

Carey Brown

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Washington, August 30, 1920

ZONING REGULATIONS

Whereas the Act of Congress approved March 1, 1920, entitled "An Act to regulate the height, area and use of buildings in the District of Columbia and to create a Zoning Commission and for other purposes" (Public No. 153, 66th Congress) provides that within six months after passage of said Act and after public notice and hearing, the Zoning Commission shall divide the District of Columbia into certain districts to be known respectively as Height, Area, and Use Districts, and shall adopt regulations specifying the height and area of buildings thereafter to be erected or altered therein, and the purposes for which buildings and premises therein may or may not be used:

Now, therefore, the said Zoning Commission after public notice and hearing as prescribed by law has established, and by these regulations and maps accompanying them, does hereby establish said height, area and use districts and it does hereby adopt the following regulations, under the authority of said law and subject to the penalties prescribed in said law for the violation of any of said regulations.

The height, area and use districts prescribed in said regulations are shown on the accompanying set of maps of the District of Columbia, and the precise boundaries of the districts are shown in the "Official Height, Area and Use Atlases," on file in the office of the Engineer Commissioner of the District of Columbia. These maps and atlases are hereby made parts of said regulations.

These regulations shall become effective on and after August 30, 1920, and shall remain in force until modified or amended by subsequent regulations adopted by said Zoning Commission after public notice and hearing as prescribed by law.

Except as specifically superseded by these regulations the Building Regulations shall remain in full force and effect.

SECTION I—DEFINITIONS.

For the purpose of these regulations, certain terms and words are herewith defined as follows; but such definitions shall not be held to modify or affect in any way the legal interpretations of such terms or words where used in other regulations.

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "lot" includes the word

"plot"; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined or construed in the Building Regulations.

Accessory Building: A subordinate building located in and occupying not more than 30 per cent of the rear yard of the main building, whose use is incidental to that of the main building, and which does not exceed 15 feet in height above the ground level.

Alley: A public way designated as an alley in the records of the Surveyor, District of Columbia.

Apartment: A household unit in a tenement or apartment house, suitable for occupancy by one or more persons.

Area: See Building Area.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when separated by division walls from the ground up each portion of such building shall be deemed a separate building.

Building Area: The maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces, and cornices.

Building Line: A line beyond which property owners or others have no legal or vested right to extend a building or any part thereof, without special permission and approval of the proper authorities; ordinarily a line of demarkation between public and private property, but also applied to a building restriction line, when recorded on the plats of the Surveyor's Office, District of Columbia.

Cellar: That portion of a building below the first floor joists, the floor of which is more than one-half the clear ceiling height below the adjacent ground. Such a story may not be used for habitation.

Community House: A group of not more than three buildings so designed as to give the appearance of a single building and erected simultaneously.

Depth of Rear Yard: The mean horizontal distance between the rear line of the building and the center line of the alley where an alley exists, otherwise the rear lot line.

Depth of Lot: The mean horizontal distance between the front building line and the rear lot line.

District: Sections of the District of Columbia for which the regulations governing the height, the area, or the use of buildings and premises are the same.

Enclosed Court: An open unoccupied space surrounded on all sides by walls, or by walls and a lot line.

Garage: Any premises used for housing of steam or motor driven vehicles, or where such vehicles are equipped for operation, repaired, or kept for hire or sale, not including exhibition or show rooms for model cars.

Height of Building: In the 110 foot, 85 foot and 55 foot height districts, the height is the vertical distance from the level of the curb opposite the middle of the front of the building to the top of any enclosure wall or to the highest point of the roof. Provided, that in the 55 foot height district in the case of a building located on a terrace the height above the curb level may be increased by an amount equal to the height of the terrace above the same curb level but not to exceed

5 feet. In the 40 foot height district, the height is the vertical distance from the ground level at the middle of the front of the building to the ceiling of the top story.

Height of Court or Yard: The vertical distance from the lowest level of such court or yard to the highest point of any bounding wall.

Hotel: Every place where food and lodging are provided for transient guests.

Length of Open Court: The mean horizontal distance between the open and closed ends of the court.

Lot: The land bounded by definite lines and occupied or to be occupied by a building and its accessory buildings and including the open spaces required under these regulations. A lot may or may not be the land so recorded on the records of the Surveyor, District of Columbia.

