

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: June 16, 2014

SUBJECT: Zoning Regulations Review (ZRR) Proposed Alternate Text

The Zoning Commission (ZC) at its June 9, 2014, public meeting provided direction to the Office of Planning (OP) with respect to alternative text to refine the draft of the Zoning Regulations, which was set down by the ZC for public hearing in September 2013.

The proposed alternative text responds to comments received to date in ZC Case No. 08-06A from the public and the ZC. Although the record in the case remains open through September 15, 2014, OP would like to take this opportunity to address concerns raised about specific proposed provisions during public the public hearing process. The proposed alternatives do not; however, respond to all comments and concerns raised during the public input process. In fact, of course, in many instances, comments were submitted that were in direct contradiction to comments submitted by other individuals or groups.

The following summary provides a summary of OP's proposed changes. Additional information, including OP's proposed alternative text for inclusion in the draft text set down for public hearing can be found in the attachments. The alternative text is presented with deletions shown as ~~strike-through~~ and additions shown in **bold** and is presented side-by-side with existing provisions in Title 11, if appropriate.

As discussed with the ZC, OP anticipates bringing forward additional revisions to Title 11 that would be taken up by the Zoning Commission through a process separate from the ZRR. Topics identified to date include Inclusionary Zoning (IZ) and penthouses. Based on concerns expressed during the ZRR public hearing process about pop ups, inappropriate additions, as well as conversions and pressure on residential rowhouse neighborhoods, OP believes it would be appropriate for the ZC to also address these concerns through a separate process. OP will bring forward recommendations regarding height and conversions for ZC consideration as a separate case.

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Issue	Subtitle	Proposal
Zone Naming	Throughout	Rename A Zones to RA Zones and M Zones to MU Zones; simplify Downtown zone names; maintain residential zone names; and other changes to reflect reorganization of draft text.
Definitions	B	Comparison provided with additions, deletions, corrections, and rationale.
Bicycle Parking	C	• Revise spacing standards and aisle width requirements. • Align residential requirement with District Department of Transportation (DDOT) standard that triggers at 8 units (10 units). • Reduce requirement – after the first 50 spaces, additional spaces at ½ the ratio required. • Increase allowable distance – short term spaces can be within 120 feet (50 feet) of a primary building entrance.
Vehicle Parking	C	• Revert to existing standard for private school parking • Revert to existing standard for religious institution parking. • Allow off-site parking to be within 600 feet (400 feet) of the use or structure that the parking serves. Allow off-site parking at greater than 600 feet by special exception. • Clarify that parking in excess of the requirement is not prohibited. • Remove the Priority Bus Corridor from the area where the 50% parking reduction would be permitted by-right. • Add the presence of mature trees as a rationale for relief from required parking. • Increase the mitigation trigger to 2 X (1.5 X) the required amount; add a minimum threshold of 20 required parking spaces; and remove car share spaces as a required mitigation measure. • Remove the requirement for car-share spaces; allow the first and second car-share space provided to count as 3 required parking spaces each; retain car-share spaces as an excess parking mitigation item. • Change mechanized parking to automated parking. • Revise drive aisle widths to correspond to industry standards. • Allow an automobile laundry as an accessory use within a permitted garage. • Require parking in the Downtown within the D-5 zone west of 20th ST NW.

Issue	Subtitle	Proposal
GAR	C	- Revise calculation for vegetated walls – height x width of area to be covered by vegetation (ground coverage area). - Revise credit system to credit new trees based on mature canopy spread.
Lighting	C	New chapter with requirements to minimize light pollution that builds on existing parking lot and other lighting requirements contained in the existing code.
Accessory Apartments	D	- Eliminate the minimum lot size requirement. - Amend the minimum house size – previous proposal of 2,000 sq. ft. GFA for all zones, amended to 2,000 GSF for current R-1-A and R-1-B zones, and 1,200 sq. ft. for R-2 and R-3 zones. - Make any accessory apartment in an accessory building permitted by special exception in all cases. - Add specific review criteria for accessory apartments in accessory buildings, including review by FEMS and DC Water.
Corners Stores	D, E	- Clarify that residential use is permitted above a corner store. - Better define “grocery” aspect of corner store provisions. For by right grocery store use, require that a minimum of 40% of customer-accessible sales and display area be dedicated to the sale of a general line of food products intended for home preparation and consumption; and a minimum of 20% of retail space be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods. - Make beer and wine sales (capped at 15% of gross floor area) in corner grocery store by special exception, not by-right. Beer and wine sales also by special exception for non-grocery corner stores. - Clarify that corner store use is not permitted in Squares 1327 or 1350 to 1353 inclusive.
Camping in Alleys	D, E	Propose that camping on alley lots be permitted only by special exception in Rowhouse zones.
Theater Space	D, E	Propose use of institutional theater or assembly space by outside organizations by special exception.
Production, Distribution and Repair	J	- Require special exception for auto repair. - Propose new language regarding Standards of External Effects.
Large Format Retail	G, J, K	Require special exception for all new large format retail establishments with single tenant space of

Issue	Subtitle	Proposal
		50,000 gross square feet or greater in Subtitles G, J, and K.
Downtown	I	• Retain existing upper-story setback provisions that protect the light and air available to residential buildings adjacent to TDR receiving zones. • Ensure the amount of required retail in NoMa is consistent with requirements for other primary streets. • Eliminate the proposed 3-year time limit on the conversion of credits. • Ensure continued validity of purchased and assigned credits. • Establish parking in West End (Subtitle C).
Overlays	K	Propose reorganizing and combining those overlays that cross Land Use Subtitles and that have Development Standard and Use Permission implications. The Reed-Cooke and Arts overlays have been consolidated and moved to Subtitle K.
Private Schools	X	• Clarifying FAR calculation not to include private streets and alleys. • Ensuring that existing review standards are applied for small private schools. • Revert to existing parking standards (Subtitle C).
Party Status	Z	Propose a system for reviewing party status requests prior to hearing at the request of the applicant.

The alternative text is provided for ZC consideration and possible setdown as a companion to the September 2013 draft. OP will continue to refine the setdown text to improve organization, eliminate redundancies and make corrections. Should the ZC wish to explore additional alternative text for any provision in the current proposal, OP is prepared to draft text for the Commission's consideration. The Zoning Commission will hold the record open and the public may continue to submit comments in ZC Case No. 08-06A until September 15, 2014.

ATTACHED:

- A. Zone Naming - Zone Name Conversion Table
- B. Definitions Comparison
- C. Bicycle Parking Summary
- D. Vehicle Parking Summary and Maps
- E. Green Area Ratio Summary
- F. Lighting Summary
- G. Accessory Apartment Summary
- H. Corner Store Summary
- I. Camping in Alleys Summary
- J. Theater Space Summary
- K. Production Distribution and Repair Summary
- L. Large Format Retail Summary
- M. Downtown Summary
- N. Overlays – Zone Name Conversion Table
- O. Private Schools Summary
- P. Party Status Summary

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text now proposed to be deleted or changed	Comments (refer to 5/5/14 summary) ¹	Discussion										
1606.1 One accessory apartment may be established in an R zone, subject to the conditions of this section. 1606.1 An accessory apartment shall be permitted by right in the R zones, except: (a) Within an accessory building, an accessory apartment shall only be permitted by special exception pursuant to Y Chapter 8 and the standards of §1606.6; and (b) In the R-19 or R-20 zones, an accessory apartment within the principal dwelling or within an accessory building shall only be permitted by special exception pursuant to Y Chapter 8 and the standards of §1606.7. consistent with the conditions of this section.	61, 158, 228, 249, 492, 550, 557	Received comments from the public that residents were not comfortable with matter of right accessory apartments in existing accessory buildings. In response to comments received, OP proposes and amendment to the setdown text that requires a special exception for accessory apartments in accessory buildings.										
1606.2 An accessory apartment shall be permitted by right in the R zones, except the R-19 or R-20 zones, consistent with the conditions of this section.												
1606.3 In the R-19 or R-20 zone, an accessory apartment shall be permitted only by special exception consistent with the conditions of this section.												
1606.4 An accessory apartment shall be permitted subject to the following conditions: (a) The lot shall have a minimum lot area in the following zones: <table><tr><th>Zones</th><th>Minimum Lot Area</th></tr><tr><td>R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]</td><td>7,500 sq. ft.</td></tr><tr><td>R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]</td><td>5,000 sq. ft.</td></tr><tr><td>R-3, R-10 [R-2] R-4, R-13, R-16, R-20 [R-3]</td><td>43,000 sq. ft.</td></tr><tr><td>R-4, R-13, R-16, R-20</td><td>2,000 sq. ft.</td></tr></table>	Zones	Minimum Lot Area	R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	7,500 sq. ft.	R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	5,000 sq. ft.	R-3, R-10 [R-2] R-4, R-13, R-16, R-20 [R-3]	43,000 sq. ft.	R-4, R-13, R-16, R-20	2,000 sq. ft.	175, 242, 440, 515, 516, 518, 523, 524, 526, 527, 531, 525A, 525B, 556, 572	Received numerous comments from the public that the minimum lot area standards were too restrictive. ZC agreed and asked OP to reconsider the minimum lot area standards. OP proposes an amendment that eliminates the lot area standard.
Zones	Minimum Lot Area											
R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	7,500 sq. ft.											
R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	5,000 sq. ft.											
R-3, R-10 [R-2] R-4, R-13, R-16, R-20 [R-3]	43,000 sq. ft.											
R-4, R-13, R-16, R-20	2,000 sq. ft.											

¹ Note – Comments are ones specific to the issue; there were numerous additional comments in support of the provision as proposed, and in general opposition to the parking proposals.

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text	Comments	Discussion										
Bold = New text	(refer to 5/5/14 summary) ¹											
Strike though = Advertised text now proposed to be deleted or changed												
1606.2 In any R zone, a property may contain only one accessory apartment.												
1606.3 (b) Either the principal dwelling or accessory apartment unit must be owner-occupied.												
1606.4 (c) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).	228											
(d) The apartment is located either within the principal dwelling or within an accessory building subject to the conditions of this section;												
1606.5 If the An accessory apartment is located shall be permitted in the principal dwelling in any R zone other than the R-4 and R-20 zones, subject to the following conditions shall apply : (a) The house gross floor area (gfa) of the principal dwelling shall have at least two thousand square feet (2,000 sq. ft.) of gross floor area, exclusive of garage space, shall be in accordance with the following table: <table><tr><th>Zones</th><th>Minimum House Area</th></tr><tr><td>R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]</td><td>2,000 sq. ft.</td></tr><tr><td>R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]</td><td>2,000 sq. ft.</td></tr><tr><td>R-3, R-10 [R-2]</td><td>1,200 sq. ft.</td></tr><tr><td>R-4, R-13, R-16, R-20 [R-3]</td><td>1,200 sq. ft.</td></tr></table> (b) The accessory apartment unit may not occupy more than thirty percent (30%) of the gross floor area of the house principal dwelling ; and (c) If an additional entrance to the house accessory apartment is created, it shall not be located on a wall of the house principal dwelling that faces a street. (d) Within a principal building, an accessory apartment that does not comply with the conditions of §§ 1606.5 (a) through (c) may be permitted by special exception pursuant to Y Chapter 8, provided that: (1) The standards of §§ 1606.2 to 1606.4 shall not be modified or waived by the Board; and (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.	Zones	Minimum House Area	R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	2,000 sq. ft.	R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	2,000 sq. ft.	R-3, R-10 [R-2]	1,200 sq. ft.	R-4, R-13, R-16, R-20 [R-3]	1,200 sq. ft.	242, 440, 515, 516, 518, 523, 524, 526, 527, 531, 525A, 525B, 556, 572	Received numerous comments from the public that the minimum house area standards were too restrictive. ZC agreed and asked OP to reconsider the minimum house area standards. OP proposes an amendment that reduces the minimum house area standard for R-2 and R-3 zones to better reflect actual house size.
Zones	Minimum House Area											
R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	2,000 sq. ft.											
R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	2,000 sq. ft.											
R-3, R-10 [R-2]	1,200 sq. ft.											
R-4, R-13, R-16, R-20 [R-3]	1,200 sq. ft.											

ACCESSORY APARTMENTS

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1606.6 An accessory apartment within an accessory building that houses an accessory apartment may be permitted by special exception pursuant to Y Chapter 8 and shall comply with the following conditions: (1) The accessory building was in existence on January 1, 2013; (2) No expansion or addition may be made to the accessory building to accommodate an apartment except by special exception; (a) The standards of §§ 1606.2 to 1606.4 shall be met, and shall not be modified or waived by the Board. (b) An The accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot property; (c) The applicant shall demonstrate that: (1) Any proposed roof deck, balcony, or projecting window shall be located and designed so as to not negatively impact the privacy or enjoyment of adjacent properties; (2) Safe and convenient permanent access from the accessory apartment to a dedicated and improved right of way has been provided, which may include direct access to a public, improved alley or street, or an easement for a permanent passage, open to the sky, no narrower than eight feet (8ft.) in width, and extending from an entrance to the accessory apartment to a public street through a side setback recorded in the land records of the District of Columbia; and (3) The accessory apartment and any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones. (d) The Board of Zoning Adjustment shall consider relevant agency comments concerning: (1) Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department; and	254, 515, 516, 518, 523, 524, 526, 527, 531, 525A, 525B, 556	Received numerous comments from the public that the access requirements were too restrictive. ZC asked OP to review the access standards. OP proposes an amendment that reduces the access standard consistent with the width of a required side yard and requires review by D.C. Fire and Emergency Medical Service Department and DC Water.

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(2) Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations. (3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; (4) The dwelling use of the accessory building shall be coterminous with the permanent access; and (5) The permanent access shall be provided by either or both of the following: (A) An easement for a permanent passage, open to the sky, no narrower than ten feet (10 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or (B) Through an improved public alley with a minimum width of twenty four feet (24 ft.) that connects to a public street. (6) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot; (7) An accessory building that houses an apartment shall not have a roof deck or balcony; (8) An accessory building constructed as a by right accessory building after January 1, 2013 shall not be used as, or converted to, an accessory apartment except by special exception for a period of five years after the approval of the building permit for the accessory building; and (9) Any proposed expansion of an accessory building for residential purposes shall be permitted only by special exception approval pursuant to Y Chapter 8, and shall be evaluated against the applicable standards of D § 1701.3. (g) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (f) of this subsection; subject to the following limitations: (1) The owner occupancy requirement of paragraph (b) shall not be waived for all R zones; and		

ACCESSORY APARTMENTS

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(2) — Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.		
1606.7 In the R-19 and R-20, an accessory apartment within the principal building or an accessory building may be permitted by special exception pursuant to Y Chapter 8, in addition to the restrictions of D§§ 1606.1 through 1606.4 an accessory apartment shall be subject to the following conditions: (a) The standards of §§ 1606.2 to 1606.4 shall be met and shall not be modified or waived by the Board. (b) An accessory apartment within the principal dwelling shall also meet the standards of §1606.5. (c) An accessory apartment within an accessory building shall also meet the following standards: (1) It shall only be permitted on the second story of a detached the accessory building; (2) No roof deck shall be permitted; (3) Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building; and (4) The applicant shall demonstrate that safe and convenient permanent access from the accessory apartment to a dedicated and improved right of way has been provided, which may include direct access to a public, improved alley or street, or an easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from an entrance to the accessory apartment to a public street through a side setback recorded in the land records of the District of Columbia; (5) The applicant shall demonstrate that the accessory apartment and any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones; and		

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(6) The Board of Zoning Adjustment shall consider relevant agency comments concerning: 1. Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department; and 2. Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations. (d) — Sections 16071606.4 (cb) and (dc) shall not be modified or waived by the Board. 1606.6 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.		
1606.8 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Regulatory Affairs and the property shall be inspected for relevant housing code compliance.		

Current Zone Name	Setdown Zone Name	Proposed Zone Name
Subtitle D - Residential House		
R-1-A and R-1-A/D	R-1	R-1-A
R-1-B and R-1-B/D	R-2	R-1-B
R-2 and R-2/D	R-3	R-2
R-3 and R-3/D	R-4	R-3
R-1-A/CBUT	R-5	R-6
R-1-A/TSP	R-6	R-7
R-1-B/TSP	R-7	R-8
R-1-A/FH-TSP	R-8	R-9
R-1-B/FH-TSP	R-9	R-10
R-2/FH-TSP	R-10	R-11
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11	R-12
R-1-B/NO and R-1-B/NO/D	R-12	R-13
R-3/NO	R-13	R-14
R-1-A/WH	R-14	R-15
R-1-B/WH	R-15	R-16
R-3/FB	R-16	R-17
R-1-B/SSH1	R-17	R-18
R-1-B/SSH2	R-18	R-19
Modified R-1-B (Gtwn)	R-19	R-20
Modified R-3 (Gtwn)	R-20	R-21
Subtitle E – Residential Flat		
R-4 and R-4/D	RF-1	RF-1
R-4/DC	RF-2	RF-2
R-4/CAP	RF-3	RF-3
NEW ZONE	RF-4	RF-4
NEW ZONE	RF-5	RF-5
Subtitle F – Apartments		
R-5-A	RA-1	RA-1
R-5-B	RA-2	RA-2
R-5-C	RA-3	RA-3
R-5-D	RA-4	RA-4
R-5-E	RA-5	RA-5
R-5-A/NO	RA-6	RA-6
R-5-B/CAP	A-7	RA-7
R-5-B/DC	A-9	RA-8
R-5-D/DC	A-10	RA-9
R-5-E/DC	A-11	RA-10

Current Zone Name	Setdown Zone Name	Proposed Zone Name
Subtitle G - Mixed Use		
SP-1	M-1	MU-1
SP-2	M-2	MU-2
C-1	M-3	MU-3
C-2-A	M-4	MU-4
C-2-B	M-5	MU-5
C-2-C	M-6	MU-6
C-3-A	M-7	MU-7
C-3-B	M-8	MU-8
C-3-C	M-9	MU-9
CR	M-10	MU-10
W-0	M-11	MU-11
W-1	M-12	MU-12
W-2	M-13	MU-13
W-3	M-14	MU-14
SP-1/DC	M-16	MU-15
SP-2/DC	M-17	MU-16
C-2-A/DC	M-18	MU-17
C-2-B/DC	M-19	MU-18
C-2-C/DC	M-20	MU-19
C-3-B/DC	M-21	MU-20
C-3-C/DC	M-22	MU-21
CR/DC	M-23	MU-22
SP-2/CAP	M-24	MU-23
C-2-A/CAP	M-25	MU-24
C-2-A/CHC	M-26	MU-25
C-2-A/CAP/CHC	M-27	MU-26
C-2-A/NO	M-28	MU-27
C-3-A/FT	M-35	MU-28
CR/FT	M-36	MU-29
Subtitle H – Neighborhood Commercial		
C-1/MW	N-1	N-1
C-2-A/TK	N-2	N-2
C-2-A/CP	N-3	N-3
C-2-A/WP	N-4	N-4
C-2-B/WP	N-5	N-5
C-3-A/ES	N-6	N-6
C-2-A/GA	N-7	N-7
C-3-A/GA	N-8	N-8

Current Zone Name	Setdown Zone Name	Proposed Zone Name
C-2-A/HS-H	N-9	N-9
C-2-B/HS-H	N-10	N-10
C-2-C/HS-H	N-11	N-11
C-3-A/HS-H	N-12	N-12
C-3-B/HS-H	N-13	N-13
C-2-A/HS-A	N-14	N-14
C-3-A/HS-A	N-15	N-15
C-2-A/HS-R	N-16	N-16
C-2-B/HS-R	N-17	N-17
Subtitle I - Downtown		
R-5-E in expanded downtown zone, DD/R-5-E; DD/Chinatown/R-5-E	D-1-A-2	D-1
SP-2 in expanded downtown zone	D-2-B-1	D-2
HR/C-3-C/TDR; C-3-C/Downtown East TDR	D-3-B-1	D-3
C-3-C/non-TDR in expanded downtown zone; HR/C-3-C/non-TDR	D-4-B-1	D-4
DD/C-2-C/HPA (housing priority area); DD/C-2-C/MVT/HPA	D-4-B-2	D-4-R
CG/C-3-C/TDR; C-3-C/TDR other than Downtown East TDR; DD/C-3-C/non-HPA	D-5-B-1	D-5
DD/C-3-C/HPA; DD/C-3-C/MVT/HPA	D-5-B-2	D-5-R
C-4/non HPA in expanded downtown zone	D-6-B-1	D-6
DD/C-4/non-HPA	D-6-B-1	D-7
DD/C-4/HPA	D-6-B-2	D-7-R
C-3-C /non-TDR Federal Properties in Federal Triangle South	D-8-B-1	D-8
C-5	D-7-B-1	D-9
Subtitle J – Production Distribution, Repair (PDR) (Industrial)		
CM-1, CM-1/LO	P-1	P-1
CM-2	P-2	P-2
CM-3	P-3	P-3
M	P-4	P-4
CM-1/CAP	P-5	P-5
CM-1/FT	P-6	P-6
M/FT	P-7	P-7
Subtitle K - Special Plan Zones		
SEFC/CR	SEFC-1	SEFC-1
SEFC/R-5-E	SEFC-2	SEFC-2
SEFC/R-5-D	SEFC-3	SEFC-3
SEFC/W-0	SEFC-4	SEFC-4
USN	USN	USN
HE	HE-1 through HE-4	HE-1 through HE-4

Current Zone Name	Setdown Zone Name	Proposed Zone Name
CG/R-5-E	CG-1	CG-1
CG/C-2-C	CG-2	CG-2
CG/C-3-C	CG-3	CG-3
CG/CR	CG-4	CG-4
CG/W-2	CG-5	CG-5
CG/W-1	CG-6	CG-6
CG/W-3	CG-7	CG-7
StE	STE-1 through STE-19	STE-1 through STE-19
C-2-A/ARTS	M-29	ARTS-1
C-2-B/ARTS	M-30	ARTS-2
C-3-A/ARTS	M-31	ARTS-3
CR/ARTS	M-32	ARTS-4
R-5-B/RC	A-8	RC-1
C-2-A/RC	M-33	RC-2
C-2-B/RC	M-34	RC-3

