

SUBTITLE G MIXED USE (MU) ZONES

Subtitle C Chapter 16 page 71

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CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES

100 GENERAL PROVISIONS

100.1 Subtitle G is to be read and applied in addition to the regulations included in:

- (a) Subtitle A, Authority and Applicability;
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;
- (c) Subtitle C, General Rules;
- (d) Subtitle H, Neighborhood Mixed-Use (NC) Zones; and
- (e) Subtitle U, Use Permissions.

100.2 For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries and identified on the official Zoning Map.

100.3 In the MU zones, buildings may be entirely **permitted** residential **uses**, or may be a mixture of **permitted** non-residential and residential uses.

101 PURPOSE AND INTENT

101.1 The purpose of the Mixed-Use (MU) zones is to provide for mixed-use developments that permit a broad range of commercial, institutional, and residential development at varying densities.

101.2 The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.

101.3 The MU zones are intended 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;
- (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.

101.4 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.

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

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

101.7 The MU-3 through MU-10 and the MU-15 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.

101.8 The MU-3 zones are 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.

101.9 **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 include office employment centers, shopping centers, and moderate bulk mixed-use centers.**

101.10 **The MU-5 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.**

101.11 **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.**

101.12 **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.**

101.13 **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 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.

101.14

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.

101.15

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 non-residential bulk to be apportioned between two (2) or more lots in the same square

101.16

The MU-15 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 downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.

CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED USE ZONES - MU-1 THROUGH MU-10 AND MU-15

200 DEVELOPMENT STANDARDS

200.1 The **development** standards of this chapter shall apply to **the MU-1 through MU-10 and the MU-15** Mixed Use (MU) zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a **portion** of a development standard is modified the remaining **portions** of the development standard shall still apply.

200.2 **The development standards regulate the bulk of buildings and other structures and the spaces around them, including as applicable the following:**

- (a) Height and number of stories;
- (b) Density and lot occupancy;
- (c) Yards and setbacks; and
- (d) Environmental performance of development.

200.3 Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone-specific special exception criterion, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.4 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to the MU zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in Subtitle G § 200.5.

200.5 Notwithstanding Subtitle G § 200.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.

201 DENSITY

201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential **gross floor area** to residential **gross floor area**, even if in excess of otherwise permitted **floor area ratio**, shall be permitted.

201.2 Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

TABLE G § 201.2: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Zone</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>MU-1</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>2.5</u>
<u>MU-2</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>3.5</u>
<u>MU-3A</u>	<u>1.0</u> <u>1.2 (IZ)</u>	<u>1.0</u>
<u>MU-3B</u>	<u>2.0</u> <u>2.4 (IZ)</u>	<u>1.5</u>
<u>MU-4</u>	<u>2.5</u> <u>3.0 (IZ)</u>	<u>1.5</u>
<u>MU-5A</u>	<u>3.5</u> <u>4.2 (IZ)</u>	<u>1.5</u>
<u>MU-5B</u>	<u>3.5</u> <u>4.2 (IZ)</u>	<u>1.5</u>
<u>MU-6</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>2.0</u>
<u>MU-7</u>	<u>4.0</u> <u>4.8 (IZ)</u>	<u>2.5</u>
<u>MU-8</u>	<u>5.0</u> <u>6.0 (IZ)</u>	<u>4.0</u>
<u>MU-9</u>	<u>6.5</u> <u>7.8 (IZ)</u>	<u>6.5</u>
<u>MU-10</u>	<u>6.0</u> <u>7.2 (IZ)</u>	<u>3.0</u>

201.3 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.

201.4 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 C, Chapter 12. Both lots shall be located within the same square and shall be zoned MU-10.

201.5 In the MU-15 zone, the maximum permitted FAR shall be as set forth in the following table, except as provided elsewhere in this title:

TABLE G § 201.5: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>MU-15 Zone Height</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>Buildings erected to a height of one hundred ten feet (110 ft.) or less</u>	<u>8.5</u>	<u>8.5</u>
	<u>10.2 (IZ)</u>	
<u>Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 203.3</u>	<u>10.0</u>	<u>10.0</u>
	<u>12.0 (IZ)</u>	

201.6 A public recreation and community center in a MU-1, MU-2 or MU-10 zone shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9.