Lot, Corner: Lot, Triangular: A lot fronting on two or more streets at their junction, said streets forming with each other an angle of 45 degrees or more, is a corner lot. When the angle formed by the intersecting streets is less than 45 degrees, such a lot shall be known as a triangular lot. For the purpose of determining the percentage of lot occupancy, corner and triangular lots shall be assumed to have an area not greater than 5,000 square feet and a frontage not greater than 100 feet on either of the intersecting streets.

Lot, Interior: A lot other than a corner lot or triangular lot.

Lot, Through: An interior lot having frontage on two streets.

Lot Lines: The lines bounding a lot as defined herein.

Non-conforming use: A use of a building or premises occupied by or, if vacant, classified as, a use that does not conform with the regulations of the use district in which such building or premises is located.

Open Court: An open unoccupied space on the same lot with a building, extending to and opening upon a street, alley or yard.

Percentage of Lot Occupancy: That proportion of such area of a lot as lies within lot lines and building lines as defined herein which is occupied or which may be occupied, under these regulations, as building area.

Private Garage: A garage housing not more than four steam or motor driven vehicles, all the property of one owner.

Private Stable: A stable housing not more than four horses and four vehicles, all the property of one owner.

Public Garage or Public Stable: A garage or stable other than a private garage or stable.

Rear Yard: An open space on the same lot with a building between the rear line of the building and the rear line of the lot, for the full width of the lot, and unoccupied except as herein specifically authorized.

Side Yard: An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard.

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

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it then the space between such floor and the ceiling next above it; provided, that a cellar shall not be considered a story.

Square: Land so designated on the records of the Assessor, District

of Columbia.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

SECTION II—USE DISTRICTS.

In order to regulate the location of commerce, business, trades and industries, and the location of all buildings designed or occupied for specified uses, the District of Columbia is hereby divided into use districts, of which there shall be four known as:

- (a) Residential.
- (b) First Commercial.
- (c) Second Commercial.
- (d) Industrial.

These districts are shown upon the map attached hereto, designated as the "Use Map."

Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the use district in which such building or premises is located.

SECTION III—RESIDENTIAL DISTRICT.

In the residential district all buildings and premises, except as otherwise provided in these regulations, shall be erected for and used exclusively as

- 1. Dwellings.
- 2. Apartment houses or tenements.
- 3. Hotels.
- 4. Lodging or boarding houses.
- 5. Churches.
- 6. Private clubs.
- 7. Hospitals or sanitariums.
- 8. Institutions of an educational, philanthropic or eleemosynary character.
- 9. Transportation rights of way or passenger stations.
- 10. Farms, truck gardens, nurseries or greenhouses.
- 11. Sand, gravel or clay pits.
- 12. The usual accessories located on the same lot with these various buildings not involving the conduct of a business, but including the office of a physician, dentist, or other person, when situated in the same dwelling or apartment used by such person as his or her place of residence and including also one private garage or private stable, located not less than 50 feet back of the front building line or in a fire-proof compartment as a part of the main building, and including also home occupations engaged in by the occupants of a dwelling not involving the conduct of a business on the premises; Provided, that no window display nor any sign other than a name plate not exceeding one square foot in area, and bearing only the name and occupation of the occupant shall be allowed as appertaining to use as offices or for home

occupation as permitted under this section.

Provided, that in the residential district a public garage where no repair facilities are maintained, may be established, erected or enlarged if, when permit is issued, there are on file with the Commissioners of the District of Columbia, the written consents of the owners of 75 per cent of (a) the property within the square where it is proposed to establish, erect or enlarge such garage, and (b) any other property within 200 feet of the proposed establishment and not separated therefrom by a street; Provided, however, that no part of said garage shall be within 75 feet of any street building line. In computing the area of consents required under this regulation, so much of the property as is used as public garages or stables shall be counted as consenting. And provided, further, that private garages housing not more than two steam or motor driven vehicles and not appurtenant to a dwelling may be erected without consents when located 50 feet or more back of the building line of the nearest street, if abutting and opening directly upon a public alley.

The Commissioners of the District of Columbia may issue permits for a period of not more than one year for the erection in the residential district of buildings for commerce or industry, where such buildings are incidental to the residential development; and may issue permits for temporary use of premises by fairs, circuses or carnivals upon compliance with the Police Regulations of the District of Columbia.

