

3514 SPECIAL EXCEPTION USES (WR)

3514.1 The uses listed as requiring special exception approval (S) in § 3512 shall be permitted in a WR zone if approved by the Board pursuant to § 3104, subject to the provisions of this section.

3514.2 The Board may impose additional requirements pertaining to design, appearance, screening, lighting, location of buildings, soundproofing, hours of operation or other aspects of the proposed use that the Board deems necessary to protect adjacent or nearby property.

3514.3 Animal Sales, Care, and Boarding shall be subject to the following conditions:

- (a) The use shall produce no noise or odor objectionable to nearby properties, including residential units located in the same building as the use, and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
- (b) The applicant shall demonstrate that the use will comply with the following conditions, and any Board approval shall be subject to the use's continued compliance with these standards:
 - (1) The use shall take place entirely within an enclosed building;
 - (2) The windows and doors of the space devoted to the animal boarding use shall be kept closed;
 - (3) No animals shall be permitted in an external yard on the premises;
 - (4) Animal waste shall be placed in closed waste-disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly; and
 - (5) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system;
- (c) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1); and
- (d) The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.

- ~~(c) — The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste, and shall comply with the following requirements:~~
 - ~~(1) — The use shall take place entirely within an enclosed and soundproofed building so as to produce no noise, shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping, and shall keep the windows and doors of the premises closed;~~
 - ~~(2) — The use shall control odors by means of an air filtration system or an equivalently effective odor control system; and~~
 - ~~(3) — The use shall collect all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;~~
- ~~(d) — External yards or other external facilities for the keeping of animals shall not be permitted;~~
- ~~(e) — Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses, but not as an independent line of business;~~
- ~~(f) — A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1), except domesticated dogs, provided that no more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals; and~~
- ~~(g) — Animal Shelters are prohibited in the WR Zone.~~

~~3514.3~~3514.4 Daytime Care uses not meeting the conditions of § 3513.6 shall be permitted by special exception, subject to the following conditions:

- ~~(a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~
- ~~(b) Any off-site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility.~~

~~3514.4~~3514.5 Fast Food Establishment and Fast Food Delivery Services shall be permitted by special exception, subject to the following conditions:

- ~~(a) No part of a lot on which a fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a residential zone, including WR-1, WR-7 and WR-8, unless separated therefrom by a street or alley;~~

- (b) Any outdoor refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater, with the entrance to the enclosure including an opaque gate;
- (c) The use shall not include a drive-through;
- (d) There shall be no customer entrance in the side or rear of a building that faces an alley containing a zone boundary line for a residential zone;
- (e) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site;
- (f) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation; and
- (g) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

~~3514.5~~3514.6 Emergency Shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

- (a) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;
- (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (c) The proposed facility shall meet all applicable code and licensing requirements;
- (d) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (e) The Board may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
- (f) The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

~~3514.6~~3514.7 Community-based institutional facilities (CBIF) for one (1) to twenty (20)

persons, not including resident supervisors or staff and their families subject to the following conditions:

- (a) There shall be no other property containing a CBIF for seven (7) or more persons in the same square;
- (b) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
- (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (d) The proposed facility shall meet all applicable code and licensing requirements;
- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
- (f) The Board may approve more than one (1) community-based institutional facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

3514.8 All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted by Special Exception subject to the following conditions:

- (a) There shall be no outdoor storage of vehicles;
- (b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;
- (c) Vehicular access into the showroom shall be through a moveable glass façade, or through an internal ramp or elevator from an underground garage.
- (d) If vehicular access into the showroom is from the street through a moveable façade, the applicant shall submit a plan showing the area external to the building, including landscaping, hardscape, the method by which vehicles shall be transferred into the showroom, and where any necessary delivery trucks shall unload and park. The Board shall find that the loading activities shall not unduly impact pedestrian movement outside the building, or negatively impact the streetscape, including street trees and street furniture. If the use fronts on a public street, approval under this section shall not imply approval by the Public Space Committee or any other permitting authority.
- (e) Any repair of vehicles shall occur inside the building in a location not visible from the right-of-way.