201.7 A public recreation and community center shall not exceed a 1.8 FAR in the MU-1 and MU-2 zones.

202 **[RESERVED]**

203 **HEIGHT**

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, and the maximum number of stories shall be as set forth in this section.

203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle G §§ 203.3 through 203.4, shall be as set forth in the following table:

TABLE G § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

<u>Zone</u>	<u>Maximum Height, Not Including penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-1</u>	<u>65</u> <u>70 (IZ)</u>	<u>N/A</u>
<u>MU-2</u>	<u>90</u>	<u>N/A</u>
<u>MU-3A</u>	<u>40</u>	<u>3</u>
<u>MU-3B</u>	<u>50</u>	<u>4</u>
<u>MU-4</u>	<u>50</u>	<u>N/A</u>
<u>MU-5A</u>	<u>65</u> <u>70 (IZ)</u>	<u>N/A</u>
<u>MU-5B</u>	<u>75</u>	<u>N/A</u>
<u>MU-6</u>	<u>90</u>	<u>N/A</u>

	<u>100 (IZ)</u>	
<u>MU-7</u>	<u>65</u>	<u>N/A</u>
<u>MU-8</u>	<u>70</u>	<u>N/A</u>
<u>MU-9</u>	<u>90</u>	<u>N/A</u>
<u>MU-10</u>	<u>100 (IZ)</u>	<u>N/A</u>
<u>MU-15</u>	<u>110</u>	<u>N/A</u>

203.3 **In the MU-15 zone, a building or other structure may be erected to a height not exceeding one hundred-thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred-ten feet (110 ft.) wide between building lines.**

203.4 **A public recreation and community center in a MU-1, MU-2 or MU-10 zone shall not exceed a height of forty-five feet (45 ft.)**

204 **TRANSITION SETBACK REQUIREMENTS (MU-3B ZONE)**

204.1 **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 twenty-foot (20 ft.) transition setback; and**
- (b)** **An additional upper-story transition setback of ten feet (10 ft.) minimum shall be provided above a building height of forty feet (40 ft.), or top of third story.**

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

204.3 **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.

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

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

205 PENTHOUSES

205.1 A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 The maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE G § 205.2: MAXIMUM 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>
<u>MU-3A MU-3B MU-4</u>	<u>12 ft., except 15 ft. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-5A MU-7</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-5B MU-8</u>	<u>20 ft.</u>	<u>1; Second story permitted for penthouse mechanical space</u>
<u>MU-6 MU-9 MU-10 MU-15</u>	<u>20 ft.</u>	<u>1 plus mezzanine; Second story permitted for penthouse mechanical space</u>

207 REAR YARD

207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.

207.2 In all MU zones, where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

207.3 In the MU-1 and MU-2 zones a rear yard shall be established subject to the following conditions:

(a) A minimum 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 required above a horizontal plane as described in Subtitle G § 207.9;

(b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.9; and

(c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.4 In the MU-3 zone a minimum rear yard of twenty feet (20 ft.) shall be provided.

207.5 In the MU-4, MU-5, and MU-6 zones a minimum rear yard of fifteen feet (15 ft.) shall be provided.

207.6 In the MU-7, MU-8, MU-9, MU-10, and MU-15 zones a minimum 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.

207.7 In the MU-3 through MU-7 zones, rear 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 § 207.9 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 § 207.9, from the rear lot line to the rear wall of that portion immediately above the plane.

207.8 In the MU-8, MU-9, and MU-15 zones, a rear yard shall be established subject to the following conditions:

(a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.9; and

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.9 In the MU-1 through MU-9 and the MU-15 zones, a horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

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

(a) A rear yard shall be established no lower than the first level of residential use; and

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.11 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.