Definitions

- The following are new definitions that OP proposes for inclusion in the draft text.
 - Farmers Market
 - Fast Food, Drive-through
 - Grocery Store
 - Large Format Retail
 - Material Salvage
 - Sustainability
 - Urban Tree Canopy
- The following are definitions where OP proposes revisions to the draft text.
 - Affordable Housing
 - Apartment Building
 - Art Exhibition Area
 - Art Incubator
 - Boarding House
 - Building; Building Area; Building Envelope
 - Building Height, non-Residential Zones and Building Height, Residential Zones
 - Community-based Residential Facility
 - Corner Store
 - Fast Food, Restaurant
 - Floor Area, Gross
 - Garage, Mechanical Parking
 - Historic District; Historic Landmark; and Historic Resource
 - Lot Width
 - Mezzanine
 - Setback; Setback, Front; Setback, Side; and Setback, Rear
 - Story
- OP proposes that the following definitions from Title 11 be reintroduced in the draft text.
 - Adult Day Treatment Facility
 - Apartment
 - Art Gallery
 - Automobile Laundry
 - Ballpark
 - Boathouse
 - Car-sharing space
 - Chancery
 - Collocation
 - Court, height of; Court, length of; and Court, width of
 - Dinner Theater
 - Equipment cabinet or shelter
 - Firearm
 - Firearms retail sales establishment
 - Fire Department
 - Fire Station
 - Home Sales Party
 - International Organization
 - Legitimate Theater
 - Line, building
 - Loading Berth
 - Parking Lot
 - Marina
 - Mount
 - Natural Grade
 - Open Arcade
 - Optical Transmission Node
 - Public Library
 - Regional Command Center
 - Rooming Unit
 - Service/Delivery Loading Space
 - Specified anatomical areas
 - Specified sexual activities
 - Stable, private and Stable, public
 - Street Frontage
 - Wall, lot line
 - Warehouse
- OP proposes deletion of the following definitions from the draft text.
 - Car-share Organization
 - Dormer
 - Tenement House
 - Story, Ground Level

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199	DEFINITIONS	100	DEFINITIONS OF WORDS, TERMS, AND PHRASES	
199.1	When used in this title, the following terms and phrases shall have the meanings ascribed:	100.1	When used in this title, the following terms and phrases shall have the meanings ascribed.	
199.2	<i>[Repositioned for this comparison]</i> For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used in other regulations: (a) Words in the present tense shall include the future tense; (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number; (c) The word "lot" shall include the words "plot" and "parcel"; (d) The word "shall" is mandatory and not discretionary; (e) The word "person" shall include a corporation as well as an individual; (f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and (g) Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.	100.2	For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used m other regulations: (a) Words in the present tense shall include the future tense; (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number; (c) The word "lot" shall include the words "plot" and "parcel"; (d) The word "shall" is mandatory and not discretionary; (e) The word "person" shall include a corporation as well as an individual; (f) The words "occupied" and "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy"; and (g) Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.	Subsection (e) is well established by law but it will be included in the proposed text.
		<u>1958 Zoning Regulations</u> : The regulations that were originally adopted and became effective at 12:01 a.m. May 12, 1958, as amended.		New definition.
Accessory apartment - a complete apartment unit contained within a one-family detached dwelling. It has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance. (40 DCR 6364)		<u>Accessory Apartment</u> : A <i>dwelling unit</i> that is secondary to the principal dwelling unit in terms of <i>gross floor area</i> , intensity of use, and physical character.		Definition modified to reflect BZA practice that accessory apartments also be permitted in attached one-family dwelling, and to eliminate duplication with definition for “dwelling unit”. Further clarification could be established by including the phrase “single family” in between “principal” and “dwelling unit”
Accommodation, transient - a structure or building, other than a private club, one-family or two-family dwelling, apartment house, boarding house, rooming house, and tenement house, within which structure or building units are used for transient guests from time to time. The accommodations may include, but not be limited to, bed and breakfast accommodations, guesthouses, guest quarters, hotels, inns, motels, and tourist homes. (36 DCR 7628)				Encompassed within the “Lodging” use category: Lodging (a) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests. (b) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments. (c) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.
		<u>Achievable Inclusionary Bonus Density</u> : The amount of the permitted bonus density that potentially may be utilized within a particular <i>inclusionary residential development</i> .		New definition to reflect IZ.

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Adult day treatment facility - a building or part of a building used for non-residential programs operated for the purpose of providing medically-supervised day treatment services for adults with a developmental disability or mental disorder, totaling six (6) or more persons who are present for fewer than twenty-four (24) hours per day. An adult day treatment facility includes the following accessory uses: counseling, education, training, health, and social services for the person or persons with legal charge of individuals attending the center, including but not limited to any parent, spouse, sibling, child, or legal guardian of such individuals. This definition does not encompass facilities that offer drug or alcohol abuse rehabilitation services. For the purposes of this definition, the following sub-definitions apply:			<u>Post Setdown:</u> Will be added to the proposed text.
		<u>Advisory Neighborhood Commission (ANC)</u> : A duly elected body established in accordance with § 738 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774, 824, as amended; D.C. Official Code § 1-207.38 (formerly codified at D.C. Code § 1-251 (1999 Repl.))).	New definition.
§ 1799.1: DD Overlay Zone Affordable dwelling unit - a dwelling unit that is sold or rented to a household of low or moderate income. (40 DCR 1958) Low income household - a household of one or more individuals with a total income equal to less than fifty percent (50%) of the Standard Metropolitan Statistical Area median as certified by the <i>Department of Housing and Community Development.</i> (40 DCR 1959) Moderate income household - household of one or more individuals with a total income equal to between <i>fifty</i> percent (50%) and eighty percent (80%) of the Standard Metropolitan Statistical Area median as certified by the Department of Housing and Community Development. (40 DCR 1959)	§2499.1 PUD Affordable Housing - housing where the occupant is paying no more than thirty-five percent (35%) of gross income for gross housing costs, excluding utility costs. §2601.1 –Inclusionary Zoning Low-income household - a household of one or more individuals with a total <i>annual</i> income <i>adjusted for household size</i> equal to less than fifty percent (50%) of the Metropolitan Statistical Area median as certified by <i>the Mayor pursuant to the Act.</i> Moderate-income household - a household of one or more individuals with a total <i>annual</i> income <i>adjusted for household size</i> equal to between <i>fifty-one</i> percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified <i>by the Mayor pursuant to the Act.</i>	<u>Affordable Housing</u> : Housing where costs, including utilities and any mandatory fees for rental or mortgage principle and interest, taxes, insurance and any mandatory fees, do not exceed thirty (30%) percent of the targeted household income ranges.	New definition – Affordable Housing: This term is used throughout the old and the new regs but is defined differently in the Chapter 17, DD and Chapter 24, PUDs and neither is necessarily consistent with IZ. Amended Definition: Low and Moderate Income Household: These terms are identified in Chapter 17, DD and Chapter 26 Inclusionary Zoning. Again they are defined differently and establish different certifying authorities. <u>Post Setdown:</u> OP proposes one definition that is consistent with the Inclusionary Zoning requirements. Any additional changes will be considered as part of future revisions to the Inclusionary Zoning regulations as a separate case.
		<u>Airspace Development</u> : Development above or below streets or alleys.	New definition. Not defined in the existing regulations but referenced as a type of contested case requiring ZC approval with established fees in Ch 30, and Ch 29 USN zone.
Alley - a public way designated as an alley in the records of the Surveyor of the District of Columbia.		<u>Alley</u> : A public way designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a <i>street</i> for the purposes of this Title.	Last sentence is proposed as additional clarifying text.
Alterations, structural - any change in the permanent, physical members of a building or other structure, such as bearing walls or partitions, columns, joists, rafters, beams, or girders.		<u>Alterations, Structural</u> : Any change in the permanent, physical members of a <i>building</i> or other <i>structure</i> , such as bearing walls or partitions, columns, joists, rafters, beams, or girders.	No change.
		<u>Angular Plane</u> : A plane, based on a defined angle, that a building facade may be set up to, or behind.	New definition.

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Animal boarding - Any premises, other than a veterinary hospital, pet shop, or pet grooming establishment, used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any pet grooming establishment that permits ten or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use. (53 DCR 6363)	<u>Animal Boarding</u> : Any premises, other than a <i>veterinary hospital, pet shop, or pet grooming establishment</i> , used as a commercial establishment for the overnight boarding and/or recurring daily care of animals for a fee. Any <i>pet grooming establishment</i> that permits ten or more animals on the premises at a time, or that permits the overnight stay of animals, is considered an animal boarding use. (53 DCR 6363)	No change.
Animal shelter - Any premises that houses and feeds stray or abandoned animals without a fee and is operated by a non-profit organization or governmental agency. (54 DCR 8943)	<u>Animal Shelter</u> : Any premises that houses and feeds stray or abandoned animals without a fee and is operated by a <i>non-profit organization</i> or governmental agency. (54 DCR 8943)	No change.
Antenna - a device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and rotating or other directional mechanism. (36 DCR 1509 and 55 DCR 34)	<u>Antenna</u> : A device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and rotating or other directional mechanism.	No change.
Antenna tower - a lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	<u>Antenna Tower</u> : A lattice-type structure, guyed or self-supporting, used to support antennas for broadcasting, transmission, reception, or other utility equipment. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	No change.
Antenna, broadcast - an antenna used for television and radio broadcasting. The transmitting antenna may be affixed to a tower or to the top of a building. (36 DCR 1509 and 55 DCR 34)		Not brought forward into proposed text because it is redundant to and included within the definition of “Antenna”
Antenna, building-mounted - any antenna and its necessary support structure, not including a tower or monopole, that is attached to the walls of, or integrated into a building, church steeple, cooling tower, elevator bulkhead, parapet, penthouse, fire tower, tank, water tower, or other similar structure. (55 DCR 34)	<u>Antenna. Building-mounted</u> : Any <i>antenna</i> and its necessary support <i>structure</i> , not including an antenna tower or monopole, that is attached to the walls of, or integrated into a <i>building</i> , church steeple, cooling tower, elevator <i>bulkhead</i> , parapet, penthouse, fire tower, tank, water tower, or other similar structure.	No change.
Antenna, dish - a bowl-shaped device for the reception and/or transmission of communication signals in a specific directional pattern. (55 DCR 34)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
	<u>Antenna. Ground-mounted</u> : Any freestanding antenna with its base placed directly on the ground. Ground does not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade, and at-grade patios.	New definition.
Antenna, microwave, terrestrial - dish, horn, or other type antenna used for point-to-point microwave communication of sound, visual images, or data from one terrestrial point to another. (36 DCR 1509)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, roof-mounted - any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building mounted antenna. (55 DCR 34)	<u>Antenna. Roof-mounted</u> : Any <i>antenna</i> and its necessary support <i>structure</i> , not including an antenna tower or monopole, that is attached to the roof of a <i>building</i> and which does not fall within the definition of <i>a. building-mounted antenna</i> .	No Change
Antenna, satellite earth station - antenna used to transmit or receive sound, visual images, or data from one or more space stations or from one or more stations of the same kind by means of satellites or other objects in space. (36 DCR 1509)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, super high frequency - an antenna which serves a super high frequency channel and requires a line of sight to the transmitting antenna, and which generally consists of a metal grid or a		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they

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sheet of bent metal, and is mounted on the pole of a UHF or VHF antenna or on a roof structure. (36 DCR 1509-1510)		are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, whip - antenna generally consisting of a single pole or mast, also called a broomstick antenna, sometimes including irregularly shaped prongs or attachments at its extremity, including an antenna used for citizens band or two-way radio communications. (36 DCR 1510)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Antenna, yagi - a very high frequency (VHF) or ultrahigh frequency (UHF) directional antenna array in which a basic whip or dipole antenna is supplemented by one or more parallel reflector and director elements. (36 DCR 1510)		Not brought forward into proposed text; No longer needed because antennas are proposed to be regulated by how they are located (ground, roof or building mounted), their height and the number on a site – not by their shape, in Sub C Chapter 25.
Apartment - one (1) or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms.		<u>Post Setdown:</u> Will be placed in proposed text.
Apartment, bachelor - one (1) or more habitable rooms with bathroom facilities exclusively for the use of and under the control of the occupants of those rooms in a building containing three (3) or more apartments; provided, that in the building no kitchen facilities or privileges shall be available to or used by the occupants of the bachelor apartment.		Not brought forward into proposed text; not a regulated use in either existing or proposed code.
Apartment house - any building or part of a building in which there are three (3) or more apartments, or three (3) or more apartments and one (1) or more bachelor apartments, providing accommodation on a monthly or longer basis. (36 DCR 7627-7628)	<u>Apartment Building:</u> A building containing five (5) or more dwelling units, providing accommodation on a monthly or longer basis.	Updated to reflect RF zone provisions. <u>Post Setdown:</u> OP recommends the additional language be added to reflect original definition
	<u>Areaway:</u> A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard that includes window wells and passageways accessing basement/cellar doors.	New definition to reflect regulation of “Projection Allowance” in Sub C § 1004.
Art center - a multifunctional arts use which meets all of the following criteria: (a) comprises three (3) or more distinct arts and arts-related uses as specified in § 1908; (b) where at least one of the uses must be an art gallery, art school, artist housing, artist studio, concert hall, dinner theater, legitimate theater, movie theater, or museum; (c) is operated in a unified way under single management; and (d) occupies part or all of a building or a group of buildings within the same square. (39 DCR 8328)	<u>Art Center:</u> A multifunctional arts use that comprises two (2) or more distinct Arts Design and Creation uses integrated under single management:	New definition, simplified and reflective of the use group.
	<u>Art Exhibition Area:</u> A building lobby, part of a lobby, or another publicly accessible space room on the <i>basement</i> or first or second floors of a <i>building</i> or an outdoor public area on private property, which space is designed and used for the public display and sale of works of art.	New definition. <u>Post Setdown:</u> OP recommends the advertised definition be modified to clarify locations.
Art gallery - an establishment that derives more than fifty per cent (50%) of its income from the display and sale of objects of art. (35 DCR 465)		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Art Incubator:</u> An arts use that: (a) Is organized under single management with a single Certificate of Occupancy; (b) Has as its core mission the provision of work space at a reduced cost for aspiring artists or arts organizations; (c) Provides work space that is either communal or subdivided into any number of areas; (d) May include the following uses: artist studio, administrative offices of arts organizations,	New definition; <u>Post Setdown:</u> OP recommends the advertised definition be modified to clarify restrictions on sales and performances are for residential zones only.

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	legitimate theater, or media studio; and (e) Does not have any residential uses; and (f) <u>When located in a residential zone,</u> Does not have, as its primary purpose, the sale of art, but there may have up to six (6) public sales per year for art produced in the incubator, and up to six (6) performances per year of dramatic or performance art produced in the incubator.	
Artist housing - an apartment or studio where an artist works and lives. (39 DCR 8328)		Incorporated into “Artist Live-Work Space”
	<u>Artist Live-Work Space:</u> A <i>dwelling unit</i> or <i>building</i> in which an artist or artists reside and work in an Artist Studio use in compliance with the requirements of one of the following categories: (a) Single Artist Live-Work Space: A single <i>dwelling unit</i> occupied by an artist to both live and work, where a minimum of thirty percent (30%) of the <i>gross floor area</i> of the unit is used for an Artist Studio use by the artist residing therein. The minimum size of a live-work unit shall be 1,000 sq. ft. In residential zones the artist may sell art produced on site as a clearly incidental part of the live-work use; or (b) Multi-Artist Live-Work Space: A building or part of a <i>building</i> with two or more dwelling units, with all units inhabited by artists whose primary studio is in the same structure or on the same property, but not in their unit. The studio space may be communal or may be subdivided into any number of areas.	New definition.
Artist studio - a place of work of one or more persons who are engaged actively, and either gainfully or as a vocation in the following: (a) The fine arts including, but not limited to, painting, printmaking, or sculpturing; (b) The performing and visual arts including, but not limited to, a. Ceramics; or b. The composition of music. (35 DCR 465)	<u>Artist Studio:</u> A place of work of one or more persons who are engaged actively, and either gainfully or as a vocation work in the following: (a) The fine arts, including but not limited to crafts, painting, printmaking, or sculpturing; (b) The performing and visual arts, including but not limited to dance, choreography, photography, or filmmaking; (c) Any use from the Arts Design and Creation Use Group; (d) The composition of music; or (e) The recording and / or production of music, video or other media form; and (f) In residential zones the artist may sell art produced on site as a clearly incidental part of the studio use.	Definition modified to reflect use categories and to permit clearly incidental sales.
Automobile laundry - a structure or portion of a structure, the principal use of which is the washing of automobiles or other motor vehicles with the use of a chain or other conveyor and blower or steam cleaning device.		<u>Post Setdown:</u> Will be placed in proposed text.
Ballpark - the building and use authorized by Zoning Commission Order No. 06-22. (54 DCR 8976)		<u>Post Setdown:</u> Will be placed in proposed text.
Basement - that - portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.	<u>Basement:</u> That portion of a <i>story</i> partly below grade, the ceiling of which is four feet (4 ft.) or more above the <i>adjacent finished grade</i> .	No change.
	<u>Block Face:</u> The <i>entire front lot line</i> of all <i>building facades</i> of a square between two streets. See also " <i>Setback, Front</i> "	New definition.
▮	<u>Board of Zoning Adjustment (Board):</u> An independent quasi-judicial body empowered to grant relief from the strict application of the <i>Zoning Regulations</i> (variances), approve certain uses of land (special exceptions), and hear appeals of actions taken by the <i>Zoning Administrator</i> .	New definition.

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Boarding house - a building or part thereof that provides for compensation, meals or lodging and meals to three (3) or more guests on a monthly or longer basis. The term "boarding house" shall not be interpreted to include an establishment known or defined in this title as a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation. (35 DCR 7627)	<u>Boarding House</u> : A <i>building</i> or part thereof where, for compensation, meals, or lodging and meals, are provided to three or more guests on a monthly or longer basis.	Post Setdown: OP recommends the advertised definition be modified to clarify that meals are served as part of the lodging and not as an independent service.
Boathouse - a building or structure designed and used to store and provide water access for non-motorized watercraft, including racing shells, kayaks, canoes, sailboats, rowboats, and similar boats. (51 DCR 3440 and 52 DCR 6358)		Post Setdown: Will be placed in proposed text.
Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.	<u>Building</u> : A <i>structure</i> , requiring permanent placement on the ground that has one or more floors and a roof supported by columns or walls. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.	Post Setdown: OP recommends the advertised definition be modified to include the second and third clarifying sentences.
Building, accessory - a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.	<u>Building, Accessory</u> : A subordinate <i>building</i> located on the same lot as <i>the principal building</i> , the use of which is incidental to the <i>use of the principal building</i> . See C Chapter 8 for general regulations on accessory buildings in all zones.	Revised to reflect use of “principal” in lieu of “main.”
	<u>Building, Attached</u> : A <i>building</i> that abuts or shares walls on both <i>side lot lines</i> with other <i>buildings</i> on adjoining lots.	New definition.
	<u>Building, Detached</u> : A freestanding <i>building that</i> does not abut any other <i>building</i> and where all sides of the <i>building are</i> surrounded by yards or open areas within the <i>lot</i> .	New definition.
	<u>Building, Principal</u> : The <i>building</i> in which the primary use of the <i>lot</i> is conducted.	New definition.
	<u>Building, Semi-detached</u> : A <i>building</i> that abuts or shares one wall, on a <i>side lot line</i> , with another <i>building</i> on an adjoining <i>lot</i> and where the remaining sides of the building are surrounded by open areas or <i>street lot lines</i> .	New definition.
Building area - the maximum horizontal projected area of a building and its accessory buildings. The term "building area" shall include all side yards and open courts less than five feet (5 ft.) in width, and all closed courts less than six feet (6 ft.) in width. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. (Case No. 62-32, May 29, 1962)	<u>Building Area</u> : The maximum horizontal projected area <i>of a principal building</i> and its <i>accessory buildings</i> . Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. See Subtitle C, Chapter 7 for the formula for measuring "Building Area" and "Lot Occupancy."	The definition no longer includes yards less than 5 sf and courts less than 6 sf to eliminate the incentive to fill them in and force property owners into variances. The removal of the side yard and court areas from the definition of Building Area has received general support from the community. Post Setdown: OP recommends including the last sentence regarding projections and balconies.
	<u>Building Envelope</u> : The maximum three dimensional space on a lot in which a <i>building</i> may be built as limited by the applicable front, rear and side setbacks, height limits development standards and other relevant limits and conditions of this Title.	Post Setdown: OP recommends changing the wording for clarity by replacing “front rear, and side setbacks, height limits” with development standards”.
	<u>Building Façade</u> : An exterior vertical plane, face, or side of a <i>building</i> , exclusive of any permitted projections.	New definition.
Building, height of – in other than Residence Districts (R), 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	<u>Building Height, non-Residential Zones</u> : In all zones other than Residential (R) zones, building height shall be the vertical distance measured from the level of the curb opposite the middle of the front of	Post Setdown: advertised “Proposed Definition” was drafted before the new definitions were adopted by the ZC

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parapet or a point designated by a specific zone district; in Residence Districts (R) the vertical distance measured at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height. The term curb shall refer to a curb at grade. 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. 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. 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.). Except as provided in § 400.20, 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. Except as provided in § 400.21, 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. Except as provided in § 400.19, 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.	the building to the highest point of the roof or parapet, unless otherwise specified in a specific zone's development standards table. The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone. Unless otherwise restricted or permitted in this title, in those districts in which the height of the building is limited to forty feet (40 ft.), the height of the building may be measured to the ceiling of the top story. For a building located upon a terrace in a zone district permitting building height up to sixty feet (60 ft.), building height shall be measured from the top of the terrace to the highest point of the roof or parapet, provided that the terrace shall not exceed five feet (5 ft.) above the curb. In those districts that permit building heights of ninety feet (90 ft.) or greater, building height shall be measured to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height. For a building removed from all lot lines by a distance equal to its proposed height above grade, building height shall be measured from the natural grade at the middle of the front of the building to the highest point of the roof or parapet. If a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building. A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming by Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.	in Zoning Case 21-10. OP recommends using the adopted definitions from ZC 12-10, as shown in the left column “Current Definitions” and not “Proposed Definitions”.
400.15 The height of buildings in R zones shall be measured in accordance with the rules provided in § 400.16 through 400.21. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply. 400.16 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. 400.17 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. 400.18 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. 400.19 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. 400.20 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. 400.21 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	<u>Building Height. Residential Zones:</u> In all Residential (R) zones, building height shall be the vertical distance measured at the natural grade at the midpoint of the building facade of the principal building that is closest to a street lot line, unless otherwise specified in a specific zone's development standards table. Berms or other forms of artificial landscaping shall not be included in measuring building height. The height of a building with a flat roof shall be measured to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height. The height of a building with a roof that is not a flat roof shall be measured to the average level between the highest point of the roof and either the highest eave, not including a dormer eave, or if there are no eaves, the top of the highest wall plate. The height of a building permitted to be ninety feet (90 ft.) shall be measured to the highest point of the roof excluding parapets and balustrades not exceeding four feet (4 ft.) in height. Where a building is removed from all lot lines by a distance equal to its proposed height above grade, the building height shall be measured to the highest point of the roof or parapet. If a building fronts on more than one (1) street, any front may be used to determine street frontage; but the basis for measuring the height of the building shall be established by the street selected as	<u>Post Setdown:</u> advertised “Proposed Definition” was drafted before the new definitions were adopted by the ZC in Zoning Case 21-10. OP recommends using the adopted definitions from ZC 12-10, as shown in the left column “Current Definitions” and not “Proposed Definitions”.

