

TITLE 11 – ZONING

SUBTITLE G MIXED USE (MU) ZONES

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CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES

100 GENERAL PROVISIONS

- 100.1 The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.
- 100.2 The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.
- 100.3 In addition to the purpose statements of individual chapters, the purposes of the MU zones are 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.
- 100.4 In the MU zones, buildings may be entirely residential, or may be a mixture of non-residential and residential uses.

101 DEVELOPMENT STANDARDS

- 101.1 The bulk of structures in the MU zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.
- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;
 - (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;
 - (c) Regulate the mixture of uses; and
 - (d) Ensure the environmental performance of development.
- 101.3 The development standards may include allowances for the provision of affordable housing consistent with the Inclusionary Zoning provisions of Subtitle C, Chapter 10 and will be so indicated by the letters “IZ” in the development standards table.
- 101.4 The bulk of public buildings and structures in the MU zones shall be controlled through the development standards specified in Subtitle G, Chapter 10 and the regulations of this chapter.
- 101.5 The development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Relief from the development standards for Height and FAR shall be required as a variance. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.
- 101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

102 USE PERMISSIONS

- 102.1 Use permissions for the MU zones are as specified in Subtitle U, Chapter 5.

103 PARKING

- 103.1 Parking requirements for the MU zones are as specified in Subtitle C, Chapters 7 and 8.

104

INCLUSIONARY ZONING

104.1

Inclusionary zoning requirements for the MU zones are as specified in Subtitle C, Chapter 10.

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR MU ZONES

200 GENERAL PROVISIONS

- 200.1 The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone.
- 200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply.

201 DENSITY – FLOOR AREA RATIO (FAR)

- 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 GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

202 COURTS

- 202.1 A court is not required in an MU zone, but where it is provided, it shall have the following minimum dimensions:

TABLE G § 202.1: MINIMUM COURT DIMENSIONS

| Type of Structure | Minimum Width Open Court | Minimum Width Closed Court | Minimum Area Closed Court |
|---------------------------------------|--|---|---|
| Residential, more than 3 units | 4 in./ft. of height of court; 10 ft. minimum | 4 in./ft. of height of court; 15 ft. minimum | Twice the square of the required width of court dimension; 350 sq. ft. minimum |
| Non-Residential and Lodging | 2.5 in./ft. of height of court; 6 ft. minimum | 2.5 in./ft. of height of court; 12 ft. minimum | Twice the square of the required width of court dimension; 250 sq. ft. minimum |

203 PENTHOUSES

- 203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2

300 PURPOSE AND INTENT

300.1 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.

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

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

301 DEVELOPMENT STANDARDS

301.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

302 DENSITY – FLOOR AREA RATIO (FAR)

302.1 The maximum permitted FAR of buildings in the MU-1 and MU-2 zones shall be as set forth in the following table:

TABLE G § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| Zone | Maximum Permitted FAR | |
|------|-----------------------|-----------------------------|
| | Total Permitted | Maximum Non-Residential Use |
| MU-1 | 4.0 | 2.5 |
| | 4.8 (IZ) | |
| MU-2 | 6.0 | 3.5 |
| | 7.2 (IZ) | |

303 HEIGHT

303.1 The maximum permitted building height, not including the penthouse, in the MU-1 and MU-2 zones shall be as set forth in the following table:

TABLE G § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT

| Zone | Maximum Height (Feet) |
|------|-----------------------|
| MU-1 | 65 |
| | 70 (IZ) |
| MU-2 | 90 |

303.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

| ZONE | Maximum Penthouse Height | Maximum Penthouse Stories |
|------|--|--|
| MU-1 | 12 ft., except 18 ft. 6 in. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-2 | 20 ft. | 1 plus mezzanine; Second story permitted for penthouse mechanical space |

304 LOT OCCUPANCY

304.1 The maximum permitted lot occupancy for residential use in the MU-1 and MU-2 zones shall be as set forth in the following table:

TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

| Zone | Maximum Lot Occupancy (Percentage) |
|------|------------------------------------|
| MU-1 | 80 |
| MU-2 | 80 |
| | 90 (IZ) |

305 REAR YARD

305.1 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 § 305.2 in the MU-1 and MU-2 zones.

- 305.2 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 purposes of measuring rear yards.
- 305.3 A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 305.2.
- 305.4 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.
- 305.5 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.