SECTION IV—FIRST COMMERCIAL DISTRICT.

In the first commercial district all buildings and all premises except as otherwise provided in this regulation, may be used for any use permitted in the residential district, or for any other use except the following:

1. Automobile repair shop.
2. Bakery employing more than 5 persons (see proviso below).
3. Blacksmith or horseshoeing establishment.
4. Bottling works.
5. Carting, express or hauling yard or storage yard other than for fuel.
6. Contractor's plant or storage thereof.
7. Cooperage.
8. Laundry employing more than 5 persons (see proviso below).
9. Lumber yard.
10. Public garage or public stable (see proviso below).
11. Stone yard.
12. Storage or baling of scrap, paper, rags or junk.
13. Uses excluded from the second commercial district.
14. Any kind of manufacture other than manufacture clearly incidental to a retail business conducted on the premises.

Provided: Printing shops and the publishing of a newspaper may be permitted in the first commercial district.

Provided: A bakery or laundry employing more than 5 persons, a milk distributing station or a public garage in which the repair facilities are incidental to its primary use for storage, may be established or erected in the first commercial district if when permit is issued there are on file with the Commissioners of the District of Columbia the written consents of the owners of 75 per cent of the property within 200

feet of the proposed establishment. Provided further, That if such establishment fronts on a public alley and no part of it is located in a building any portion of which is less than 50 feet back from any building line, consents of the owners of two-thirds of the property within 90 feet of the proposed establishment shall be required.

No consents will be required for the enlargement of buildings used for the purposes named in the preceding paragraph nor for the erection of additional buildings used for these purposes if they are within 35 feet of any wall of a lawful establishment used for any one of these purposes: Provided, however, That no part of such establishment erected without consents shall be located within 50 feet of the boundary line of the residential district.

In computing the area of consents required under this regulation, so much of the area of all property as is used as a bakery, laundry or milk distributing station, or public garage or stable, shall be counted as consenting.

The Commissioners of the District of Columbia may permit car barns and electric sub-stations to be erected, established or extended in the first commercial district when such car barn or electric sub-station is in the judgment of the Public Utilities Commission necessary to the public convenience and welfare.

SECTION V—SECOND COMMERCIAL DISTRICT.

In the second commercial district all buildings and all premises except as otherwise provided in these regulations, may be used for any use permitted in the residence district or the first commercial district, or for any other use except the following:

1. Abbatoirs.
2. Acetylene gas manufacture.
3. Ammonia bleaching powder or chlorine manufacture.
4. Arsenal.
5. Asphalt manufacture or refining.
6. Blast furnace.
7. Boiler works.
8. Brick, tile, or terra cotta manufacture.
9. Candle manufacture.
10. Celluloid manufacture or treatment.
11. Coke ovens.
12. Creosote manufacture or treatment.
13. Disinfectants manufacture.
14. Distillation of bones, coal or wood.
15. Dyestuff manufacture.
16. Exterminators and insect poisons manufacture.
17. Emery cloth and sandpaper manufacture.
18. Fat rendering.
19. Fertilizer manufacture.
20. Forge plant.
21. Gas (heating or illuminating) manufacture.
22. Glue, size or gelatin manufacture.
23. Gun powder manufacture or storage.
24. Fireworks or explosives manufacture or storage.

25. Incineration or reduction of dead animals, offal or garbage.
26. Lamp black manufacture.
27. Lime, cement or plaster of Paris manufacture.
28. Match manufacture.
29. Oil cloth or linoleum manufacture.
30. Oiled, rubber or leather goods manufacture.
31. Ore reduction.
32. Paint, oil, shellac, turpentine or varnish manufacture.
33. Paper and pulp manufacture.
34. Petroleum refining or storage.
35. Potash refining.
36. Printing ink manufacture.
37. Pyroxylin manufacture.
38. Railroad yard or round house.
39. Rock crusher.
40. Rolling mill.
41. Rubber, caoutchouc or gutta percha manufacture or treatment.
42. Salt works.
43. Sauerkraut manufacture.
44. Sausage manufacture.
45. Saw mill.
46. Ship yard.
47. Shoe blacking manufacture.
48. Smelting of iron.
49. Soap manufacture.
50. Soda and compound manufacture.
51. Stockyards.
52. Stone mill or quarry.
53. Stove polish manufacture.
54. Sulphuric, nitric, or hydrochloric acid manufacture.
55. Tallow, grease or lard manufacture or refining.
56. Tanning, curing or storage of leather, raw hides or skins.
57. Tar distillation or manufacture.
58. Tar roofing or tar waterproofing manufacture.
59. Tobacco (chewing) manufacture or treatment.
60. Vinegar manufacture.
61. Wool pulling and scouring.
62. Yeast plant.
63. And those uses which have been declared a nuisance in any Court of Record, or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

All uses authorized for the second commercial district are subject to the limitations of law and municipal regulations.

