

TITLE 11 – ZONING

SUBTITLE G MIXED USE (MU) ZONES

TITLE 11 – ZONING	G-1
SUBTITLE G – MIXED USE (MU) ZONES	G-1
Chapter 1 INTRODUCTION TO MIXED USE (MU) ZONES	G-6
100 – GENERAL PROVISIONS	G-6
101 – DEVELOPMENT STANDARDS	G-6
102 – USE PERMISSIONS	G-7
103 – PARKING	G-7
104 – INCLUSIONARY ZONING	G-7
Chapter 2 GENERAL DEVELOPMENT STANDARDS FOR MU ZONES	G-8
200 – GENERAL PROVISIONS	G-8
201 – [RESERVED]	G-8
202 – COURTYARDS	G-8
Chapter 3 MIXED USE ZONES – MU 1 AND MU 2	G-9
300 – PURPOSE AND INTENT	G-9
301 – DEVELOPMENT STANDARDS	G-9
302 – DENSITY	G-9
303 – HEIGHT	G-10
304 – LOT OCCUPANCY	G-10
305 – REAR SETBACK	G-10
306 – SIDE SETBACKS	G-11
307 – GREEN AREA RATIO	G-11
308 – SPECIAL EXCEPTION	G-11
Chapter 4 MIXED USE ZONES – MU 3, MU 4, MU 5, MU 6, MU 7, MU 8, MU 9, AND MU 10	G-12
400 – PURPOSE AND INTENT	G-12
401 – DEVELOPMENT STANDARDS	G-14
402 – DENSITY	G-14
403 – HEIGHT	G-14
404 – LOT OCCUPANCY	G-15
405 – REAR SETBACK	G-16
406 – SIDE SETBACK	G-17
407 – GREEN AREA RATIO	G-17
408 – PLAZA	G-18
409 – SPECIAL EXCEPTION	G-18
Chapter 5 MIXED USE ZONES – MU 11, MU 12, MU 13 AND MU 14	G-19
500 – PURPOSE AND INTENT	G-19
501 – DEVELOPMENT STANDARDS	G-19
502 – DENSITY	G-19

503	HEIGHT.....	G-20
504	LOT OCCUPANCY.....	G-21
505	REAR SETBACK.....	G-22
506	SIDE SETBACK.....	G-22
507	GREEN AREA RATIO.....	G-22
508	WATERFRONT SETBACK.....	G-22
509	SPECIAL EXCEPTION.....	G-22
Chapter 6 MIXED USE ZONES — MU 15 THROUGH MU 22.....		G-24
600	PURPOSE AND INTENT.....	G-24
601	DEVELOPMENT STANDARDS.....	G-25
602	DENSITY.....	G-25
603	HEIGHT.....	G-26
604	LOT OCCUPANCY.....	G-27
605	REAR SETBACK.....	G-27
606	SIDE SETBACK.....	G-29
607	GREEN AREA RATIO.....	G-29
608	PLAZA.....	G-29
Chapter 7 MIXED USE ZONES — MU 23, MU 24, MU 25 AND MU 26.....		G-30
700	PURPOSE AND INTENT.....	G-30
701	DEVELOPMENT STANDARDS.....	G-31
702	DENSITY.....	G-31
703	HEIGHT.....	G-32
704	LOT OCCUPANCY.....	G-32
705	REAR SETBACK.....	G-32
706	SIDE SETBACK.....	G-33
707	GREEN AREA RATIO.....	G-33
708	SPECIAL EXCEPTIONS.....	G-33
Chapter 8 MIXED USE ZONES — MU 27.....		G-35
800	PURPOSE AND INTENT.....	G-35
801	DEVELOPMENT STANDARDS.....	G-35
802	DENSITY.....	G-35
803	HEIGHT.....	G-36
804	LOT OCCUPANCY.....	G-36
805	REAR SETBACK.....	G-36
806	SIDE SETBACK.....	G-36
807	GREEN AREA RATIO.....	G-37
808	SPECIAL EXCEPTIONS.....	G-37
Chapter 9 MIXED USE ZONES — MU 28 and MU 29.....		G-38
900	PURPOSE AND INTENT.....	G-38
901	DEVELOPMENT STANDARDS.....	G-38
902	DENSITY.....	G-38
903	HEIGHT.....	G-39
904	LOT OCCUPANCY.....	G-39
905	REAR SETBACK.....	G-40

906	SIDE SETBACK	G-41
907	GREEN AREA RATIO	G-41
908	SETBACKS AND SCREENING	G-41
909	SPECIAL EXCEPTIONS	G-42
Chapter 10	DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTER, AND PUBLIC LIBRARY FOR MU ZONES	G-43
1000	GENERAL PROVISIONS	G-43
Chapter 11	ALLEY LOT REGULATIONS FOR MU ZONES	G-44
1100	GENERAL PROVISIONS	G-44
1101	DEVELOPMENT STANDARDS	G-44
1102	HEIGHT	G-44
1103	REAR SETBACK	G-44
1104	SIDE SETBACK	G-44
1105	ALLEY CENTERLINE SETBACK	G-44
1106	GREEN AREA RATIO	G-44
Chapter 12	RELIEF FROM DEVELOPMENT STANDARDS	G-45
1200	GENERAL PROVISIONS	G-45
1201	SPECIAL EXCEPTION CRITERIA REAR SETBACK RELIEF	G-45
1202	SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU- 27)	G-46
TITLE 11 – ZONING		G-1
SUBTITLE G MIXED USE (MU) ZONES		G-1
Chapter 1	INTRODUCTION TO MIXED-USE (MU) ZONES	G-6
100	GENERAL PROVISIONS	G-6
101	DEVELOPMENT STANDARDS	G-6
102	USE PERMISSIONS	G-7
103	PARKING	G-7
104	INCLUSIONARY ZONING	G-7
Chapter 2	GENERAL DEVELOPMENT STANDARDS FOR MU ZONES	G-8
200	GENERAL PROVISIONS	G-8
201	[RESERVED]	G-8
202	COURTYARDS	G-8
203	PENTHOUSES	G-9
Chapter 3	MIXED-USE ZONES - MU-1 AND MU-2	G-9
300	PURPOSE AND INTENT	G-9
301	DEVELOPMENT STANDARDS	G-9
302	DENSITY	G-9
303	HEIGHT	G-10
304	LOT OCCUPANCY	G-10
305	REAR YARD	G-10
306	SIDE YARD	G-11

