ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 25-16
McDonald's Corporation
(Text Amendments to Subtitles H and U of the Zoning Regulations of 2016 - Drive Through Facilities for Existing Facilities as Special Exception)

The Zoning Commission for the District of Columbia (Commission), 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 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505(a) (2013 Repl.)), hereby gives notice of its intent to amend Subtitle H (NEIGHBORHOOD MIXED-USE (NMU) ZONES) and Subtitle U (USE PERMISSIONS), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) with the text at the end of this notice.

McDonald's Corporation requested text amendments to Subtitle U (Use Permissions) of the Zoning Regulations of 2016, to permit existing drive-throughs to be continued with newly constructed, modernized or upgraded fast-food establishments if approved through special exception. The original proposed text amendments would impact properties in the Mixed-Use (MU) Groups D, E, F, G and the Production, Distribution, and Repair (PDR) zones. After the Commission set down the proposal on May 28, 2026, and held a public hearing on September 28, 2026, it expanded the proposed amendments to also include conforming amendments to Subtitle H, Use Permissions for Neighborhood Mixed-Use Zones.

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

The following amendments to Title 11 DCMR (Zoning Regulations of 2016) are proposed (text to be deleted is marked in **bold and strikethrough** text; new text is shown in **bold and underlined** text):

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)**.

…[1]

[1] The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the text at issue does not signify an intent to repeal those other provisions.

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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 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 prior to 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 prior to 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 prior to 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 prior to 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 prior to 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) . . .

(l) 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 prior to 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 prior to the public hearing before the Board**;

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 *District of Columbia 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 or by e-mail to ZCsubmissions@dc.gov. Ms. Schellin may be contacted by telephone at (202) 727-0340 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.