SOURCE: Final Rulemaking & Order No. 08-06A . 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06J published at 64 DCR 6110 (June 30, 2017).

306 SIDE YARD

- 306.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).
- 306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.
- 306.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

307 GREEN AREA RATIO (GAR)

- 307.1 The minimum required GAR for the MU-1 and MU-2 zones shall be 0.3.

308 SPECIAL EXCEPTION

- 308.1 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 12.

CHAPTER 4 MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU30

400 PURPOSE AND INTENT

400.1 The MU-3 through MU-10 and the MU-30 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.

400.2 The MU-3 zone is intended to:

- (a) Permit low-density mixed-use development; and
- (b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

400.3 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.

400.4 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.

- 400.5 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.
- 400.6 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.
- 400.7 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.
- 400.8 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.
- 400.9 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.

400.10 The MU-30 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.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

401 DEVELOPMENT STANDARDS

401.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

402 DENSITY – FLOOR AREA RATIO (FAR)

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

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

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

402.2 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.

402.3 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.

402.4 In the MU-30 zone, the maximum permitted FAR shall be as set forth in the following table:

TABLE G § 402.4: MAXIMUM PERMITTED FAR

| MU-30 Zone Height | Maximum FAR | |
|--|-----------------|-----------------------------|
| | Total Permitted | Maximum Non-Residential Use |
| Buildings erected to a height of one hundred ten feet (110 ft.) or less | 8.5 | 8.5 |
| | 10.2 (IZ) | |
| Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 403.2 | 10.0 | 10.0 |
| | 12.0 (IZ) | |

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

403 HEIGHT

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

TABLE G § 303.1: MAXIMUM PERMITTED HEIGHT/STORIES

| Zone | Maximum Height (Feet) | Maximum Stories |
|--------|-----------------------|-----------------|
| MU-3 | 40 | 3 |
| MU-4 | 50 | N/A |
| MU-5-A | 65 | N/A |
| | 70 (IZ) | |
| MU-5-B | 75 | N/A |
| MU-6 | 90 | N/A |
| MU-7 | 65 | N/A |
| MU-8 | 70 | N/A |
| MU-9 | 90 | N/A |
| MU-10 | 90 | N/A |
| | 100 (IZ) | |
| MU-30 | 110 | N/A |

403.2 The the MU-30 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.

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

| Zone | Maximum Penthouse Height | Maximum Penthouse Stories |
|--------------------------------|--|---|
| MU-3 MU-4 | 12 ft. except 15 ft. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-5-A MU-7 | 12 ft., except 18 ft. 6 in. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-5B MU-8 | 20 ft. | 1; Second story permitted for penthouse mechanical space |
| MU-6 MU-9 MU-10 MU-30 | 20 ft. | 1 plus mezzanine; Second story permitted for penthouse mechanical space |

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

404 LOT OCCUPANCY

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

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

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

| Zone | Maximum Lot Occupancy for Residential Use |
|-------|---|
| MU-9 | N/A |
| MU-10 | 75% |
| | N/A (IZ) |
| MU-30 | N/A |

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10a620 (August 19, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

405 REAR YARD

405.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the MU-3 zone.

405.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-4, MU-5, and MU-6 zones.

405.3 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 in the MU-7, MU-8, MU-9, MU-10, and MU-30 zones.

405.4 In the MU-3 through MU-9 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.

405.5 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 § 405.4 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 § 405.4, from the rear lot line to the rear wall of that portion immediately above the plane; and

(b) 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.

405.6 In the MU-8, MU-9, and MU-30 zones, 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 § 405.4;
- (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; and
- (c) 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.

405.7 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;
- (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; and
- (c) 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.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

406 SIDE YARD

406.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).

406.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.

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

407 GREEN AREA RATIO (GAR)

407.1 The minimum required GAR for the MU-3 through MU-6 zones shall be 0.3.

407.2 The minimum required GAR for the MU-7 and MU-8 zones shall be 0.25.

407.3 The minimum required GAR for the MU-9, MU-10, and MU 30 zones shall be 0.20.

SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 17-04 published at 64 DCR 7264 (July 28, 2017).

408 PLAZA

- 408.1 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.
- 408.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

409 SPECIAL EXCEPTION

- 409.1 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 12.