307	GREEN AREA RATIO (GAR)	G-11
308	SPECIAL EXCEPTION	G-11

Chapter 4 MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, AND

	MU-10.....	G-12
400	PURPOSE AND INTENT	G-12
401	DEVELOPMENT STANDARDS	G-14
402	DENSITY	G-14
403	HEIGHT	G-14
404	LOT OCCUPANCY	G-15
405	REAR YARD.....	G-16
406	SIDE YARD	G-17
407	GREEN AREA RATIO (GAR)	G-17
408	PLAZA.....	G-18
409	SPECIAL EXCEPTION	G-18
410	COMBINED LOT	G-18

Chapter 5 MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14

		G-19
500	PURPOSE AND INTENT	G-19
501	DEVELOPMENT STANDARDS	G-19
502	DENSITY	G-19
503	HEIGHT	G-20
504	LOT OCCUPANCY	G-21
505	REAR YARD.....	G-22
506	SIDE YARD	G-22
507	GREEN AREA RATIO (GAR)	G-22
508	WATERFRONT SETBACK	G-22
509	SPECIAL EXCEPTION	G-22

Chapter 6 Dupont Circle MIXED-USE ZONES – MU-15 THROUGH MU-22

		G-24
600	PURPOSE AND INTENT	G-24
601	DEVELOPMENT STANDARDS	G-25
602	DENSITY	G-25
603	HEIGHT	G-26
604	LOT OCCUPANCY	G-27
605	REAR YARD.....	G-27
606	SIDE YARD	G-29
607	GREEN AREA RATIO (GAR)	G-29
608	PLAZA.....	G-29

Chapter 7 Capitol Interest AND Capitol Hill Commercial MIXED USE ZONES – MU-23,

	MU-24, MU-25 AND MU-26	G-30
700	PURPOSE AND INTENT	G-30
701	DEVELOPMENT STANDARDS	G-31
702	DENSITY	G-31
703	HEIGHT	G-32
704	LOT OCCUPANCY	G-32
705	REAR YARD.....	G-32

706	SIDE YARD	G-33
707	GREEN AREA RATIO (GAR)	G-33
708	SPECIAL EXCEPTIONS	G-33
Chapter 8 Naval Observatory MIXED-USE ZONE – MU-27		G-35
800	PURPOSE AND INTENT	G-35
801	DEVELOPMENT STANDARDS	G-35
802	DENSITY	G-35
803	HEIGHT	G-36
804	LOT OCCUPANCY	G-36
805	REAR YARD	G-36
806	SIDE YARD	G-36
807	GREEN AREA RATIO (GAR)	G-37
808	SPECIAL EXCEPTIONS	G-37
Chapter 9 Fort Totten MIXED USE ZONES – MU-28 and MU-29		G-38
900	PURPOSE AND INTENT	G-38
901	DEVELOPMENT STANDARDS	G-38
902	DENSITY	G-38
903	HEIGHT	G-39
904	LOT OCCUPANCY	G-39
905	REAR YARD	G-40
906	SIDE YARD	G-41
907	GREEN AREA RATIO (GAR)	G-41
908	SETBACKS AND SCREENING	G-41
909	SPECIAL EXCEPTIONS	G-42
Chapter 10 DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR MU ZONES		G-43
1000	GENERAL PROVISIONS	G-43
Chapter 11 ALLEY LOT REGULATIONS FOR MU ZONES		G-44
1100	GENERAL PROVISIONS	G-44
1101	DEVELOPMENT STANDARDS	G-44
1102	HEIGHT	G-44
1103	REAR YARD	G-44
1104	SIDE YARD	G-44
1105	ALLEY CENTERLINE SETBACK	G-44
1106	GREEN AREA RATIO (GAR)	G-44
Chapter 12 RELIEF FROM DEVELOPMENT STANDARDS		G-45
1200	GENERAL PROVISIONS	G-45
1201	SPECIAL EXCEPTION CRITERIA REAR YARD RELIEF	G-45
1202	SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU- 27)	G-46

CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES

100 GENERAL PROVISIONS

- 100.1 The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and ~~multi-family~~multiple dwelling unit residential development at varying densities.
- 100.2 The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.
- 100.3 In addition to the purpose statements of individual chapters, the purposes of the MU zones are to:
- (a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;
 - (b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;
 - (c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;
 - (d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
 - (e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas; ~~and~~
 - (f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and
 - (g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.
- 100.4 In the MU zones, buildings may be entirely residential, or may be a mixture of non-residential and residential uses.

101 DEVELOPMENT STANDARDS

- 101.1 The bulk of structures in the MU zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.

- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;
 - (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear ~~setbacks~~yards, side ~~setbacks~~yards, and the relationship of buildings to street lot lines;
 - (c) Regulate the mixture of uses; and
 - (d) Ensure the environmental performance of development.
- 101.3 The development standards may include allowances for the provision of affordable housing consistent with the Inclusionary Zoning provisions of Subtitle C, Chapter ~~22~~10 and will be so indicated by the letters “IZ” in the development standards table.
- 101.4 The bulk of public buildings and structures in the MU zones shall be controlled through the development standards specified in Subtitle G, Chapter 10 and the regulations of this chapter.
- 101.5 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, ~~as indicated~~when permitted in this title, as a special exception. Additional zone-specific special exception criterion, if applicable, shall be considered ~~by the Board~~ and are referenced in this subtitle.
- 102 USE PERMISSIONS**
- 102.1 Use permissions for the MU zones are as specified in Subtitle U, Chapter 5.
- 103 PARKING**
- 103.1 Parking requirements for the MU zones are as specified in Subtitle C, Chapters 7 and 8.
- 104 INCLUSIONARY ZONING**
- 104.1 Inclusionary zoning requirements for the MU zones are as specified in Subtitle C, Chapter 10.

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR MU ZONES

200 GENERAL PROVISIONS

- 200.1 The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone.
- 200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply.