SECTION VI—INDUSTRIAL DISTRICT.

In the industrial district all buildings and all premises may be used without restrictions except such as are imposed by law or municipal regulation.

SECTION VII—NON-CONFORMING USES.

The lawful use of a building or premises existing at the time of the adoption of these regulations, although such use does not conform with the provisions hereof, may be extended throughout the building, provided no structural alterations, except those required by law or regulations, is made therein and no new building is erected.

Where structural alterations are made in a building of a non-conforming use such use shall be changed to a use consistent with the provisions of these regulations for the district in which such building is located.

If no structural alterations are made, a non-conforming use may be changed to a use that is permitted in the most restrictive district in which the said non-conforming use is permitted, provided that all other regulations governing the new use are complied with.

Any building vacant at the time of the adoption of these regulations shall be classified according to its previous or intended use, and designated on the records of the Zoning Commission, as residential, first commercial, second commercial, or industrial.

SECTION VIII—HEIGHT DISTRICTS.

In order to regulate the height of buildings, the District of Columbia is hereby divided into height districts, of which there shall be four, known as:

- (a) 40 foot district.
- (b) 55 foot district.
- (c) 85 foot district.
- (d) 110 foot district.

These districts are shown on the map attached hereto designated as the "Height Map".

Except as herein specifically provided, no building shall be altered, constructed or raised so as to exceed the height hereby established for the district wherein such building is located.

SECTION IX—40 FOOT DISTRICT.

In the district designated as the 40 foot district on the "Height Map", no building shall exceed 40 feet or three stories in height.

SECTION X—55 FOOT DISTRICT.

In the district designated as the 55 foot district on the "Height Map", no building shall exceed 55 feet in height.

SECTION XI—85 FOOT DISTRICT.

In the district designated as the 85 foot district on the "Height Map", no building shall exceed 85 feet in height.

SECTION XII—110 FOOT DISTRICT.

In the district designated as the 110 foot district on the "Height Map", no building shall exceed 110 feet in height.

SECTION XIII—HEIGHT DISTRICT EXCEPTIONS.

The foregoing requirements in the height districts shall be subject to the following exceptions and regulations:

(1) Grain elevators or gas tanks may be erected not to exceed 110 feet in height, upon approval of the Commissioners of the District of Columbia.

(2) The provisions of the Act of June 1, 1910, as to spires, towers, domes, pinnacles, pent houses over elevator shafts, ventilation shafts, chimneys, smoke stacks, and fire sprinkler tanks, shall continue in full force and effect.

(3) In the 85 foot and the 110 foot districts, the maximum heights authorized above may be increased by not more than 5 feet if by such increased height the building may be made to conform to the height of an adjoining building heretofore erected.

(4) The above limits are maximum limits and no building shall exceed in height those limits imposed by the Act of Congress approved June 1, 1910, regulating the height of buildings in the District of Columbia, or otherwise imposed by the Building Regulations.

(5) Public or semi-public buildings of an institutional or monumental character may exceed the height regulations for the district in which such buildings are to be located when set back from the established building lines and all lot lines one foot for each foot of excess height.

(6) Churches may be erected to a height in excess of that authorized in the district in which located upon the approval of plans by the Commissioners of the District of Columbia.

(7) One family dwellings in the 40 foot district may be increased in height by not more than 10 feet when two side yards of not less than 15 feet each are provided.

(8) In the 40 and 55 foot height districts, buildings may be erected to a height not exceeding 85 feet, if removed from all lot lines by a distance at least equal to the height of the building.

(9) On through lots 100 feet or less in depth the height of building may be measured from the curb level of either street. On through lots more than 100 feet deep the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of 100 feet only from that street.