- (f) The Board shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood.

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3515 PROHIBITED USES (WR)

3515.1 In addition to the use groups listed in the table in § 3512 as not permitted, the following uses are prohibited in the WR Zone as both principal and accessory uses:

- (a) Drive-through or drive-in, as either a principal or accessory use;
- (b) Any establishment that has as its principal use the administration of massages; and
- (c) Self-service storage establishment that provides separate storage areas for individual or business uses.

3515.2 Any use not listed in the table in § 3512 as permitted by right or otherwise permitted by conditions, special exception or as an accessory or home occupation in this Section/Chapter shall be deemed to be not permitted unless determined by the Zoning Administrator to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

3516 – 3529 [RESERVED]

3530 AUTOMOBILE PARKING (WR)

3530.1 The cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

3530.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes parking shall provide an accounting of the total number of parking spaces within the WR zone which count towards the parking space limit of § 3530.1.

~~3530.3 Parallel parking spaces on a private street shall not count toward the limit of § 3530.1.~~

~~{Alternative: Parallel parking spaces on a private street do count toward the limit of § 3530.1.}~~

3530.3 Parallel parking spaces on a private street shall not count toward the limit of § 3530.1, provided they are open to use by the public and not reserved for a particular or private use.

3530.4 Parking spaces dedicated for use by a car-sharing service shall not count toward the limit of § 3530.1.

3530.5 Additional parking spaces beyond the limit of § 3530.1 shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 3104 and provided that the applicant addresses compliance with the following standards:

(a) The application shall include:

- (1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to § 3530.1; and
- (2) A traffic study assessing the impacts of the proposed additional parking spaces that would, at a minimum, include an updated trip generation study, parking occupancy study for the entire site, and impacts on local traffic patterns, for referral to and comment by the District Department of Transportation (DDOT). The parameters of the analysis shall be outlined by DDOT prior to the application; and
- (3) A transportation demand management (TDM) plan, for referral to and comment by DDOT. The parameters of the analysis shall be outlined by DDOT prior to the application.

(b) Vehicular access and egress to the additional parking will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

3530.6 For any application pursuant to § 3530.5:

- (a) The Board shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and
 - (b) The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the WR zone.
- 3530.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zone.
- 3530.8 Parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one use shall be subject to the following conditions:
 - (a) The parking space and the uses shall all be within the WR Zone;
 - (b) The parking space shall not serve as required parking for any other use during the days and times each use the space serves is in operation;
 - (c) A written agreement assigning the parking space to each use, stating compliance with § 3530.9(b), shall be signed by the owner of the parking space and the owner of each use requiring the parking space;
 - (d) The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use;
 - (e) Any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and
 - (f) The Zoning Administrator shall maintain a file of all written agreements and amendments for each lot containing a parking space shared between multiple uses and for the lots sharing the parking space.
- 3530.9 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction. Notwithstanding the restriction of this subsection, the existing surface parking lot south of Building 11 may remain, but shall not be expanded in size.
- 3530.10 Parking spaces within an above-grade structure shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the Arts Design and Creation; Eating and Drinking Establishments; Office; Residential; Retail; Service, General; and Service, Financial use groups.

3530.11 All parking spaces, other than mechanical parking spaces, shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.). Parking spaces provided within or accessed by a mechanized parking system need not meet the accessibility requirement of this subsection as long as the mechanized parking system does.

3530.12 New parking spaces and drive aisles shall be designed in accordance with the standards of 11 DCMR Chapter 21 of this title.

3530.13 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. All curb cuts in public space shall obtain all necessary approvals and permissions.

