that will own the generated bonus density;

(b) Name and contact information for the person or entity owning the project that generated the bonus density, if different;

(c) Legal description of the lot or lots;

(d) Surveyed area of the lot or lots;

(e) Floor area or floor area equivalent calculations for the entire building or buildings and for each use;

(f) Zoning requirements for the lot including total FAR limits and FAR limits for non-residential uses;

(g) A maps of the applicable trade area and a map and plat of the lot or lots; and

(h) Calculation of bonus density generated based on § 2405.1.

2405.6 A covenant shall be submitted with each request to generate bonus density that guarantees that the preferred use used to generate the bonus density shall be in place for the life of the building, subject to the provisions of this section.

(a) If the original preferred use is discontinued for any reason, it may be replaced only by an identical use, or another use that is a preferred use in that zone.

(b) If, after six months of discontinuance of the original use, the owner cannot find a preferred use to occupy the space, the property owner may apply for a temporary Certificate of Occupancy to permit the use of the space for any arts use listed in §2404.3 for a period of no more than one year.

(c) During the one year temporary Certificate of Occupancy period described in §2405.6(b), the property owner shall continue their greatest reasonable efforts to lease the space to a preferred arts use. If leasing attempts continue to be unsuccessful, two additional one year temporary Certificates of Occupancy may be issued for any arts use. After the third one year temporary Certificate of

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Occupancy expires, no additional Certificate of Occupancy shall be issued except for a preferred arts use.

(d) If the owner of a building leases space to a preferred use, but does not apply to generate bonus density as a result of that use, they shall not be subject to the provisions of this section.

2406 **PREFERRED ARTS USES – USE OF BONUS DENSITY**

2406.1 Bonus density may be used to:

(a) Exceed the maximum FAR allowed in the zone by up to 0.5 FAR for any permitted or permissible use, other than those uses with a specific FAR restriction. No lot occupancy or height flexibility shall be granted by this section, and any mandated inclusionary zoning density bonus must be used prior to the use of this arts bonus density; or

(b) Exceed any proscribed non-residential FAR limit for a property, up to the maximum FAR allowed in the zone.

2406.2 Bonus density may only be used in the same trade area in which it was generated. The following are the identified trade areas for trading bonus density:

(a) Downtown;

(b) U Street and 14th Street, NW;

(c) H Street, NE.

2406.3 Ownership of bonus density may be transferred at any time to any entity or individual for use, retransfer, or investment without approval of the District.

2406.4 Use of bonus density must be approved by the Zoning Administrator based upon a finding of compliance with this Section.

2406.5 A person or entity who owns bonus density may request the use of the bonus density as described in § 2407.1 by submitting the following information to the Zoning Administrator:

(a) Proof of control over the bonus density by the person or entity proposing to use the bonus density;

(b) Description of the origin and transfer history of the bonus density being used;

(c) The acknowledgment by the Zoning Administrator of the generation of the bonus density that are to be used;

(d) A map of the applicable trade area;

(e) The following information on the property using the bonus density:

(1) Legal description and plat of the lot;

(2) Tabulation of zoning requirements for the lot; and

(3) Tabulation of proposed FAR, GFA, and other building development standards.

2406.6 Once construction of a new building is complete, any bonus density used is expired and retains no further rights or value. Bonus density not used may be transferred and used elsewhere according to the provisions of this Chapter.

2407 BONUS DENSITY GENERATED PRIOR TO THE ADOPTION OF THIS TITLE

2407.1 Bonus density generated prior to the adoption of this title, if the density was never used on a property, may be used as described in this section.

2407.2 Bonus density generated prior to the adoption of this title may be used as described in C § 2406. Each square foot of bonus density earned prior to the adoption of this title shall equal one square foot of bonus density under this title.

2407.3 For each square foot of bonus density generated prior to the adoption of this title, one square foot of arts credit may be generated pursuant to the procedures of § 2402. These arts credits may be used as described in § 2403.