(10) On corner and triangular when the height is determined by the width of the street the width of the wider street shall govern, but not to exceed a depth of 100 feet measured along the building line of the narrower street.

(11) Nothing in these regulations shall prevent the erection in any height district of a building complying with the requirements of the 40 foot height district.

SECTION XIV—AREA DISTRICTS.

In order to regulate the area of yards and courts and the percentage of lot which may be occupied by buildings hereafter erected or enlarged, the District of Columbia is hereby divided into area districts of which there shall be four, known as "A", "B", "C", and "D". These districts are shown upon the map attached hereto, designated as "Area Map".

Except as hereinafter provided, no building shall be erected, nor shall an existing building be structurally altered, enlarged or rebuilt except in conformity with these regulations. No lot area shall be so reduced or

diminished in area that the yards, courts or open spaces shall be smaller than prescribed by these regulations.

SECTION XV—"A" AREA DISTRICT.

In the "A" area district the minimum dimensions of yards and courts, and the maximum percentage of lot occupancy shall be as follows:

Rear Yard: There shall be a rear yard having a depth of not less than 15 per cent of the depth of the lot. This yard need not exceed 25 feet in depth, provided it has a depth of not less than 5 inches for each foot of building height.

Side Yard: There shall be at least one side yard not less than 5 feet wide, nor less than 2 inches wide for each foot of building height, nor less than 2 inches wide for each foot of building length.

Open Court: An open court shall be not less than 5 feet wide nor less than $2\frac{1}{2}$ inches wide for each foot of height of such court, nor less than $2\frac{1}{2}$ inches wide for each foot of length of such court from the closed end.

Enclosed Court: An enclosed court shall be not less than 6 feet wide nor less than 3 inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Percentage of Lot Occupancy: No building, with its accessory buildings, shall occupy in excess of 40 per cent of an interior lot, nor in excess of 50 per cent of a corner lot, nor in excess of 60 per cent of a triangular lot.

SECTION XVI—"B" AREA DISTRICT.

In the "B" area district, the minimum dimensions of yards and courts and the maximum percentage of lot occupancy shall be as follows:

Rear Yard: On corner lots there shall be a rear yard having a depth of not less than 10 per cent of the depth of the lot, which yard need not exceed 15 feet in depth provided it has a depth of not less than 4 inches for each foot of building height. On interior lots there shall be a rear yard having a depth of not less than 15 per cent of the depth of the lot, which yard need not exceed 20 feet in depth provided it has a depth of not less than 4 inches for each foot of building height.

Side Yard: A side yard shall be not less than 5 feet wide, nor less than 2 inches wide for each foot of building height, nor less than $1\frac{1}{2}$ inches wide for each foot of building length.

Open Court: An open court shall be not less than 5 feet wide, nor less than $2\frac{1}{2}$ inches wide for each foot of height of such court, nor less than 2 inches wide for each foot of length of such court from the closed end.

Enclosed Court: An enclosed court shall be not less than 6 feet wide, nor less than $2\frac{1}{2}$ inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Percentage of Lot Occupancy: No building, with its accessory buildings, shall occupy in excess of 60 per cent of an interior lot, nor in excess of 70 per cent of a corner lot, nor in excess of 75 per cent of a triangular lot.

SECTION XVII—"C" AREA DISTRICT.

In the "C" area district, the minimum dimensions of yards and courts and the maximum percentage of lot occupancy shall be as follows:

Rear Yard: On corner lots there shall be a rear yard having a depth of not less than 5 per cent of the depth of the lot, which yard need not exceed 10 feet in depth provided it has a depth of not less than 3 inches for each foot of building height. On interior lots there shall be a rear yard having a depth of not less than 10 per cent of the depth of the lot, which yard need not exceed 15 feet in depth provided it has a depth of not less than 3 inches for each foot of building height.

Side Yard: A side yard shall be not less than 5 feet wide, nor less than $1\frac{1}{2}$ inches wide for each foot of building height, nor less than one inch wide for each foot of building length.

Open Court: An open court shall be not less than 5 feet wide, nor less than 2 inches wide for each foot of height of such court, nor less than 2 inches wide for each foot of length of such court from the closed end.

Enclosed Court: An enclosed court shall be not less than 6 feet wide, nor less than 2 inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension. For a building used for dwelling purposes, an enclosed court shall be not less than $2\frac{1}{2}$ inches wide for each foot of height of such court.