410 COMBINED LOT

- 410.1 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 5 MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14

500 PURPOSE AND INTENT

500.1 The MU-11 through MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.

500.2 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.

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

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

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

501 DEVELOPMENT STANDARDS

501.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

502 DENSITY – FLOOR AREA RATIO (FAR)

502.1 The maximum permitted FAR of buildings in the MU-11 through MU-14 zones shall be as set forth in the following table:

TABLE G § 502.1: 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) | |

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

502.3 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.

503 HEIGHT

503.1 The maximum permitted building height, not including the penthouse, in the MU-11 through MU-14 zones shall be as set forth in the following table:

TABLE G § 503.1: MAXIMUM PERMITTED BUILDING HEIGHT

| Zone | Maximum Height (Feet) |
|-------------|------------------------------|
| MU-11 | 40 |
| MU-12 | 45 |
| | 50 (IZ) |
| MU-13 | 60 |
| | 80 (IZ) |
| MU-14 | 90 |
| | 100 (IZ) |

503.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 503.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

| Zone | Maximum Penthouse Height | Maximum Penthouse Stories |
|----------------|--|---|
| MU-11 MU-12 | 12 ft. except 15 ft. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-13 | 12 ft. except 18 ft. 6in. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-14 | 20 ft. | 1 plus mezzanine; Second story permitted for penthouse mechanical space |

503.3 In the MU-11 zone, the following conditions apply:

- (a) 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

- (b) 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 G, Chapters 11 and 12 of this subtitle when the top of the penthouse is below maximum building height prescribed for the MU-11 zone.

504 LOT OCCUPANCY

504.1 The maximum permitted lot occupancy for residential use of buildings in the MU-11 through MU-14 zones shall be as set forth in the following table:

TABLE G § 504.1: MAXIMUM PERMITTED LOT OCCUPANCY

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) |
|-------------|---|
| MU-11 | 25 |
| MU-12 | 80 |
| | 80 (IZ) |
| MU-13 | 75 |
| | 75 (IZ) |
| MU-14 | 75 |
| | 80 (IZ) |

504.2 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.

505 REAR YARD

505.1 Rear yard are required only for residential uses and shall be established no lower than the first level of residential use.

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

- 505.3 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.
- 505.4 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.
- 505.5 The Board of Zoning Adjustment may waive rear yard requirements pursuant to Subtitle X, Chapter 9 and Subtitle G, Chapter 12.

506 SIDE YARD

- 506.1 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.).
- 506.2 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 (8) feet.
- 506.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

507 GREEN AREA RATIO (GAR)

- 507.1 The minimum required GAR for the MU-12 through MU-14 zones shall be 0.3.

508 WATERFRONT SETBACK

- 508.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.
- 508.2 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.

509 SPECIAL EXCEPTION

- 509.1 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 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22

600 PURPOSE AND INTENT

- 600.1 The purposes of the Dupont Circle Mixed-Use zones (MU-15 through MU-22) 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.
- 600.2 The MU-15 zone is intended to permit moderate-density areas predominantly developed with residential buildings.
- 600.3 The MU-16 zone is intended to permit medium-density areas predominantly developed with residential buildings.
- 600.4 The MU-17 zone is intended to permit moderate-density mixed-use development.
- 600.5 The MU-18 zone is intended to permit medium-density, compact mixed-use development with an emphasis on residential development.
- 600.6 The MU-19 zone is intended to permit medium-density mixed-use development with a focus on residential use.
- 600.7 The MU-20 zone is intended to permit medium-density mixed-use development with a focus on employment.

- 600.8 The MU-21 zone is intended to permit high-density mixed-use development with a focus on employment.
- 600.9 The MU-22 zone is intended to 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.
- 600.10 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.

601 DEVELOPMENT STANDARDS

- 601.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.
- 601.2 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.

602 DENSITY – FLOOR AREA RATIO (FAR)

- 602.1 The maximum permitted FAR of buildings in the MU-15 through MU-22 zones shall be as set forth in the following table:

TABLE G § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| Zone | Maximum FAR | |
|-------|-----------------|-----------------------------|
| | Total Permitted | Maximum Non-Residential Use |
| MU-15 | 4.0 | 2.5 |
| | 4.8 (IZ) | |
| MU-16 | 6.0 | 3.5 |
| | 7.2 (IZ) | |
| MU-17 | 2.5 | 1.5 |
| | 3.0 (IZ) | |
| MU-18 | 3.5 | 1.5 |
| | 4.2 (IZ) | |
| MU-19 | 6.0 | 2.0 |
| | 7.2 (IZ) | |
| MU-20 | 5.0 | 4.0 |
| | 6.0 (IZ) | |
| MU-21 | 6.5 | 6.5 |
| | 7.8 (IZ) | |
| MU-22 | 6.0 | 3.0 |
| | 7.2 (IZ) | |

- 602.2 In the MU-17 and MU-18 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.