201 [RESERVED]

202 COURTYARDS

- 202.1 A courtyard is not required in an MU zone, but where it is provided, it shall have the following minimum dimensions:

TABLE G § 202.1: MINIMUM COURTYARD DIMENSIONS

Type of Structure	Minimum Width Open Courtyard	Minimum Width Closed Courtyard	Minimum Area Closed Courtyard
Residential, more than 3 units	4 in./ft. of height of courtyard; 10 ft. <u>minimum</u>	4 in./ft. of height of courtyard; 15 ft. minimum	Twice the square of the required width of courtyard dimension; 350 sq. ft. minimum
Non-Residential and Lodging	24.5 in./ft. of height of courtyard; 6 ft. <u>minimum</u>	24.5 in./ft. of height of courtyard; 12 ft. minimum	Twice the square of the required width of courtyard dimension; 250 sq. ft. minimum

203 **PENTHOUSES**

203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2

300 PURPOSE AND INTENT

300.1 The purposes of the MU-1 and MU-2 zones are to:

- (a) Act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone;
- (b) Preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit; and
- (c) Permit new residential development at a higher density than new office or institutional developments.

300.2 The MU-1 zone is intended to permit moderate-density areas predominantly developed with residential buildings but also permitting non-residential buildings.

300.3 The MU-2 zone is intended to permit medium-density areas predominantly developed with residential buildings but also permitting non-residential buildings.

301 DEVELOPMENT STANDARDS

301.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

302 DENSITY

302.1 The maximum permitted ~~density~~FAR of buildings in the MU-1 and MU-2 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Permitted FAR	
	Total Permitted	Maximum Non-Residential Use
MU-1	4.0	2.5
	4.8 (IZ)	
MU-2	2.56.0	3.5

	7.2 (IZ)	
--	----------	--

303 HEIGHT

303.1 The maximum permitted building height, not including the penthouse, in the MU-1 and MU-2 zones shall be given as set forth in the following table:

TABLE G § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-1	65
	70 (IZ)
MU-2	90

303.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

<u>ZONE</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-1</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-2</u>	<u>20 ft.</u>	<u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u>

304 LOT OCCUPANCY

304.1 The maximum permitted lot occupancy for residential use in the MU-1 and MU-2 zones shall be given as set forth in the following table:

TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

Zone	Maximum Lot Occupancy (Percentage)
MU-1	80
MU-2	80
	90 (IZ)

305 REAR SETBACK YARD

305.1 A minimum rear setback yard of twelve feet (12 ft.) shall be required above a horizontal plane as described in Subtitle G § 305.2 in the MU-1 and MU-2 zones.

305.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbackyards~~.

305.3 A rear ~~setbackyard~~ is not required to be provided below a horizontal plane as described in Subtitle G § 305.2.

305.4 Where a lot abuts an alley, the rear ~~setbackyard~~ may be measured from the center line of the alley to the rear wall of the building or other structure.

305.5 Where a lot does not abut an alley, the rear ~~setbackyard~~ shall be measured from the rear lot line to the rear wall of the building or other structure.

306 SIDE ~~SETBACKSYARD~~

306.1 No side ~~setbackyard~~ is required for a building or structure other than a ~~single family~~ detached ~~single dwelling unit~~ or semi-detached ~~single dwelling unit~~; however, if a side ~~setbackyard~~ is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).

306.2 A ~~minimum~~ side ~~setbackyard of eight feet (8 ft.) shall be provided~~ for a ~~single-family~~ detached or semi-detached dwelling ~~shall be a minimum of eight feet (8 ft.)~~.

306.3 Any portion of a building ~~setback~~~~set back~~ from the side lot line shall be considered a side ~~setbackyard~~ and not a courtyard.

307 GREEN AREA RATIO (~~GAR~~)

307.1 The minimum required ~~Green Area Ratio (GAR)~~ for the MU-1 and MU-2 zones shall be 0.3.

308 SPECIAL EXCEPTION

308.1 ~~The~~Exceptions to the development standards of this chapter shall be permitted as a special exception ~~criteria, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations~~ of Subtitle G, Chapter 12 ~~shall apply to the MU-1 and MU-2 zones.~~

CHAPTER 4 MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, AND MU-10

400 PURPOSE AND INTENT

400.1 The MU-3 through MU-10 zones are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one (1) density designation.

400.2 The MU-3 zone is intended to:

- (a) Permit low-density mixed-use development; and
- (b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

400.3 The MU-4 zone is intended to:

- (a) Permit moderate-density mixed-use development;
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and ~~shall~~ include office employment centers, shopping centers, and moderate bulk mixed-use centers.

400.4 The MU-5 ~~zone is~~ zones are intended to:

- (a) Permit medium-density, compact mixed-use development with an emphasis on residential use;
- (b) Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.5 The MU-6 zone is intended to:

- (a) Permit medium- to high-density mixed-use development with a focus on residential use; and

- (b) Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core.

400.6 The MU-7 zone is intended to:

- (a) Permit medium-density mixed-use development; and
- (b) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.7 The MU-8 zone is intended to:

- (a) Permit medium-density mixed-use development with a focus on employment;
- (b) Be located in uptown locations, where a large component of development will be office-retail and other ~~nonresidential~~non-residential uses; and
- (c) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.8 The MU-9 zone is intended to:

- (a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and
- (b) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.9 The MU-10 zone is intended to:

- (a) Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;
- (b) Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;
- (c) Require a level of public space at the ground level; and
- (d) Allow residential and ~~nonresidential~~non-residential bulk to be apportioned between two (2) or more lots in the same square.

401 **DEVELOPMENT STANDARDS**

401.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

402 **DENSITY**

402.1 The maximum permitted ~~density of buildings~~FAR in the MU-3 through MU-10 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Permitted FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3	1.0	1.0
	1.2 (IZ)	
MU-4	2.5	1.5
	3.0 (IZ)	
MU-5-A	3.5	1.5
MU-5-B	4.2 (IZ)	
MU-6	6.0	2.0
	7.2 (IZ)	
MU-7	4.0	2.5
	4.8 (IZ)	
MU-8	5.0	4.0
	6.0 (IZ)	
MU-9	6.5	6.5
	7.8 (IZ)	
MU-10	6.0	3.0
	7.2 (IZ)	

402.2 In the MU-4 and MU-5 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

402.3 In the MU-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle G § 100.4. Both lots shall be located within the same square, and shall be zoned MU-10.