Percentage of Lot Occupancy: No building, with its accessory buildings, shall occupy in excess of 75 per cent of an interior lot nor in excess of 90 per cent of a corner or triangular lot; except that a building or that portion of a building used for commercial or industrial purposes, with its accessories, may occupy 100 per cent of the lot for a height not to exceed 20 feet.

SECTION XVIII—"D" AREA DISTRICT.

In the "D" area district the minimum dimensions of yards and courts, and the maximum percentage of lot occupancy shall be as follows: Provided, however, That any building or part of a building used as a dwelling, tenement or apartment hereafter erected or structurally altered in the "D" area district, shall conform to the regulations of the "C" area district:

Rear Yard: On interior lots there shall be a rear yard above a horizontal plane 20 feet above the curb level having a depth of not less than 10 per cent of the depth of the lot, which yard need not exceed 15 feet in depth, provided it has a depth of not less than 2 inches for each foot of building height.

Side Yard: A side yard shall be not less than 5 feet wide, nor less than 1 inch wide for each foot of building length.

Open Court: An open court shall be not less than 5 feet wide, nor less than $1\frac{1}{2}$ inches wide for each foot of height of such court, nor less than $1\frac{1}{2}$ inches wide for each foot of length of such court from the closed end.

Enclosed Court: An enclosed court shall be not less than 6 feet wide, nor less than $2\frac{1}{2}$ inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Percentage of Lot Occupancy: No building, with its accessory buildings, shall occupy in excess of 90 per cent of an interior lot. This limit shall apply above a horizontal plane 20 feet above the curb level. On corner and triangular lots the entire area may be occupied if the provisions of the Building Regulations relative to light and ventilation are complied with.

SECTION XIX—AREA DISTRICT EXCEPTIONS.

The foregoing requirements in the area districts shall be subject to the following exceptions and regulations:

(1) All tenements or apartment houses hereafter erected in any district containing two or more apartments per floor, shall have a side yard on each side.

(2) In computing the percentage of lot occupancy for any building on a lot which has an alley on one or more sides, one-half of the area of such alley or alleys immediately adjacent to such lot may be assumed to be a portion of such lot.

(3) A building upon a through lot may waive the requirements for a rear yard when complying with the percentage of lot occupancy requirements: Provided, however, That when such a building is located between lots requiring rear yards on either or both sides, such building on a through lot shall provide a court on the side or sides on which the adjoining lots are required to provide rear yards.

(4) In computing the depth of a rear yard or the width of a side yard or open court for any building where such yard or court opens onto an alley or street, one-half of such alley or street may be assumed to be a portion of the yard or court.

(5) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sky-lights above the bottom of such yard or court, and except for the projections of sills, belt courses, cornices, and ornamental features not to exceed 4 inches; provided that

Open or lattice enclosed fire escapes, fire-proof outside stairways and solid floored balconies opening upon fire towers, projecting into a yard not more than 5 feet or into a court not more than 3½ feet, and the ordinary projections of chimneys and flues, may be permitted by the Inspector of Buildings where so placed as not to obstruct the light and ventilation.

(6) Courts or shafts for bathrooms, toilets, hallways or stairways may be of smaller dimensions than specified herein for courts, in which case they will not be counted as open space in computing the percentage of lot occupancy.

(7) On lots having only an alley frontage and for a depth of not exceeding 25 feet, and on lots which form all or part of a space entirely surrounded by alleys, the area requirements of these regulations shall not apply.

(8) A community house may waive the requirements of side and rear yards for each building of the group provided two side yards each not less than 10 feet wide and a rear yard not less than 10 feet deep are provided for the community house.

SECTION XX—CERTIFICATES OF OCCUPANCY.

Hereafter no person shall use or permit the use of any building or premises or part thereof hereafter erected, created, changed or converted wholly or partly in its use or structure until the Inspector of Buildings shall have issued a certificate of occupancy stating that the building and premises complies with the building code and the provisions of these regulations; provided that nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building.

Certificates of occupancy and compliance shall be issued within 10 days after written application therefor, or, if erection or alteration of buildings is contemplated, within 10 days after such erection or alteration is completed to the point of availability for occupancy and use.