602.3 In the MU-22 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 § 100.4. Both lots shall be located within the same square, and shall be zoned MU-22.

603 HEIGHT

603.1 The maximum permitted building height, not including the penthouse, in the MU-15 through MU-22 zones shall be as set forth in the following table:

TABLE G § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT

| Zone | Maximum Height (Feet) |
|-------------|------------------------------|
| MU-15 | 65 |
| | 70 (IZ) |
| MU-16 | 90 |
| MU-17 | 50 |
| MU-18 | 65 |
| | 70 (IZ) |
| MU-19 | 90 |
| MU-20 | 70 |
| MU-21 | 90 |
| MU-22 | 90 |
| | 100 (IZ) |

603.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 603.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

| Zone | Maximum Penthouse Height | Maximum Penthouse Stories |
|----------------------------------|---|---|
| MU-17, | 12 ft. except 15 ft. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-15 MU-18 | 12 ft. except 18 ft. 6 in. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-20 | 20 ft. | 1; Second story permitted for penthouse mechanical space |
| MU-16 MU-19 MU-21 MU-22 | 20 ft. | 1 plus mezzanine; Second story permitted for penthouse mechanical space |

604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy for residential use in the MU-15 through MU-22 zones shall be as set forth in the following table:

TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

| Zone | Maximum Lot Occupancy for Residential Use |
|-------------|--|
| MU-15 | 80% |
| MU-16 | 80% |
| | 90% (IZ) |
| MU-17 | 60% |
| | 75% (IZ) |
| MU-18 | 80% |
| MU-19 | 80% |
| | 90% (IZ) |
| MU-20 | 100% |
| MU-21 | 100% |
| MU-22 | 75% |
| | 80% (IZ) |

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

605 REAR YARD

605.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-15 and MU-16 zones.

605.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-17, MU-18, and MU-19 zones.

605.3 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 yard in the MU-20, MU-21, and MU-22 zones.

605.4 In the MU-15 and MU-16 zones, rear yards shall be measured as follows:

- (a) 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; and
- (b) 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.

605.5 In the MU-17 through MU-21 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yard.

- 605.6 In the MU-17 through MU-19 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 § 605.5 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 § 605.5, from the rear lot line to the rear wall of that portion immediately above the plane; and
 - (b) 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.

- 605.7 In the MU-20 and MU-21 zones, rear yards 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 § 605.5;
 - (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; and
 - (c) 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.

- 605.8 In the MU-22 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;
 - (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; and
 - (c) 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.

606 SIDE YARD

- 606.1 In the MU-15, MU-16, and MU-22 zones, no side yard is required; 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.).
- 606.2 In the MU-17, MU-18, MU-19, MU-20, and MU-21 zones, no side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).

606.3 A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).

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

607 GREEN AREA RATIO (GAR)

607.1 The minimum required GAR for the MU-15 through MU-19 zones shall be 0.3.

607.2 The minimum required GAR for the MU-20 and MU-21 zones shall be 0.2.

607.3 The minimum required GAR for the MU-22 zone shall be 0.2.

608 PLAZA

608.1 Within the MU-22 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.

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

SOURCE: Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

609 SPECIAL EXCEPTION

609.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-15 through MU-22 zones.

SOURCE: Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

**CHAPTER 7 CAPITOL INTEREST AND CAPITOL HILL
COMMERCIAL MIXED USE ZONES – MU-23, MU-24, MU-25,
AND MU-26**

700 PURPOSE AND INTENT

- 700.1 The purposes of the Capitol Interest Mixed-Use zones (MU-23, MU-24, and MU-26) 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.
- 700.2 The MU-23 zone is intended to permit medium-density areas predominantly developed with residential buildings consistent with the purposes of Subtitle G § 700.1.
- 700.3 The MU-24 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G § 700.1.
- 700.4 The Capitol Hill Commercial Mixed-Use zones include the MU-25 and MU-26 zones and are intended 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.