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selected as the front of the building 400.22 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.	the front of the building. A conforming structure in existence on June 14, 2013 that would have been rendered nonconforming by Z.C. Order No. 12-11 shall be deemed conforming; provided that the height of the structure may neither be increased or extended.	
	<u>Building Height Measuring Point (BHMP)</u> : The point used to measure building heights in R, F and A zones.	New definition to reflect new term.
	<u>Build-to Line</u> : A <i>front setback</i> line that the front facade of the principal building of the lot must abut. See also " <i>Setback, Front.</i> "	New definition to reflect new term.
	<u>Bulkhead</u> : A retaining wall or protective structure along a shoreline whose primary purpose is to stabilize, hold or prevent earth or backfill from eroding or washing away. For purposes of this definition, the term bulkhead does not differentiate between and includes bulkheads, seawalls and revetments.	New definition to reflect regulated structure.
Cabaret - a restaurant or nightclub providing as the main focus of its business, programs of live entertainment such as singing, dancing, comedy, literary readings, or performance art. In a cabaret, the clientele generally sit at tables in order to watch the entertainment and are attended by waiters or waitresses who serve food or drink. Typically, there may be more than one show in an evening and a complete turnover in patrons. (39 DCR 8328)		Not brought forward into proposed text, this is not a regulated use in either the current code or the proposed text.
Caregiver - an individual who is responsible for the supervision and administration of a child development home or child/elderly development center. (29 DCR 4913)	<u>Caregiver</u> : An individual who is responsible for the supervision and administration of a child development home or child/elderly development center. (29 DCR 4913)	No change.
	<u>Car-share Organization</u> : A membership based service with a valid business license providing shared vehicles available twenty-four hours a day, seven days a week, at unattended self-serve locations. Vehicles are provided without restriction at hourly rates that include fuel, insurance and maintenance primarily for shorter time and shorter distance trips.	New definition, however it is not a regulated use and does not need to be included. Post Setdown : OP recommends it not be included.
Car-sharing space – a parking space that is designated for the parking of a car-sharing vehicle.		Post Setdown : Will be placed in proposed text.
Car-sharing vehicle – any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle for which they are charged based on actual use as determined by time and/or mileage.	<u>Car-sharing Vehicle</u> : Any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle, and for which they are charged based on actual use as determined by time and/or mileage. (18 DCMR 9901)	No Change.
Caterer, catering establishment - a person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy- five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment. (40 DCR 3744)	<u>Caterer. Catering Establishment</u> : A person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy- five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment. (40 DCR 3744)	No Change.
Cellar - that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade.	<u>Cellar</u> : That portion of a <i>story</i> , the ceiling of which is less than four feet (4 ft.) above the adjacent <i>finished grade</i> .	No Change
Central Area - the area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia. (45 DCR 1046)	<u>Central Area</u> : The area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia. (45 DCR 1046)	No Change

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Central Employment Area (CEA) - the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan, 10 DCMR § 199. (45 DCR 1047)	<u>Central Employment Area (CEA)</u> : The core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan.	No Change but the reference to “10 DCMR” is not included here because the term “Comprehensive Plan” is defined further in this chapter.
Chancery - The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes. (30 DCR 3271)		<u>Post Setdown:</u> Will be placed in proposed text.
Child/Elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and/or for the non-residential care of individuals age 65 or older, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals. (46 DCMR 8286 and 53 DCR 10085)	<u>Child Development Center</u> : A <i>building</i> or part of a <i>building</i> , other than a <i>child development home</i> , used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, and similar programs and facilities. A child development center includes the following <i>accessory uses</i> : counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.	No change to Child Development Center. The only change to this definition is the separation of the Elderly Development Center into its own definition below.
Child development home - a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (29 DCR 4913)	<u>Child Development Home</u> : a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (29 DCR 4913)	No change.
Clear Height, Floor to Ceiling – <i>[Repositioned to “Height, Floor to Ceiling, Clear” in this sequence]</i>		
Clinic - a building or part of a building in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities; provided, that all the facilities are limited to the treatment and care of out-patients. The term "clinic" shall be limited to those buildings in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a building in which the separate and individual practice of the above professions is conducted	<u>Clinic</u> : A <i>building</i> or part of a <i>building</i> in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities; provided that all the facilities are limited to the treatment and care of out-patients. The term "clinic" shall be limited to those <i>buildings</i> in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a <i>building</i> in which the separate and individual practice of the above professions is conducted.	No change.
Club, private - building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization. (21 DCR 1465)	<u>Club, Private</u> : A building and facilities or premises used or operated by an organization or association for some common vocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.	No change.
Collocation - the use of a single mount, tower, monopole, or site by more than one antenna or telecommunications service provider. (55 DCR 34)		<u>Post Setdown:</u> Will be placed in proposed text.

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	<u>Commission</u> - the Zoning Commission for the District of Columbia, unless otherwise noted.	New Definition
	<u>Community Centers, Private</u> : A <i>building</i> , park, playground, swimming pool, or athletic field operated by a local community organization or association.	New Definition
Community house - a group of three (3) one-family dwellings, each on a separate lot, erected simultaneously as a group, with each of the outer dwellings having a side yard.		Not brought forward into proposed text. In the current code this definition only accommodates those existing prior to May 12, 1958 in the R-2, R-3 and R-4 zones. In the proposed text, they would be considered a row dwellings permitted in the R-3, R-4 and Apartment zones, and do not need a separate definition.
Community service use - A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.		Not brought forward into proposed text; The use is part of the institutional use group with conditions brought forward in the R (Sub D §1607) and RA zones. Could be replaced in proposed text for clarity.
Community-based residential facility - a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2-35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, as amended; D.C. Official Code §§ 44-501 to 44-509 (formerly codified at D.C. Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home. If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories: (a) Adult rehabilitation home - a facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders; (b) Community residence facility - a facility that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1 (1986) (superseded); (c) Emergency shelter - a facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded);		All uses are listed in the proposed text, but Youth Rehab and Adult Rehab are defined as Community-Based Institution Facilities. <u>Post Setdown:</u> OP recommends the uses that are not considered CBIF continue to be considered as CB <u>Residential</u> Facilities because there are several facilities for senior and retirement homes in the low density zones and this is a special exception use that should continue.
(d) Health care facility - a facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded); (e) Substance abusers home - a community residence facility that offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, 22 DCMR § 3099.1 (1986) (superseded), for one (1) or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs, or other		

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controlled substances; (f) Youth rehabilitation home - a facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under federal law. The facility shall not house persons sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense; or (g) Youth residential care home - a facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals less than eighteen (18) years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance. (28 DCR 3483)		
Comprehensive Plan - the Comprehensive Plan for the National Capital adopted pursuant to section 4(a) of the National Capitol Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended, §§ 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 779, 792, D.C. Official Code §§ 1-204.23, 2-1002(a) (formerly codified at D.C. Code §§ 1-244, 1-2002(a) (1999 Repl.))).	<u>Comprehensive Plan</u> : The Comprehensive Plan for the National Capital adopted pursuant to section 4(a) of the National Capitol Planning Act of 1952, approved July 10, 1952 (66 Stat. 774, 781, 785, as amended, §§ 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24,1973 (87 Stat. 779, 792, D.C. Official Code §§ 1-204.23, 2-1002(a) (formerly codified at D.C. Code §§ 1-244, 1-2002(a) (1999 Repl.))).	No change.
	<u>Corner Store</u> : A limited commercial and service use in residential rowhouse zones, intended to be for oriented to serve the immediate neighborhood.	New definition to reflect new use. <u>Post Setdown:</u> OP recommends rewording the definition for clarity.
	<u>Cottage Food Business</u> : A business that: Produces of packages cottage food products in a residential kitchen; Sells the cottage food products in accordance with the Cottage Food Act and regulations adopted by the Department of Health; Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000.	New definition to reflect Cottage Food Act which allows the use as a Home Occupation.
	<u>Cottage Food Product</u> : A food product made in compliance with the Cottage Food Act and that is sold at a farmer's market or other public venues.	New definition to reflect Cottage Food Act.
Court - an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building. (28 DCR 4192)	<u>Courtyard</u> : An uncovered area, starting at or above grade, where two walls of the same building with windows face each other.	New definition to reflect proposal to regulate courtyards instead of courts, and the proposed side yard definition by removing the limiting reference to a lot line and yards being boundaries of a court.
Court, closed - a court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft.) in width.	<u>Courtyard. Closed</u> : A courtyard for which building or structure encloses the space on all sides.	New definition to reflect proposal to regulate courtyards instead of courts.
Court, height of - the vertical distance from the lowest level of the court to the highest point of any bounding wall.		<u>Post Setdown:</u> Will be placed in proposed text.
Court, length of - the mean horizontal distance between the open and closed end of an open court or the greater horizontal dimension of a closed court.		<u>Post Setdown:</u> Will be placed in proposed text.
Court niche - an indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley, or court. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code

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Court niche, depth of - the greatest distance between the sides of the court niche, measured perpendicular to the line delineating the width of court niche. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court niche, width of - the distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court niche, width of - the distance between the two (2) points created by the intersection of the sides of the court niche and the sides of the court, yard, street, or alley it abuts. (28 DCR 4192)		Not brought forward into proposed text; no longer proposing Niches in zoning; they would be regulated by Building Code
Court, open - a court opening onto a street, yard, or an alley not less than ten feet (10 ft.) wide.	<u>Courtyard, Open:</u> A courtyard for which at least one side is open to a yard or lot line.	New definition to reflect proposal to regulate courtyards instead of courts.
Court, width of - the minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court. (28 DCR 4192)		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Director</u> - the Director of the Office of Zoning, or such successor official as shall be designated to be the supervisor of the full-time administrative staff of the Commission, unless otherwise noted.	New definition.
Dinner Theater - a restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater. (39 DCR 8328)		<u>Post Setdown:</u> Will be placed in proposed text.
District - sections of the District of Columbia delineated on the Zoning Map for which the Zone District governing the use of land and the use, density, bulk, and height of buildings or other structures are the same.		Not brought forward. See “zone” definition.
	<u>Dormer:</u> A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. The highest point of the dormer shall be no higher than the ridge of the portion of the building's roof where the dormer is located.	New definition, but it is not needed. The Dormer section of Subtitle C (§ 507) is not a needed provision. <u>Post Setdown:</u> OP recommends this definition and Sub C § 507 be deleted.
Downtown Urban Renewal Area - the area included within the boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area, as modified by the National Capital Planning Commission and approved by the Council of the District of Columbia through July 5, 1983. (31 DCR 6585)		Not brought forward.
Drive-through - a system designed to permit customers of a fast food establishment, bank, dry cleaning or other establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where customers place orders or receive services or both. No part of this definition shall be construed to apply to a gasoline service station. (32 DCR 4374 and 54 DCR 9393)	<u>Drive-Through:</u> A system designed to permit customers of an establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where customers place orders or receive services or both. No part of this definition shall be construed to apply to a gasoline service station.	Same definition as currently used except the list of example uses has been removed.
Driver's License Road Test Facility - a building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements. (52 DCR 7259)		Will be placed in proposed text.
Dwelling - a building designed or used for human habitation. When used without a qualifying term,		Not brought forward.

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it shall mean a one-family dwelling.		
	<u>Dwelling Unit, Principal</u> : The primary residential <i>structure</i> on a <i>lot</i> .	
Dwelling, multiple - a building containing three (3) or more dwelling units or rooming units, or any combination of these units totaling three (3) or more.		Not brought forward.
Dwelling, one-family - a dwelling used exclusively as a residence for one (1) family.		Not brought forward.
Dwelling, one-family detached - a one-family dwelling, completely separated from all other buildings and having two (2) side yards.		Not brought forward.
Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.		Not brought forward.
Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.		Not brought forward.
Dwelling, row - a one-family dwelling having no side yards.		Not brought forward.
Dwelling, two-family - a dwelling used exclusively as a residence for two (2) families living independently of each other. A two-family dwelling is a flat.		Not brought forward.
Dwelling unit - one (1) or more habitable rooms forming a single unit that is used for living and sleeping purposes, that may or may not contain cooking facilities. The term dwelling unit shall include a dwelling, apartment, bachelor apartment, or tenement, but shall not include a rooming unit.	<u>Dwelling Unit</u> : One or more habitable rooms comprising complete independent living facilities for one or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit is intended for a single household.	Revised definition.
	<u>El</u> : An uncovered, unoccupied space, bounded by a side lot line and two (2) exterior walls of a building.	New definition.
Elderly day care home - a dwelling unit used in part for the care, education, recreation, or training of no more than five (5) elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. (46 DCR 8286)	<u>Elderly Day Care Home</u> : A dwelling unit used in part for the care, education, recreation, or training of no more than five (5) elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. (46 DCR 8286)	No change.
	<u>Elderly Development Center</u> : <i>A building or part of a building</i> , other than an <i>elderly day care home</i> , used for the non-residential care of individuals age sixty-five (65) or older, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities. An elderly development center includes the following <i>accessory uses</i> : counseling; education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.	No change; definition was mingled with Child Development Center; the proposal is to simply separate the Child and Elderly Development center into two definitions.
Electronic Equipment Facility (EEF) - regardless of the name given, a facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term Electronic Equipment Facility includes, but is not limited to, Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central	<u>Electronic Equipment Facility CEEF</u>): A facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term Electronic Equipment Facility includes, but is not limited to. Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central Office.	Per OAG instruction regulatory language was removed.

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Office. Except, for purposes of this title, the term EEF shall not include facilities occupying less than one thousand, five hundred square feet (1,500 sq. ft.) of building area that are utilized as remote terminal units or Optical Transmission Nodes as necessary for the operation of cable television systems. Ancillary uses may include an office for equipment personnel, back-up generators, and fuel storage, but may not include company offices, retail uses, or customer service operations. (48 DCR 9830; 49 DCR 1655)		
Embassy - the official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence. (25 DCR 2771)	<u>Embassy</u> : The official residence of an ambassador or other chief of a diplomatic mission, or that portion of a combined chancery/embassy devoted to use as such official residence. (25 DCR 2771)	No change.
Enclosed pedestrian space - an area, located within a building, designed for pedestrian use and enclosed on all sides, that may be covered by a roof of a transparent material that exposes the area to natural light. (24 DCR 10786)	<u>Enclosed Pedestrian Space</u> : An area, located within a building, designed for pedestrian use and enclosed on all sides, that may be covered by a roof of a transparent material that exposes the area to natural light. (24 DCR 10786)	No change.
Equipment cabinet or shelter - an enclosure housing only equipment related to the operation of an antenna located at the site and connected to the antenna by cable. (55 DCR 34		<u>Post Setdown:</u> Will be placed in proposed text.
Family – <i>[Repositioned to “Household”, below]</i>		
	<u>Farmers Market</u> : A temporary market, open to the public for no charge, held in an open area where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits and vegetables, fresh flowers, meats, eggs and honey that they produce or grow; items for sale may also include items made from the agricultural produce such as baked goods, jams, jelly, and sausages; sales are customarily made from temporary booths or vehicles located on site.	<u>Post Setdown:</u> New definition.
Fast food establishment - a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply: (a) The premises include a drive-through; (b) Customers pay for the food before it is consumed. One characteristic that would satisfy this element would be building permit plans that depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or (c) Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas. A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast-food establishment. (54 DCR 9393)	Fast Food, Restaurant Establishment: A business, other than <i>a prepared food shop</i>, where food is prepared and served very quickly; and where the food is typically made of preheated or precooked ingredients, served to the customer in a packaged form for carry-out/take-away, although it may be eaten on site, and payment is made before the food is provided or consumed. Characteristics of a fast food establishment may include foods that are prepared by production-line techniques, foods that are standardized foodstuffs shipped to a franchised establishment from central locations, the establishment includes a drive-through, trash receptacles located in the dining area for self-bussing of tables, a lack of any seating for customers, or and food served on disposable tableware. An establishment meeting this definition shall not be deemed to constitute any other <i>use</i> permitted under the authority of these regulations, except that a <i>restaurant</i>, grocery store, movie theater, or other <i>use</i> providing carry out sales that is clearly subordinate to its <i>principal use</i> shall not be deemed a fast-food establishment.	<u>Post Setdown:</u> Revised based on input received during public outreach process.
	Fast Food, Drive-through: A fast food restaurant that includes a drive-through and may not provide customer seating.	<u>Post Setdown:</u> New definition.
Firearm - a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.		<u>Post Setdown:</u> Will be placed in proposed text.

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Firearms retail sales establishment - an establishment engaged in the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.		Post Setdown: Will be placed in proposed text.
Fire Department - the Fire and Emergency Medical Services Department of the District of Columbia. (52 DCR 9155)		Post Setdown: Will be placed in proposed text.
Fire Department Administrative Facility - a building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department. (52 DCR 9155)		No longer needed as a specific use. A Fire Department Administrative Facility is a basically a government office use. In the Proposed Regs a Fire Department Administrative Facility is not called out as a special use. It would be permitted as a matter of right office use in non-residential zones.
Fire Department Support Facility - a building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types on non-administrative support to the Fire Department. (52 DCR 9155)		No longer needed as a specific use. In the Proposed Regs a Fire Department Support Facility is first permitted in the CR zone and carries through the C, CM and M zones. The use is considered a large government use and would not be permitted in the Residential zones and any industrial activities would be limited to the industrial zones.
Fire Department Training Facility - a building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel. (52 DCR 9155)		No longer needed as a specific use. In the Proposed Regs a Fire Department Training Facility is permitted only in the CM and M zones. The use is considered a large government use and would continue to be permitted only in the industrial (PDR) zones.
Fire Station - a building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District- of Columbia, and includes the harbor facility. (52 DCR 9155)		Post Setdown: Will be placed in proposed text. It is referenced as a type of Local Government use.
Flat - a two-family dwelling.	<u>Flat</u> : A two-, three-, or four-unit dwelling, which is not an apartment building.	Revised to reflect RF zones.
Floating home - a sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month. (51 DCR 3440 and 52 DCR 6358)	<u>Floating Home</u> : A sailboat, motorboat, or other floating structure that is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and in which the tenant or owner sleeps overnight an average of fifteen (15) days per month. (51 DCR 3440 and 52 DCR 6358)	No change.
Floor area ratio - a figure that expresses the total gross floor area as a multiple of the area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.	<u>Floor Area Ratio (FAR)</u> : The ratio of the total gross floor area of a building to the area of its lot; determined by dividing the gross floor area of all buildings on a lot by the area of that lot.	New language is proposed as clearer more direct language.
<i>Floor Area, Gross [resituated from original sequence]</i> Gross floor area - the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. The term "gross floor area" shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses; attic space (whether or not a floor has actually been laid, providing	<u>Floor Area, Gross (GFA)</u> : The sum of the total-gross horizontal areas of all of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (;-covered parking and ramps- with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses; attic space; (whether or not a floor has actually been	Post Setdown: Revised to reflect current definition.