207.12 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, Chapter 9 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 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 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.**

208 SIDE YARD

- 208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.**
- 208.2 In the MU-1 through MU-9 and MU-15 zones, no side yard is required for a building or structure other than a detached or semi-detached single household dwelling; however, if a side 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.).**
- 208.3 In the MU-1 through MU-9 zones, a minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached single household dwelling.**
- 208.4 In the MU-10 zone no side yard is required for a principal building; however, if a side 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.).**
- 208.5 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.**

209 COURT

- 209.1 Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:**

TABLE G § 209.1: MINIMUM COURT DIMENSIONS

<u>Type of Structure</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>Residential, more than 3 units</u>	<u>4 in./ft. of height of court;</u> <u>10 ft. minimum</u>	<u>4 in./ft. of height of court;</u> <u>15 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>350 sq. ft. minimum</u>
<u>All Other Structures</u>	<u>2.5 in./ft. of height of court;</u> <u>6 ft. minimum</u>	<u>2.5 in./ft. of height of court;</u> <u>12 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>250 sq. ft. minimum</u>

210 LOT OCCUPANCY

210.1 Except as provided elsewhere in this title, the maximum permitted lot occupancy for a residential use shall be as set forth in the following table:

TABLE G § 210.1: MAXIMUM LOT OCCUPANCY

<u>Zone</u>	<u>Maximum Lot Occupancy for Residential Use</u>
<u>MU-1</u>	<u>80 %</u>
<u>MU-2</u>	<u>80 %</u> <u>90 % (IZ)</u>
<u>MU-3A</u>	<u>60 %</u>
<u>MU-3B</u>	<u>60 %</u>
<u>MU-4</u>	<u>60 %</u> <u>75 % (IZ)</u>
<u>MU-5-A</u>	<u>80 %</u>
<u>MU-5-B</u>	<u>80 %</u>
<u>MU-6</u>	<u>75 %</u> <u>80 % (IZ)</u>
<u>MU-7</u>	<u>75 %</u> <u>80 % (IZ)</u>
<u>MU-8</u>	<u>100 %</u>
<u>MU-9</u>	<u>100 %</u>
<u>MU-10</u>	<u>75 %</u> <u>80 % (IZ)</u>
<u>MU-15</u>	<u>100 %</u>

210.2 **In the MU-10 zone, for the purposes of this section, the phrase "residential uses" includes dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.**

210.4 **In the MU-1, MU-2, or MU-10 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.**

210.5 **Notwithstanding Subtitle G § 210.1, 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.**

211 **GREEN AREA RATIO (GAR)**

211.1 **The minimum required green area ratio shall be as set forth in the following table:**

TABLE G § 211.1: MINIMUM GREEN AREA RATIO (GAR)

<u>Zone</u>	<u>Minimum Green Area Ratio</u>
<u>MU-1, MU-2, MU-3, MU-4, MU-5, MU-6</u>	<u>0.30</u>
<u>MU-7, MU-8</u>	<u>0.25</u>
<u>MU-9, MU-10, MU-15</u>	<u>0.20</u>

212 **PLAZA (MU-10)**

212.1 **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.**

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

213 **SPECIAL EXCEPTION**

213.1 **Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if**

approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 52.

214 **COMBINED LOT (MU-10)**

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

- (a) 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**

- (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 3 DEVELOPMENT STANDARDS FOR MIXED-USE WATERFRONT ZONES - MU-11, MU-12, MU-13, AND MU-14

300 PURPOSE AND INTENT

300.1 The MU-11, MU-12, MU-13 and MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.

300.2 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.

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

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

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

301 DEVELOPMENT STANDARDS

301.1 The development standards of this chapter **shall apply to the MU-11, MU-12, MU-13 and MU-14 Mixed Use (MU) Waterfront zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply.**

301.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:

- (a) Height and number of stories;
- (b) Density and lot occupancy;
- (c) Yards and setbacks; and
- (d) Environmental performance of development.

301.3 Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception.

Additional zone-specific special exception criterion, if applicable, are referenced in this subtitle and shall be considered by the Board.

301.4 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density shall apply to the MU-11, MU-12 and MU-14 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in G § 301.5 and in the zone-specific development standards of this subtitle.

301.5 Notwithstanding Subtitle G § 301.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the IZ requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.

302 DENSITY

302.1 Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

TABLE G § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	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)	

302.2 In the MU-11, MU-12, MU-13 and MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the “Total Permitted” floor area ratio.

302.3 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 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.

302.4 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of

Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9.

302.5 A public recreation and community center shall not exceed a 1.8 FAR in the MU-12, MU-13, and MU-14 zones.

303 **HEIGHT**

303.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, shall be as set forth in this section.