700.5 The MU-25 zone is intended to permit moderate-density mixed-use development consistent with the purpose of Subtitle G § 700.4.

700.6 The MU-26 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G §§ 700.1 and 700.4.

701 DEVELOPMENT STANDARDS

701.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

702 DENSITY – FLOOR AREA RATIO (FAR)

702.1 The maximum permitted FAR of buildings in the MU-23 through MU-26 zones shall be as set forth in the following table:

TABLE G § 702.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| Zone | Maximum FAR | |
|-------|-----------------|-----------------------------|
| | Total Permitted | Maximum Non-Residential Use |
| MU-23 | 1.8 | N/A |
| | 2.16 (IZ) | |
| MU-24 | 1.8 | 1.5 |
| | 2.16 (IZ) | |
| MU-25 | 3.0 | 3.0 |
| | 3.0 (IZ) | |
| MU-26 | 2.5 | 2.5 |
| | 2.5 (IZ) | |

702.2 In the MU-24 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.

702.3 In the MU-25 and MU-26 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.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016); Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

703 HEIGHT

- 703.1 The maximum building height, not including the penthouse, in the MU-23, MU-24, and MU-26 zones shall be forty feet (40 ft.) and three (3) stories.
- 703.2 The maximum height in the MU-25 zone shall be fifty feet (50 ft.).
- 703.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.), and the maximum number of stories within the penthouse shall be one (1) in the MU-23, MU-24, and MU-26 zones.
- 703.4 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be 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), except a second story shall be permitted for penthouse mechanical space in the MU-25 zone.

704 LOT OCCUPANCY

- 704.1 The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 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 |
|-------------|--|
| MU-23 | 80% |
| | 90% (IZ) |
| MU-24 | 60% |
| | 75% (IZ) |
| MU-25 | 60% |
| | 75% (IZ) |
| MU-26 | 60% |
| | 75% (IZ) |

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

705 REAR YARD

- 705.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-23 zone.
- 705.2 In the MU-23 zone, rear yards shall be measured as follows:
- (a) 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; and

- (b) 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.

705.3 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-24 through MU-26 zones.

705.4 In the MU-24 through MU-26 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

705.5 In the MU-24 through MU-26 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 § 705.4 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 § 705.4, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) 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.

706 SIDE YARD

706.1 No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).

706.2 A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).

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

707 GREEN AREA RATIO (GAR)

707.1 The minimum required GAR for the MU-23 through MU-26 zones shall be 0.3.

708 SPECIAL EXCEPTION

708.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-23 through MU-26 zones.

- 708.2 In addition to the special exception criteria of Subtitle G, Chapter 12, and Subtitle X, any special exception application in the MU-23, MU-24, or MU-26 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.
- 708.3 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.
- 708.4 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.
- 708.5 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 8 NAVAL OBSERVATORY MIXED-USE ZONE – MU-27

800 PURPOSE AND INTENT

800.1 The purposes of the Naval Observatory Mixed-Use zone (MU-27) are to:

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

800.2 The MU-27 zone is intended to permit moderate-density mixed-use development.

801 DEVELOPMENT STANDARDS

801.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

801.2 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the MU-27 zone to exceed either the limits of Subtitle G § 802.2 or the area, bulk, and yard standards that apply as a matter of right in the MU-27 zone.

802 DENSITY – FLOOR AREA RATIO (FAR)

802.1 The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR with a maximum density of 1.5 FAR for non-residential use.

802.2 In the MU-27 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 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

803 HEIGHT

803.1 The maximum permitted building height, not including the penthouse, in the MU-27 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.

803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be 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).

803.3 A penthouse permitted by this section 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.

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

804 LOT OCCUPANCY

804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%).

SOURCE: Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

805 REAR YARD

805.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-27 zone.

805.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

805.3 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 § 805.2 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 § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) 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.

806 SIDE YARD

806.1 No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; 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.).

806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.

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

807 GREEN AREA RATIO (GAR)

807.1 The minimum required GAR for the MU-27 zone shall be 0.3.

808 SPECIAL EXCEPTION

808.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to the MU-27 zone.

