

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 18-06**

(Office of Planning – Text Amendment to Subtitle G creating a new MU-3B Zone and to amend the Zoning Map to change all existing references to from MU-3 to MU-3A)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Rep1.), hereby gives notice of its intent to amend Subtitle G (MIXED-USE (MU) ZONES), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) and to amend the Zoning Map to change all existing references from “MU-3” to “MU-3A,” in order to establish a new MU-3B zone.

The proposed MU-3B zone would permit a maximum Floor Area Ratio of 2.4 and a maximum height of fifty feet (50 ft.) and four stories, which is more density and height than permitted in the existing M-3 zone, but less than allowed in MU-4. The proposed zone would include setback and buffer requirements and impose a 60% lot occupancy for non-residential uses in Square 5539, for which there is presently no lot occupancy limit.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking actions are proposed:

The Zoning Map is amended to change all existing references to “MU-3” to “MU-3A”.

The following amendments to Title 11 DCMR (Zoning Regulations of 2016) are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, is amended as follows:

Subsection 400.2, of § 400, PURPOSE AND INTENT, is amended as follows:

400.2 The MU-3 zones ~~are~~**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.

Subsection 402.1, of § 402, DENSITY - FLOOR AREA RATIO (FAR), is amended as follows:

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

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3 <u>A</u>	1.0	1.0
	1.2 (IZ)	
<u>MU-3B</u>	<u>2.0</u>	<u>1.5</u>
	<u>2.4 (IZ)</u>	
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)	

Subsections 403.1 and 403.3, of § 403, HEIGHT, are amended as follows:

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3 <u>A</u>	40	3
<u>MU-3B</u>	<u>50</u>	<u>4</u>
MU-4	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A

Zone	Maximum Height (Feet)	Maximum Stories
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
MU-30	110	NA

403.3 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 § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A <u>MU-3B</u> 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 MU-30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

Section 404, LOT OCCUPANCY is amended as follows:

Subsections 404.1 is amended as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3A	60%
	60% (IZ)
MU-3B	60%
	75% (IZ)
MU-4	60%
	75% (IZ)
MU-5-A	80%
MU-5-B	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)
MU-30	N/A

A new 404.2 is added to read as follows:

404.2 **Notwithstanding Subtitle G § 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.**

A new § 411, **TRANSITION SETBACK REQUIREMENTS**, is added to read as follows:

411 **TRANSITION SETBACK REQUIREMENTS**

411.1 **In the MU-3B zone the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:**

- a)** **A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the 20-foot transition setback; and**
- b)** **An additional upper-story transition setback of 10 feet minimum shall be provided above a building height of 40 feet, or top of third story.**

411.2 **Any required transition setback area shall not be used for loading.**

411.3 A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:

- (a) The trees shall be maintained in a healthy growing condition;**
- (b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and**
- (c) 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 and drainage mechanisms as necessary.**

411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.

411.5 No residential communal outdoor recreation space shall be located within 50 feet of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.