

Z.C. CASE NO. 25-16
PETITIONER'S SECOND SUPPLEMENTAL PREHEARING SUBMISSION
EXHIBIT BA

Revised Petition
(Revised per Feedback from the Office of Planning and DDOT)

Set forth below are the Petitioner's proposed revisions to Subtitle U of the Zoning Regulations (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text):¹

Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES

CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES is proposed to be amended as follows:

- 6001.5 In a NMU zone, no drive-through or drive-in operation shall be permitted as a principal or accessory use, **except as an accessory to an eating and drinking establishment approved by special exception, subject to Subtitle H § 6007.1(e)(2)(E).**
- 6007.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use as follows:
- (a) ...
 - (e) Eating and drinking establishment uses as follows:
 - (1) ...
 - (2) Fast food establishments or food delivery business shall be permitted, subject to the following conditions:
 - (A) ...
 - (E) The use ~~shall not may~~ include a drive-through, **provided that (i) 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**

¹ The changes shown herein reflect only those amendments material to this Petition and do not include conforming or stylistic edits (e.g., renumbering, formatting, or grammatical corrections) that may be required in the final codified text.

the date of application; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.

Amendments to Subtitle U, USE PERMISSIONS

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D) is proposed to be amended as follows:

510.1 The following uses shall be permitted in MU-Use Group D as a matter-of-right subject to any applicable conditions:

(a) . . .

(g) Eating and drinking establishment uses, subject to the following conditions:

(1) A ~~drive-through or~~ drive-in operation and a food delivery service shall not be permitted;

(2) A fast food establishment shall not be permitted as a matter of right in the MU-3 zone except that fast food establishments with no drive-through shall be permitted in Square 5912, Square 3499 (Lot 3), and Square 3664 (Lot 820) as a matter of right; **and**

(3) **A drive-through shall not be permitted, unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.**

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D) is proposed to be amended as follows:

511.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

(a) . . .

(e) Fast food establishment, subject to the following conditions:

(1) ...

(4) The use shall not include a drive-through; unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E) is proposed to be amended as follows:

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions for each use below.

(a) ...

(e) Eating and drinking establishment uses, subject to the following conditions:

(1) ...

(2) A fast food establishment or food delivery service in all other MU-Use Group E zones, subject to the following conditions:

(A) ...

(D) The use shall not include a drive-through; unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.; and

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E) is proposed to be amended as follows:

513.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

- (a) ...
- (e) Fast food establishments or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions:
 - (1) ...
 - (3) The use shall not include a drive-through; **unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;**

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 514, PROHIBITED USES (MU-USE GROUP E) is proposed to be amended as follows:

514.3 In the MU-4/RC and MU-5A/RC zones, the following uses shall be prohibited:

- (a) ...
- (1) Drive-through; **unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.**

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 517, MATTER-OF-RIGHT USES (MU-USE GROUP G) is proposed to be amended as follows:

517.1 The following uses shall be permitted in MU-Use Group G as a matter of right subject to any applicable conditions:

- (a) ...

- (e) A fast-food restaurant, provided, that if the use includes a drive-through, the drive-through must be approved as a special exception pursuant to Subtitle U § 518.1(t).

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 518, SPECIAL EXCEPTION USES (MU-USE GROUP G) is proposed to be amended as follows:

518.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for ease use below:

- (a) . . .
- (t) 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 (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.;

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 519, USES NOT PERMITTED (MU-USE GROUP G) is proposed to be amended as follows:

519.1 The following uses shall be specifically prohibited in MU-Use Group G:

- (a) . . .
- (f) Drive-through operation as either a principal or accessory use, except for a fast-food restaurant approved pursuant to Subtitle U § 518.1(t);

CHAPTER 8, USE PERMISSIONS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES. § 803, ADDITIONAL USE RESTRICTIONS AND CONDITIONS (PDR) is proposed to be amended as follows:

803.2 Regardless of the permissions, and in addition to any restrictions or conditions of this chapter, the following uses shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone:

- (a) . . .
- (e) Drive-through operation as either a principal or accessory use, unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that (i) 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; and (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;