303.2 The maximum permitted height of buildings or structures, except as provided in Subtitle G §§ 303.3 through 303.4, shall be as set forth in the following table:

TABLE G § 303.2: MAXIMUM HEIGHT

<u>Zone</u>	<u>Maximum Height, Not Including Penthouse (ft.)</u>
<u>MU-11</u>	<u>40</u>
<u>MU-12</u>	<u>45</u> <u>50 (IZ)</u>
<u>MU-13</u>	<u>60</u>
<u>MU-14</u>	<u>90</u> <u>100 (IZ)</u>

303.3 In the MU-11 zone, 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. ; and

303.4 A public recreation and community center in a MU-12, MU-13 or MU-14 zone shall not exceed a height of forty-five feet (45 ft.)

304 [RESERVED]

305 PENTHOUSES

305.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 305.1: 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>

305.2 In the MU-11 zone, 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 C, Chapter 15 when the top of the penthouse is below the maximum building height prescribed for the MU-11 zone.

306 [RESERVED]

307 REAR YARD

307.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.

307.2 A rear yard is required only for residential uses and shall be established no lower than the first level of residential use.

307.3 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-11, MU-12, MU-13, and MU-14 zones.

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

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

307.6 The Board of Zoning Adjustment may waive rear yard requirements as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle G § 207.12.

308 SIDE YARD

308.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

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

308.3 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 feet (8 ft.).

308.4 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

309 **[RESERVED]**

310 **LOT OCCUPANCY**

310.1 The maximum permitted lot occupancy for a residential use shall be as set forth in the following table:

TABLE G § 310.1: MAXIMUM PERMITTED LOT OCCUPANCY

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

310.2 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.

310.3 **In the MU-11, MU-12, MU-13 or MU-14 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.**

311 **GREEN AREA RATIO (GAR)**

311.1 **The minimum required GAR for the MU-12, MU-13 and MU-14 zones shall be 0.3.**

312 **WATERFRONT SETBACK**

312.1 **In the MU-11, MU-12, MU-13 and MU-14 zones a waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.**

312.2 **In addition to the requirements of Subtitle C, Chapter 11, 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.**

313 **SPECIAL EXCEPTION**

313.1 **Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to a demonstration by the applicant that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.**

CHAPTER 4 DUPONT CIRCLE MIXED-USE ZONES –MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC AND MU-10/DC

400 **PURPOSE AND INTENT**

400.1 **The development standards in Subtitle G, Chapter 2 shall apply to the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC, and MU-10/DC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

400.2 **In addition to the purposes of the MU zones, the** purposes of the Dupont Circle Mixed-Use zones 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;
- (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.

401 **PLANNED UNIT DEVELOPMENT**

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

402 **MISCELLANEOUS**

402.1

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.

CHAPTER 5 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

500 **PURPOSE AND INTENT**

500.1 **The development standards in Subtitle G, Chapter 2 shall apply to the MU-2/CAP, MU-4/CAP, MU-4/CHC, and MU-4/CAP/CHC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

500.2 **In addition to the purposes of the MU zones, the** purposes of the Capitol Interest Mixed-Use zones (**MU-2/CAP, MU-4/CAP, MU-4/CAP/CHC**) 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.

500.3 **In addition to the purposes of the MU zone, the purposes of the** Capitol Hill Commercial Mixed-Use zones (**MU-4/CHC and MU-4/CAP/CHC**) are 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 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.

501 DENSITY

501.1 The maximum permitted FAR of buildings in the **MU-2/CAP, MU-4/CAP, MU-4/CHC and MU-4/CAP/CHC** zones shall be as set forth in the following table:

TABLE G § 501.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
<u>MU-2/CAP</u>	1.8	<u>1.8</u>
	2.16 (IZ)	
<u>MU-4/CAP</u>	1.8	1.5
	2.16 (IZ)	
<u>MU-4/CHC</u>	3.0	3.0
	3.0 (IZ)	
<u>MU-4/CAP/CHC</u>	2.5	2.5
	2.5 (IZ)	

501.2 In the **MU-4/CAP** 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.

501.3 In the **MU-4/CHC and MU-4/CAP/CHC** 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.

502 HEIGHT

502.1 The maximum building height **of all buildings or structures**, not including the penthouse, in the **MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC** zones shall be forty feet (40 ft.) and three (3) stories.