~~3530.13~~ 3530.14 All access to parking facilities, whether from a public or private right of way, shall meet DDOT and Public Space Committee standards

3531 BICYCLE PARKING (WR)

- 3531.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.
- 3531.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.
- 3531.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:
- (a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;
 - (b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;
 - (c) Racks shall be placed a minimum of thirty inches (30 in.) on center from one another; twenty-four inches (24 in.) from 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
 - (d) The rack shall be securely anchored.
- 3531.4 Each required bicycle parking space shall be accessible without moving another bicycle.
- 3531.5 Bicycle parking spaces shall be provided as stated in this subsection.
- (a) All residential uses with eight (8) 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 pursuant to the following table.

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, Large	None	2 spaces
Agriculture, Residential	None	None
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.

Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and Drinking Establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, College / University	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Private School	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, Large-Scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, Local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Medical Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, General	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, Religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential House Residential Flat	None	None
Residential Apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, General	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, Financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

- (b) 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 § 802.1
- (c) Notwithstanding §§ 3531.5(a) and (b), no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces. The bicycle parking standards of this chapter shall be met when a new building is constructed.

- (d) When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.
- (e) An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.
- (f) Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].
- (g) If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards.
- (h) Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.
- (i) When there is more than one use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

3531.6 The amount of bicycle parking shall be calculated pursuant to the rules of this subsection.

- (a) All bicycle parking standards shall be calculated on the basis of gross floor area, except for Residential uses, which base bicycle parking standards on the number of dwelling units.
- (b) For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.
- (c) Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one half (0.5) shall be rounded down to the previous consecutive whole number.

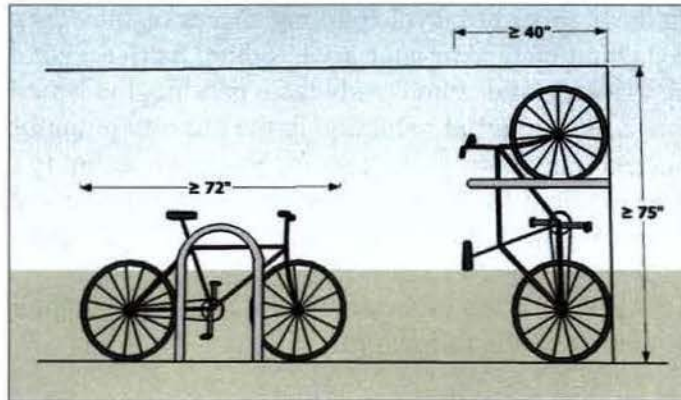
3531.7 Short-Term Bicycle Parking Spaces shall meet the following requirements:

- (a) Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR;
- (b) Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) of a primary entrance to the building they serve;
- (c) Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface;
- (d) Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 3531.3;
- (e) An aisle at least 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; and
- (f) Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

3531.8 Long-Term Bicycle Parking Spaces shall meet the following requirements:

- (a) All required long-term bicycle parking spaces shall be located within the building of the use requiring them;
- (b) Except as noted below, Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants;
 - (1) If vehicular parking is segregated on different levels of a parking garage based on use, required long-term bicycle parking spaces may be located on the garage level dedicated to the use which generated the bicycle parking requirement. However, in no instance shall required long-term bicycle spaces be located lower than the second parking level below grade or the second parking level above grade.

- ~~(b)~~(c) Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room;
- ~~(e)~~(d) Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier;
- ~~(d)~~(e) Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors;
- ~~(e)~~(f) For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room;
- ~~(f)~~(g) Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:
- (1) Twenty-four inches (24 in.) in width at the door end;
 - (2) Eight inches (8 in.) in width at the opposite end;
 - (3) Seventy-two inches (72 in.) in length; and
 - (4) Forty-eight inches (48 in.) in height;
- ~~(g)~~(h) Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times;
- ~~(h)~~(i) A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended; and
- ~~(i)~~(j) Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:
- (1) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or
 - (2) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



- 3531.9 Showers and Changing Facilities for newly constructed buildings and buildings that expand in gross floor area by more than twenty five percent (25%) shall meet the requirements of this subsection, which is intended to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses:
- (a) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers;
 - (b) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high; and
 - (c) Showers and lockers required by this subsection shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.
 - ~~(e)~~(d) Where more than one non-residential use in a building requires shower and locker facilities under this subsection, the uses may share a single shower and locker facility, as long as the total number of showers and lockers is equal to the sum total required for the uses individually.