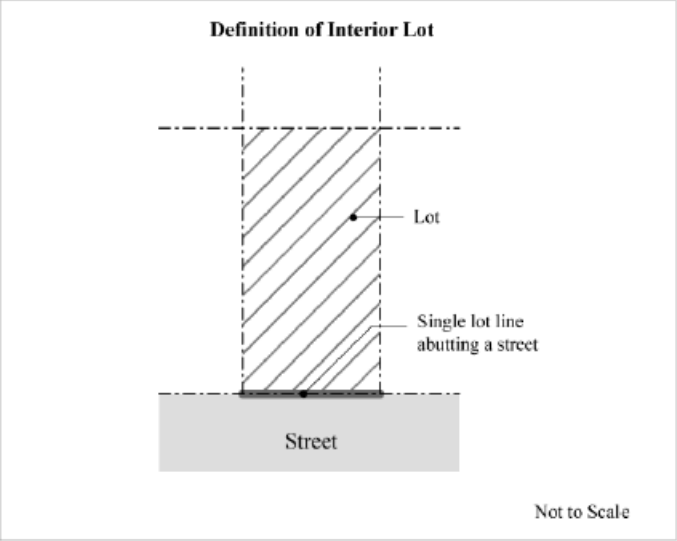
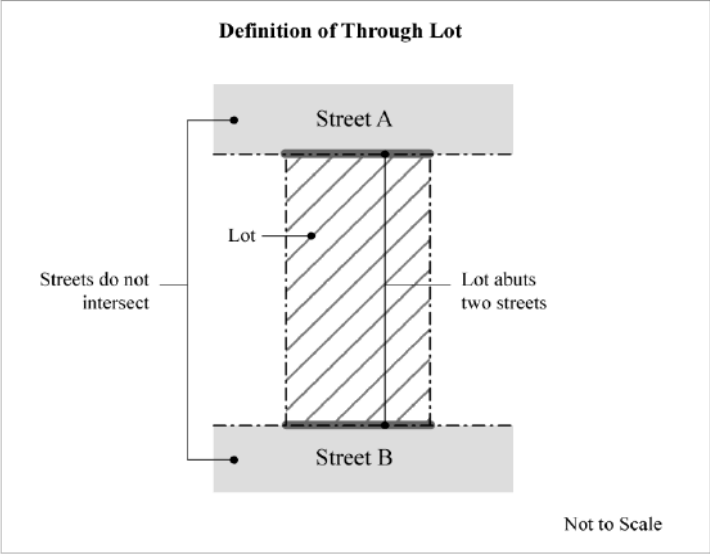
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structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.	laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more);; interior balconies; and mezzanines. GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chaser shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading to a parking garage on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than 50% of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed	
Floor. Ground: <i>[Repositioned from original sequence]</i> Ground floor - the floor that is nearest in grade elevation to the adjacent surface of the public right-of-way. (48 DCR 9832)	<u>Floor, Ground:</u> The floor level nearest to and above the adjacent <i>finished grade</i> .	New language is proposed as clearer more direct language.
Food delivery service - a restaurant, prepared food shop, or fast food establishment, in which the principal use is production of prepared food for delivery to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of preparing food for delivery to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments. (40 DCR 3744 and 54 DCR 9393)	<u>Food Delivery Service:</u> A restaurant, prepared food shop, or fast food establishment, in which the principal use is production of prepared food for delivery to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of preparing food for delivery to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments.	No change.
	<u>Gallery, Display:</u> An establishment that displays and may sell art, but that does not derive more than fifty percent (50%) of its income from the display and sale of objects of art.	New definition, to distinguish from retail galleries.
	<u>Gallery, Retail:</u> An establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art.	New definition.
Garage, mechanical parking - a building or other structure without repair or service facilities in which parking is accomplished entirely by means of elevators and in such a manner that there is no human occupancy other than by the elevator operators anywhere except on the main floor.	Garage, Mechanical Automated Parking: <i>A building</i> or other <i>structure</i> without repair or service facilities in which parking is accomplished entirely by means of elevators and in such manner that there is no human occupancy other than by the elevator operators anywhere except on the <i>main floor</i> . May also be a public garage.	No change, except for inclusion of clarifying language. Post Setdown: Proposed change of the word “mechanical” to “automatic” per public comments. Proposed change to allow incidental services.
Garage, parking - a building or other structure, or part of a building or structure, over nine hundred square feet (900 ft. ²) in area, used for the parking of motor vehicles without repair or service facilities. The term parking garage may include a parking garage accessory to the principal use, but shall not include a mechanical parking garage.	<u>Garage, Parking:</u> <i>A building</i> or other <i>structure</i> , or part of a <i>building</i> or <i>structure</i> , not exceeding nine hundred square feet (900 sq.ft.) in area, used for the parking of motor vehicles and having no repair or service facilities.	Revised to reflect uses.
Garage, private - a building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 ft. ²) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities.		Not brought forward into proposed text.
Garage, public storage - a building or other structure, or part of a building or structure, in which any repair, greasing, washing, or similar services are incidental to its primary use for the parking of motor vehicles.	<u>Garage, Public:</u> <i>A building</i> or other <i>structure</i> , or part of a <i>building</i> or <i>structure</i> , over nine hundred square feet (900 sq.ft.) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities.	Revised to reflect uses.
Garage, repair - a building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicle maintenance or repair.	<u>Garage, Repair:</u> A building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicle maintenance or repair.	No change.

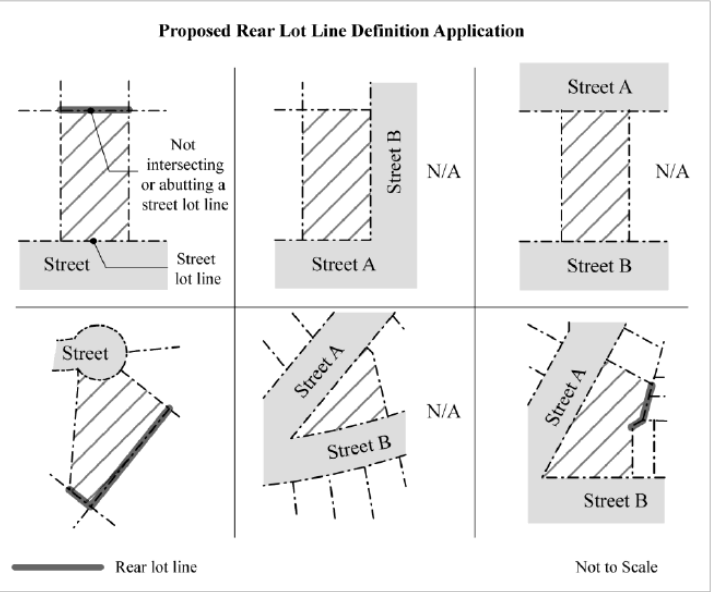
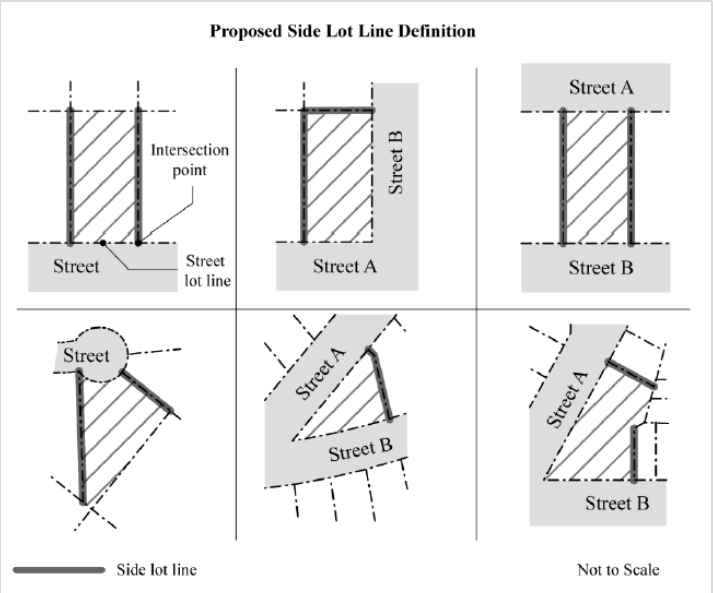
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Gasoline service station - an area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include an automobile laundry or a repair garage.	<u>Gasoline Service Station</u> : An area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and hand-washing of motor vehicles, and the sale, installation, or minor repair of tires, batteries, or other automobile accessories. The term gasoline service station shall not include an automobile laundry or a repair garage.	No change.
Glass, Clear and/or Low-Emissivity - glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%). (52 DCR 9713)	<u>Glass, Clear and/or Low-Emissivity</u> : Glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).	No change.
	<u>Grade, Finished</u> : The elevation of the ground directly abutting the perimeter of a <i>building</i> or <i>structure</i> .	New definition.
	<u>Grade, Natural</u> : The undisturbed elevation of the ground of a <i>lot</i> prior to human intervention; or where there are existing improvements on a <i>lot</i> , the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the year prior to applying for a building permit.	New definition.
	<u>Green Area Ratio</u> : Ratio of the weighted value of landscape elements to <i>lot area</i> [see C Chapter 17].	New definition.
	Grocery Store : A use whose primary business is the sale of fresh produce and food products. At least 50% of customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption, and at least 30% of retail space is for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods. Groceries represent the majority of the sales in a grocery store although there may be accessory uses such as prepared food and drink, pharmaceuticals, personal and bank services.	Post Setdown : new definition.
<u>Gross Floor Area</u> : See " <i>Floor Area, Gross</i> ."	<u>Gross Floor Area</u> : See " <i>Floor Area, Gross</i> ."	
Group Instruction Center or Studio - An establishment that principally offers group instruction in the performing arts, the martial arts, physical exercise, or yoga.		Not brought forward into proposed text, covered within Subtitle B, Chapter 2 Use Groups.
Habitable room - an undivided enclosed space used for living, sleeping, or kitchen facilities. The term habitable room shall not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than one hundred square feet (100 ft. ²) in area, nor kitchens in commercial establishments.		Not brought forward into proposed text.
	<u>Height Act</u> : the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. and 1999 Supp.))).	New definition.
Height. Floor-to-Ceiling Clear : <i>[Repositioned here from official sequence]</i> Clear Height, Floor to Ceiling - a vertical distance measurement within a building story. The upper point of the measurement is the finished ceiling that is unobstructed by any of the following: (a) Elements of the building structure, other than columns and walls;	<u>Height, Floor-to-Ceiling Clear</u> : The vertical distance measured from the <i>finished floor</i> to the finished ceiling that is unobstructed by any of the following: Elements of the building structure other than columns and walls;	Revised to reflect rules of measurement.

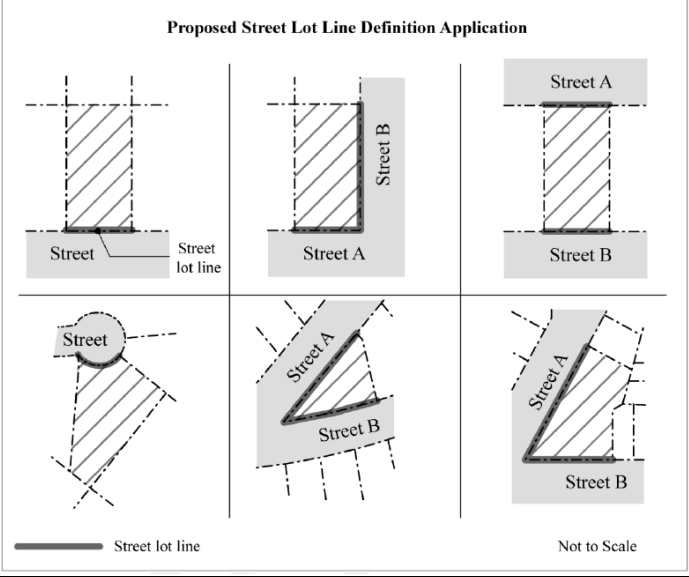
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(b) Components of mechanical, plumbing, or fire suppression systems; or (c) Components of electrical systems, except lighting fixtures. If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above. For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building’s frontage on the street from which the building draws its clear height requirement.	Components of mechanical, plumbing, or fire suppression systems; or Components of electrical systems other than lighting fixtures. If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c) above. (52 DCR 9713).	
	<u>Hospice</u>: a program of in-house. outpatient, or inpatient medical nursing, counseling, bereavement, and other palliative and supportive services to terminally ill individuals and their families.	New definition.
Historic district - an area, place, site, vicinity, or neighborhood designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites. (25 DCR 2772)	<u>Historic District</u>: An area listed as an historic district in the D.C. Inventory, or which the State Historic Preservation Officer has nominated or issued a written determination to nominate to the National Register of Historic Places after a public hearing before the Historic Preservation Review Board. (DCMR 10 A)	Post Setdown: revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
Historic landmark - a building, structure, site, place, monument, work of art, or other similar object designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites. (25 DCR 2772)	<u>Historic Landmark</u>: A <i>building, structure</i>, object or feature, and its site, or a site listed in the D.C. Inventory or National Register of Historic Places, or for which an application for listing is pending with the Historic Preservation Review Board (provided the statutory time period for consideration of the application has not expired).	Post Setdown: revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
	<u>Historic Landmark and Historic District Protection Act of 1978</u>: An Act adopted by the District City Council effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2001) (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)))	New definition.
	<u>Historic Resource</u>: A building, orstructure, object or feature, and its site, or a site listed in the District of Columbia Inventory of Historic Sites or the National Register of Historic Places or a building, orstructure, feature, and its site, or a site certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.	Post Setdown: revised to reflect definitions in the Historic Landmark and Historic District Protection Act.
	<u>Home Occupation</u>: An accessory use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a <i>dwelling unit that</i> serves as the principal residence of the practitioner.	New definition.
Home sales party - a gathering that is held at a dwelling of any kind for the purpose of selling or distributing goods or services. (35 DCR 6916)		Post Setdown: Will be placed in proposed text.
Hotel - a building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby. The term "hotel" shall not be interpreted to include an apartment house, rooming house, boarding house, tenement house, or private club. All areas within a hotel shall be included in one (1) of the following categories: (a) Commercial adjuncts - retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or news	<u>Hotel</u>: A building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby. The term "hotel" shall not be interpreted to include an apartment house, rooming house, boarding house, tenement house, or private club. All areas within a hotel shall be included in one (1) of the following categories: (a) Commercial adjuncts - retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty	No Change Post Setdown: the term “Tenement House” should be deleted from the definition of Hotel. The definition of “tenement” is basically the same as an apartment and is not referenced in the proposed regulations.

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stand, and other similar uses; (b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events; (c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events; (d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; and (e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer's office), and similar uses. (36 DCR 7625)	parlor, cigar or news stand, and other similar uses; (b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events; (c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events; (d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; and (e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer's office), and similar uses. (36 DCR 7625)	
Family – <i>[Renamed and positioned “Family”, above, below]</i> one (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, including foster children, living together as a single house-keeping unit, using certain rooms and housekeeping facilities in common; provided, that the term family shall include a religious community having not more than fifteen (15) members. (19 DCR 281)	<u>Household</u>: One (1) family related by blood, marriage, adoption, or foster agreement, or not more than six (6) persons who are not so related, living together as a single house-keeping unit; provided, that the term household shall include a religious community having not more than fifteen (15) members. (19 DCR 281)	Revised to reflect use of the term household.
Impervious surface - an area that impedes the percolation of water into the subsoil and impedes plant growth. Impervious surfaces include the footprints of principal and accessory buildings, footprints of patios, driveways, other paved areas, tennis courts, and swimming pools, and any path or walkway that is covered by impervious material. (39 DCR 1904)		Not brought forward into proposed text.
Impervious surface coverage - the percentage of the land area of a lot that is covered by impervious surfaces, which percentage shall be determined by dividing the gross impervious surface area of a lot by the total area of the lot. (39 DCR 1904)		Not brought forward into proposed text.
	<u>Inclusionary Unit</u>: A dwelling unit set aside for sale or rental to Low-Income or Moderate-Income Households as required by C Chapter 22.	New definition.
	<u>Inclusionary Zoning Act (IZ Act)</u>: The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; 54 DCR 880). References to the IZ Act include any Mayor's Order, agency rule, or other administrative issuance promulgated pursuant to that legislation.	New definition.
Inn - a building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guestrooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house. For the purposes of this definition, the limitation on central dining does not prohibit an inn from allowing guests to prepare their meals at centrally located cooking facilities and to eat such meals in a central dining area. (36 DCR 7627 and 53 DCR 2671)		Not brought forward into proposed text.
Intermediate materials recycling facility - a fully enclosed structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass, plastics, tires, bulk	<u>Intermediate Materials Recycling Facility</u>: A fully enclosed structure used for the receipt, separation, storage, conversion, baling, and/or processing of paper, metal, glass, plastics, tires,	No change.

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waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. Such facility shall not include storage or processing of biodegradable materials, construction and demolition debris, white goods, and hazardous substances, as defined by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.2 (formerly codified at D.C. Code § 6-983 (1995 Repl.))), and the rules and regulations pursuant thereto. The facility shall be limited in operation to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of acceptable materials. (40 DCR 1951)	bulk waste, and other non-biodegradable recyclable materials for the purpose of reutilization of the materials. Such facility shall not include storage or processing of biodegradable materials, construction and demolition debris, white goods, and hazardous substances, as defined by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.2 (formerly codified at D.C. Code § 6-983 (1995 Repl.))), and the rules and regulations pursuant thereto. The facility shall be limited in operation to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of acceptable materials. (40 DCR 1951)	
International organization - A public international organization designated as such pursuant to § 288 of the International Organizations Immunities Act, approved December 29, 1995 (59 Stat. 669; 22 U.S.C. §§ 288 - 288f-3), or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs, and an official mission (other than a United States mission) to such a public international organization, including any real property of such an organization or mission and including the personnel of such an organization or mission. (30 DCR 3271)		<u>Post Setdown:</u> Will be placed in proposed text.
	Large Format Retail: A single retailer or common retail space with a minimum floor space of 50,000 square feet; the use shall include warehouse club stores with or without paid memberships, discount retailers, and similar uses. A large format retailer may include grocery sales as a secondary use but a grocery store shall not be considered a large format retail use.	<u>Post Setdown:</u> New definition.
Legitimate Theater - a building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance. (39 DCR 8328)		<u>Post Setdown:</u> Will be placed in proposed text.
Line, building - a line beyond which property owners have no legal or vested right to extend a building or any part of the building without special permission and approval of the proper authorities; ordinarily a line of demarcation between public and private property, but also applied to building restriction lines, when recorded on the records of the Surveyor of the District of Columbia.		<u>Post Setdown:</u> Will be placed in proposed text.
Lines, lot – [See, “lot line” as repositioned below]		See “lot line”
Loading berth - an off-street space provided for cargo vehicles, when loading and unloading.		<u>Post Setdown:</u> Will be placed in proposed text.
Lot - the land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.	<u>Lot:</u> The land bounded by definite lines that, when occupied or to be occupied by a <i>building</i> or <i>structure</i> and <i>accessory buildings</i> , includes the open spaces required under this title. A lot may or may not be the land so recorded in the records of the Surveyor of the District of Columbia.	No change.
Lot, alley - a lot facing or abutting an alley and at no point facing or abutting a street.	<u>Lot, Alley:</u> A <i>lot</i> that faces or abuts an <i>alley</i> that does not face or abut a <i>street</i> at any point, and that is recorded on the records of the Office of the Surveyor or the Office of Tax and Revenue on or before November 1, 1957.	Added language to clarify that alley lots are expected to be lots of record.
Lot, corner - a lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135°).	<u>Lot, Comer:</u> A lot bounded on two or more intersecting sides by street lot lines, provided that the angle of intersection is less than one hundred thirty-five degrees (135°).	No reason was found to restrict the intersection minimum angle.
	<u>Lot, Flag:</u> A lot so shaped that the main portion of the lot area does not front onto a street, other than by connection of a narrow strip of land used solely or primarily for access purposes.	New definition; these lot types are not permitted therefore a definition was recommended.
Lot, interior - a lot other than a corner lot or a triangular lot.	<u>Lot, Interior:</u> A lot that is abutting one (1) street.	New language for clarification.

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Lot, parking - a tract of land used for the temporary parking of motor vehicles when the use is not accessory to any other use.		Post Setdown: Will be placed in proposed text but will be called “parking lot” instead of “lot, parking” because it is the use that is the critical descriptive element. All other descriptions of lots are based on development standards or subdivision not use.
Lot, through - an interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less.	<u>Lot, Through:</u> A lot with at least four (4) distinct points where the side lot lines intersect street lot lines. 	Revised to provide more clear and direct language.
Lot of record - a lot recorded on the records of the Surveyor of the District of Columbia.	<u>Lot of Record:</u> A <i>lot</i> recorded on the records of the Surveyor of the District of Columbia.	No change.
Lot line – [As repositioned from above] Line, lot - the lines bounding a lot as defined in this section.	<u>Lot Line:</u> A single straight or curved line segment forming a boundary of a <i>lot</i>	A new and clearer definition with the same intent; however, the word “segment” is not needed in the proposed definition.
	<u>Lot Line, Rear:</u> A <i>lot line</i> that does not intersect a street lot line or abut a street. See C Chapter 12 for rules of measurement of rear setbacks	New definition with illustrations.

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	Proposed Rear Lot Line Definition Application 	
	<u>Lot Line, Side</u>: A <i>lot line</i> that intersects a <i>street lot line</i>. C Chapter 12 for rules of measurement of side setbacks. 	New definition with illustrations.
	<u>Lot Line, Street</u>: A <i>lot line</i> that abuts a <i>street</i>.	New definition with illustrations.