A record of all certificates shall be kept on file in the office of the Inspector of Buildings and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the buildings affected. A fee of two dollars shall be charged for each original certificate and fifty cents for each copy thereof.

No permit for excavation for or the erection of any building shall be issued before application has been made for a certificate of occupancy. No building or premises may be occupied until such certificate shall have been issued.

SECTION XXI—PLATS.

All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the recorded lot to be built upon, all buildings existing upon said lot, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Inspector of Buildings. No yard, court or other open space provided about any building as required by these regulations shall be used as a yard, court or other open space for another building.

SECTION XXII—GENERAL PROVISIONS.

When a street as shown on the highway plan is not public property and is not indicated as being in any height, area or use district, the designation of the adjoining square or parcel shall extend to the center line of said street.

Whenever a portion of any district is indicated upon the Height, Area and Use Atlases as a strip paralleling an opened or unopened street, the width of this strip, unless delimited on the atlas by lot lines or otherwise, shall be assumed to be 100 feet measured at right angles from the nearest building line of the street to which it is parallel and adjacent.

Buildings of a non-conforming use and buildings whose height or percentage of lot occupancy exceeds that authorized in the district in which located, when damaged by fire, explosion, act of God or the public enemy, to such an extent that the estimated cost of restoration does not exceed three-fourths of the actual value of the buildings just prior to said damage, shall be considered as partially destroyed and may be

restored; Provided, That no frame building that has been damaged by fire or otherwise more than one-half of its original value shall be restored within the fire limits as provided by the building regulations of the District of Columbia.

These regulations are subject to all limitations imposed by Act of Congress approved March 1, 1920 (Public No. 153, 66th Congress).

The provisions of these regulations shall be enforced by the Commissioners of the District of Columbia, and said Commissioners are hereby authorized to interpret and apply the same. Appeals from the decision of the Commissioners of the District of Columbia may be taken to the Zoning Commission.

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Zoning Commission of the District of Columbia.

Washington, D. C., August 30, 1920.

An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to protect the public health, secure the public safety, and to protect property in the District of Columbia there is hereby created a Zoning Commission, which shall consist of the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, which said commission shall have all the powers and perform all the duties hereinafter specified and shall serve without additional compensation. Such employees of the government of the District of Columbia as may be necessary to carry out the purposes of this Act shall be assigned to such duty by the Commissioners of the District of Columbia without additional compensation.

There is hereby authorized for the expenses of said commission, including the employment of expert services and all incidental and contingent expenses, a sum not to exceed \$5,000, payable one-half out of any money in the United States Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

"SEC. 2. That within six months after the passage of this Act and after public notice and hearing as hereinafter provided, the said commission shall divide the District of Columbia into certain districts, to be known, respectively, as height, area, and use districts, and shall adopt regulations specifying the height and area of buildings thereafter to be erected or altered therein and the purposes for which buildings and premises therein may be used: *Provided*, That such regulations may differ in the various districts: *Provided further*, That the permissible height of buildings in any district shall not exceed the maximum height of building now authorized upon any street in any part of that district by the Act of Congress approved June 1, 1910, and amendments thereto, regulating the height of buildings in the District of Columbia: *And provided further*, That no such districts shall be established, nor shall any regulations therefor be adopted, nor shall the height, area, or use of buildings to be erected therein be prescribed until said commission has afforded persons interested an opportunity to be heard at a public hearing as hereinafter provided: *And provided further*, That in residence districts the usual accessories of a residence located on the same lot including the office of a physician, dentist, or other person, and including a private garage containing space for not more than four automobiles, shall not be prohibited."

"SEC. 3. That wherever, under the provision of this Act, it is required that a public hearing shall be held, notice of the time and place of such hearing shall be published for not less than ten consecutive days in one or more newspapers of general circulation printed and published

in the District of Columbia; and such public hearing may be adjourned from time to time: *Provided*, That if the time and place of the adjourned meeting is publicly announced when the adjournment is had, no further notice of such adjourned meeting need be published."