3531.10 When providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking, the Board may grant, as a special exception, a full or partial reduction in the minimum number of long-term spaces, the minimum number of short term spaces, or the quantity of shower and changing facilities required for a use or structure, subject to the general requirements of § 3104, the limitations of § 3531.10(b), and the requirements of this subsection:

- (a) If requesting a reduction in the amount of parking, the applicant must demonstrate one of the following:
 - (1) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space; or
 - (2) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:
 - (a) The nature of the use or structure;
 - (b) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces, or
 - (c) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
 - (3) The nature or location of an historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.
- (b) A reduction in parking granted under this subsection shall only be for the amount that the applicant demonstrates cannot be physically provided, and proportionate to the reduction in bicycle parking demand demonstrated by the applicant; and
- (c) If requesting a reduction in the quantity of shower and changing facilities, the applicant must demonstrate that:
 - (1) The intent of § 3531.9 is met; and
 - (2) Either:
 - (a) The use will not generate the demand for the full number of showers and changing facilities required; or

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

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3532 LOADING (WR)

- 3532.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this chapter.
- 3532.2 All access to loading facilities, whether from a public or private right of way, shall meet DDOT and Public Space Committee standards.
- 3532.3 The Zoning Administrator may at his discretion, request that DDOT review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.
- 3532.4 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.
- 3532.5 All buildings or structures shall be provided with loading berths and service/delivery spaces as follows, except for structures erected on Kingman and Heritage Islands for which the construction of service delivery loading spaces shall be prohibited:

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

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

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

3532.6 The loading requirements must be met when a new building or structure is constructed.

3532.7 No loading berths are required for buildings or structures with a gross floor area less

- than the minimum specified in § 3532.4.
- 3532.8 Each loading berth shall be accompanied by one (1) adjacent loading platform.
- 3532.9 When a property changes or adds a use category, the following shall apply:
- (a) Additional loading berths, loading platforms and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same floor area;
 - (b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and
 - (c) Historic resources shall not be required to provide additional loading for a change in use without expansion.
- 3532.10 An addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [effective date of Chapter 35], or in the case of a new building, the gross floor area used to calculate the initial loading requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added.
- 3532.11 An addition to a historic resource shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [effective date of Chapter 35].
- 3532.12 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.
- 3532.13 For a building or structure having three (3) or more required loading berths in one location, the loading berths may be stacked.
- 3532.14 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.
- 3532.15 Each service/delivery space shall be clearly marked "For Service and Delivery Vehicles Only" and used exclusively for such vehicles.
- 3532.16 The provision of loading spaces shall be governed by the rules of measurement contained in this subsection.
- (a) When two (2) or more non-residential uses in the same use category share a building or structure, all of the uses in the same use category shall be added together to derive the total gross floor area, to determine the required number

of berths and spaces for that use category;

- (b) When two (2) or more uses in different use categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the use category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area;
- (c) At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses; and
- (d) For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

3532.17 Loading facilities shall be located as described in this subsection.

- (a) Except as provided elsewhere in this subsection, all loading berths and service/delivery spaces shall be located within the building or structure the berths or spaces are designed to serve;
- (b) Loading may be located in the rear or side yard of the building that it is designed to serve, but must be screened in accordance with § 3532.20;
- (c) All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure;
- (d) All uses in the building shall have direct access to required loading platforms or access through a common interior space or corridor;
- (e) All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line; and
- (f) Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:
 - (1) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in § 3532.4; and
 - (2) A binding covenant that is acceptable to the Zoning Administrator, ensuring the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so

long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by this section.