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	Proposed Street Lot Line Definition Application 	
Lot, triangular - a lot fronting on two (2) streets at their junction, the streets forming with each other an angle of less than forty-five degrees (45°).		Not brought forward into proposed text.
Lot, width of - the distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. Where the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.	<u>Lot Width</u> : The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. Where the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.	Post Setdown: Complete current definition will be placed in proposed text.
Lot Occupancy <i>[Repositioned from existing sequence]</i> Percentage of lot occupancy - a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as building area; except as provided in the Waterfront Districts wherein lot occupancy shall be calculated in accordance with § 932, and Mixed Use Districts wherein the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin. (21 DCR 1030aa, 21 DCR 1423, 51 DCR 3440 and 52 DCR 6358)	<u>Lot Occupancy</u> : The percentage of the total area of a <i>lot that</i> is occupied by the total <i>building area</i> of all <i>buildings</i> on the <i>lot</i> .	Modified definition. The provision about waterfront and Mixed use is more a rule of measurement than a definition of lot occupancy. These rules of measurement are included within the zones within the proposed regulations.
Main floor - the floor of the story in which the principal entrance of a building is located.	<u>Main Floor</u> : The floor of the story in which the principal entrance of a building is located.	No change
	<u>Manufacturing, Light</u> : A light Production, Distribution and Repair use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building.	Post Setdown: New definition.
	<u>Map Amendment</u> : A change to the zoning designation of a lot or lots on the District of Columbia <i>Zoning Map</i> .	New definition.
Marina - the use of land, buildings, structures, and the surface of water for the provision of docking and storage facilities for boats. (51 DCR 3440 and 52 DCR 6358)		Post Setdown: Will be placed in proposed text.
Mass transit facilities - facilities, such as but not limited to stations, trackage, ventilating and electrical equipment, parking lots or structures and bus or automobile transfer areas, that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system and subject to the restrictions and conditions as may be imposed by the Council. Mass transit facilities shall not include commercial, residential, industrial, or other development located in, on, or over facilities approved as part of the basic operating system. (19 DCR 489)	<u>Mass Transit Facilities</u> : Facilities, such as but not limited to stations, trackage, ventilating and electrical equipment, parking lots or structures and bus or automobile transfer areas, that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system and subject to the restrictions and conditions as may be imposed by the Council. Mass transit facilities shall not include commercial, residential, industrial, or other development located in, on, or over facilities approved as part of the basic operating system. (19 DCR 489)	No change.

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	<u>Material salvage:</u> the processing for further use of goods, wares, merchandise, substances, articles or things.	<u>Post Setdown:</u> New definition.
	<u>Mayor:</u> The Mayor of the District of Columbia.	New definition.
Mechanical amusement machine - a machine or device offered for use by persons of all ages as a game or for entertainment or amusement, and that is activated or operated by the user, an operator, or other person, or by the insertion of a coin, slug, token, plate, disk, or magnetically encoded card, and requiring a degree of dexterity or skill by the persons in the use of the machine or device. The term "mechanical amusement machine" shall include, but not be limited to, a pinball machine, flipper game, electronic video game, mechanical or electronic target game, or other similar machine or device; but shall not include small kiddie rides or juke boxes. (25 DCR 7160)		Not recommended to be included within the proposed regulations because it is not a current use. The use would be considered an Entertainment Use permitted as part of the Entertainment, Assembly and Performing Arts use group.
	<u>Metrorail Station:</u> Rapid transit station operated by the Washington Metropolitan Area Transit Authority (WMATA).	New definition.
Mezzanine - a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. A mezzanine shall not be considered a story in determining the maximum number of permitted stories.	<u>Mezzanine:</u> A floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below and which shares a common ceiling. A mezzanine shall not be considered a story in determining the maximum number of permitted stories. A mezzanine shall not be permitted above a third floor in those zones that have a three story limit.	<u>Post Setdown:</u> OP recommends the additional limitation be included that do not permit a mezzanine above a third floor in those zones that have a 3-story limit. The restriction will help reduce the appearance of inappropriate upper level additions and with preserving neighborhood character.
Monopole - a single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter. (55 DCR 34)	<u>Monopole:</u> A single, self-supporting pole-type structure, supporting a fixture designed to hold one or more antennas. Such structures shall not be deemed ground mounted antennas as that term is used in this chapter.	No Change.
Motel - a building containing non-connecting habitable rooms, suites, or combinations of both, reserved exclusively for transient guests; with each room or suite having a private bath and at least one (1) private parking space. (21 DCR 1030 and 21 DCR 1423)		Not brought forward into proposed text.
Mount - the necessary support structure to which an antenna is attached, not including antenna towers or monopoles. (55 DCR 34)		<u>Post Setdown:</u> Will be placed in proposed text.
Natural grade - the undisturbed level formed without human intervention or, where the undisturbed ground level cannot be determined because of an existing building or structure, the undisturbed existing grade. (50 DCR 9387)		<u>Post Setdown:</u> Will be placed in proposed text.
Neighborhood Policing Center - a Police Department Local Facility used as a liaison and resource center for a specified area in the District. (51 DCR 4778)		No longer needed. The use is defined in the current regs as a Police Local Facility which is a matter of right use within the R zones. In the Proposed Regs a Police Local Facility is within the Local Government Use Group which is a matter of right use in the R zones.
Nonconforming structure - a structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements. (30 DCR 3922)	<u>Nonconforming Structure:</u> A structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements.	No Change.
Nonconforming use - any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does	<u>Nonconforming Use:</u> Any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that	No Change; except citation to BZA will reflect new proposed code section

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not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3. (30 DCR 3922)	does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3.	
Open arcade - a continuous area, located along the perimeter of a building, designed for pedestrian uses, and which adjoins a street for its entire length; and, except for structural piers, columns, or arches, is open to the street. (24 DCR 10787)		Post Setdown: Will be placed in proposed text.
Optical Transmission Node - an interior or exterior facility that is utilized as remote terminal units for the operation of such things as cable television systems, high-speed internet access and interactive video, not including any broadcast antenna or related towers for the transmission of radio waves. (50 DCR 8818)		Post Setdown: Will be placed in proposed text.
Organization, nonprofit - an organization organized and operated exclusively for religious, charitable, literary, scientific, community, or educational purposes, or for the prevention of cruelty to children or animals; provided, that no part of its net income inures to the benefit of any private shareholder or individual.		Post Setdown: Will be placed in proposed text.
	Parking Area: The area of a <i>lot, building, or structure</i> devoted to <i>parking spaces</i> , attendant <i>driveways</i> , aisles, queuing lanes and landscaping. All such areas on a <i>lot</i> shall be considered to constitute a single parking area, even if the areas are not contiguous.	New definition.
Parking space - an off-street area accessible and of appropriate dimensions to be used exclusively for the temporary parking of a motor vehicle. (31 DCR 6585)	Parking Space: An accessible off-street area to be used exclusively for the temporary parking of a motor vehicle subject to the dimensional requirements of C Chapter 19.	Revised to include a reference to dimensions.
Parking space, bicycle - a space for the temporary storage of a bicycle in the form of a rack, locker, or storage area of appropriate design and dimension, used exclusively for the storage of a bicycle. (31 DCR 6585)	Parking Space, Bicycle: A space for the temporary storage of a bicycle in the form of a rack, locker or storage area of appropriate design and dimension, used exclusively for the storage of a bicycle, subject to the dimensional requirements of C Chapter 20.	Revised to include a reference to dimensions.
	Parking Space, Compact: <i>A parking space</i> designed for smaller cars which meets the requirements of Subtitle C.	New definition.
	Parking Space, Shared: <i>A parking space that</i> is made available to more than one use, or to the general public and that meets the requirements of Subtitle C.	New definition.
	Parking Space, Structured: <i>A parking space that</i> is within a <i>building or structure</i> .	New definition.
	Parking Space, Surface: <i>A parking space that</i> is not within a <i>building or structure</i> .	New definition.
	Party- an applicant, or the Advisory Neighborhood Commission for the area within which the property that is the subject of the contested case is located, or any person who is admitted as a party by the Commission pursuant to Subtitle Z, or by the Board of Zoning Adjustment pursuant to Subtitle Y.	New definition.
	Permeable Paving: A surface that facilitates water infiltration through paving material while providing a stable, load-bearing surface. Examples include pervious concrete, porous asphalt, perforated brick pavers, flexible porous paving (including porous rubber) , mechanically-reinforced grass, but do not include grass or gravel.	New definition to reflect new pervious surface requirements of ZC Case 12-10. Post Setdown: revised to include flexible porous paving per comments received.
	Pervious Surface: A surface that allows the percolation of water into the underlying soil. Pervious surfaces are required to be contained so neither sediment nor the pervious surface discharges off	New definition to reflect new pervious surface requirements of ZC Case 12-10.

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	the site. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any <i>structure</i> or <i>building</i> , any porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.	
Pet grooming establishment - An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten animals are on the premises at a time or the overnight stay of animals is permitted. (54 DCR 8943)	<u>Pet Grooming Establishment</u> : An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an <i>animal boarding</i> use if more than ten animals are on the premises at a time or the overnight stay of animals is permitted. (54 DCR 8943)	No change.
Pet shop - A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by D.C. Official Code § 8-1808(h)(1), and related supplies and equipment. (54 DCR 8943)	<u>Pet Shop</u> : A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, to the extent permitted by D.C. Official Code § 8-1808(h)(l), and related supplies and equipment. (54 DCR 8943)	No change.
Planned unit development - a plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more districts irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in chapter 24 of this title. (15 DCR 170)	<u>Planned Unit Development</u> : A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more districts irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in X Chapter 3. (15 DCR 170)	No change.
Police Department General Facility - a building and associated land used for facilities of the Metropolitan Police Department which operate across the District as a whole, including, but not limited to, the Department's headquarters, vehicle maintenance facilities, laboratories, training units, special operations, tactical units, equestrian units, canine squads, bomb squads, and harbor units. This definition does not include Metropolitan Police Department helicopter and radio transmission facilities. (51 DCR 4778)		No longer needed as a specific use. In the current regulations a Police General Facility is only permitted when expanding an existing General Facility by special exception in the current R zones. In the Proposed Regs a Police General Facility is not permitted in the R zones. It is within the Large Government Use Group and needs not special definition.
Police Department Local Facility - a building and associated land used as 1) a headquarters or substation for one of the local districts of the Metropolitan Police Department or 2) a Metropolitan Police Department facility that operates within a specific area of the District, such as a Regional Command Center or a Neighborhood Policing Center. (51 DCR 4778)		No longer needed as a specific use. A Police Local Facility is a matter of right use within the current R zones. In the Proposed Regs a Police Local Facility is within the Local Government Use Group which is a matter of right use in the R zones.
Prepared food - food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop. (54 DCR 9393)	<u>Prepared Food</u> : Food that is assembled and heated by microwave, heating lamps or toaster, on the premises <i>of a prepared food shop</i> .	No change.
Prepared food shop - a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor. (54 DCR 9393)	<u>Prepared Food Shop</u> : A food and beverage business that offers seating or carry out service, or both, and which is principally devoted to the sale <i>of prepared food</i> , non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.	No change.
	<u>Presiding officer</u> : the chairperson or the chairperson <i>pro tern</i> of the Zoning Commission or the Board of Zoning Adjustment, as relevant.	New definition.
Public Library - a facility that falls into one of the following categories: a) Full-Service Neighborhood - A District of Columbia Public Library housed in a permanent structure that may include meeting rooms, staff work rooms, kitchen facilities and book overflow space. It contains space for a variety of activities, such as children’s story hour, film showings and book talks, to take place simultaneously;		<u>Post Setdown</u> : Will be placed in proposed text.

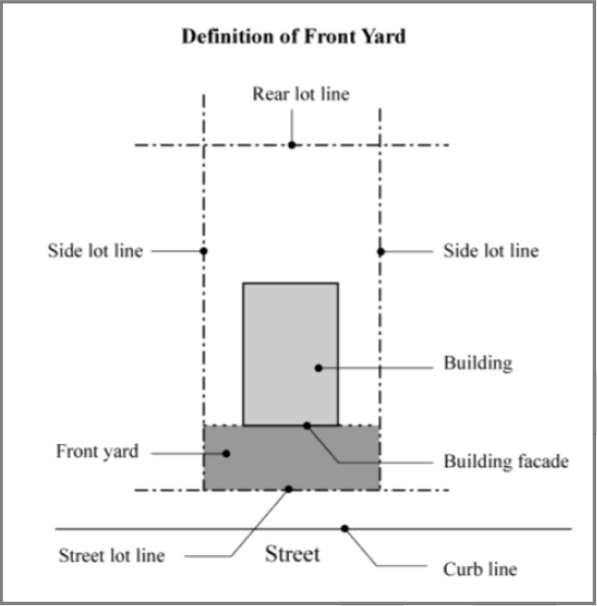
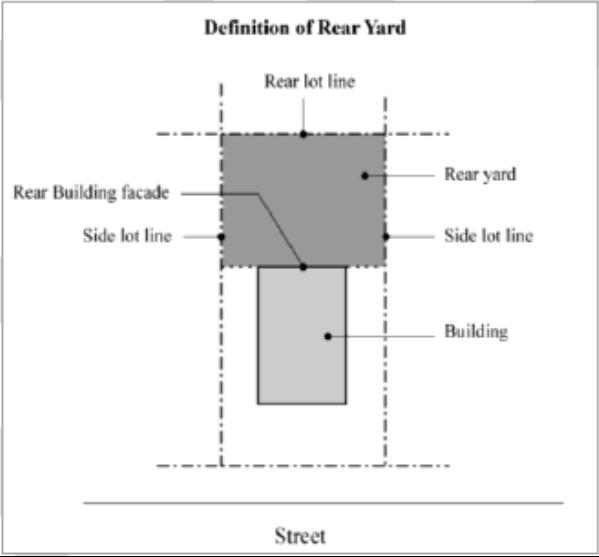
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b) Community - A District of Columbia Public Library housed in a portable structure that may include a small staff and minimal space for activities; or c) Kiosk - A District of Columbia Public Library housed in a portable structure with no space for activities. (50 DCR 10822)		
Public Recreation and Community Center - An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis. (50 DCR 10137)	<u>Public Recreation and Community Center</u> : An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.	No change.
Radio frequency radiation (RF radiation) - the propagation of energy through space in the form of waves or particles. (55 DCR 34)		Deleted because it is not a regulated zoning use.
Recreational building or use - any establishment providing facilities for recreation; including but not limited to picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device. (21 DCR 1030)	<u>Recreational Building or Use</u> : Any establishment providing facilities for recreation; including but not limited to picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device. (21 DCR 1030)	No change.
Regional Command Center - a Police Department Local Facility used for community outreach or administrative control and managerial services for operations, for a specific geographic area that encompasses two or more districts or commands of the Metropolitan Police Department. (51 DCR 4778)		<u>Post Setdown:</u> Will be placed in proposed text.
Restaurant - a place of business that does not meet the definition of a “fast food establishment” or “prepared food shop,” where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises. (32 DCR 4374 and 54 DCR 9393)	<u>Restaurant</u> : A place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a cafe, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.	Revised to clarify use permissions.
Rooming house - a building or part thereof that provides sleeping accommodations for three (3) or more persons who are not members of the immediate family of the resident operator or manager, and in which accommodations are not under the exclusive control of the occupants. A rooming house provides accommodations on a monthly or longer basis. The term "rooming house" shall not be interpreted to include an establishment known as, or defined in this title as, a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation. (36 DCR 7627)		Not brought forward in proposed text.
Rooming unit - one (1) or more habitable rooms forming a single, habitable unit used or intended to be used for living or sleeping purposes; but not for the preparation or eating of meals. The term rooming unit shall not include a tenement or a bachelor apartment.		<u>Post Setdown:</u> Will be placed in proposed text.
School, public - A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable.(53 DCR	Public School : School, Public: A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational	No change to definition; Proposed text showed the definition o be listed as “Public School” but should be list as “School, Public”

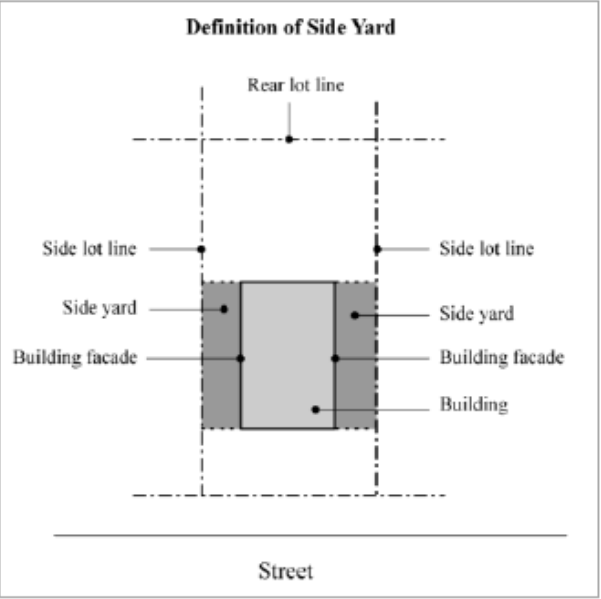
Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
9580) The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space. The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school. (15 DCR 29)	purposes and such other community uses as deemed necessary and desirable. The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space. The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.	
Service/delivery loading space - an off-street space provided for motor vehicles that are twenty feet (20 ft.) in length or less, and that are making deliveries and/or providing a maintenance service. This space shall not be considered a parking space or a loading berth. (31 DCR 6585)		Post Setdown: Will be placed in proposed text.
	<u>Setback</u> : A distance required between a building and a lot line or other point defined in this Title; and measured from the lot line inward.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Front</u> : A distance required between a building and setback from a street lot line, and measured from the street lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Side</u> : A distance required between a building and setback from a side lot line, and measured from the side lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.
	<u>Setback, Rear</u> : A distance required between a building and setback from a rear lot line, and measured from the rear lot line inward to the lot.	New definition. Post Setdown: revised to clarify measurement.
Sexually-oriented business establishment - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas. These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title. (24 DCR 5144)	<u>Sexually-Oriented Business Establishment</u> : An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas. These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title. (24 DCR 5144)	No change.
Specified anatomical areas - parts of the human body as follows: (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) Human genitals in a discernibly turgid state, even if completely and opaquely covered. (24 DCR 5144)		Post Setdown: Will be placed in proposed text.
Specified sexual activities - the following activities: (a) Acts of human masturbation, sexual intercourse, sexual stimulation or arousal, sodomy, or bestiality; and (b) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast. (24 DCR 5144)		Post Setdown: Will be placed in proposed text.

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Square - land designated as a square on the records of the Surveyor of the District of Columbia.	<u>Square</u> : Land designated as a square on the records of the Surveyor of the District of Columbia.	No change.
Stable, private - an accessory building housing not more than four (4) horses or other equine animals for private use and not for remuneration, hire, or sale. The building may also house not more than four (4) horse-drawn vehicles.		<u>Post Setdown:</u> Will be placed in proposed text.
Stable, public - a stable, other than a private stable.		<u>Post Setdown:</u> Will be placed in proposed text.
Stealth structure - a free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements. (55 DCR 34)	<u>Stealth Structure</u> : A free standing structure, or an extension of a building the primary purpose of which is to enclose and screen antennas from view. Such structures may include, but are not limited to flag poles, tree poles, bell towers. Stealth antenna structures may include, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, artificial trees, and other appropriate architectural elements. (55 DCR 34)	No change.
Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured. For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, stairway or elevator penthouses, or other roof structures; provided, that the total area of all roof structures located above the top story shall not exceed one-third (1/3) of the total roof area.	The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. See Rules of Measurement for Building Height, C § 503.	<u>Post Setdown:</u> Proposed definition to be deleted. Existing definition to be placed in proposed text.
	<u>Story, Ground Level:</u> The floor or story that is nearest in grade elevation to a sidewalk in the front of a building.	New definition; however it is not used in the proposed text and should be deleted from the proposed text to avoid confusion with the term “ground floor” which is a regulated term. <u>Post Setdown:</u> Do not include the term within the proposed new text.
Story, top - the uppermost portion of any building or structure that is used for purposes other than housing for mechanical equipment or stairway or elevator penthouses. The term "top story" shall exclude architectural embellishment.	<u>Story, Top</u> : The uppermost portion of any building or structure that is used for purposes other than housing for mechanical equipment or stairway or elevator penthouses. The term "top story" shall exclude architectural embellishment.	No Change
Street - a public highway designated as a street, avenue, or road on the records of the Surveyor of the District of Columbia.	<u>Street</u> : A public highway designated as a street, avenue or road on the records of the Surveyor of the District of Columbia.	No Change
	<u>Street, Designated Business</u> : For the purpose of administering this title, that portion of the Height Act that designates certain streets as "business streets" shall be interpreted to mean those sides and portions of any street located in a Mixed Use, Neighborhood Mixed Use, Production Distribution and Repair, or Downtown zone, or any zone in Subtitle K.	New definition.
Street frontage - the property line where a lot abuts upon a street. When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.		<u>Post Setdown:</u> Will be placed in proposed text.
	<u>Streetcar Line</u> : A streetcar or light rail line developed and operated in partnership by the District Department of Transportation (DDOT) and the Washington Metropolitan Area Transit Authority (WMATA).	New definition.

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Structure - anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.	<u>Structure</u> : Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure. The term "structure" shall exclude trailers.	No need for the language change. Original will be placed in proposed text.
	<u>Sustainability</u> : to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirement of present and future generations of District residents.	Post Setdown: New definition.
Telecommunications service provider - any entity providing telecommunications services. (55 DCR 34)		Not brought forward into proposed text because it is a self-defining term.
Tenement - One (1) or more habitable rooms in an apartment house, under the exclusive control of the occupant of the apartment house.		Not brought forward into proposed text. It is the basically the same definition as a Bachelors Apartment or an Apartment. Post Setdown: reference to the term should be deleted from the definition of Hotel.
Tenement house - a building or part of a building containing three (3) or more tenements, or any building or part of a building containing any combination of three (3) or more tenements and apartments.		Not brought forward into proposed text.
Through square connection - a continuous improved area through a square for pedestrians providing a connection between two (2) parallel or opposite streets or on a corner lot; provided, that the entrances to the area shall not be less than thirty feet (30 ft.) from the corner. (24 DCR 10787)		Not brought forward into proposed text.
Uptown center - a multi-purpose major activity center with strong transit orientations and significant concentration of employment and high density residential as the principal elements, developed in a manner that serves the surrounding lower density community while protecting it from avoidable intrusions. (21 DCR 1465-66)	<u>Uptown Center</u> : A multi-purpose major activity center with strong transit orientations and significant concentration of employment and high density residential as the principal elements, developed in a manner that serves the surrounding lower density community while protecting it from avoidable intrusions. (21 DCR 1465-66)	No change.
	<u>Urban Tree Canopy</u> : is the layer of leaves, branches, and stems of trees that cover the ground when viewed from above	Post Setdown: New definition.
	<u>Use</u> : The purpose or activity for which a <i>lot</i> or <i>building</i> is occupied. Use shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied, offered for occupancy."	New definition.
Use, accessory - a use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use.	<u>Use, Accessory</u> : A use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use.	No change.
	<u>Use, Principal</u> : The primary purpose or activity for which a lot or building is occupied.	New definition.
	<u>Use, Temporary</u> : Any use which is established for a fixed period of time with the intent that permission for that use will expire automatically unless renewed. The time period of the allowance of the use shall be determined by the Certificate of Occupancy.	New definition.
	<u>Vegetated Roofs</u> : A horizontal or near-horizontal surface on top of a <i>building</i> or <i>structure</i> covered with vegetation and a growing medium. Vegetated roofs are intended to promote water or energy	New definition to reflect Green Area Ratio provisions.

