

Establishing a District of Columbia Child Development Center

Regulatory Zoning and Permitting Guidance

This guidance applies to establishing or expanding an existing Child Development Center (CDC) located in a building in a commercial zone district, not a single-family home or flat [known as a “child development home” in the zoning regulations and which requires a home occupation permit (HOP)].

A certificate of occupancy (C of O) is required to operate a child development center and the center must comply with the District of Columbia Municipal Regulations (DCMR) under the zoning regulations Title 11 of the (DCMR 11) and construction codes (DCMR 12).

A child development center is defined as a building or part of a building, other than a child development home, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as childcare centers, preschools, nursery schools, before-and-after school programs, and similar programs and facilities. A CDC includes the following accessory use: counseling, education, training, and health and social services for the person or persons with the legal charge of individuals attending the center, including, but not limited to, any parent, sibling, child, or legal guardian of such individuals. (DCMR 11, Subtitle B)

Before signing a lease, check the zoning district of the subject property to ensure that a child development center is a permitted use and whether there is a limitation on the number of children. There may also be parking requirements for the staff of the center. You can check the zoning district online by visiting the Office of Zoning’s website at DCOZ.dc.gov and clicking on the 2016 zoning map, [DC Zoning Maps](#). Enter the address or square and lot number to obtain the zoning district. The zoning regulations are also posted on the Office of Zoning’s website. Once you know the zone, you can check the regulations to determine if the use is allowed and if there is a limit on the number of children. You may also call zoning staff at 202.671.3500, or email dob@dc.gov, to obtain both zoning and building code information.

The building code classifies this use as either an “E” educational use or an “I” institutional use depending on the total number of children. To be considered an “E” use, you must care for fewer than 100 children of any age. The care of greater than 100 children is classified as an “I” use. An “E” or “I” use could be required to provide increased life safety protections such as a sprinkler system for the entire building, an increased number of restrooms for children and staff, and a tub or shower.

Additionally, the space to be occupied must be accessible as required by the Americans with Disabilities Act (ADA). This means that adult and child restrooms must be accessible to each use group and separated. In other words, children are not permitted to use an adult restroom, and their specific restroom must be designed to accommodate disabled children. Accessible drinking fountains must be provided for both adults and children.

If you propose to care for children in the basement and on the second floor of the building, the building code requirements for egress (exiting) will limit the number of children allowed on those floors and their location in rooms on those floors.

If the building in which you are considering locating the CDC is mixed-use (i.e. retail on the first floor and office or residential uses on the floors above), the building code requires physical and fire separation between the child development center and the other uses.

If you are establishing the child development center in a new building, or the prior use of the space was not a child development center, or you are proposing to change the number or ages of children to be cared for in an existing center, a building permit is required before you occupy the space or change the load (change the number and/or ages of the children). DOB will evaluate the building plans for conformance with the building code and zoning regulations. The building permit must be issued, and any required construction work must be completed and pass inspection, prior to the issuance of a C of O. The C of O will specify the maximum number of children by age and the number of staff in each space (this is known as the "occupant load.")

The maximum allowable occupant load is a function of both the building code and the Office of State Superintendent of Education (OSSE) regulations known as Chapter 1 (Child Development Facilities: Licensing) to Subtitle A (Office of the State Superintendent of Education) of Title 5 DCMR (Education). DOB will calculate the total occupant load for the building which includes children and staff. That number is often greater than the number of children that OSSE will license. OSSE's regulations will control the total number of both children and staff and will be reflected on the license it issues.

For more information about the building permit and C of O processes, visit [DOB.dc.gov](https://www.dob.dc.gov).

For assistance with specific questions about the building code requirements, and zoning-related questions, please call 202.671.3500 or email dob@dc.gov.