An art exhibition area shall count towards the preferred use requirement of § 1704.3 exclusive of paragraph (a); provided:

(a) The countable area for this purpose shall be not more than twenty percent (20%) of the total requirement for the preferred uses specified in § 1704.3;

(b) The area shall be open to the public during normal business hours at least five (5) days per week and fifty (50) weeks per year;

(c) The art exhibitions shall be curated by an art gallery or professional curator;

(d) The exhibitions shall change at least four (4) times per year with the exception that up to twenty percent (20%) of the art works may be a permanent exhibition; and

(e) At least two (2) of the exhibits, or a majority of the total art works displayed on an annual basis, shall be offered for sale to the public.

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CHAPTER 25 ANTENNAS

2500 PURPOSE

2500.1 The purposes of the regulation of antennas, antenna towers, and monopoles as a particular type of structure shall be as follows:

(a) The Zoning Commission has determined that certain antennas, antenna towers, and monopoles because of their size, shape, design, construction, or location, may affect the welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty, or aesthetic interests of Washington, D.C., and its role as the Nation's Capital;

(b) The Zoning Regulations therefore regulate the size, height, construction, design, and location of antennas, antenna towers, and monopoles which have the greatest potential for adverse impact on the health, safety, and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital and the national monuments; and

(c) The principal types of antennas, antenna towers, and monopoles regulated are those that, because of their shape, size, or quantity, potentially have the greatest visual impact and include, by example, large satellite earth station antennas, and certain microwave terrestrial antennas. monopoles, and antenna towers.

2500.2 Consistent with these purposes, the construction of new towers or monopoles shall only be permitted subject to certain placement and construction standards.

2501 CERTIFICATION OF FCC COMPLIANCE FOR TRANSMITTING ANTENNAS

2501.1 No application for a building permit for a transmitting antenna may be considered completed unless it is accompanied by a certification evidencing that the proposed transmitting antenna will comply with the radio frequency ("RF") radiation guidelines adopted by the Federal Communications Commission and the health and safety regulations adopted by the Occupational Safety and Health Administration.

2501.2 The certification shall be signed by a licensed engineer qualified in RF engineering and shall include the following required information:

(a) The maximum RF radiation to be generated by the proposed antenna or antennas;

(b) The means used to determine the RF levels;

(c) The exact legal name, address of principal place of business, and telephone number of the applicant, certifying engineer, and property owner; and

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(d) A site plan, and roof plan if applicable, drawn to scale showing the location of the proposed antennas and all existing antennas on the site, roof, tower, or monopole.

2502 **MATTER OF RIGHT ANTENNAS**

2502.1 All antennas that comply with the applicable provisions of this chapter are permitted by right in all zones, except broadcast antennas, which shall not be permitted in residence zones.

2502.2 No signs of any kind, including advertisements, may be placed on any antenna, unless necessary for the safety of the public.

2503 **GROUND MOUNTED ANTENNAS**

2503.1 All ground mounted antennas, except those regulated by § 2506 or exempted by § 2507, shall comply with the following conditions:

(a) In any R, A, or M zone only one antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;

(b) In any D, P, or Special Purpose zones an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground on which it is located;

(c) The antenna shall be located in either the rear yard or the side yard of the principal building on the lot, except that in the case of a corner lot no antenna may be located in the yard between the principal building structure and a street;

(d) Each part of the antenna shall be set back from all lot lines by a minimum distance of ten feet (10 ft.);

(e) Each antenna installation shall be located or screened such that its visibility is minimized to the greatest practical extent from any:

(1) Public park that is within the Central Employment Area;

(2) Street that the lot abuts;

(3) Public spaces;

(4) Navigable waterways;

(5) Historic landmarks; or

(6) National monuments.

(f) The antenna, to the greatest practical extent, shall be constructed of materials and colors that blend with the surroundings; and

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(g) The antenna installation shall be as small as is practical for its intended use.