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	conservation by using plants and soils to slow, filter, and infiltrate stormwater runoff. Vegetative roofs maybe intensive or extensive but are not limited to modular or layered growth systems.	
	<u>Vegetated Walls</u> : A vertical or near vertical surface covered with vegetation and in some cases, a growing medium. Vegetated walls may include but are not limited to walls or screens with climbing vines, espalier trees, or modular planting systems.	New definition to reflect Green Area Ratio provisions.
Veterinary boarding hospital - A veterinary hospital that boards animals as an independent line of business. (54 DCR 8943)	<u>Veterinary Boarding Hospital</u> : A <i>veterinary hospital</i> that boards animals as an independent line of business. (54 DCR 8943)	No change.
Veterinary hospital - An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an animal boarding establishment. (54 DCR 8943)	<u>Veterinary Hospital</u> : An establishment used by a licensed veterinarian for the practice of veterinary medicine and not as an <i>animal boarding</i> establishment. (54 DCR 8943)	No change.
Wall, lot line - an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.		<u>Post Setdown</u> : Will be placed in proposed text.
Warehouse - any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises.		<u>Post Setdown</u> : Will be placed in proposed text.
	<u>Waterfront</u> : That area proximate to either the Potomac or Anacostia rivers.	New definition.
Wholesale use - the sale of goods to retail or service establishments that in turn will sell them to consumers who will directly use the commodity. (21 DCR 1030)		Not brought forward into proposed text.
Yacht Club - land, buildings, structures, and the surface of water for use by an incorporated club, for the purpose of boating, sailing, or yachting and in which the affairs of the organization are actually conducted and carried on by the members thereof. (51 DCR 3440 and 52 DCR 6358)		Not brought forward into proposed text.
Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.		Not brought forward into proposed text.
	<u>Yard, Front</u> : An exterior space, open from the ground to the sky, between all <i>street lot lines</i> and the <i>building façades of the principal building</i> facing those <i>street lot lines</i> .	New definition included to reflect inclusion of new front yard setback requirement.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
		
Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.	<u>Yard, Rear</u>: An exterior space, open from the ground to the sky, between a <i>rear lot line</i> or lines and the nearest <i>building façade, of the principal building</i>. 	Revised to reflect to use of setbacks.
Yard, rear, depth of - the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.		Not brought forward into proposed text.
Yard, side - a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.	<u>Yard, Side</u>: An exterior space, open from the ground to the sky, between a <i>side lot line</i> and the nearest <i>building façade, of the principal building facing that lot line</i>.	Revised definition to accommodate the proposed provision that areas within side yards that are currently considered “courts” can be considered side yards.

Current Definitions – Title 11	Proposed Definitions – September 9, 2013	OP Comment
		
	<u>Zone</u> : A geographic area delineated on the Zone Map, which corresponds to the regulations included in Title 11.	New definition.
	<u>Zone Boundary Line</u> : The line that forms the perimeter of <i>a zone</i> , as mapped in accordance with this Title.	New definition.
	<u>Zoning Act</u> : The Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001)).	New definition.
Zoning Administrator - the Zoning Administrator of the Department of Consumer and Regulatory Affairs.	<u>Zoning Administrator</u> : The Zoning Administrator of the District of Columbia.	Clarification of the definition.
	<u>Zoning Commission</u> : An independent quasi-judicial body charged with preparing, adopting and amending the Zoning Regulations and Zoning Map, air rights in public space, and planned unit developments.	New definition.

BICYCLE PARKING

Title 11	Proposed Amendments to Setdown Text	Comments (refer to 5/5/14 summary)	Discussion
	Bold = New text Strike through = Advertised text now proposed to be deleted or changed		
	2001.3 Where required bicycle parking is provided as racks, the racks must meet the following standards: (c) Racks shall be placed a minimum of thirty inches (30 in.) apart on center from one another; twenty-four inches (24 in.) from and any other obstructions; with a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and	293	OP is proposing revised text to better reflect industry practice.
	2002.1 All residential uses with ten-eight (108) 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.		OP is proposing revised text, which is consistent with existing DDOT bicycle parking standards.
	2002.2 After the first fifty (50) bicycle parking spaces are provided for a use, additional spaces are required at one half (1/2) the ratio specified in § 1902.1.	511	OP received comments that the bicycle parking requirements were onerous and that provision of the required parking would negatively impact developable area. OP is proposing a revision that provides relief after a minimum standard is met. This is similar to provisions in Baltimore, MD and Seattle, WA.
	2004.2 Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) fifty feet (50 ft.) of a primary entrance to the building they serve.	511	While providing short term bicycle parking spaces within 50 feet of a building entrance is ideal, OP recognizes that this requirement could result in tradeoffs that could jeopardize the placement and provision of other streetscape elements such as benches, street trees, and street lights.
2119.5	2004.5 An aisle at least five four feet (4 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.	293	OP is proposing revised text to better reflect industry practice.

VEHICLE PARKING

9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary) ¹	Discussion				
1901.5	PARKING FOR INSTITUTIONAL, RELIGIOUS USES 1901.5 Except as provided for in C § 1902, parking requirements for all use categories are as follows: <table><tr><th>Use Category</th><th>Minimum number of vehicle parking spaces</th></tr><tr><td>Institutional, Religious</td><td>1.67 per 1,000 sq. ft., in excess of 5,000 sq. ft. 1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each seven square feet (7 ft.²) usable for seating or each eighteen inches (18 in.) of bench if benches are provided shall be considered 1 seat.</td></tr></table>	Use Category	Minimum number of vehicle parking spaces	Institutional, Religious	1.67 per 1,000 sq. ft., in excess of 5,000 sq. ft. 1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each seven square feet (7 ft.²) usable for seating or each eighteen inches (18 in.) of bench if benches are provided shall be considered 1 seat.	66, 291, 492,	Received comments from public to revert parking requirement for places of worship back to the current text. ZC agreed with early comments and asked OP to reconsider using the existing standards. OP proposes an amendment to the advertised text to use the existing parking standards for places of worship.
Use Category	Minimum number of vehicle parking spaces						
Institutional, Religious	1.67 per 1,000 sq. ft., in excess of 5,000 sq. ft. 1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each seven square feet (7 ft.²) usable for seating or each eighteen inches (18 in.) of bench if benches are provided shall be considered 1 seat.						
1901.5	PARKING FOR PRIVATE SCHOOLS 1901.5 Except as provided for in C § 1902, parking requirements for all use categories are as follows: <table><tr><th>Use Category</th><th>Minimum number of vehicle parking spaces</th></tr><tr><td>Education, Private</td><td>1.25 per 1,000 sq.ft. Elementary and High School: 2 for each 3 teachers and other employees; High School and Accessory Uses: 2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater</td></tr></table>	Use Category	Minimum number of vehicle parking spaces	Education, Private	1.25 per 1,000 sq.ft. Elementary and High School: 2 for each 3 teachers and other employees; High School and Accessory Uses: 2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater	132, 134, 348, 404, 492,	Received comments from public to revert parking requirement for private schools back to the current text. ZC agreed with early comments and asked OP to reconsider using the existing standards. OP proposes an amendment to the advertised text to use the existing parking standards for schools.
Use Category	Minimum number of vehicle parking spaces						
Education, Private	1.25 per 1,000 sq.ft. Elementary and High School: 2 for each 3 teachers and other employees; High School and Accessory Uses: 2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater						
1901.8(b)	LOCATION OF OFF-SITE PARKING 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	308	ZC also asked why off-site parking would only be permitted within 400' of the principal use where other jurisdictions allow more.				

¹ Note – Comments are ones specific to the issue; there were numerous additional comments in support of the provision as proposed, and in general opposition to the parking proposals.

VEHICLE PARKING

9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
	(b) On another lot, subject to the following provisions: (1) The off-site location shall be a maximum of four six hundred feet (400 600 ft.) from the use or structure that the parking spaces serve, as measured from the nearest lot line; ... (c) The Board may allow off-site parking spaces to be located elsewhere than as permitted pursuant to C § 1801.8 (b)(1) in accordance with the general special exception requirements of Y Chapter 8, subject to: (1) The applicant's demonstration that 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; and (2) 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.		OP proposes an amendment to the advertised text to increase the distance to 600 feet. The revised proposal of 600' would generally allow the parking to be on the same or an adjacent square from the principal use. Also would allow parking to be located further than 600 feet by special exception.
n/a	1901.13 Nothing in this section prohibits the provision of parking spaces provided 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.	511	As previously drafted, could restrict the ability to provide parking in addition to that required, so OP proposes an amended to clarify that this is not the case.
1902.1	REMOVE PARKING REDUCTION FOR WMATA PRIORITY BUS CORRIDOR NETWORK 1902.1 Within any zone other than a Residential House (Subtitle D) or Residential Flat (Subtitle E) zone, the minimum vehicle parking requirement identified in the table of C § 1901.5 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	60, 66, 185, 289, 292, 300, 381, 404, 410, 488, 492, 496, 501, 502, 685	Questions about the areas proximate to transit where reduced parking would be permitted, including for Priority Bus Corridors which people are concerned would not be as established as fixed rail such as a transit line or streetcar line. Response – remove Priority Bus Corridor as an area where the

VEHICLE PARKING

9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
	(a) 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 (b) 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.		parking reduction would be permitted by-right. Major change would be for areas along portions of Georgia Ave., Rhode Island Ave., Wisconsin Ave, South Capitol Street, Benning Road, and Pennsylvania Ave SE; as well as in the Brightwood, N. Michigan Park, Brentwood, Stronghold, Adams Morgan, Lanier Heights, Logan Circle, Howard U, Georgetown, and Bellevue neighborhoods.
	REMOVE PORTION OF WEST END FROM AREA WHERE DOWNTOWN PARKING PROVISION WOULD APPLY 1902.3 Vehicle parking shall not be required: (a) Within the Residential Single Household and Residential Flat 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, except: (1) 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; and (2) Within the D-5-B-1 zone west of 20th Street NW, parking shall be required in accordance with §§ 1901.5 and 1902.1.	343, 559	The ZC expressed some concern about parking issues if the D zones were mapped to the high density areas in the West End and there was no minimum parking requirement in the D zones. OP has prepared a draft text for the ZC consideration that would maintain parking minimums in the West End area. However OP continues to recommend that there be no minimum requirements in all the D zones, including the West End because of the high availability of fixed transit options.
n/a	ADD PRESENCE OF CANOPY TREE TO CRITERIA FOR SPECIAL EXCEPTION PARKING RELIEF 1903 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS	442	Public comment request to add presence of mature trees as a possible rationale for relief from parking spaces.

VEHICLE PARKING

9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
	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 Y Chapter 8, and the applicant's demonstration of at least one of the following: ... (h) The nature or location of a historic resource or mature canopy trees on the property 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.		OP proposes an amendment to incorporate this provision.
1907	AMEND (RAISE) TRIGGER AT WHICH PARKING MITIGATION WOULD APPLY 1907 MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT ... 1907.3 The provision of excess parking spaces shall require the following Transportation Demand Management (TDM) features: (a) For any site for which the parking requirement of C § 1801.5 is twenty (20) parking spaces or greater, For any excess parking spaces greater than one point five two times (1.5 X 2X) the minimum parking required for that zone use shall require the following TDM measures shall be required:	60, 139, 292, 300, 540,	Comments received that the proposed threshold for excess parking threshold is too low. Op agrees and proposes an amendment to increase the threshold to twice the required amount, and added a minimum threshold of 20 required parking spaces.
	CAR SHARE SPACES: 1. ALLOW PROVIDED CAR SHARE SPACE TO COUNT AS 3 REQUIRED SPACES; 2. REMOVE CAR SHARE SPACE AS A REQUIREMENT 1908 CAR-SHARE PARKING SPACE REQUIREMENTS PROVISIONS 1908.1 Dedicated car-share parking spaces, whether required by this section or not, may be counted toward fulfillment of any minimum parking requirement in any zone other than a Residential House (Subtitle D) or Residential Flat (Subtitle E) zone. 1908.2 Up to two (2) dedicated car share spaces provided in accordance with this provision may each count as three (3) required parking spaces for the purposes of calculating the provision of required parking pursuant to §1901.5.	293	Concern about the practicality of car-share spaces within both office and residential buildings, and the fairness of a requirement to be provided to a for-profit at no cost. OP has agreed to remove this requirement from the mitigation measures, but is also recommending that the first one or two dedicated car share spaces provided each count as 3 parking spaces (research indicates that one car share space

VEHICLE PARKING

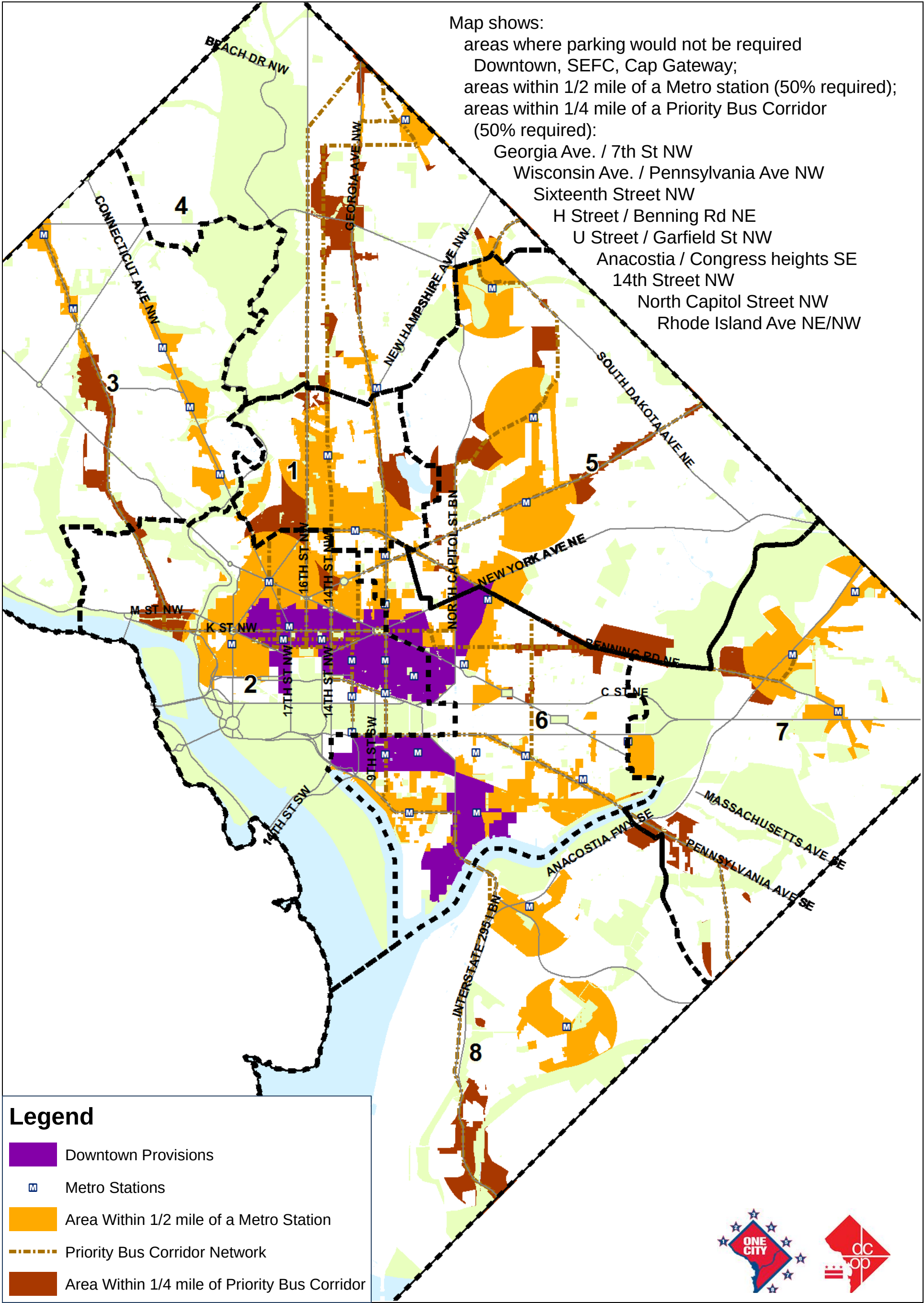
9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary) ¹	Discussion																									
	1908.3 Any new parking area with fifty (50) or more parking spaces shall include car share spaces as follows: <table><tr><th>Number of parking spaces to be built</th><th>Number of car share spaces required</th></tr><tr><td>50 to 149</td><td>1 minimum</td></tr><tr><td>150 to 249</td><td>2 minimum</td></tr><tr><td>250 or more</td><td>3 minimum, plus 1 space for each additional 100 spaces over 250</td></tr></table>	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		removes as many as 13 cars from the road)																	
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																											
1911.4	AMEND “MECHANIZED” PARKING TO “AUTOMATED” PARKING 1911.4 An automated mechanized parking system garage shall meet the requirements of C § 1911.3, although individual parking spaces provided as part of the mechanized automated parking system garage do not. ... 1912.2 Mechanized An automated parking systems garage is are exempt from the requirements of this section. (parking size and layout provisions)	82, 190, 191	Request to change “mechanized” parking to “automated” parking system. OP is not opposed to this change. Corresponding change to Subtitle B Definitions																									
1912.5	AMEND PARKING DRIVE AISLE WIDTH REQUIREMENT 1912.6 The minimum dimensions for full-sized parking spaces and aisles are as follows: <table><tr><th>Parking Angle</th><th>Stall Width</th><th>Depth of Stalls Perpendicular To Aisle</th><th>One-Way Drive Aisle Width</th><th>Two-Way Drive Aisle Width</th></tr><tr><td>45°</td><td>9 ft.</td><td>17.5 ft.</td><td>12 17 ft.</td><td>N/A</td></tr><tr><td>60°</td><td>9 ft.</td><td>19 ft.</td><td>14 17 ft.</td><td>N/A</td></tr><tr><td>90°</td><td>9 ft.</td><td>18 ft.</td><td>16 20 ft.</td><td>20 ft.</td></tr><tr><td>Parallel</td><td>22 ft.</td><td>8 ft.</td><td>12 ft.</td><td>20 ft.</td></tr></table>	Parking Angle	Stall Width	Depth of Stalls Perpendicular To Aisle	One-Way Drive Aisle Width	Two-Way Drive Aisle Width	45°	9 ft.	17.5 ft.	12 17 ft.	N/A	60°	9 ft.	19 ft.	14 17 ft.	N/A	90°	9 ft.	18 ft.	16 20 ft.	20 ft.	Parallel	22 ft.	8 ft.	12 ft.	20 ft.	Comment received by phone to OP from a traffic consultant	OP received comments from parking consultants that the proposed parking area aisle widths, albeit for one-way drive aisle systems, would not meet current standards; OP proposes an amendment to the advertised text to that reverts back to the existing requirements.
Parking Angle	Stall Width	Depth of Stalls Perpendicular To Aisle	One-Way Drive Aisle Width	Two-Way Drive Aisle Width																								
45°	9 ft.	17.5 ft.	12 17 ft.	N/A																								
60°	9 ft.	19 ft.	14 17 ft.	N/A																								
90°	9 ft.	18 ft.	16 20 ft.	20 ft.																								
Parallel	22 ft.	8 ft.	12 ft.	20 ft.																								

VEHICLE PARKING

9/13/13 Setdown Text	Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary) ¹	Discussion																									
	1912.7 The minimum dimensions for spaces and aisles exclusively for compact parking spaces are as follows: <table><tr><th>Parking Angle</th><th>Stall Width</th><th>Depth of Stalls Perpendicular To Aisle</th><th>One-Way Aisle Width</th><th>Two-Way Aisle Width</th></tr><tr><td>45°</td><td>8 ft.</td><td>16.5 ft.</td><td>12 16 ft.</td><td>N/A</td></tr><tr><td>60°</td><td>8 ft.</td><td>17 ft.</td><td>14 16 ft.</td><td>N/A</td></tr><tr><td>90°</td><td>8 ft.</td><td>16 ft.</td><td>16 20 ft.</td><td>20 ft.</td></tr><tr><td>Parallel</td><td>20 ft.</td><td>8 ft.</td><td>12 ft.</td><td>20 ft.</td></tr></table>	Parking Angle	Stall Width	Depth of Stalls Perpendicular To Aisle	One-Way Aisle Width	Two-Way Aisle Width	45°	8 ft.	16.5 ft.	12 16 ft.	N/A	60°	8 ft.	17 ft.	14 16 ft.	N/A	90°	8 ft.	16 ft.	16 20 ft.	20 ft.	Parallel	20 ft.	8 ft.	12 ft.	20 ft.		
Parking Angle	Stall Width	Depth of Stalls Perpendicular To Aisle	One-Way Aisle Width	Two-Way Aisle Width																								
45°	8 ft.	16.5 ft.	12 16 ft.	N/A																								
60°	8 ft.	17 ft.	14 16 ft.	N/A																								
90°	8 ft.	16 ft.	16 20 ft.	20 ft.																								
Parallel	20 ft.	8 ft.	12 ft.	20 ft.																								
n/a	ALLOW CAR WASH AS A PERMITTED ACCESSORY USE TO A PARKING GARAGE Change to Subtitle B Definitions: <u>Garage, Public:</u> A building or other structure, or part of a building or structure, over nine hundred square feet (900 sq.ft.) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities, but which may contain an automobile laundry, including interior detailing, as a permitted accessory use.	192, 193	Comments received requesting accessory auto- related uses be permitted as part of a parking garage. OP proposes an amendment to the definition of a Public Garage in Subtitle B.																									