3532.18 Access to loading facilities shall be provided as required by this subsection.

- (a) All loading berths and service/delivery spaces shall be accessible at all times from a driveway meeting the following requirements:
 - (1) A driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.) a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12%); and
 - (2) No driveway providing access to a loading berth or service/delivery space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection; and
- (b) A loading berth or service/delivery space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

3532.19 The size, layout and maintenance of loading facilities shall be as prescribed in this subsection.

- (a) All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty (30) feet and have a minimum vertical clearance of fourteen (14) feet;
- (b) All service/delivery spaces shall be a minimum of ten feet (10 ft.) wide, have a minimum depth of twenty feet (20 ft.) and have a minimum vertical clearance of ten feet (10 ft.);
- (c) All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:
 - (1) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;
 - (2) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;
 - (3) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and
 - (4) A loading platform floor shall consist of one (1) horizontal level.
- (d) No loading platform need be provided for loading berths if the required loading

berth is increased in depth for the full width thereof, such that the resulting enlarged loading berth is equal in area to the combined area of a required loading berth and a required loading platform;

- (e) The dimensions specified in this section for loading berths and service/delivery spaces are exclusive of access aisles, maneuvering space, and loading platforms;
- (f) All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface; and
- (g) A loading berth or service/delivery space, including access aisles, driveways, and maneuvering areas, shall be maintained and used as a loading berth or service/delivery space for as long as the use exists that the loading berth or service/delivery space is designed to service.

3532.20 Trash rooms and trash receptacles shall meet the following requirements.

- (a) Buildings requiring loading must have a designated trash area either within the building or within a loading berth or within an accessory building or structure immediately adjacent to the loading area or within an enclosed receptacle in a designated trash area within the loading area. All new developments over two thousand square feet (2,000 sq. ft.) of gross floor area, other than buildings with only one or two dwelling units, must clearly show the area for the building's trash receptacles on the building plans.
- (b) Trash receptacles external to a building shall be screened and covered.

3532.21 Screening and lighting for loading facilities shall meet the requirements of this subsection.

- (a) All loading berths or service/delivery spaces that are not enclosed within a building shall have screening around the entire perimeter, subject to the standards of §§ 3532.20(c) and (d).
- (b) Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).
- (c) The screening required by § 3532.20(a) shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 ins.) high. The wall shall harmonize with the main structure in architectural character, material, and color.
- (d) Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street or alley. No individual gap may exceed twenty feet (20 ft.) in width.
- (e) Any lighting used to illuminate a loading berth, loading platform or service/delivery space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.

- (f) Any loading berths or service/delivery spaces that are not enclosed within a building, if potentially visible from a public right-of-way, shall have, in addition to the wall required by this subsection, a screen of evergreen trees, planted at a distance of no more than fifteen feet (15') on center, of a species that at maturity would have a typical height of at least fifteen feet (15').

3532.22 The Board may grant a special exception from the requirements of this section when providing the number of spaces required is impractical or contrary to other District regulations, subject to the criteria of this subsection.

- (a) The Office of Zoning shall refer any application under this section to the Office of Planning and the District Department of Transportation for review and report.
- (b) The Board may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by § 3532.4 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this section, or in Chapters 6 or 11 of Title 24 DCMR; or
 - (2) For an historic resource, providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.
- (c) The Board may grant, as a special exception, a waiver of the access requirements of § 3532.17 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) The lot has unusual topography, grades, shape, size, or dimensions; or
 - (2) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.
- (d) The Board may grant, as a special exception, modifications or waivers of the screening requirements of § 3532.20 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or
 - (2) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board to be worthy of protection or to provide equal screening benefits.
- (e) When granting a special exception under this subsection, the Board may impose

conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

3533 – 3539 [RESERVED]

DRAFT

3540 INCLUSIONARY ZONING (WR)

- 3540.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Chapter 26 of this Title, except that the FAR, lot occupancy, and height listed in the Development Standards for each WR zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of inclusionary units.