2503.2 The term "ground" as used in §§ 2503.2 (a) and (b) 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.

2503.3 A proposed ground mounted antenna that does not comply with the above requirements or numeric limit may be permitted through the special exception process set forth in § 2512.

2504 **ROOF-MOUNTED ANTENNAS**

2504.1 All roof-mounted antennas, except those regulated by § 2506 or exempted by § 2507, shall comply with the following conditions:

(a) Each part of an antenna shall be set back from each edge of the roof a minimum distance equal to its total mounted height above the roof;

(b) An antenna may not exceed a total mounted height of twelve feet (12 ft.) above the roof;

(c) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks, and national monuments is minimized to the greatest practical extent;

(d) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent;

(e) Antennas mounted on roofs with outdoor recreation space shall be secured from unauthorized access for a minimum distance of ten feet (10 ft.), by a fence or screen at least five feet (5 ft.) in height; and

(f) Any related equipment cabinet or shelter that is not internal to the building or penthouse shall be:

(1) Constructed of materials and colors that blend with the building or penthouses; and

(2) Located to reduce its visibility from public space to the greatest practical extent.

2504.2 A proposed roof-mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in § 2512.

2505 **BUILDING-MOUNTED ANTENNAS**

2505.1 All building mounted antennas, except those regulated by § 2506 or exempted by § 2507, shall comply with the following conditions:

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(a) The top of the antenna shall not extend above the top of the wall, or roof of the building or structure to which it is mounted;

(b) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks, and national monuments is minimized to the greatest practical extent;

(c) An antenna shall be constructed of materials and colors that blend with the surroundings to the greatest practical extent or shall be screened and/or painted to blend with the surface to which the antenna is attached;

(d) A building-mounted antenna placed on a roof structure with a rooftop outdoor recreation space shall be secured from unauthorized access for a minimum vertical distance of ten feet (10 ft.); and

(e) Any related equipment cabinet or shelter that is not internal to the building or penthouse shall be:

(1) Constructed of materials and colors that blend with the building or penthouses; and

(2) Located to reduce its visibility from public space to the greatest practical extent.

2505.2 A proposed building mounted antenna that does not comply with the above requirements may be permitted through the special exception process set forth in § 2512.

2506 **ANTENNAS LOCATED IN STEALTH STRUCTURES**

2506.1 Antennas located in stealth structures may be permitted provided the following conditions are met:

(a) The proposed stealth design provides adequate screening of the antennas;

(b) The proposed structure is not out of scale with the subject property taking into account the size, setbacks, topography, and underlying use of the property;

(c) The primary use of the subject property is not a Residential use with only one dwelling unit;

(d) The ground equipment of the proposed antenna be landscaped, fenced, or otherwise screened;

(e) The diameter of a stealth flag pole shall not exceed thirty inches (30 in.) at its base; and

(f) The height of a ground-mounted stealth structure shall be permitted, by right, to a height of eighty feet (80 ft.) in all residential zones and one hundred twenty feet (120 ft.) in all other zones.

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2506.2 Any proposed antenna to be located in a stealth structure that does not comply with the above requirements may be permitted through the special exception process set forth in § 2512.

2507 **EXEMPTED ANTENNAS**

2507.1 The requirements of §§ 2503 through 2506 shall not apply to any antenna that is:

(a) Entirely enclosed within a building but is not the primary use within the building;

(b) Entirely enclosed on all sides by a roof structure, penthouse, or an extension of penthouse walls; this subsection shall not be interpreted to permit penthouses or roof structures in excess of the height limitations for roof structures;

(c) Located entirely behind and no taller than the parapet walls; or

(d) No taller than eighteen inches (18 in.) in height and necessary for the implementation of expanded 911 or emergency communications.

(e) One meter (39.37 inches) or less in diameter designed to receive:

(1) Direct broadcast satellite service, including direct-to-home fixed wireless signals via satellite;

(2) Video programming services via broadband service; or

(3) To transmit fixed wireless signals other than via satellite or local television broadcast signals.

