

Limitations on Eating Establishments in Specified Districts

Certain Zoning districts such as the ARTS District limits the percentage of linear street frontage in certain squares on 14th and U Streets NW that may be occupied by eating establishments, see Section K-811.9 of DCMR 11 for more information.

The Office of Zoning Administrator (OZA) tracks the amount of frontage occupied by eating establishments in the following districts: ARTS, NC-1, NC-2, NC-3 and NC-4 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 ARTS
LOT OCCUPANCY NC-3
FLOOR AREA RATIO
PLAT FLAT MU-4 PDR-6
CERTIFICATE OF OCCUPANCY
PUD **RF-2** HOP
WALL TEST
BOARD OF ZONING ADJUSTMENT

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

While the OZA doesn't staff the Board of Zoning Adjustment or Zoning Commission, (that responsibility lies with the Office of Zoning (www.dcoz.gov)) it does 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 B-100 of DCMR 11 (District of Columbia zoning regulations):



Fast Food, Restaurant: A business, other than a prepared food shop, where food is prepared and served very quickly; and where the food is typically made of preheated or precooked ingredients, served to the customer in a packaged form for carry-out/take-away, although it may be eaten on site.

Characteristics of a fast food establishment may include:

- (a) Foods that are prepared by production-line techniques;
- (b) Foods that are standardized foodstuffs shipped to a franchised establishment from central locations;
- (c) The establishment includes trash receptacles located in the dining area for self-bussing of tables;
- (d) Seating for customers; and
- (e) Food served on disposable tableware.



An 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 carry out sales that is clearly subordinate to its principal use shall not be deemed a fast-food establishment.

Prepared Food Shop: A food and beverage 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, but is not limited to, an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.

Prepared food - food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop.

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 on the premises and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carry out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.

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 MU-4 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 MU-4 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.