3541 GREEN AREA RATIO (WR)

- 3541.1 In the WR-2, WR-3, WR-4, WR-5, WR-7 and WR-8 zones, the GAR requirement is four tenths (0.4), pursuant to Chapter 34 of this Title.

3542 PLANNED UNIT DEVELOPMENTS (WR)

- 3542.1 A planned unit development (PUD) in the WR Zone shall be subject to the following provisions in addition to the provisions of Chapter 24 of this Title:
- (a) The minimum area required for a proposed PUD shall be fifteen thousand square feet (15,000 s.f.).
 - (b) In the WR-1, WR-5, WR-6, WR-7 and WR-8 zones, the height, number of stories and FAR provided in the relevant zone's development standards table shall serve as the maximum permitted for a PUD.
 - (c) In the WR-2, WR-3 and WR-4 zones, the maximum height and FAR limits for PUDs in the WR Zone shall be the following:
 - (1) For the WR-2 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3402 may be increased by no more than ten feet (10'), one (1) story, and twenty percent (20%) FAR;
 - (2) For the WR-3 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3403 may be increased by no more than ten feet (10'), one (1) story, and twenty percent (20%) FAR;
 - (3) For the WR-4 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3404 may be increased by no more than ten feet (10'), one (1) story, and twenty percent (20%) FAR.

3543 SPECIAL EXCEPTION RELIEF (WR)

3543.1 Unless otherwise noted below, relief from any section of this chapter may be heard and decided by the Board as a special exception. In addition to the general special exception criteria of § 3104, the Board must find that the request for relief is consistent with the purposes of the WR zone.

- (a) The requirements of § 3503.10 shall not be modified by special exception.

3544 – 3589 [RESERVED]

DRAFT

3590 USE GROUPS**3590.1 Agriculture, large**

- (a) The on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry; and
- (b) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery..
- (c) Exceptions: This use group does not include the customary landscaping of yards, residential gardening or household pets.

3590.2 Agricultural, residential

- (a) The on-site cultivation, or maintenance of plants, or keeping of small domestic animals intended for personal use, sale on-site, or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use group does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals.
- (b) Examples include, but are not limited to: small scale truck garden, beekeeping, greenhouse, or community garden.

3590.3 Animal Sales, Care, and Boarding

- (a) The on-site sale, medical care, or short term boarding of animals for a fee. These uses may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking; and
- (b) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter.
- (c) Exceptions: This use group does not include uses which would typically fall within the Agriculture use categories or the selling of a litter of a domestic pet.

3590.4 Antennas

- (a) A structure conducting, transmitting, or receiving communication signals. This use group encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional

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

3590.5 Arts Design and Creation

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

3590.6 Basic Utilities

- (a) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. This use commonly takes the form of infrastructure services which are provided city-wide.
- (b) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station.
- (c) Exceptions: This use group does not include uses which would typically fall within the Antennas or Waste-related Services use groups.

3590.7 Chancery

- (a) The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes.
- (b) Exceptions: This use group does not include uses which would typically fall within the Office, or Residential use group, such as an ambassador's residence or embassy staff residence building.

3590.8 Community-based Institutional Facility

- (a) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their

daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation.

- (b) Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities that do not fall within the Large Scale Government use group.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use group. This use group also does not include Residential or Medical Care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes.

3590.9 Daytime Care

- (a) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than 24 hours per day.
- (b) Examples include, but are not limited to: an adult day treatment facility, child care centers and programs, pre-schools, nursery schools, before-and-after school programs, or elder care centers and programs.
- (c) Exceptions: This use group does not include uses which more typically fall within the Health Care, or Parks and Recreation use groups. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a Certificate of Occupancy.

3590.10 Eating and Drinking Establishments

- (a) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises.
- (b) Examples include, but are not limited to: prepared food shop, restaurant, fast food restaurant, or fast food drive-through; within these defined terms, uses may also include but are not limited to bar, café, cafeteria, cocktail lounge, coffee shop, delicatessen; an ice cream parlor and nightclub.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Sexually-based Business Establishment use group.