2507.2 For the purposes of § 2507.1, penthouse and parapet walls may include an opaque membrane covering a port in front of the antenna that screens the antenna, blends with the wall and allows the antenna to operate.

2507.3 The requirements of §§ 2503 through 2506 do not apply to the following classes of antennas. The maximum number of antennas within a class that may be placed on a building or located on a lot is as follows:

Class of Antenna	**Maximum Number**
Residential type uhf/vhf television and frequency modulation (fm) radio receiving Yagi antenna located on the roof of a principal building, not to exceed eight feet (8 ft.) horizontally.	2
Whip antennas not exceeding two and one- half inches (2½ in.) in diameter, with a mounted dimension. (Except that no longer than twelve feet (12 ft.) in any direction, and there located on a principal building, shall be no numeric limit on the number whip antennas that are dedicated to the provision of emergency services to the District of Columbia.)	2
Residential type super high frequency antenna located on the roof of a principal building, not to exceed three feet (3 ft.) in any dimension, excluding the support element.	1

Class of Antenna	Maximum Number
Dish antenna located on the roof of a principal building with a diameter of no more than four feet (4 ft.), not taller than eight feet (8 ft.) as measured from the roof surface on which it is mounted, and set back from the edge of the roof a distance at least equal to its height above the roof. The principal building shall have a height of no less than twenty- five feet (25 ft.).	1
Whip antenna mounted on a vehicle on private property.	1

2507.4 A proposed antenna which does not comply with the above requirements or numeric limitation set forth in § 2507.3 may be permitted subject to the requirements of §§ 2503 through 2506.

2508 **ANTENNA MOUNTED ON ANTENNA TOWERS AND MONOPOLES**

2508.1 Antennas may be mounted as a matter of right on an antenna tower or monopole that:

(a) Is located in the P-5-C zone;

(b) Was approved by, and constructed in accordance, with an order of the Board of Zoning Adjustment; or

(c) Was constructed in accordance with a building permit issued prior to December 21, 2007.

2508.2 An antenna shall not be mounted on an antenna tower or monopole if, as a result of its installation:

(a) The size of the antenna tower or monopole is increased; or

(b) The appearance of the antenna tower or monopole is changed in a manner that adversely impacts the surrounding area.

2508.3 A transmitting antenna shall not be placed lower than fifty feet (50 ft.) above the base of the antenna tower or monopole.

2508.4 An antenna proposed to be mounted on an antenna tower or monopole that does not comply with the above requirements may be permitted through the special exception process set forth in § 2512.

2509 **ANTENNA TOWERS AND MONOPOLE IN THE P-5 ZONE (BY- RIGHT)**

2509.1 An antenna tower or monopole, either alone or in conjunction with a studio or in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment, shall be permitted in the P-5-C zone as a matter of right; provided, the antenna tower or monopole complies with the conditions set forth in this section.

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2509.2 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.

2509.3 Except as provided above, each part of an antenna tower or monopole shall be set back from each lot line a minimum distance equal to the greater of twenty feet (20 ft.); or a distance of at least one-third (1/3) of the total mounted height;

2509.4 The height of an antenna tower or monopole shall not exceed the maximum height permitted for structures plus thirty feet (30 ft.) as a matter of right. Any antenna tower or monopole in excess of this height may be permitted if approved by the Board of Zoning Adjustment subject to the conditions of § 2512, subject to § 2509.5.

2509.5 Any antenna tower or monopole with a height in excess of that permitted by the act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

2509.6 A written statement shall be provided agreeing to design the proposed antenna tower or monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s) or the owner.

2509.7 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter, unless necessary for the safety of the public.

2510 ANTENNA TOWERS AND MONOPOLES AS PART OF A CAMPUS PLAN

2510.1 An antenna tower or monopole may be permitted, subject to and as a part of an approved campus plan as may be required in any zone, subject to the special exception standards of §§ 2512.1 and 2512.2.