503 PENTHOUSES

503.1 **In the MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC zones, the** maximum permitted height of a penthouse, except as prohibited on the roof of a **single household dwelling** 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).

504

**SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST
MIXED USE ZONES (CAP)**

504.1

In addition to the special exception criteria of Subtitle G, **Chapter 52**, and Subtitle X, **Chapter 9** any special exception application in the **MU-2/CAP, MU-4/CAP or MU-4/CAP/CHC** 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.

504.2

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.

504.3

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

504.4

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 6 NAVAL OBSERVATORY MIXED-USE ZONE - MU-4/NO

600 **PURPOSE AND INTENT**

600.1 **The development standards in Subtitle G, Chapter 2 shall apply to the MU-4/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

600.2 **Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.**

600.3 **In addition to the purposes of the MU zones, the** purposes of the Naval Observatory Mixed-Use zone (**MU-4/NO**) are to:

- (a)** 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;
- (b)** 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;
- (c)** Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;
- (d)** Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and
- (e)** 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.

601 **PLANNED UNIT DEVELOPMENT**

601.1 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the **MU-4/NO** zone to exceed either the limits of Subtitle G § **602** or the area, bulk, and yard standards that apply as a matter of right in the **MU-4/NO** zone.

602

HEIGHT

602.1

The maximum permitted building height, not including the penthouse, in the MU-4/NO zone shall be forty feet (40 ft.), measured as follows:

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

603

PENTHOUSES

603.1

The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling 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).

603.2

A penthouse permitted shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.

604

SPECIAL EXCEPTION NAVAL OBSERVATORY ZONE (NO)

604.1

In consideration of a special exception in the ~~MU-27~~ MU-4/NO 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-4/NO 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-4/NO zone; and**
 - (3) **Role, mission, and functions of the Federal facilities within the MU-4/NO 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 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.**

CHAPTER 7 FORT TOTTEN MIXED-USE ZONES - MU-7/FT AND MU-10/FT

700 **PURPOSE AND INTENT**

700.1 **The development standards in Subtitle G, Chapter 2 shall apply to the MU-7/FT AND MU-10/FT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

700.2 **In addition to the purposes of the MU zones, the** purposes of the Fort Totten Mixed-Use zones (**MU-7/FT and MU-10/FT**) 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.

701 **DENSITY**

701.1 The maximum permitted FAR of buildings in the **MU-7/FT and MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 701.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
<u>MU-7/FT</u>	4.0	2.5
	4.8 (IZ)	
<u>MU-10/FT</u>	5.0	3.0
	6.0 (IZ)	

701.2 Density may be increased in the **MU-7/FT** and **MU-10/FT** 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.

701.3 In the **MU-10/FT** 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 § 214**. Both lots shall be located within the same square and shall be zoned **MU-10/FT**.

702 **HEIGHT**

702.1

The maximum building height, not including the penthouse, in the **MU-7/FT** and **MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 702.1: MAXIMUM BUILDING HEIGHT

Zone	Maximum Height, Not Including the Penthouse (ft.)
<u>MU-7/FT</u>	65
	65 (IZ)
<u>MU-10/FT</u>	80
	90 (IZ)

703

PENTHOUSES

703.1

The maximum permitted height of a penthouse, except as prohibited on the roof of a **single household dwelling** or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 703.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
<u>MU-7/FT</u>	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
<u>MU-10/FT</u>	A penthouse shall be included within the maximum permitted building height	1

703.2

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.

703.3

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

704

LOT OCCUPANCY

704.1

The maximum permitted lot occupancy for residential use in the **MU-7/FT** and **MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 704.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
<u>MU-7/FT</u>	75
	80 (IZ)
<u>MU-10/FT</u>	75
	75 (IZ)

705 SETBACKS AND SCREENING

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

705.2 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-7/FT**, 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.

CHAPTER 8 REED-COOKE MIXED-USE ZONES - MU-4/RC AND MU-5A/RC

800 PURPOSE AND INTENT

800.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-4/RC and MU-5A/RC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

800.2 In addition to the purposes of the MU zones, the purposes of the Reed-Cooke Mixed-Use zones are to:

- (a) Protect current housing and provide for the development of new housing;**
- (b) Maintain heights and densities at appropriate levels;**
- (c) Encourage small-scale business development that will not adversely affect the residential community;**
- (d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;**
- (e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and**
- (f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.**

801 MISCELLANEOUS

801.1 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

- (a) All new construction;**
- (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;**

(c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

(d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

801.2 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle G § 801.1(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

(a) The first shall be selected by the owner;

(b) The second shall be selected by the Zoning Administrator; and

(c) The third shall be selected by the first two (2) contractors.