3590.11 Education, College/University

- (a) An institution of higher educational or academic learning providing facilities for teaching and research, offering courses of general or specialized study leading to a degree, and authorized to grant academic degrees; This use may include accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.

3590.12 Education, Private

- (a) An educational, academic or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses. These uses may include accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities.
- (b) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Public Education or College/University Education use group. This use group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

3590.13 Education, Public

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

3590.14 Emergency Shelter

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

3590.15 Entertainment, Assembly, and Performing Arts

- (a) A use involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities. These uses may be characterized by activities and structures that draw large numbers of people to specific events or shows.
- (b) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation use groups.

3590.16 Firearm Sales

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

3590.17 Government, Large

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

3590.18 Government, Local

- (a) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas.
- (b) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations.
- (c) Exceptions: This use group does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the Large Scale Government, Emergency Shelter, Parks and Recreation, or Motor Vehicle-related use group. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use group.

3590.19 Institutional, General

- (a) A non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community.
- (b) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profit or social service providers.

- (c) Exceptions: This use group does not include uses which more typically would fall within the Religious Based Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

3590.20 Institutional – Religious Based

- (a) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission.
- (b) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, and related religious schools.
- (c) Exceptions: This use group does not include uses which more typically would fall within the General Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

3590.21 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.

3590.22 Marine

- (a) A use in which proximity to the waterfront constitutes an integral aspect of its function; or uses which depend upon access to the water for their effectuality. This use group includes activities associated with water and marine-based travel, movement, storage, and related activities.
- (b) Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, water taxi facility, or water facilities.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Motor Vehicle-related use group.

3590.23 Medical Care

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

3590.24 Motor Vehicle-related

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

3590.25 Office

- (a) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals.
- (b) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Health Care, Education, Local Government, Retail, Production, Distribution, and Repair, Financial Service, or Chancery use group.

3590.26 Parking

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

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

3590.27 Parks and Recreation

- (a) A use involving publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities.
- (b) Examples include, but are not limited to: Public plazas, parks, outdoor recreation, community gardens; Areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming; Classes and services relating to health and wellness, culture, arts and crafts, or education; and Structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities.
- (c) Exceptions: This use group does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the Entertainment, Assembly, and Performing Arts, Arts Design and Creation, Health Care, or Service use group.

3590.28 Production, Distribution, and Repair

- (a) A use involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application. Uses may include firms that provide centralized services or logistics for retail uses, and wholesale goods establishments commonly selling to businesses in bulk. These uses typically have little contact with the public;
- (b) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, ground shipping facility, or wholesale sales.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Retail, Service or Waste-related Services use group.

3590.29 Residential

- (a) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use group also includes residential facilities that

provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services.

- (b) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use groups.

3590.30 Retail

- (a) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use.
- (b) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores, clothing or gift boutique, and pawn and antique shops.
- (c) Exceptions: This use group does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Eating and Drinking Establishments, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.

3590.31 Service, Financial

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

3590.32 Service, General

- (a) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity. These uses may provide personal services or provide small-scale product repair or services for consumer and business

goods on-site. Service uses which provide services off-site are typically Office uses.

- (b) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery service.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Eating and Drinking Establishments, Entertainment, Assembly, and Performing Arts, Local Government, Parks and Recreation, Animal Care and Boarding, Motor Vehicle-related, Accommodation, Daytime Care Facility, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services use groups.

3590.33 Sexually-based Business Establishment

- (a) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast. This use group has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land.
- (b) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

3590.34 Transportation Infrastructure

- (a) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These uses may include land or facilities for the movement or storage of transportation system components.
- (b) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets.
- (c) Exceptions: This use group does not include uses which more typically would fall within the Basic Utilities use group.

3590.35 Waste-related Services

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

- (b) Examples include, but are not limited to: composting facility, incinerator, solid waste handling facility, or non-intensive recycling facility. Unless otherwise noted, these terms have the same meaning as defined in the Solid Waste Facility Permit Act of 1995.