ZRR - Areas Proposed for Parking Reduction - SETDOWN VERSION- September 2013

Map shows:
areas where parking would not be required
Downtown, SEFC, Cap Gateway;
areas within 1/2 mile of a Metro station (50% required);
areas within 1/4 mile of a Priority Bus Corridor
(50% required):
Georgia Ave. / 7th St NW
Wisconsin Ave. / Pennsylvania Ave NW
Sixteenth Street NW
H Street / Benning Rd NE
U Street / Garfield St NW
Anacostia / Congress heights SE
14th Street NW
North Capitol Street NW
Rhode Island Ave NE/NW



Map shows:

- Areas where parking would not be required - Downtown, SEFC, Cap Gateway except west of 20th St NW; and
- Areas within 1/2 mile of a Metro station but not low density residential (50% of required parking).
- Areas within 1/4 mile of a Priority Bus Corridor, no longer proposed for the reduction

Legend

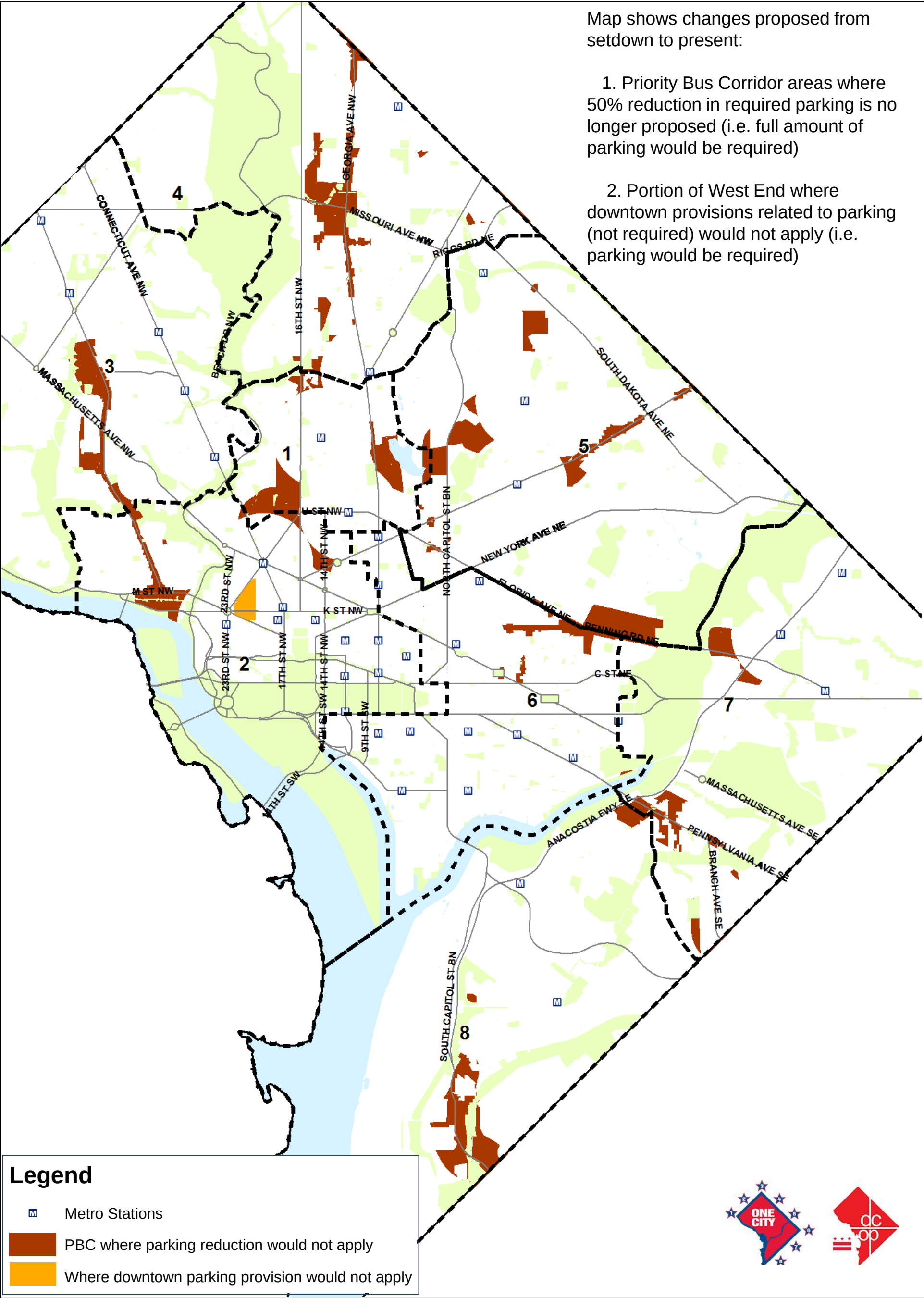
- Downtown Provisions
- Metro Stations
- Area Within 1/2 mile of a Metro Station

Areas within 1/4 mile of a Priority Bus Corridor,
no longer proposed for the reduction

Area Within 1/2 mile of a Metro Station



ZRR - Areas Proposed Change from Setdown - Priority Bus Corridors, and West End



GREEN AREA RATIO (GAR)

Title 11	Proposed Amendments to Setdown Text Bold = New text Strike through = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
3402.8 Landscape elements of the GAR shall be measured in the following ways: (b) For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation; and	1702.8 Landscape elements of the GAR shall be measured in the following ways: (b) For vegetated walls, the area calculated is the height and width of the area to be covered by vegetation ground coverage area, not the total plant growth area;	126	OP, DDOE, and commenters noted that the guidance for calculation of vegetated walls was confusing and OP is proposing a clarification.
3402.9 Eligible landscape elements are identified in the table below. Tree canopy for all trees 2.5 inches to 6 inches in diameter – 0.5 multiplier	1702.9 Eligible landscape elements are identified in the table below: Tree canopy for all trees 2.5 inches to 6 inches in diameter – 0.5 multiplier with mature canopy spread of thirty-five feet (35 ft.) or less - calculated at 0.5 multiplier	110, 126, 402, 506, 561, 558	OP received numerous comments regarding the GAR provisions and the credit system established for valuing trees. Based on comments received and Zoning Commission guidance, OP worked with DDOE and is proposing that credit be based on canopy spread at maturity.
3402.9 Eligible landscape elements are identified in the table below. Tree canopy for new trees 6" in diameter or larger or equivalent - calculated at 250 square feet per tree	1702.9 Eligible landscape elements are identified in the table below: Tree canopy for all trees 6" in diameter or larger or equivalent – calculated at 250 square feet per tree with mature canopy spread of thirty-five feet (35 ft.) or greater - calculated at 0.6 multiplier	110, 126, 402, 506, 561, 558	OP received numerous comments regarding the GAR provisions and the credit system established for valuing trees. Based on comments received and Zoning Commission guidance, OP worked with DDOE and is proposing that credit be based on canopy spread at maturity.
3403.5 Vegetated walls shall meet the following conditions: (c) The area calculated is the ground coverage area, not the total plant growth area;	(c) The area calculated is the ground coverage area, not the total plant growth area;		This provision is redundant § 3402.8 addresses measurement of landscape elements. OP proposes it be deleted.

LIGHTING

Proposed New Text for Inclusion in Setdown Draft Bold = New text	Comments (refer to 5/5/14 summary)	Discussion
100 INTRODUCTION 100.1 This chapter establishes regulations to preserve the natural nighttime outdoor environment by regulating artificial lighting. 100.2 The purpose of this chapter is to: (a) Permit the use of outdoor lighting that does not exceed the minimum levels specified in the Illuminating Engineering Society of America (IES) recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce; (b) Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light; (c) Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy; (d) Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and (e) Conserve energy and resources to the greatest extent possible.	N/A	Although comments were not received in the record on this issue, OP and NCPC have heard concerns from the Naval Observatory regarding the negative impact of light pollution on the Observatory's mission. The Sustainable DC Plan contains the following actions that relate to light pollution: • Action 1.6: Launch a citywide educational campaign to lower citywide energy use. (Short Term) • Action 2.2: Replace 75% of public lighting with fixtures that reduce light pollution. (Long Term) OP believes that light pollution is an issue that should be addressed City-wide and is proposing a draft chapter for inclusion in Subtitle C.
200 GENERAL PROVISIONS 200.1 Lighting attached to a single dwelling unit shall not exceed the height of the eave. 200.2 The requirements of C, Chapter 26 §§ 300 through 1000 shall apply to newly constructed buildings; and buildings that expand in gross floor area by more than twenty-five percent (25%) in Residential Apartment, Neighborhood Mixed Use, Mixed Use, Downtown, and Production, Distribution and Repair zones. 200.3 The following shall be exempt from the requirements of this chapter: (a) Lighting in swimming pools and other water features governed by Article 680 of the National Electric Code; (b) Exit signs and other illumination required by the D.C. Building Code,		

LIGHTING

Title 12 DCMR; (c) Lighting for stairs and ramps, as required by the D.C. Building Code; and (d) Holiday and temporary lighting (less than 30 days use in any one year). 200.4 The Board may grant, by special exception, relief from this subsection subject to the general requirements of Y Chapter 8.		
300 SHIELDING REQUIRED 300.1 All lighting shall be constructed with full shielding. Where the light source from an outdoor light fixture is visible beyond the property line, shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. Shielding Provisions for Outdoor Lighting 		
400 LEVEL OF ILLUMINATION 400.1 During hours of darkness, the minimum and average maintained foot-candles (fc) of light shall be consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required at the time of building permit application. (a) Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle (1 fc) of light and shall not exceed an average of four foot-candles		

LIGHTING

	(4 fc) of light. (b) Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle (0.5 fc) of light and shall not exceed an average of two foot-candles (2 fc) of light. (c) Exterior doors of nonresidential structures shall be illuminated during the hours of darkness with a minimum maintained one (1 fc) foot-candle of light, measured within a five-foot (5 ft.) radius on each side of the door at ground level. (d) To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle (0.1 fc)		
500	MAXIMUM HEIGHT OF FREESTANDING OUTDOOR LIGHT FIXTURES		
500.1	The maximum height of freestanding outdoor light fixtures for development abutting residential property shall be twenty feet (20 ft.). The maximum height for freestanding outdoor light fixtures shall be thirty feet (30 ft.).		
600	TYPE OF ILLUMINATION		
600.1	All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.		
700	HOURS OF ILLUMINATION		
700.1	Automatic timing devices shall be required for all new outdoor light fixtures with off hours (exterior lights turned off) between 10:00 p.m. and 6:00 a.m. However, outdoor lights may remain on during the required off hours when: (a) The hours of operation of the associated use extend into the required off hours (lighting may stay on during the hours of operation of the use); (b) Illuminating flags representing country, state, or other civic entity; and (c) Functioning as security lighting (e.g., illuminating a pathway, building entry, etc.).		
800	OUTDOOR SPORTS FIELD/OUTDOOR PERFORMANCE AREA		

LIGHTING

LIGHTING 800.2 The hours of operation for the lighting system for any game or event shall not exceed one (1) hour after the end of the event.		
900 ARCHITECTURAL/LANDSCAPE LIGHTING 900.1 Outdoor light fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.		
1000 Prohibited Lighting 1000.1 The following outdoor light fixtures shall be prohibited as specified below. (a) Searchlights. (b) Illumination of entire buildings. (1) Building illumination shall be limited to security lighting and lighting of architectural features authorized by the designated approving authority in conjunction with the required building permit(s). (c) Roof-mounted lights except for security purposes with motion detection and full shielding so that the glare of the light source is not visible from any public right-of-way. (d) Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.		

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text now proposed to be deleted or changed	Comments (refer to 5/5/14 summary) ¹	Discussion
1606.1 One accessory apartment may be established in an R zone, subject to the conditions of this section. 1606.1 An accessory apartment shall be permitted by right in the R zones, except: (a) Within an accessory building, an accessory apartment shall only be permitted by special exception pursuant to Y Chapter 8 and the standards of §1606.6; and (b) In the R-19 or R-20 zones, an accessory apartment within the principal dwelling or within an accessory building shall only be permitted by special exception pursuant to Y Chapter 8 and the standards of §1606.7. consistent with the conditions of this section.	61, 158, 228, 249, 492, 550, 557	Received comments from the public that residents were not comfortable with matter of right accessory apartments in existing accessory buildings. <

¹ Note – Comments are ones specific to the issue; there were numerous additional comments in support of the provision as proposed, and in general opposition to the parking proposals.

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text	Comments	Discussion										
Bold = New text	(refer to 5/5/14 summary)¹											
Strike though = Advertised text now proposed to be deleted or changed												
1606.2 In any R zone, a property may contain only one accessory apartment.												
1606.3 (b) Either the principal dwelling or accessory apartment unit must be owner-occupied.												
1606.4 (c) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).	228											
(d) — The apartment is located either within the principal dwelling or within an accessory building subject to the conditions of this section;												
1606.5 If the An accessory apartment is located shall be permitted in the principal dwelling in any R zone other than the R-4 and R-20 zones, subject to the following conditions shall apply : (a) The house gross floor area (gfa) of the principal dwelling shall have at least two thousand square feet (2,000 sq. ft.) of gross floor area, exclusive of garage space, shall be in accordance with the following table: <table><tr><th>Zones</th><th>Minimum House Area</th></tr><tr><td>R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]</td><td>2,000 sq. ft.</td></tr><tr><td>R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]</td><td>2,000 sq. ft.</td></tr><tr><td>R-3, R-10 [R-2]</td><td>1,200 sq. ft.</td></tr><tr><td>R-4, R-13, R-16, R-20 [R-3]</td><td>1,200 sq. ft.</td></tr></table> (b) The accessory apartment unit may not occupy more than thirty percent (30%) of the gross floor area of the house principal dwelling ; and (c) If an additional entrance to the house accessory apartment is created, it shall not be located on a wall of the house principal dwelling that faces a street. (d) Within a principal building, an accessory apartment that does not comply with the conditions of §§ 1606.5 (a) through (c) may be permitted by special exception pursuant to Y Chapter 8, provided that: (1) The standards of §§ 1606.2 to 1606.4 shall not be modified or waived by the Board; and (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.	Zones	Minimum House Area	R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	2,000 sq. ft.	R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	2,000 sq. ft.	R-3, R-10 [R-2]	1,200 sq. ft.	R-4, R-13, R-16, R-20 [R-3]	1,200 sq. ft.	242, 440, 515, 516, 518, 523, 524, 526, 527, 531, 525A, 525B, 556, 572	Received numerous comments from the public that the minimum house area standards were too restrictive. ZC agreed and asked OP to reconsider the minimum house area standards. OP proposes an amendment that reduces the minimum house area standard for R-2 and R-3 zones to better reflect actual house size.
Zones	Minimum House Area											
R-1, R-5, R-6, R-8, R-11, R-14 [R-1-A]	2,000 sq. ft.											
R-2, R-7, R-9, R-12, R-15, R-17, R-18, R-19 [R-1-B]	2,000 sq. ft.											
R-3, R-10 [R-2]	1,200 sq. ft.											
R-4, R-13, R-16, R-20 [R-3]	1,200 sq. ft.											

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text now proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
1606.6 An accessory apartment within an accessory building that houses an accessory apartment may be permitted by special exception pursuant to Y Chapter 8 and shall comply with the following conditions: (1) The accessory building was in existence on January 1, 2013; (2) No expansion or addition may be made to the accessory building to accommodate an apartment except by special exception; (a) The standards of §§ 1606.2 to 1606.4 shall be met, and shall not be modified or waived by the Board. (b) An The accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot property; (c) The applicant shall demonstrate that: (1) Any proposed roof deck, balcony, or projecting window shall be located and designed so as to not negatively impact the privacy or enjoyment of adjacent properties; (2) Safe and convenient permanent access from the accessory apartment to a dedicated and improved right of way has been provided, which may include direct access to a public, improved alley or street, or an easement for a permanent passage, open to the sky, no narrower than eight feet (8ft.) in width, and extending from an entrance to the accessory apartment to a public street through a side setback recorded in the land records of the District of Columbia; and (3) The accessory apartment and any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones. (d) The Board of Zoning Adjustment shall consider relevant agency comments concerning: (1) Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department; and	254, 515, 516, 518, 523, 524, 526, 527, 531, 525A, 525B, 556	Received numerous comments from the public that the access requirements were too restrictive. ZC asked OP to review the access standards. OP proposes an amendment that reduces the access standard consistent with the width of a required side yard and requires review by D.C. Fire and Emergency Medical Service Department and DC Water.

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text now proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
(2) Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations. (3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; (4) The dwelling use of the accessory building shall be coterminous with the permanent access; and (5) The permanent access shall be provided by either or both of the following: (A) An easement for a permanent passage, open to the sky, no narrower than ten feet (10 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia; or (B) Through an improved public alley with a minimum width of twenty four feet (24 ft.) that connects to a public street. (6) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot; (7) An accessory building that houses an apartment shall not have a roof deck or balcony; (8) An accessory building constructed as a by right accessory building after January 1, 2013 shall not be used as, or converted to, an accessory apartment except by special exception for a period of five years after the approval of the building permit for the accessory building; and (9) Any proposed expansion of an accessory building for residential purposes shall be permitted only by special exception approval pursuant to Y Chapter 8, and shall be evaluated against the applicable standards of D § 1701.3. (g) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (f) of this subsection; subject to the following limitations: (1) The owner occupancy requirement of paragraph (b) shall not be waived for all R zones; and		

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text	Comments	Discussion
Bold = New text	(refer to 5/5/14 summary)¹	
Strike though = Advertised text now proposed to be deleted or changed		
(2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.		
1606.7 In the R-19 and R-20, an accessory apartment within the principal building or an accessory building may be permitted by special exception pursuant to Y Chapter 8, in addition to the restrictions of D§§ 1606.1 through 1606.4 an accessory apartment shall be subject to the following conditions: (a) The standards of §§ 1606.2 to 1606.4 shall be met and shall not be modified or waived by the Board. (b) An accessory apartment within the principal dwelling shall also meet the standards of §1606.5. (c) An accessory apartment within an accessory building shall also meet the following standards: (1) It shall only be permitted on the second story of a detached the accessory building; (2) No roof deck shall be permitted; (3) Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building; and (4) The applicant shall demonstrate that safe and convenient permanent access from the accessory apartment to a dedicated and improved right of way has been provided, which may include direct access to a public, improved alley or street, or an easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from an entrance to the accessory apartment to a public street through a side setback recorded in the land records of the District of Columbia; (5) The applicant shall demonstrate that the accessory apartment and any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones; and		

ACCESSORY APARTMENTS

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text now proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
(6) The Board of Zoning Adjustment shall consider relevant agency comments concerning: 1. Public safety, including any comments from the D.C. Fire and Emergency Medical Service Department and the Metropolitan Police Department; and 2. Water and sewer services, including any comments from the D.C. Water, especially the Department of Permit Operations. (d) — Sections 16071606.4 (cb) and (dc) shall not be modified or waived by the Board. 1606.6 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.		
1606.8 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Regulatory Affairs and the property shall be inspected for relevant housing code compliance.		

CORNER STORES

Proposed Amendments To Setdown Text Subtitle D Section 1605 (shown) and Subtitle E Section 1006 (would be similar) Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
1605.1 A Corner Store use may be established as permitted pursuant to D §§ 1601 and 1602, and subject to the conditions of this section.		
1605.2 A Corner Store shall only be permitted in the R-4 (R-3), R-13 (R-3/NO), R-16 (R-3/FB) or R-20 (Gtwn-R-3) zones.		
1605.3 A Corner Store shall only be located in accordance with the following provisions: (a) A Corner Store shall only be located on a lot that is: (1) Located at the intersection of two generally perpendicular streets; (2) In the R-4, R-13, or R-16 zones, on an interior or through lot, provided the building was built prior to May 12, 1958 for the purpose of a non-residential use, as established by permit records or other historical documents accepted by the Zoning Administrator; or (3) In the R-20 zone, on an interior or on a through lot with a building that was built prior to May 12, 1958 for the purpose of a non-residential use, and only if the building was used for a Corner Store use within the previous three (3) years established by a certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator. (b) A Corner Store shall only be located on a lot that is: (1) A minimum of five hundred feet (500 ft.) from the nearest property zoned M or N in the R-4, R-13, or R-16 zones; (2) A minimum of seven hundred and fifty feet (750 ft.) from the nearest property zoned M or N in the R-20 zone; (3) Not within five hundred feet (500 ft.) of more than one (1) other lot with a Corner Store use defined as an Eating and Drinking Establishment; and (4) Not within five hundred feet (500 ft.) of more than three (3) other lots with a Corner Store use defined as Retail, General Service, or Arts, Design and Creation uses.		
1605.4 The Board may waive the location restrictions of D §§ 1605.3 (a) and (b) provided the applicant		

¹ Note – Comments are ones specific to the issue; there were numerous additional comments in support of the provision as proposed, and in general opposition to the parking proposals.