801.3 The estimates provided for by Subtitle G § 801.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

801.4 The cost of estimates shall be at the expense of the property owner.

802 HEIGHT

802.1 The maximum permitted building height, not including the penthouse, in the MU-4/RC and MU-5A/RC zones shall be as set forth in the following table:

TABLE G § 802.1: MAXIMUM BUILDING HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Height, Not Including penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>MU-4/RC</u>	<u>40</u>	<u>N/A</u>
<u>MU-5A/RC</u>	<u>40</u> <u>50 (IZ)</u>	<u>N/A</u>

802.2 In the MU-5A/RC zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined in Subtitle B, Chapter 2.

803 PENTHOUSES

803.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 803.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse Height</u>	<u>Maximum Penthouse Stories</u>
<u>RC-2 MU-4/RC</u>	<u>12 ft., except 15 ft. for penthouse mechanical space</u>	<u>1</u>
<u>RC-3 MU-5A/RC</u>	<u>12 ft., except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1; Second story permitted for penthouse mechanical space</u>

804 PLANNED UNIT DEVELOPMENTS

804.1 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the RC zones to exceed the floor area ratio standards of Subtitle G § 201 and the height standards of Subtitle G § 802.

804.2 Notwithstanding Subtitle G § 804.1, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed seventy-two feet (72 ft.) measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

805 RELIEF FROM DEVELOPMENT STANDARDS (RC)

805.1 An exception from the requirements of ~~this chapter~~ the Reed Cooke (RC) zones shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject to the following conditions:

- (a)** The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC zones;
- (b)** Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
- (c)** Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
- (d)** Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (e)** No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(f) If located within a MU-5A/RC zone, the use shall not be within twenty-five feet (25 ft.) of a residentially zoned property, unless separated there from by a street or alley.

805.2

The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

CHAPTER 9 through 48 [RESERVED]

CHAPTER 49 PUBLIC SCHOOLS

4900 GENERAL PROVISIONS

4900.1 The provisions of this chapter control certain height and bulk of public schools.

4901 DEVELOPMENT STANDARDS

4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

4902 DENSITY

4902.1 Public schools shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE G § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS

Zone	Maximum FAR
<u>All</u> MU-1, MU-2, MU-10; <u>zones</u>	3.0
<u>All</u> MU-3 <u>zones</u>	1.8
All other MU zones	As permitted for residential (non-IZ) uses by zone

4903 PENTHOUSES

4903.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

4904 REAR YARD

4904.1 A minimum rear yard shall be provided as required by the zone within which the lot is located; provided that no rear yard shall be required for a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation.

4905 SIDE YARD

4905.1 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.

4906**SPECIAL EXCEPTION**

4906.1

Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

CHAPTER 50 [RESERVED]

CHAPTER 51 ALLEY LOT REGULATIONS FOR MU ZONES
[ZC CASE 19-13 ALLEY LOT PENDING]

5100 GENERAL PROVISIONS

5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.

5100.2 New alley lots may be created as provided in Subtitle C, Chapter 3.

5101 DEVELOPMENT STANDARDS

5101.1 The development standards in Subtitle G §§ 1102 through 1106 shall apply to buildings on alley lots in MU zones.

5102 HEIGHT

5102.1 The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.

5102.2 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.

5103 REAR YARD

5103.1 A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

5104 SIDE YARD

5104.1 A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

5105 ALLEY CENTERLINE SETBACK

5105.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

5106

GREEN AREA RATIO (GAR)

5106.1

The minimum required GAR shall be as required by the zone.

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (MU ZONES)

[ZC CASE 19-14 NONCONFORMING STRUCTURES PENDING]

5200 GENERAL PROVISIONS

5200.1 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.

5200.2 **Except as provided elsewhere in this title, relief from the development standards for height and floor area ratio shall be required as a variance.**

5200.3 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.