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3591 USES – RULES FOR INTERPRETATION

- 3591.1 This Section establishes rules for assigning and codifying use groups and use categories and regulations for the operation of temporary uses.
- 3591.2 The following rules shall be used to determine a use group:
- (a) Use groups describe activities being performed on-site that have similar functions, physical characteristics, impacts, or operational behaviors;
 - (b) All individual uses shall be included in at least one use group. On- and off-site activities associated with a use may cause that use to be included in more than one group;
 - (c) A principal use may have one or more accessory uses;
 - (d) The Zoning Administrator shall determine the category or categories for a use, based on consistency with B Chapter 2;
 - (e) The following may be considered when determining the appropriate group or groups for a use:
 - (1) The description of the activity or activities in relationship to the definition of each use category;
 - (2) The relative amount of site or floor space and equipment devoted to each activity;
 - (3) The relative amounts of sales from each activity;
 - (4) The customer type for each activity;
 - (5) The relative number of employees in each activity;
 - (6) The typical hours of operation;
 - (7) The building and site arrangement;
 - (8) The number and type of vehicles used;
 - (9) The relative number of vehicle trips generated by the activity;
 - (10) How the use is advertised;
 - (11) How the use is licensed;
 - (12) Similarities in function to the examples and exceptions listed for each use group; and
 - (f) The activities, functions, physical characteristics, and impacts of a use on a

property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use group or a different use group permitted within the applicable zone.

- 3591.3 When a site contains more than one use and these uses fall within different use groups, each use is subject only to the regulations of the applicable use group.
- 3591.4 If a use is determined to fall into more than one use group, the use is subject to the regulations for all applicable use groups. If this results in conflicting conditions or criteria, the most stringent conditions shall be met.
- 3591.5 Accessory uses shall conform to the following rules:
- (a) Any use allowed as a permitted use in a zone shall be allowed as an accessory use within that zone;
 - (b) Any use allowed only with conditions in a zone shall be allowed as an accessory use within that zone, subject to all applicable conditions; and
 - (c) Accessory uses:
 - (1) Shall be allowed only when associated with permitted or conditionally permitted uses; and
 - (2) Shall meet all of the conditions of the appropriate use group.
- 3591.6 Temporary uses shall conform to the following rules:
- (a) Any use allowed as a permitted use in a zone shall be allowed as a temporary use within that zone;
 - (b) Any use allowed only with conditions in a zone shall be allowed as a temporary use within that zone, subject to all applicable conditions; and
 - (c) Temporary uses:
 - (1) Shall have the time period of the allowance established on the Certificate of Occupancy but shall not exceed five (5) years~~one (1) year~~; and
 - (2) Shall not result in the erection of any new permanent structures, although existing permanent structures may be used for a temporary use.

CONFORMING AMENDMENTS

1. Amend Chapter 21, § 2101.1 as follows:

- 2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table, except for buildings and structures located in the StE or the WR Districts:

2. Amend Subsection 2602.1(a) as follows:

- 2602.1 Except as provided in § 2602.3, the requirements and incentives of this Chapter shall apply to developments that:
- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, WR and W-1 through W-3 Zone Districts, unless exempted pursuant to § 2602.3;

3. Amend Subsection 2603.3 as follows:

- 2603.3 Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1, and WR Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

4. Create a new Subsection 2603.8 to read as follows:

- 2603.8 In the WR Zone, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.

Or in the alternative, create two new Subsections, 2603.8 and 2603.9, to read as follows:

- 2603.8 In the WR-1, WR-4 or WR-5 Zones, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.

- 2603.9 In the WR-2, WR-3, WR-7 or WR-8 Zones, an inclusionary development shall devote eight percent (8%) of the gross floor area being devoted to residential use for inclusionary units.

5. Amend Subsection 2604.1 as follows:

- 2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE or WR Districts, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, *et seq.* (2001 Ed.)).