CORNER STORES

[illegible]

CORNER STORES

Proposed Amendments To Setdown Text Subtitle D Section 1605 (shown) and Subtitle E Section 1006 (would be similar) Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
		permitted.
1605.6 A Corner Store shall not exceed one thousand two hundred feet (1,200 ft.) in total area, and shall not occupy any space above the ground story.		
1605.7 There shall be no sale of alcoholic beverages for on-site consumption.		
1605.8 Except as may be permitted pursuant to §1605.12 (f), The gross floor area devoted to there shall be no sale of alcohol for off-site consumption. Shall comprise no more than fifteen percent (15%) of the floor area of the Corner Store use.	232	Concerns were expressed about the ability of Corner Stores to devote 15% of the floor area of the use to the beer and wine sales for off-site consumption so OP proposes amending the advertised text to prohibit off-site sales as a matter-of-right and allow them only by special exception.
1605.9 There shall be no on-site cooking of food or installation of grease traps; however, food assembly and reheating is permitted.		
1605.10 All storage of materials and trash shall occur within the building area devoted to the Corner Store. There shall be no external storage of materials or trash.		
1605.11 There shall be no on-site use or storage of dry-cleaning chemicals.		
1605.12 A Corner Store for which the use is a fresh food market or grocery store devoted primarily to the retail sale of food including perishable foodstuffs shall be permitted by-right subject to the following conditions: (a) The use shall meet the requirements of D §§ 1605.3 through 1605.11; (b) The use shall not operate between 9:00 p.m. and 7:00 a.m.; (c) A minimum of forty percent (40%) of customer-accessible sales and display area shall be dedicated to the sale of a general line of food products intended for home preparation and consumption;	158, 232	Concerns were expressed that the Corner Store provisions, as drafted, would not ensure the sale of fresh foods. OP is proposing requirements to address these concerns. Also a new definition of grocery store is proposed.

CORNER STORES

Proposed Amendments To Setdown Text Subtitle D Section 1605 (shown) and Subtitle E Section 1006 (would be similar) Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
(d) A minimum of twenty percent (20%) of retail space shall be dedicated to the sale of perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; (e) Only one external sign may be displayed on the building's facade, provided that the sign is not illuminated and is flush-mounted; and (f) A maximum of fifteen percent (15%) of the gross floor area of the Corner Store located on the ground floor of the building may be permitted by special exception to be devoted to the sale of alcohol for off-site consumption.		The proposed changes also reflect a special exception requirement for the sale of off-site alcohol sales.
1605.13 Any Corner Store use within the Retail, General Service, Arts Design and Creation, or Eating and Drinking Establishment uses that is not permitted by-right pursuant to D §1605.12, shall be permitted by special exception subject to the following conditions: (a) The applicant shall demonstrate that the proposed Corner Store use will not detract from the overall residential character of the area and will enhance the pedestrian experience by providing within the application the following information for the Corner Store use: (1) A demonstration of conformity to the provisions of D §§ 1605.6 through 1605.11; (2) A description of proposed uses, activities, goods sold, or services rendered; (3) Proposed size and location within the principal building; (4) Proposed number of employees at any one time and in total; (5) Proposed hours of operation; (6) Proposed signage; (7) Any proposed amplified music or other sound outside of the building containing the Corner Store use; (8) Any outdoor seating associated with the Corner Store use; (9) Proposed parking number, location, and screening such that any parking shall be fully screened from all adjacent properties, streets and alleys; (10) Proposed location of all storage; (11) Proposed location of trash storage and method and timing for removal;		

CORNER STORES

Proposed Amendments To Setdown Text Subtitle D Section 1605 (shown) and Subtitle E Section 1006 (would be similar) Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)¹	Discussion
(12) Any alterations to the property proposed to accommodate the Corner Store use, including any grading changes, tree removal; or addition of retaining walls, patios, or pervious surfaces; and (13) Any modifications to the building façade, including changes to window and door openings.		
1605.14An application not meeting the requirements of D §§ 1605.6 through 1605.11 shall be deemed a variance, subject to the provisions of Y Chapter 9.	158	

CAMPING IN ALLEYS

Proposed New Text, Subtitle D, Section 1609.2(b) and Subtitle E, Section 1005.2(e) Bold = New text	Comments (refer to 5/5/14 summary)	Discussion
1609.2 / 1005.2 (b / e) No camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or trailer of any description shall be permitted on an alley lot unless approved as a special exception subject to the following conditions: (1) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, lighting, sanitation, or otherwise objectionable conditions. (2) Open fires shall not be permitted. (3) The use shall not be approved for more than two consecutive weeks and no more than one month per calendar year.	N/A	ZC asked OP to look into the issue of trailer use as temporary sleeping/housing in alley lots. The building code does not consider trailers to be structures because they are on wheels and are mobile; therefore they do not require certificates of occupancy. OP also reviewed the Police regulations which limit camping on public or private property to Mayor approval and for no more than 30 days. OP proposes the use be limited to only special exception in the Rowhouse zones with conditions. OP recommends the use in the Rowhouse zones because alley dwellings are first permitted in the Rowhouse zones.

THEATER SPACE IN INSTITUTIONAL BUILDINGS

Proposed Amendments To Setdown Text Subtitle D Section 1602 (shown) and Subtitle E Section 1002 (would be the same) Bold = New text	Comments (refer to 5/5/14 summary)	Discussion
1602 Entertainment, Assembly, and Performing Arts uses shall be permitted as a special exception subject to the following conditions: (a) Live theatrical performance use of an existing theater or performance space in an institutional, educational, or performing arts building by a group otherwise not related to the building owner or tenant; (b) The use shall not be organized for profit; and (c) The use shall not likely become objectionable in a R zone because of noise hours of events, traffic, parking or other objectionable conditions.	174	After public comment the ZC asked OP to draft text that would allow for special exception use of institutional theater or assembly space by outside organizations. Such facility would be expected in Places of Worship, schools, private recreational or community centers, and performing arts spaces.

AUTO REPAIR BY SPECIAL EXCEPTION ONLY – PDR

Proposed Text as Amended, Subtitle J, Section 303 (existing 303.10 would become 303.11) Bold = New text Strike through = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
303.10 Any use devoted to the repair of automobiles, including body work, in a P-1 (CM-1), P-2 (CM-2), P-5 (CM-1/CAP) or P-6 (CM-1/FT) zone within two hundred feet (200 ft.) of any residential zone (R, RA or RF) or residential development, shall be permitted by a special exception subject to the following conditions: (a) All vehicles shall be parked or stored completely on the site but shall not be located within any required buffer area or yard adjacent to a residential zone; (b) No vehicle shall be parked or stored in such a manner as to block or impede the flow of vehicular, pedestrian or bicycle traffic along public rights-of-way around, adjacent or neighboring the site. (c) All lighting of the site shall be arranged and shielded to reduce glare and avoid light spill onto any adjacent residential property.	223	Public comments were received requesting some tool to regulate auto repair uses when they are adjacent to residential zones. OP reviewed the issue and proposes an amendment to the advertised text to require the use only by special exception and with conditions relative to parking and storing of vehicles, lighting and buffers.

STANDARDS OF EXTERNAL EFFECTS – PDR

Proposed Text as Amended, Subtitle J, Sections 305 and 306 Bold = New text	Comments (refer to 5/5/14 summary)	Discussion
305 STANDARDS OF EXTERNAL EFFECTS 305.1 Any use established in a P District that is not permitted in any non-P district and any uses accessory to those uses shall be operated so as to fully comply with the applicable environmental standards and requirements of Title 20, DCMR, Environment. 305.2 The volume of sound inherently and recurrently generated shall not exceed the maximum permissible sound levels established in Title 20 Chapter 27 Noise Control and Chapter 28, Maximum Noise Levels, at any point along the boundaries of the zone district in which the use is located. 305.3 The emission of any odorous gases or other odorous matter or steam in quantities that are offensive or noisome at any point along the boundaries of the zone district in which the use is located shall be prohibited. 305.4 No noxious, toxic, or corrosive fumes or gases shall be permitted to escape or to be discharged from any use permitted in a P District 305.6 No objectionable amounts of cinders, dust, or fly-ash shall be permitted to escape or to be discharged from any use permitted in a P District. 305.7 No direct or reflected glare or heat from any source shall be detectable in objectionable amounts beyond the boundaries of the zone district in which the use is located. 305.8 Every use shall be operated so that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the zone district in which the use is located. 305.9 The use of barbed or razor wire adjacent to any residentially zoned land shall be prohibited. 305.10 Any back-up generators or power systems shall be either: (a) Fully enclosed within the principal structure; or (b) Located no closer than two hundred feet (200 ft.) from the nearest residentially zoned land or residential development.		ZC asked OP to clarify within the regs the external standards with references to other regulations that may apply to industrial lands. OP proposed amendments to the advertised text to restate the standards of external effect and references to other city regulations.

STANDARDS OF EXTERNAL EFFECTS – PDR

306 EXTERNAL EFFECTS PERMIT APPLICATIONS 306.1 When filing an application for a building permit or certificate of occupancy with the Department of Consumer and Regulatory Affairs for a use permitted subject to § 305, the applicant shall submit with the application three (3) copies of: (a) A site plan showing buildings and other structures, roadways, drainage and sanitary facilities, parking spaces, loading berths, landscaping, and exterior lighting, and back-up generators or power supplies (if any); and (b) A description of any operations that would be subject to the standards of external effects in § 103 and any information necessary to evidence compliance with § 103. 306.2 A site plan approved under this section shall become a part of the building permit or certificate of occupancy.		
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LARGE FORMAT RETAIL

Proposed Text for Inclusion in Setdown Draft	Comments (refer to 5/5/14 summary)	Discussion
<u>Large Format Retail</u> shall mean a single retailer or common retail space with a minimum floor space of 50,000 square feet; the use shall include warehouse club stores with or without paid memberships, discount retailers, and similar uses. A large format retailer may include grocery sales as a secondary use but a grocery store shall not be considered a large format retail use.		New definition
206 LARGE FORMAT RETAIL (MU, N and P ZONES and Subtitle K) 206.1 Large format retail use shall be permitted as a special exception in an MU, N and P zone if approved by the Board of Zoning Adjustment under Y Chapter 8, subject to the provisions of this section. 206.2 The development standards and design guidelines contained within this section apply to all new large format retail establishments with single tenant space of 50,000 gross square feet or greater. 206.3 The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, loading, deliveries, lighting, trash compacting and collection, hours of operation, or otherwise objectionable conditions. 206.4 Sufficient automobile parking, but not less than that required in Subtitle C, Chapter 19, shall be provided to accommodate the employees and customers. 206.5 An application under this section shall include the following information: (a) A general site and development plan, indicating the proposed use, location, dimensions, number of stories and height of building; (b) A study of site characteristics and conditions, containing the following: (1) A description of existing topography, soil conditions, vegetation and drainage consisting of written material, plats, maps and photographs; (2) Proposed topography including street grades and other	113, 127, 128, 129, 130, 135, 136, 137, 138, 159, 188, 276, 277, 313, 315, 320, 321, 322, 326, 334, 370, 443, 444, 445, 446, 463, 464, 465, 466, 487, 534, 547, 557, 563, 712	Received 22 comments regarding large format retail (aka “Big Box”), the majority of which proposed requiring a special exception. The Zoning Commission requested that OP review the issue of large format retail. OP has proposed text and a new definition for consideration by the Zoning Commission. The text proposes a square foot threshold that is the same as the Large Tract Review (LTR) regulations; sets forth design guidelines, and reflects similar site and performance standards as the LTR process. The text is proposed for the Mixed Use, Neighborhood Mixed Use ,and PDR zones, (C, CR, SP, W, CM and M) zones, and the SEFC and USN, HE, StE, and RC zones. It is not proposed to be applicable in the Downtown zones.

LARGE FORMAT RETAIL

grading contours; (3) Identification of mature trees to remain and percent of site to be covered by impervious surface; (4) Proposed drainage and sewer system and water distribution; (5) Proposed treatment of existing natural features such as steep slopes, ravines, natural watercourses, etc.; (6) Proposed method of solid waste collection; and (7) Estimated water consumption (gallons per year). (c) A transportation study, containing the following: (1) Proposed circulation plan, including the location of vehicular and pedestrian access ways, other public space and the location and number of all off-street parking and loading spaces, loading berths and service delivery spaces; (2) Estimated number and type of trips assumed to be generated by project, and assumed temporal and directional distribution; (3) Traffic management requirements (lights, stop signs, one-way streets, etc.); (4) Relationship of the proposed project to the mass transit system (nearest bus stops and routes, nearest Metrorail stations, etc.); (5) Vehicular trip generation, trip assignment and before-and-after capacity analyses and level of service at critical intersections; and (d) Any other information needed to fully understand the final building proposed for the site. 206.6 An applicant requesting approval under this section must demonstrate that the proposed use, building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:		
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LARGE FORMAT RETAIL

(a) Be in context with the surrounding street patterns; (b) Minimize unarticulated blank walls adjacent to public spaces through facade articulation, materials, display windows, entries, and other architectural efforts; and (c) Will not result in light spillage off the site. 206.7 Where additional stores or individual uses are located within a large format retail use each such store shall have at least one exterior customer entrance. 206.8 The following list should be considered as guidelines for the design of large format retail buildings: (a) Building design shall incorporate architectural features and patterns to provide visual interest; (b) Exterior walls shall feature projections and recesses; (c) Building roofs shall incorporate pitched rooflines and detailed roofing materials; (d) Building materials shall include stone, wood, brick, glass, and metal in keeping with the surrounding architectural context; (e) Entryways shall be well-marked and engaging and provide connection via wide sidewalks to primary streets and parking; (f) Building design shall incorporate sustainable measures to include solar energy, geothermal heating and cooling, and use of permeable paving for surface parking areas; and (g) Landscaping shall be provided in the rear and side yards to screen and limit visibility of storage areas; 206.9 This section shall not apply to the following: (a) Large Format Retail uses that would occupy a Planned Unit Development approved as of the effective date of this ordinance. (b) Large Format Retail uses that would occupy projects approved under the Large Tract Review regulations for a development of 50,000 square feet or more. A modification to an approved Large		
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LARGE FORMAT RETAIL

Tract Review that would result in a project with 50,000 square feet or more of retail shall also require approval under this section prior to certificate of occupancy for a use meeting the definition of Large Format Retail.		
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DOWNTOWN

Proposed Amendments to Setdown Text Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
SETBACKS IN TDR RECEIVING AREAS 301.4 A building may not project above a plane at a forty-five degree (45°) angle from a line that is: (a) Directly above the zone boundary line between a D-zone lot that abuts or is across an alley from an R-zone lot, or from an MU-zone that is west of 20th Street, NW, or (b) Above such boundary line by the distance of the matter-of-right height permitted for the R-zone lot, or for the MU zone lot west of 20th Street, NW. 301.5 The provisions of § 301.4 shall apply to a new building, or an expansion of an existing building, for which a building permit has been applied after [the effective date of these regulations].	85	The proposed modifications would apply to buildings adjacent to existing R zones and also to CR zones west of 20th Street, NW near the West end. The earlier proposals had applied only to R zones. They are intended to retain existing upper-story setback provisions that protect the light and air available to residential buildings adjacent to TDR receiving zones.
RETAIL REQUIREMENT 602.4 For a building on a primary street in the NoMA sub-area defined in § 615, the requirements of § 602.2 (a) shall not apply to the portion of the ground floor that is more than 150 west of the building wall closest to 1st Street, N.E.	423	The blocks adjacent to 1st Street NE are exceptionally deep. Propose a new section to make the amount of required retail for those areas consistent with requirements for other primary streets.
CREDITS 807.6 Generation of Credits through §§801.1(e) and 801.1(f) shall occur no later than three years after [EFFECTIVE DATE OF THIS SECTION]. After that date, the provisions of §§ 801.1 (e) and 801.1(f) shall no longer be available and the rights of previously built preferred uses to generate Credits will expire.	152	The 3 year time limit was an administrative provision intended to simplify Credit-tracking. Concerns raised by commenters are significant enough to warrant the elimination of the conversation limit.
CREDITS 900.19 All Credits used to achieve non-residential density, with the exception of Credits generated pursuant to § 804 expire upon completion of a new non-residential use. Expired credits retain no further rights or value. Credits not used may be transferred and used elsewhere according to the provisions of this Chapter.	340	Eliminates a provision that could have negated the validity of Credits that had been purchased and already assigned to a property.

PRIVATE SCHOOLS

Proposed Amendments To Setdown Text Subtitle X Section 103 Private School Section 104 Bold = New text Strike through = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
103 PRIVATE SCHOOL PLAN 103.1 Education use by a private school shall be permitted by special exception subject to review and approval by the Board of Zoning Adjustment after their determination that the use meets the applicable standards and condition of this chapter section. 103.2 The school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. 103.3 The development standards for a private school shall be those of the zone in which the private school is located. 103.4 In calculating floor area ratio, the land area shall not include public streets and alleys, but may include and interior private roads streets and alleys that serve as access to buildings or circulation through within the school boundaries.	114, 172, 182	The language from the existing regulations regarding location to avoid objectionable impacts is proposed to be inserted to maintain a continuity of evaluation standards. ZC asked that method of calculating FAR be consistent with existing method of calculation which does not include private streets or private alleys – OP has proposed a revised text to clarify.
104 SCHOOL PLAN REQUIREMENTS 104.1 The applicant shall submit to the Board for its approval a plan for the school showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following: (a) Buildings and parking and loading facilities; (b) Screening, signs, streets, and public utility facilities; (c) Athletic and other recreational facilities; (d) A description of all activities conducted or to be conducted on the school, and of the capacity of all present and proposed school development; and (e) All Any other relevant information as required by X §101.15		Section 104.1 (e) has been edited to make clear that the information in 101.15 is not required for private school plans.

PRIVATE SCHOOLS

Proposed Amendments To Setdown Text Subtitle X Section 103 Private School Section 104 Bold = New text Strike though = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
104.2 As an integral part of the application requesting approval of new building construction as part of a private school, the applicant shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the zone.		OP proposed this advertised text be deleted since the information is inherently required to be demonstrated as part of 104.1.
104.3 In calculating floor area ratio, the land area shall not include public streets and alleys, and interior private roads that serve as access to buildings for required functions such as parking or loading		Moved to section 103.4
104.2 Before taking final action on an application for a private school plan, the Board shall submit the application to the D.C. Office of Planning, the D.C. Department of Transportation and the D.C. Department of Environment for review and written reports		
104.3 Approval of a private school shall be based on the determination by the Board that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to the special conditions specified in this section.		

PARTY STATUS

Title 11	Proposed Text as Amended, Subtitle Z Bold = New text Strike through = Advertised text proposed to be deleted or changed	Comments (refer to 5/5/14 summary)	Discussion
Amends the existing text §§ 3022.3 – 3022.9	404.1 Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a Request for Party Status on the form and in the manner that the Director may prescribe. The following information shall be provided: (a) The person's name and address; (b) A request to appear and participate as a party; (c) Whether the person will appear as a proponent or opponent of the application; (d) If the person will appear through legal counsel and, if so, the name and address of the legal counsel; (e) A list of witnesses who will testify on the person's behalf; and (f) A written statement setting forth why the person should be granted party status, including reference to the following: (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission; (2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee; (3) The distance between the person's property and the property that is the subject of the application before the Commission; (4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and (5) An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.	55, 207, and 208	The public and ZC have expressed a desire for a process that would allow for party status determination prior to the start of a hearing. OP, OZ and OAG have coordinated on the proposed text to allow for early determination if requested. Concern was also expressed that the wording might preclude an organization so §404.16 clarifies that organization and entities shall be subject to the same procedures. The advertised text for early party status for PUDs in Sub X, § 317 will be updated to reflect this language.

PARTY STATUS

	404.2 If the entity requesting party status is not an individual, the entity shall provide: (a) Evidence that the entity requesting party status has authorized the entity's participation in the proceeding; and (b) Evidence that the entity requesting party status has designated a specific officer, employee, or agent to act on its behalf and bind entity in the proceeding.		
	404.3 The evidence required in Z § 404.2 may consist of a resolution of the entity's board of directors; a copy of the by-law provision authorizing the particular officer, employee, or agent to represent the entity in such proceedings; a letter signed by all the members of the entity; or similar proof satisfactory to the Commission.		
	404.4 The Commission shall determine whether to grant or deny party status requests at the opening of the first public hearing on the application except the Commission may consider a party status request at a public meeting scheduled at least fourteen (14) days prior to the public hearing, if the person requesting party status requests advance consideration on the Request for Party Status form.		
	404.5 A Request for Party Status that is to be considered at a public hearing shall be filed with the Commission not less than fourteen (14) days prior to the public hearing.		
	404.6 A Request for Party Status that is requested to be considered at a public meeting shall identify the public meeting date sought and shall be filed with the Commission not less than fourteen (14) days prior to that date.		
	404.7 If there is no public meeting scheduled within thirty (30) days of the public hearing, the person may request that the Chairman schedule a special public meeting to hear the party status request.		
	404.8 At or before the time of filing the request, the person requesting party status shall serve a copy of the request on the Applicant.		
	404.9 Any opposition to a party status request by the Applicant shall be filed within seven (7) days following the date by which it was served. An Applicant's failure to file a timely opposition shall be deemed signifying no objection to the Request for Party Status.		

PARTY STATUS

	404.10	Replies to any opposition by the person requesting party status will not be accepted into the record.		
	404.11	A person requesting party status must be present at the public hearing or meeting at which the request is being considered; however, the attendance of the Applicant at the public meeting is discretionary. Failure of the person or their representative to appear shall be deemed to constitute the withdrawal of the party status request.		
	404.12	During the portion of a public meeting in which a party status request is being considered, the Commission may call forward the person making the request as well as the Applicant if an objection was timely made pursuant to § 404.9. The Commission may put questions to the person making the request and the Applicant and to hear argument on the issue.		
	404.13	The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of Z § 404.1 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.		
	404.14	No person may request reconsideration of the denial of their party status request		
	404.15	If a Request for Party Status is denied, another Request for Party Status may not be made.		
	404.16	The procedures, conditions and requirements of this section shall apply to any organization or entity applying for party status in addition to an individual.		