403 **HEIGHT**

403.1 The maximum permitted building height and number of stories ~~of buildings, not including the penthouse,~~ in the MU-3 through MU-10 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 303.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3	40	3
MU-4	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
	100 (IZ)	

403.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3 MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

404

LOT OCCUPANCY

404.1

The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy Maximum for Residential Use
MU-3	60%
	60% (IZ)
MU-4	60%
	75% (IZ)
MU-5-A	80%

<u>MU-5-B</u>	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	100%
MU-9	100%
MU-10	75%
	100% (IZ)

405 REAR ~~SETBACK~~YARD

405.1 A minimum rear ~~setback~~yard of twenty feet (20 ft.) shall be ~~required~~provided in the MU-3 zone.

405.2 A minimum rear ~~setback~~yard of fifteen feet (15 ft.) shall be ~~required~~provided in the MU-4, MU-5, and MU-6 zones.

405.3 A minimum rear ~~setback~~yard of two and one-half ~~-inches~~ (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be ~~required~~provided in the MU-7, MU-8, MU-9, and MU-10 zones.

405.4 In the MU-3 through MU-9 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbacks~~yards.

405.5 In the MU-3 through MU-7 zones, rear ~~setbacks~~yards shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 405.4 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 405.4, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

405.6 In the MU-8 and MU-9 zones, rear ~~setbacks~~yard shall be established subject to the following conditions:

- (a) A rear ~~setback~~yard is not required to be provided below a horizontal plane

as described in Subtitle G § 405.4;

- (b) Where a lot abuts an alley, the rear setbackyard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (c) Where a lot does not abut an alley, the rear setbackyard shall be measured from the rear lot line to the rear wall of the building or other structure.

405.7 In the MU-10 zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setbackyard shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear setbackyard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (c) Where a lot does not abut an alley, the rear setbackyard shall be measured from the rear lot line to the rear wall of the building or other structure.

406 **SIDE SETBACKYARD**

406.1 No side setbackyard is required for a building or structure other than a single-family detached single dwelling unit or semi-detached single dwelling unit; however, if a side setbackyard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

406.2 A minimum side setbackyard of eight feet (8 ft.) shall be provided for a single-family detached single dwelling unit or semi-detached single dwelling ~~shall be a unit. minimum of eight feet (8 ft.).~~

406.3 Any portion of a building ~~setback~~set back from the side lot line shall be considered a side setbackyard and not a courtyard.

407 **GREEN AREA RATIO (GAR)**

407.1 The minimum required ~~Green Area Ratio (GAR)~~ for the MU-3 through MU-6 zones shall be 0.3.

407.2 The minimum required GAR for the MU-7 and MU-8 zones shall be 0.25.

407.3 The minimum required GAR for the MU-9 ~~AND~~and MU-10 zones shall be 0.20.

408 PLAZA

408.1 ~~Within~~In the MU-10 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.

408.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

409 SPECIAL EXCEPTION

~~409.1 The~~Exceptions to the development standards of this chapter shall be permitted as a special exception ~~criteria~~if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 12.

410 COMBINED LOT

410.1 The following combined lot development provision shall apply to the MU-10 zone only:

- (a) ~~shall apply to all MU-3 through~~The allowable residential and non-residential bulk of a MU-10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and non-residential floor area may not exceed the zone limits;
- (b) A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and
- ~~(b)(c)~~(c) For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.

CHAPTER 5 MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14

500 PURPOSE AND INTENT

500.1 The MU-11 through MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.

500.2 The MU-11 zone is intended to:

- (a) Permit open space, park, and low-density and low-height waterfront-oriented retail and arts uses; and
- (b) Be applied in undeveloped waterfront areas.

500.3 The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront.

500.4 The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.

500.5 The MU-14 zone is intended to permit high-density mixed-use development generally in the vicinity of the waterfront.

501 DEVELOPMENT STANDARDS

501.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

502 DENSITY

502.1 The maximum permitted FAR of buildings in the MU-11 through MU-14 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 502.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Floor Area Ratio Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-11	0.5	0.5
MU-12	2.5	1.0
	3.0 (IZ)	
MU-13	4.0	2.0
	4.8 (IZ)	
MU-14	6.0	5.0
	7.2 (IZ)	

502.2 In the MU-11 through MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the “Total Permitted” floor area ratio.

502.3 In the MU-11 zone, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; and for the purposes of this ~~sub-section~~subsection, FAR shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

503 HEIGHT

~~503~~ HEIGHT

503.1 The maximum permitted ~~building height of buildings, not including the penthouse,~~ in the MU-11 through MU-14 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 503.1: MAXIMUM PERMITTED ~~BUILDING~~ HEIGHT

Zone	Maximum Height (Feet)
MU-11	40
MU-12	45
	50 (IZ)
MU-13	60
	80 (IZ)
MU-14	90
	100 (IZ)

~~503.2~~ The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 503.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

<u>ZONE</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-11</u> <u>MU-12</u>	<u>12 ft. except</u> <u>15 ft. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-13</u>	<u>12 ft. except</u> <u>18 ft. 6in. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-14</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>

~~503.2~~503.3 In the MU-11 zone, the following conditions apply:

- (a) A building or structure located on, in, or over the water; or a watercraft, including a floating home shall have a maximum height of twenty-five feet (25 ft.). For the purposes of this subsection, the maximum height shall be

measured from the mean high water level along the shore directly in front of the building, structure, or watercraft to the highest point of the building or structure, not including sailboat masts;

~~(b) The requirements and permissions of Subtitle G, Chapter 12 shall apply in addition to the height limitations of the development standards table and this section except that roof structures shall not exceed ten feet (10 ft.) in height above the roof upon which they are located; and~~

~~(c)~~(b) ~~Roof structures~~Penthouses less than ten feet (10 ft.) in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of Subtitle G, Chapters 11 and 12 of this subtitle when the top of the ~~roof structure~~penthouse is below maximum building height prescribed for the MU-11 zone.