"SEC. 4. That after the public hearings herein provided for shall have been concluded, said commission shall definitely determine the number and boundaries of the districts which it is hereby authorized and directed to establish, and shall specify the height and area of the buildings which may thereafter be erected therein, and shall prescribe the purposes for which such buildings thereafter erected may or may not be used. Said districts so established shall not be changed except on order of said commission after public hearing. Said commission may initiate such changes, or they may be initiated upon the petition of the owners affected. Where the proposed change is to add a continuous area to a use, height, or area district, the owners of at least 50 per centum of the street frontage proposed to be changed must join in the petition: *Provided*, That if the frontage proposed to be changed is not a contiguous area, the owners of at least 50 per centum of a frontage within the area not less than three blocks in length must join in such petition before it may be considered by said commission. No such change shall be made, either by said commission on its own motion or upon such petition, except with the unanimous vote of said commission, if the owners of at least 20 per centum of the frontage proposed to be changed protest against such change."

"SEC. 5. That said commission is authorized and empowered to make such orders and adopt such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this Act: *Provided*, That no order or regulation so adopted shall require any change in the plans, construction, or designated use of (a) a building for which a permit shall have been issued, or plans for which shall be on file with the inspector of buildings of the District of Columbia at the time the orders or regulations authorized under this Act are promulgated; or (b) a permit for the erection of which shall be issued within thirty days after promulgation of the orders or regulations authorized or adopted under this Act and the construction of which in either of the above cases shall have been diligently prosecuted within a year from the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within said year, and which entire building shall be completed according to such plans within two years of the date of the promulgation of such orders or regulations; or (c) prevent the restoration of a building partially destroyed by fire, explosion, act of God or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such partial destruction, or prevent a change of such existing use except under limitations provided herein in relation to existing buildings and premises: *Provided further*, That no frame building that has been damaged by fire or otherwise more than one-half of its original value shall be restored within the fire limits as provided by the building regulations of the District of Columbia; or (d) prevent the restoration of a wall declared unsafe by the inspector of buildings of the District or by a board of survey appointed in accordance with any existing law or regulation."

"SEC. 6. That any lawful use of a building or premises existing at the time of the adoption of orders and regulations made under the authority of this Act may be continued, although such use does not conform with the provisions hereof or with the provisions of such orders and regulations; and such use may be extended throughout the building, provided no structural alteration, except those required by law or regulation, is made therein and no new building is erected. Where the boundary line of any use district divides a lot in a single ownership at the time of the adoption of orders and regulations under the authority of this Act, the commission may permit a use authorized on either portion of such lot to extend to the entire lot, but not more than twenty-five feet beyond the boundary line of the use district."

"SEC. 7. That maps of the districts established by said commission and copies of all orders and regulations as to the height and area of buildings to be erected therein and as to the uses to which such buildings may be lawfully devoted, and copies of all other official orders and regulations of the commission shall be filed in the office of the Engineer Commissioner of the District of Columbia. Copies of all orders and regulations shall be published in one or more newspapers printed in the District of Columbia for the information of all concerned."

"SEC. 8. That it shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, or converted wholly or partly in its use or structure until a certificate of occupancy shall have been issued by authority of said zoning commission."

"SEC. 9. That buildings erected, altered, or raised, or converted in violation of any of the provisions of this Act or the orders and regulations made under the authority thereof are hereby declared to be common nuisances; and the owner or person in charge of or maintaining any such buildings, upon conviction on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants in the name of said District, and which court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not more than \$100 per day for each and every day such nuisance shall be permitted to continue, and shall be required by said court to abate such nuisance. The corporation counsel of the District of Columbia may maintain an action in the Supreme Court of the District of Columbia in the name of the District of Columbia to abate and perpetually enjoin such nuisance."

"SEC. 10. That the Commissioners of the District of Columbia shall enforce the provisions of this Act and the orders and regulations adopted by said Zoning Commission under the authority thereof, and nothing herein contained shall be construed to limit the authority of the Commissioners of the District of Columbia to make municipal regulations as heretofore: *Provided*, That such regulations are not inconsistent with the provisions of this law and the orders and regulations made thereunder. In interpreting and applying the provisions of this Act and of the orders and regulations made thereunder they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. This Act shall not abrogate or annul any easements, covenants, or other agreements between parties:

Provided, however, That as to all future building construction or use of premises where this Act or any orders or regulations adopted under the authority thereof impose a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by existing law, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this Act and of the orders and regulations made thereunder shall control."

"Sec. 11. That all laws or parts of laws and regulations in conflict with the provisions of this Act are hereby repealed."

"Approved, March 1, 1920."