

ZC 25-16

Text Amendments to create a Special Exception use for Fast-Food Establishments with existing Drive-Through Facilities in Mixed Use (MU) zone Groups D, E, F, G and the Production, Distribution, and Repair (PDR) zones



Background

- Drive-through fast food establishments are prohibited in most zones
- Some have existed for a long time as non-conforming uses
- Subtitle C § 204 does not allow new structures to contain a nonconforming uses
- Upgrades to these buildings is limited because the whole building can not be replaced



Recent Related Cases

- **ZC case 24-13:**
4301 Nannie Helen Burroughs Ave.
- **ZC case 22-19:**
4950 South Dakota Ave.



Approximate Number of Drive-Through Restaurants in DC

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8	
Total	1	0	1	5	7	4	3	2	23
Impacted	1	0	0	3	1	3	0	1	9

Drive-Through Special Exception

A fast-food restaurant with a drive-through approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;



Comprehensive Plan

- On balance, the proposal is not inconsistent with Comprehensive Plan policies and maps.
- In most cases these restaurants are on properties that have a moderate or higher density FLUM designation, which supports this type of use.
- Two properties in Rock Creek East are designated for low density development which is not typically considered appropriate for this use.
- When considering the Rock Creek East Area element guidance and other city-wide policies on balance this text amendment is not inconsistent with the land use guidance for these properties.