2510.2 No advertising, special art, or campus identification may be placed on an antenna tower or monopole, its equipment cabinet, or its equipment shelter.

2511 OFFICE OF PLANNING REPORT

2511.1 The Zoning Administrator shall not take final action on an application to permit an antenna tower, a monopole, or an antenna not exempted by § 2507 or for the modification of an existing antenna not exempted by § 2511.4 until a report is received from the Office of Planning or thirty (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first.

2511.2 The director of the Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in § 2511.1, but in no event shall the review period exceed sixty (60) days.

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2511.3 The report of the Office of Planning shall provide specific criteria and information sufficient to enable the Zoning Administrator to determine whether the antenna complies with the applicable requirements of this chapter.

2511.4 A report from the Office of Planning is not required for:

(a) The modification of a previously permitted collocation including:

(i) Roof or building mounted antennas that involve a one-to one replacement of the antennas or an increase of one antenna to a mount for no more than four (4) antennas per mount or sector, with no change to previously permitted locations or increase in the height of the antennas;

(ii) Stealth mounted antennas including flagpoles and within church steeples that do not change the existing appearance or height of the structure

(b) Collocation on an existing permitted antenna tower provided the installation would not increase the existing height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater

(c) Installation or maintenance of antenna-related equipment cabinets and shelters and other support structures consistent with the roof structure regulations

2512 **ANTENNAS SUBJECT TO BZA APPROVAL – GENERAL**

2512.1 An application for special exception approval shall include the following written and graphic documentation:

(a) A map of area to be served by the new antenna;

(b) A map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;

(c) A map indicating the location of any other antennas and related facility sites providing service by the applicant, and any antenna tower or monopole of any provider, within a two mile radius, including public space, of the proposed antenna site, with identified heights above grade;

(d) A site, and roof plan if applicable, showing all structures and antennas on site;

(e) Elevation drawings of the structure and proposed antennas from all four directions;

(f) A picture of the proposed antenna;

(g) The total mounted height of the antenna relative to the tops of surrounding trees as they presently exist within one-quarter (1/4) mile of the proposed location; and

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(h) Other information as may be necessary for impact assessment of the antenna.

2512.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board may impose conditions pertaining to screening, buffering, lighting, or other matter necessary to protect adjacent and nearby property and may require the removal of any on-site non-conforming, inoperable, or unauthorized antenna.

2513 **ANTENNA TOWERS AND MONOPOLES SUBJECT TO BZA APPROVAL**

2513.1 A monopole shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle Y Chapter 8 of this title, subject to the provisions of this section, in the zones specified in § 2513.2.

2513.2 A monopole may be permitted as a special exception use in R, A, M, D, P, and the P-1 through P-4 zones of Subtitle J.

2513.3 An antenna tower, either alone or in conjunction with a studio, or the erection, alteration, or use of buildings for transmission or reception equipment on the same lot, shall be permitted if approved by the Board of Zoning Adjustment in accordance with Subtitle Y, Chapter 8 of this title and subject to the provisions of this section, in the zone specified in § 2513.4.

2513.4 An antenna tower may be permitted as a special exception in the following zones:

(a) Subtitle H, except T-4;

(b) Subtitle I; and

(c) Subtitle J, except P-5, where antenna towers are permitted by right.

2513.5 The location, height, and other characteristics of an antenna tower or monopole shall be:

(a) Consistent with the purpose of this chapter;

(b) Designed and available for collocation by other service providers;

(c) Located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the antenna tower or monopole; and

(d) Designed and constructed to preserve existing trees to the greatest practical extent.