504

LOT OCCUPANCY

504.1

The maximum permitted lot occupancy for residential use of buildings in the MU-11 through MU-14 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 504.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy Maximum for Residential Use (Percentage)
MU-11	25%
MU-12	80%
	80% (IZ)
MU-13	75%
	75% (IZ)
MU-14	75%
	80% (IZ)

504.2

Within the MU-11 zone, no building or portion of a building, including accessory buildings, shall occupy greater than twenty-five percent (25%) of the lot upon which it is located, provided that:

- (a) The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%); and
- (b) For the purposes of this section, the lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

505 REAR SETBACKYARD

505.1 Rear setbackyard are required only for residential uses and shall be established no lower than the first level of residential use.

505.2 A required minimum rear setbackyard of ~~not less than~~ twelve feet (12 ft.) shall be provided in the MU-11, MU-12, MU-~~12~~13, and MU-14 zones.

505.3 Where a lot abuts an alley, the rear setbackyard may be measured from the center line of the alley to the rear wall of the building or other structure.

505.4 Where a lot does not abut an alley, the rear setbackyard shall be measured from the rear lot line to the rear wall of the building or other structure.

505.5 The Board of Zoning Adjustment may waive rear setbackyard requirements pursuant to Subtitle X, Chapter 9 and Subtitle G, Chapter 12.

506 SIDE SETBACKYARD

506.1 In the MU-11 ~~through MU-14 zones, zone,~~ a side setbackyard for any building or structure located in whole or in part on land, shall be no less than twelve feet (12 ft.).

~~506.2~~ No side yard shall be required in the MU-12, MU-13, and MU-14 zones. If a side yard is provided, its minimum width shall be at least eight (8) feet.

~~506.2~~506.3 Any portion of a building ~~setback~~set back from the side lot line shall be considered a side setbackyard and not a courtyard.

507 GREEN AREA RATIO (GAR)

507.1 The minimum required ~~Green Area Ratio (GAR)~~ for the MU-~~11~~12 through MU-14 zones shall be 0.3.

508 WATERFRONT SETBACK

508.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.

508.2 In the MU-11 zone, a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.

509 SPECIAL EXCEPTION

509.1 ~~Relief~~Exceptions to the ~~requirements~~development standards of this chapter ~~may~~ shall be permitted as a special exception if approved by the Board of Zoning Adjustment ~~as a special exception pursuant to under~~ Subtitle X. ~~In addition to~~

~~meeting the general conditions for being granted, Chapter 9, and subject to a special exception as set forth in Subtitle X, demonstration by~~ the applicant ~~must demonstrate~~ that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.

CHAPTER 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15 THROUGH MU-22

600 PURPOSE AND INTENT

- 600.1 The purposes of the Dupont Circle ~~mixed-use~~Mixed-Use zones (MU-15 through MU-22) are to:
- (a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensure a general compatibility in the scale of new buildings with older, low-~~scale~~ buildings;
 - (b) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;
 - (c) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, ~~effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)))~~;
 - (d) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
 - (e) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue; and
 - (f) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.
- 600.2 The MU-15 zone is intended to permit moderate-density areas predominantly developed with residential buildings.
- 600.3 The MU-16 zone is intended to permit medium-density areas predominantly developed with residential buildings.
- 600.4 The MU-17 zone ~~is~~ intended to permit moderate-density mixed-use development.
- 600.5 The MU-18 zone is intended to permit medium-density, compact mixed-use development with an emphasis on residential development.
- 600.6 The MU-19 zone is intended to permit medium-density mixed-use development with a focus on residential use.

- 600.7 The MU-20 zone is intended to permit medium-density mixed-use development with a focus on employment.
- 600.8 The MU-21 zone is intended to permit high-density mixed-use development with a focus on employment.
- 600.9 The MU-22 zone is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.
- 600.10 No driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.

601 DEVELOPMENT STANDARDS

- 601.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

~~602 DENSITY~~

- ~~601.2 The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted density building height, floor area ratio, and penthouse height for a planned unit development.~~

602 DENSITY

- 602.1 The maximum permitted FAR of buildings in the MU-15 through MU-22 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Floor Area Ratio Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-15	4.0	2.5
	4.8 (IZ)	
MU-16	6.0	3.5
	7.2 (IZ)	
MU-17	2.5	1.5
	3.0 (IZ)	
MU-18	3.5	1.5
	4.2 (IZ)	
MU-19	6.0	2.0
	7.2 (IZ)	
MU-20	5.0	4.0
	6.0 (IZ)	
MU-21	6.5	6.5
	7.8 (IZ)	

MU-22	6.0	3.0
	7.2 (IZ)	

602.2 In the MU-17 and MU-18 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

602.3 In the MU-22 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle G § 100.4. Both lots shall be located within the same square, and shall be zoned MU-22.

~~602.4100.1 The following combined lot development provision shall apply to the MU-10 zone only:~~

- ~~(a) The allowable residential and nonresidential bulk of a MU-10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and nonresidential floor area may not exceed the zone limits;~~
- ~~(b) A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and nonresidential floor area does not exceed the limits applicable to residential and nonresidential uses; and~~
- ~~(c) For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.~~

~~603100~~ **HEIGHT**

~~(a)~~

603 HEIGHT

603.1 The maximum permitted building height of buildings, not including the penthouse, in the MU-15 through MU-22 zones shall be given as set forth in the following table:

TABLE G § 603.1: MAXIMUM PERMITTED **BUILDING** HEIGHT

Zone	Maximum Height (Feet)
MU-15	65

	70 (IZ)
MU-16	90
MU-17	50
MU-18	65
	70 (IZ)
MU-19	90
MU-20	70
MU-21	90
	90
MU-22	100 (IZ)

603.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 603.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

<u>ZONE</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-17,</u>	<u>12 ft. except</u> <u>15 ft. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-15</u> <u>MU-18</u>	<u>12 ft. except</u> <u>18 ft. 6 in. for penthouse</u> <u>mechanical space</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-20</u>	<u>20 ft.</u>	<u>1;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>
<u>MU-16</u> <u>MU-19</u> <u>MU-21</u> <u>MU-22</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u> <u>Second story permitted for</u> <u>penthouse mechanical space</u>

604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy for residential use shall be one hundred percent (100%) in the MU-15 through MU-22 zones.