5200.4 Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this subtitle shall be processed as a variance.

5200.5 Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle, **except for height and floor-area-ratio**, 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.

SUBTITLE C CHAPTER 16 PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES Is deleted in its entirety.
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

SUBTITLE K CHAPTER 7 REED-COOKE is deleted in its entirety
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

SUBTITLE U USES is amended as follows:

CHAPTER 4 USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES is amended to add a new § 401.3 to Section **401 MATTER OF RIGHT USES (RA)** and to amend § 401.1 as follows:

401 MATTER-OF-RIGHT USES (RA)

401.1 The following uses shall be permitted as a matter of right subject to ~~any applicable conditions~~ **the applicable provisions of this section:**

(a) . . .

401.3 In the RA-2/RC zone, the uses of this section shall be permitted as a matter-of-right unless not permitted in Subtitle U § 514.2.

CHAPTER 4 USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES is amended to add a new § 410.2 to Section **410 ACCESSORY USES (RA)** and to amend § 410.1 as follows:

410 ACCESSORY USES (RA)

410.1 The following accessory uses shall be permitted as a matter of right subject to the ~~associated conditions~~ **applicable provisions of this section:**

(a) . . .

410.2 In the RA-2/RC zone a drive-through accessory to any use shall not be permitted.

CHAPTER 4 USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES is amended to add a new § 420.2 to Section **420 SPECIAL EXCEPTION USES (RA)** and to amend § 420.1 as follows:

420 SPECIAL EXCEPTION USES (RA)

420.1 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 ~~any~~ **the** applicable provisions of ~~each~~ **this** section:

(a) . . .

420.2 In the RA-2/RC zone, the uses of this section shall be permitted as a special exception unless not permitted in Subtitle U §514.2.

CHAPTER 5 USE PERMISSIONS MIXED USE (MU) ZONES is amended to add a new § 512.2 to Section **512 MATTER OF RIGHT USES (MU)** and to amend § 512.1 as follows:

512 MATTER-OF-RIGHT USES (MU – USE GROUP E)

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to ~~any applicable conditions~~ **the applicable provisions of this section:**

(a) . . .

512.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a matter-of-right unless not permitted in Subtitle U §514.2.

CHAPTER 5 USE PERMISSIONS MIXED USE (MU) ZONES, is amended to add a new § 513.2 to Section **513 SPECIAL EXCEPTION USES (MU)** and to amend § 513.1 as follows:

513 SPECIAL EXCEPTION USES (MU – USE GROUP E)

513.1 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 **applicable** provisions of this section:

(a) . . .

513.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a special exception unless not permitted in Subtitle U §514.2.

CHAPTER 5 USE PERMISSIONS MIXED USE (MU) ZONES is amended to add a new § 514.2 to Section 514 PROHIBITED USES (MU-USE GROUP E) as follows:

514 PROHIBITED USES (MU – USE GROUP E)

514.1 . . .

514.2 In the MU-4/RC and MU-5A/RC zones , the following uses shall not be permitted either as a matter-of-right or by special exception:

- (a) Antenna tower in excess of twenty feet (20 ft.) in height;**
- (b) Any use not permitted in the MU-10 zone, except a parking lot as permitted by Subtitle U § 203.(k);**
- (c) Assembly hall, auditorium, or public hall;**
- (d) Automobile laundry;**
- (e) Automobile or truck sales;**
- (f) Automobile rental agency that stores or services automobiles within an RC zone;**
- (g) Bar or cocktail lounge;**
- (h) Billiard parlor or pool hall;**
- (i) Boat or other marine sales;**
- (j) Bowling alley;**
- (k) Bus passenger depot;**
- (l) Drive-through;**
- (m) Funeral mortuary or other similar establishment;**
- (n) Gasoline service station or repair garage;**
- (o) Hotel;**
- (p) Motorcycle sales or repair;**
- (q) Movie theater;**
- (r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area;**
- (s) On-premises dry cleaning establishment;**
- (t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;**
- (u) Restaurant or fast food establishment;**
- (v) Satellite reception dish greater than fifteen feet (15 ft.) in diameter;**
- (w) Transient accommodations that are not home occupations;**
- (x) Veterinary hospital; and**
- (y) Video game parlor.**