2513.6 If an applicant is unable to meet the special exception requirements of Subtitle C, the Board of Zoning Adjustment may nevertheless grant the application if the applicant demonstrates that:

(a) There is a significant gap in wireless service;

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(b) The proposed antenna tower or monopole will fill this gap;

(c) No other mounting options are available;

(d) The site is the only location from which the gap can be filled or, if other sites are available, the antenna tower or monopole at the proposed location will generate the least adverse impacts;

(e) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;

(f) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and

(g) That the proposed antenna tower and monopole, even when supporting all possible co-locators will be in full compliance with Federal Communication Commission cumulative and individual RF emission levels.

2513.7 Any antenna tower or monopole with a proposed height in excess of that permitted by the Act of June 1, 1910 (36 Stat. 452), as amended, shall not be permitted, unless the height is approved by the Mayor or his or her designee.

2513.8 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.

2513.9 Each part of an antenna tower or monopole shall be set back from each lot line the greater of the following:

(a) Twenty feet (20 ft.); or

(b) A distance of at least one-third (1/3) of the total constructed height.

2513.10 The Board of Zoning Adjustment shall submit the application to the D.C. Office of Planning for review and report.

2513.11 The applicant shall provide written and/or graphic documentation of the following:

(a) The area to be served by the proposed new antenna tower or monopole;

(b) The area being inadequately served;

(c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two mile radius, including public space, of the proposed site;

(d) Other towers or monopoles within a two-mile radius of the proposed site with identified heights above grade;

(e) An explanation of why the applicant cannot collocate on an existing tower or monopole;

(f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;

(g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service provider(s);

(h) The topographic conditions of the area to be served;

(i) The relative height of the antenna tower or monopole to the tops of surrounding trees within one-quarter mile radius of the proposed site as they presently exist;

(j) The proposed appearance of the antenna tower or monopole, including exterior finish;

(k) A maintenance plan explaining how the property manager will control ice build-up, falling ice, and potential falling debris; the plan should also address how inoperative antennas will be removed; and

(l) Other information as may be necessary for impact assessment of the antenna tower or monopole.

2513.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board of Zoning Adjustment may impose conditions relating to operation, location, screening, collocation, or other requirements as it shall deem necessary to protect adjacent and nearby property, neighborhood character, and the image of the city as the nation's capital, consistent with the general purpose and intent of this chapter and may require the removal of any on-site inoperable or unauthorized antenna as a condition to the approval.

2513.13 No signs of any kind, including advertisements, may be placed on an antenna tower or monopole, its equipment cabinet, or its equipment shelter, unless necessary for the safety of the public.

2514 NON-CONFORMING ANTENNAS

2514.1 A non-conforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.

2514.2 If a non-conforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:

(a) A permanent replacement antenna cannot be installed as a matter of right;

(b) The temporary installation shall be permitted for one (1) year; and

(c) The cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a conforming replacement.

2514.3 Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply for a special exception to install a longer term replacement.

2514.4 An antenna that was legally permitted prior to the date of adoption of this chapter shall be considered a conforming antenna.

2514.5 This section does not apply to antenna towers, monopoles, or antenna support structures.

2515 **EQUIPMENT CABINET OR SHELTER**

2515.1 If an antenna equipment cabinet or shelter is provided on the ground, it shall be subject to the following:

(a) It shall be regulated as an accessory building subject to any applicable criteria within each zone; and

(b) It shall harmonize with the main structure in architectural character, material, and color.

2515.2 If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged subject to the following:

(a) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;

(b) It shall harmonize with the main structure in architectural character, material, and color;

(c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located; and

(d) It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other roof structure or penthouse.

2515.3 The Board of Zoning Adjustment may waive one or more of the requirements of § 2515.2 for good cause shown in accordance with Subtitle Y Chapter 8.

2516 **REMOVAL OF ANTENNAS, ANTENNA TOWERS MONOPOLES AND RELATED EQUIPMENT**

2516.1 Antennas, antenna towers, monopoles, equipment cabinets, or equipment shelters shall be removed at the expense of the property owner if they have not been used for a period of one

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year. A one-year extension may be granted by the Board of Zoning Adjustment to this requirement for good cause shown.

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