605 REAR ~~SETBACK~~YARD

605.1 A minimum rear ~~setback~~yard of twelve feet (12 ft.) shall be ~~required~~provided in the MU-15 and MU-16 zones.

605.2 A minimum rear ~~setback~~yard of fifteen feet (15 ft.) shall be ~~required~~provided in the MU-17, MU-18, and MU-19 zones.

605.3 A minimum rear ~~setback~~yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be ~~required~~yard in the MU-20, MU-21, and MU-22 zones.

605.4 In the MU-15 and MU-16 zones, rear ~~setbacks~~yards shall be measured as follows:

- (a) Where a lot abuts an alley, the rear ~~setback~~yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

605.5 In the MU-17 through MU-21 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbacks~~yard.

605.6 In the MU-17 through MU-19 zones, rear ~~setbacks~~yards shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 605.5 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 605.5, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

605.7 In the MU-20 and MU-21 zones, rear ~~setbacks~~yards shall be established subject to the following conditions:

- (a) A rear ~~setback~~yard is not required to be provided below a horizontal plane as described in Subtitle G § 605.5;
- (b) Where a lot abuts an alley, the rear ~~setback~~yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (c) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

605.8 In the MU-22 zone, rear ~~setbacks~~yard s are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear ~~setback~~yard shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear ~~setback~~yard may be measured from the

center line of the alley to the rear wall of the building or other structure; and

- (c) Where a lot does not abut an alley, the rear setbackyard shall be measured from the rear lot line to the rear wall of the building or other structure.

606 SIDE SETBACKYARD

606.1 In the MU-15, MU-16, and MU-22 zones, no side setbackyard is required; however, if a side setbackyard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).

606.2 In the MU-17, MU-18, MU-19, MU-20, and MU-21 zones, no side setbackyard is required for a building or structure other than a single-family-detached single dwelling unit or semi-detached single dwelling unit; however, if a side setbackyard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

606.3 A side setbackyard for a single-family-detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).

606.4 Any portion of a building setbackset back from the side lot line shall be considered a side setbackyard and not a courtyard.

~~607~~ GREEN AREA RATIO

607 ~~The minimum required Green Area Ratio (GAR)~~

607.1 The minimum required GAR for the MU-15 through MU-19 zones shall be 0.3.

607.2 The minimum required GAR for the MU-20 and MU-21 zones shall be 0.252.

607.3 The minimum required GAR for the MU-22 zone shall be 0.2.

608 PLAZA

608.1 Within the MU-22 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.

608.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

608.3 SPECIAL EXCEPTION

608.4 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-13 through MU-22 zones.

CHAPTER 7 CAPITOL INTEREST AND CAPITOL HILL
COMMERCIAL MIXED USE ZONES – MU-23, MU-24, MU-25 AND MU-
26

700 PURPOSE AND INTENT

700.1 The purposes of the Capitol Interest ~~mixed-use~~Mixed-Use zones (MU-23, MU-24, and MU-26) are to:

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;
- (b) Respect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
- (c) Provide particular controls adjacent to properties having a well-recognized general public interest; and
- (d) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or district to be protected.

700.2 The MU-23 zone is intended to permit medium-density areas predominantly developed with residential buildings consistent with the purposes of Subtitle G § ~~800~~700.1.

700.3 The MU-24 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G § ~~800~~700.1.

700.4 The Capitol Hill Commercial ~~mixed-use~~Mixed-Use zones include the MU-25 and MU-26 zones and are intended to:

- (a) Encourage the adaptive use and reuse of existing buildings, many of which are located in the Capitol Hill Historic District, particularly with respect to the portions of the buildings that exceed the commercial floor area ratio permitted in the underlying zone districts;
- (b) Concentrate ~~nonresidential~~non-residential uses in commercial zone districts in certain areas of Capitol Hill, thereby enhancing and protecting the residential character of the areas surrounding the commercial zone districts and relieving pressure to use properties zoned residential for commercial uses; and

- (c) Provide appropriate incentives for new infill construction that is compatible with the Capitol Hill Historic District and its predominance of low-scale row house structures.

700.5 The MU-25 zone is intended to permit moderate-density mixed-use development consistent with the purpose of Subtitle G § 700.4.

700.6 The MU-26 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G §§ 700.1 and 700.4.

701 DEVELOPMENT STANDARDS

701.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

702 DENSITY

702.1 The maximum permitted FAR of buildings in the MU-23 through MU-26 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 603.1: MAXIMUM PERMITTED ~~HEIGHT~~FLOOR AREA RATIO

Zone	Maximum Floor Area Ratio <u>FAR</u>	
	Total Permitted	Maximum Non-Residential Use
MU-23	1.8	N/A
	2.16 (IZ)	
MU-24	1.8	1.5
	2.16 (IZ)	
MU-25	2.5	3.0
	3.0 (IZ)	
MU-26	1.8	1.5
	2.16 (IZ)	

702.2 In the MU-24 zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 1.8 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

702.3 In the MU-25 and MU-26 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

703 HEIGHT

703.1 The maximum building height, not including the penthouse, in the MU-23, MU-24, and MU-26 zones shall be forty feet (40 ft.) and three (3) stories.

703.2 The maximum height in the MU-25 zone shall be fifty feet (50 ft.).

~~703.3 In the MU-23, MU-24, and MU-26 zones, the requirements and permissions of Subtitle G, Chapter 12 shall apply in addition to the~~ The maximum permitted height limitations of Subtitle G § 703.4 of a penthouse, except that as prohibited on the roof structures shall not exceed of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.), and the maximum number of stories within the penthouse shall be one (1) in the MU-23, MU-24, and MU-26 zones.

~~703.3~~ 703.4 The maximum permitted height above of a penthouse, except as prohibited on the roof upon which they are located of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space in the MU-25 zone.

~~703.4 In the MU-25 zone, the requirements and permissions of Subtitle G, Chapter 12 of this subtitle shall apply in addition to the height limitations of Subtitle G § 703.2.~~

704 LOT OCCUPANCY

704.1 The maximum lot occupancy for residential use shall be eighty percent (80%) in the MU-23 zone and seventy-five percent (75%) in the MU-24, MU-25, and MU-26 zones.

