

OVERLAY DISTRICTS

Limitations on Eating Establishments in Overlay Districts

Certain overlay districts such as the Uptown Arts -Mixed Use (Arts) Overlay District limits the percentage of linear frontage in certain squares on 14th and U Streets NW that may be occupied by eating establishments, see Section 1901.6 of DCMR 11 for more information.

The Office of Zoning Administrator (OZA) tracks the amount of frontage occupied by eating establishments in the following overlay districts: Uptown Arts-Mixed Use Overlay and Cleveland Park Overlay Districts. You can check the occupied frontages in these particular districts by contacting OZA at 202.442.4576.

If you have any questions about the zoning regulations regarding eating establishments, please contact Matthew Le Grant, Zoning Administrator, at matthew.legrant@dc.gov or Kathleen Beeton, Deputy Zoning Administrator, at kathleen.beeton@dc.gov or by calling 202.4424576.

For more information on the building permit process, please visit: <http://dcra.dc.gov/DC/DCRA/Permits>

For more information about obtaining a certificate of occupancy, please visit: <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning/Get+a+Certificate+of+Occupancy>.

Office of the Zoning Administrator



R-1 **SETBACK** **TSP**
LOT OCCUPANCY

FLOOR AREA RATIO

PLAT **FLAT** **C-2-A**
CERTIFICATE OF OCCUPANCY

PUD **R-5-A** **CM**

WALL TEST **HOP**

BOARD OF ZONING ADJUSTMENT

1100 4th Street, SW, 3rd Floor
Washington, DC 20024
Phone: 202-442-4576
Web: www.dcra.dc.gov

Do you own or plan to own a restaurant or other food/beverage service business?



What you should know

ZONING & EATING/DRINKING ESTABLISHMENTS IN DC



Office of the Zoning Administrator (OZA) in the Department of Consumer and Regulatory Affairs (DCRA)

OZA is one of three independent agencies in the District of Columbia that is involved with zoning regulations. OZA's mission is to review all building permits, Certificates of Occupancy and Home Occupation Permits, as well as interpret and enforce the District's zoning regulations.

OZA is not responsible for writing or rewriting the zoning regulations. That is the responsibility of the Office of Planning: (www.planning.dc.gov).

OZA does not staff the Board of Zoning Adjustment or Zoning Commission, (that responsibility lies with the Office of Zoning (www.dcoz.gov)), nor does it maintain the official zoning map and zoning regulations for the District of Columbia. To view the full sections of zoning regulations cited briefly below, please visit the Office of Zoning's website at: <http://dcoz.dc.gov/info/reg.shtm>.

For more information about the services provided by the OZA and applications referred to in this document, please visit <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>.

There are three different types of eating establishments as defined in Section 199 of DCMR 11 (District of Columbia zoning regulations):



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)

Prepared food shop - a place of business that offers seating 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)

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).

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)

In order to correctly classify a proposed eating establishment, an applicant seeking a building permit to establish a restaurant should complete and submit an Eating Establishment Questionnaire, available online at [http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning/Eating+Establishment+Questionnaire+\[Zoning\]](http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning/Eating+Establishment+Questionnaire+[Zoning]), with the building permit application, plans and plats. Include a copy of the proposed menu. Be sure to provide draft capacity placards to review by Permit Operations Division staff which will become the basis for the allowable occupant load and number of seats. See <http://dcra.dc.gov/DC/DCRA/Permits/Capacity+Placard+Application+Instructions> for more information about capacity placards.

For proposed eating establishments located on property zoned C-2-A, applicants will be asked to provide an equipment schedule and any other information deemed necessary by staff to correctly classify the proposed eating establishment. Certain eating establishments in the C-2-A zone are not allowed as a matter of right and others, such as a prepared food shop, are limited in the number of seats they may offer as a matter of right.

Applicants seeking to change the ownership of an existing eating establishment should also submit a completed Eating Establishment Questionnaire with their Certificate of Occupancy (COO) application, a copy of the lease and a copy of valid COO.