705 REAR SETBACKYARD

705.1 ~~In the MU-23 zone, a~~ A minimum rear yard of twelve-foot feet (12 ft.) rear-setback shall be required provided in the MU-23 zone.

705.2 In the MU-23 zone, rear setbacksyards shall be measured as follows:

- (a) Where a lot abuts an alley, the rear setbackyard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (b) Where a lot does not abut an alley, the rear setbackyard shall be measured from the rear lot line to the rear wall of the building or other structure.

705.3 ~~In~~ A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-24 through MU-26 zones, a fifteen-foot (15 ft.) rear setback shall be required.

705.4 In the MU-24 through MU-26 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbacks~~yards.

705.5 In the MU-24 through MU-26 zones, rear ~~setbacks~~yards shall be measured as follows:

(a) Where a lot abuts an alley:

(1) For that portion of the structure below a horizontal plane described in Subtitle G § 705.4 from the center line of the alley to the rear wall of the portion; and

(2) For that portion of the structure above the horizontal plane described in Subtitle G § 705.4, from the rear lot line to the rear wall of that portion immediately above the plane; and

(b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

706 SIDE ~~SETBACK~~YARD

706.1 No side ~~setback~~yard is required for a principal building other than a ~~single family~~ detached single dwelling unit or semi-detached single dwelling unit; however, if a side ~~setback~~yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).

706.2 A side ~~setback~~yard for a ~~single family~~ detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).

706.3 Any portion of a building ~~setback~~set back from the side lot line shall be considered a side ~~setback~~set back and not a courtyard.

707 GREEN AREA RATIO (~~GAR~~)

707.1 The minimum required ~~Green Area Ratio (GAR)~~ for the MU-23 through MU-26 zones shall be 0.3.

708 SPECIAL EXCEPTIONS

708.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-23 through MU-26 zones.

708.2 In addition to the special exception criteria of Subtitle G, Chapter 12, and Subtitle X, any special exception application in the MU-23, MU-24, or MU-26 zone shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

708.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing of all relevant District departments and agencies, including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.

708.4 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

708.5 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

CHAPTER 8 NAVAL OBSERVATORY MIXED-USE ~~ZONES~~ZONE – MU-27

800 PURPOSE AND INTENT

800.1 The purposes of the Naval Observatory Mixed-Use zone (MU-27) are to:

- (a) Permit moderate-density mixed-use development;
- (b) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;
- (c) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special mission of the Naval Observatory;
- (d) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;
- (e) Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and
- (f) Provide additional controls on private land, in order to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence.

800.2 The MU-27 zone is intended to permit moderate-density mixed-use development.

801 DEVELOPMENT STANDARDS

801.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

801.2 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the MU-27 zone to exceed either the limits of Subtitle G § 802.2 or the area, bulk, and ~~setback~~yard standards that apply as a matter of right in the MU-27 zone.

802 DENSITY

802.1 The maximum permitted ~~density~~FAR in the MU-27 zone shall be 2.5 FAR (3.0 with IZ) with a maximum density of 1.5 FAR for non-residential use.

802.2 In the MU-27 zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-

residential uses, provided the uses are located in the ground story and the story directly above the ground story.

803 HEIGHT

803.1 The maximum permitted building height, not including the penthouse, in the MU-27 zone shall be forty feet (40 ft.).

803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).

804 LOT OCCUPANCY

804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be one-hundred percent (100%).

805 REAR ~~SETBACK~~YARD

805.1 ~~A required rear setback shall be provided with a minimum depth~~rear yard of fifteen feet (15 ft.) ~~shall be provided in the MU-27 zone. v.~~

805.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbacks~~yards.

805.3 Rear ~~setbacks~~yards shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 805.2 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

806 SIDE ~~SETBACK~~YARD

806.1 No side ~~setback~~yard is required for a principal building other than a ~~single-family detached~~ single dwelling unit or semi-detached single dwelling unit; however, if a

side ~~setback~~yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

806.2 A minimum side ~~setback~~yard of eight feet (8 ft.) shall be provided for a ~~single-family~~ detached single dwelling unit or semi-detached single dwelling ~~shall be a minimum of eight feet (8 ft.)-unit.~~

806.3 Any portion of a building ~~setback~~set back from the side lot line shall be considered a side ~~setback~~yard and not a courtyard.

807 **GREEN AREA RATIO (GAR)**

807.1 The minimum required ~~Green Area Ratio~~(GAR) for the MU-27 zone shall be 0.3.

808 **SPECIAL EXCEPTIONS**

808.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to the MU-27 zone.

CHAPTER 9 **FORT TOTTEN** MIXED USE ZONES – MU-28 AND MU-29

900 PURPOSE AND INTENT

- 900.1 The purposes of the Fort Totten Mixed-Use zones (MU-28 and MU-29) are to:
- (a) Encourage future residential and commercial development while enabling existing industries to remain in the District; and
 - (b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.
- 900.2 The MU-28 zone is intended to permit medium-density mixed-use development with a focus on employment.
- 900.3 The MU-29 zone is intended to permit medium- to high-density development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

901 DEVELOPMENT STANDARDS

- 901.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

902 DENSITY

- 902.1 The maximum permitted FAR of buildings in the MU-28 and MU-29 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 902.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Floor Area Ratio FAR	
	Total Permitted	Maximum Non-Residential Use
MU-28	4.0	2.5
	4.8 (IZ)	
MU-29	5.0	3.0
	6.0 (IZ)	

- 902.2 Density may be increased in the MU-28 and MU-29 zones -in an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, and it may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.
- 902.3 In the MU-29 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle G § 100.4. Both lots shall be located within the same square~~;~~ and shall be zoned MU-29.

903 HEIGHT

903.1 The maximum building height, not including the penthouse, in the MU-28 and MU-29 zones shall be ~~given as set forth~~ in the following table:

TABLE G § 903.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-28	65
	<u>65 (IZ)</u>
MU-29	80
	<u>90 (IZ)</u>

Merged Cells

903.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 903.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

<u>ZONE</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>MU-28</u>	<u>12 ft. except</u> <u>18 ft. 6 in. for penthouse mechanical space</u>	<u>1</u> ; <u>Second story permitted for penthouse mechanical space</u>
<u>MU-29</u>	<u>A penthouse shall be included within the maximum permitted building height</u>	<u>1</u>

~~903.2~~903.3 Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

~~903.3~~903.4 The Office of Planning shall review and provide a report with recommendation to the Zoning Administrator prior to the issuance of a building permit.

904 LOT OCCUPANCY

904.1 The maximum permitted lot occupancy for residential use in the MU-28 and MU-29 zones shall be ~~one hundred percent (100%)~~ as set forth in the following table:

TABLE G § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

<u>Zone</u>

	<u>Maximum Lot Occupancy for Residential Use (Percentage)</u>
<u>MU-28</u>	<u>75</u>
	<u>80 (IZ)</u>
<u>MU-29</u>	<u>75</u>
	<u>75 (IZ)</u>

905 **REAR SETBACKYARD**

905.1 A ~~required rear setback shall be provided with a~~ minimum ~~depth~~rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) ~~shall be provided in the MU-28 and MU-29 zones.~~

905.2 In the MU-28 zone, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear ~~setbacks~~yards.

905.3 In the MU-28 zone, rear ~~setbacks~~yards shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in Subtitle G § 905.2 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in Subtitle G § 905.2, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

905.4 In the MU-29 zone, rear ~~setbacks~~yards are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear ~~setback~~yard shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear ~~setback~~yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (c) Where a lot does not abut an alley, the rear ~~setback~~yard shall be measured from the rear lot line to the rear wall of the building or other structure.

906 **SIDE ~~SETBACK~~YARD**

906.1 No side ~~setback~~yard is required for a principal building; however, if a side ~~setback~~yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

906.2 Any portion of a building ~~setback~~set back from the side lot line shall be considered a side ~~setback~~yard and not a courtyard.

907 **GREEN AREA RATIO (~~GAR~~)**

907.1 The minimum required ~~Green Area Ratio~~(GAR) shall be 0.25 for the MU-28 zone and 0.2 for the MU-29 zone.

908 **SETBACKS AND SCREENING**

908.1 A business or industrial use that expands consistent with the development standards of this chapter shall comply with the setback and screening standards.

908.2 If the lot line of the lot being developed coincides with the lot line of a property in a residential zone, or is separated only by a street or alley from a property in a residential zone, where the property is not owned by a business or industrial user, and the property is not being used for residential purposes, the following standards shall apply:

- (a) A setback of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; provided, that the following requirements are met:
 - (1) Where there is a street or an alley between the residential lot and the lot subject to the MU-28, PDR-6, or PDR-7 zones, the required setback shall be fifteen feet (15 ft.) measured from the lot line;
 - (2) The yard shall not be used for parking, loading, or accessory uses;
 - (3) The yard shall be landscaped with evergreen trees in a healthy growing condition which shall be a minimum of six feet to eight feet (6 ft. to 8 ft.) in height when planted; and
 - (4) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top soil and drainage mechanisms as necessary; and

- (b) A fence or wall shall be erected as a buffer between the residential lot(s) not owned by a business or industrial user that abut a lot affected by this zone; provided, that the fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence, or a brick or stone wall.

909

SPECIAL EXCEPTIONS

909.1

The special exception criteria of Subtitle G, Chapter 12 shall apply to all the MU-28 and MU-29 zones.

**CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC
EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION
AND COMMUNITY ~~CENTERCENTERS~~, AND PUBLIC
~~LIBRARYLIBRARIES~~ FOR MU ZONES**

1000 GENERAL PROVISIONS

- 1000.1 Public education buildings and structures, public recreation and community ~~centercenters~~, or public ~~librarylibraries~~ in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.
- 1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the buildings or structures is proposed.

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES

1100 GENERAL PROVISIONS

1100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.

~~1100.2 An alley lot that is only recorded on the records of the Office of Tax and Revenue as an assessment and taxation lot (tax lot) may be recorded by the Surveyor, District of Columbia, as a record lot if the tax lot was created on or before May 12, 1958.~~

~~1100.3~~ 1100.2 New alley lots may be created as provided in Subtitle C, Chapter 3.

1101 DEVELOPMENT STANDARDS

1101.1 The development standards in Subtitle ~~EG~~ §§ 1102 through 1106 shall apply to buildings on alley lots in MU zones.

1102 HEIGHT

1102.1 The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-21, MU-22, and MU-29 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.

1102.2 The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

1103 REAR ~~SETBACK~~ YARD

1103.1 A ~~required rear setback shall be provided with a~~ minimum ~~depth~~ rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1104 SIDE ~~SETBACK~~ YARD

1104.1 A ~~required side setback shall be provided with a~~ minimum ~~depth~~ side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1105 ALLEY CENTERLINE SETBACK

1105.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

1106 GREEN AREA RATIO (GAR)

1106.1 The minimum required ~~Green Area Ratio (GAR)~~ shall be as required by the zone.

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS

1200 GENERAL PROVISIONS

- 1200.1 The Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter.
- 1200.2 As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with the conditions of Subtitle X, Chapter 9.
- 1200.3 Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this ~~chapter~~subtitle shall be processed as a variance.
- 1200.4 Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle where, in the judgment of the Board, the special exception:
- (a) Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;
 - (b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) Is subject in each case to any applicable conditions specified in this chapter.

1201 SPECIAL EXCEPTION CRITERIA REAR ~~SETBACK~~YARD RELIEF

- 1201.1 The Board of Zoning Adjustment may grant relief to the rear ~~setback~~yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:
- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
 - (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
 - (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate ~~setbacks~~yards;
 - (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and

- (e) Upon receiving an application to waive rear ~~setback~~yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.

1202 SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU-27)

1202.1 In consideration of a special exception in the MU-27 zone, in addition to any other criteria of this title, the following conditions shall apply:

- (a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:
 - (1) Present and proposed development within and adjacent to the MU-27 zone;
 - (2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the MU-27 zone; and
 - (3) Role, mission, and functions of the Federal facilities within the MU-27 zone, considering the effect that the proposed development would have on such facilities;
- (b) Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing ~~of~~from all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office;
- (c) Upon receipt of the application, the ~~Board~~ of Zoning Adjustment shall refer the application upon receipt to the National Capital Planning Commission for review and report; and
- ~~(d)~~ The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

~~(e)~~(d)