CHAPTER 9 FORT TOTTEN MIXED USE ZONES – MU-28 AND MU-29

900 PURPOSE AND INTENT

- 900.1 The purposes of the Fort Totten Mixed-Use zones (MU-28 and MU-29) 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.
- 900.2 The MU-28 zone is intended to permit medium-density mixed-use development with a focus on employment.
- 900.3 The MU-29 zone is intended to permit medium- to high-density development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

901 DEVELOPMENT STANDARDS

901.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

902 DENSITY – FLOOR AREA RATIO (FAR)

902.1 The maximum permitted FAR of buildings in the MU-28 and MU-29 zones shall be as set forth in the following table:

TABLE G § 902.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| Zone | Maximum FAR | |
|-------|-----------------|-----------------------------|
| | Total Permitted | Maximum Non-Residential Use |
| MU-28 | 4.0 | 2.5 |
| | 4.8 (IZ) | |
| MU-29 | 5.0 | 3.0 |
| | 6.0 (IZ) | |

902.2 Density may be increased in the MU-28 and MU-29 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.

902.3 In the MU-29 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 § 100.4. Both lots shall be located within the same square and shall be zoned MU-29.

903 HEIGHT

903.1 The maximum building height, not including the penthouse, in the MU-28 and MU-29 zones shall be as set forth in the following table:

TABLE G § 903.1: MAXIMUM PERMITTED BUILDING HEIGHT

| Zone | Maximum Height (Feet) |
|-------------|------------------------------|
| MU-28 | 65 |
| | 65 (IZ) |
| MU-29 | 80 |
| | 90 (IZ) |

903.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 903.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

| Zone | Maximum Penthouse Height | Maximum Penthouse Stories |
|-------------|--|---|
| MU-28 | 12 ft. except 18 ft. 6 in. for penthouse mechanical space | 1; Second story permitted for penthouse mechanical space |
| MU-29 | A penthouse shall be included within the maximum permitted building height | 1 |

903.3 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.

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

904 LOT OCCUPANCY

904.1 The maximum permitted lot occupancy for residential use in the MU-28 and MU-29 zones shall be as set forth in the following table:

TABLE G § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) |
|-------|--|
| MU-28 | 75 |
| | 80 (IZ) |
| MU-29 | 75 |
| | 75 (IZ) |

905 REAR YARD

905.1 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 in the MU-28 and MU-29 zones.

905.2 In the MU-28 zone, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

905.3 In the MU-28 zone, 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 § 905.2 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 § 905.2, from the rear lot line to the rear wall of that portion immediately above the plane; and
- (b) 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.

905.4 In the MU-29 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;
- (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; and
- (c) 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.

906 SIDE YARD

- 906.1 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.).
- 906.2 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

907 GREEN AREA RATIO (GAR)

- 907.1 The minimum required GAR shall be 0.25 for the MU-28 zone and 0.2 for the MU-29 zone.

908 SETBACKS AND SCREENING

- 908.1 A business or industrial use that expands consistent with the development standards of this chapter shall comply with the setback and screening standards.
- 908.2 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-28, 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.

909 PLAZA

- 909.1 Within the MU-29 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.
- 909.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

910 SPECIAL EXCEPTION

- 910.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all the MU-28 and MU-29 zones.

SOURCE: Final Rulemaking & Order No. 08-06G published at 64 DCR 22 (January 6, 2017).

**CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC
EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION
AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR
MU ZONES**

1000 GENERAL PROVISIONS

- 1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.
- 1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the buildings or structures is proposed.

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES

1100 GENERAL PROVISIONS

- 1100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.
- 1100.2 New alley lots may be created as provided in Subtitle C, Chapter 3.

1101 DEVELOPMENT STANDARDS

- 1101.1 The development standards in Subtitle G §§ 1102 through 1106 shall apply to buildings on alley lots in MU zones.

1102 HEIGHT

- 1102.1 The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-21, MU-22, and MU-29 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.
- 1102.2 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.

1103 REAR YARD

- 1103.1 A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1104 SIDE YARD

- 1104.1 A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

1105 ALLEY CENTERLINE SETBACK

- 1105.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

1106 GREEN AREA RATIO (GAR)

- 1106.1 The minimum required GAR shall be as required by the zone.

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS

1200 GENERAL PROVISIONS

- 1200.1 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.
- 1200.2 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.
- 1200.3 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.
- 1200.4 Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle 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.

1201 SPECIAL EXCEPTION CRITERIA REAR YARD RELIEF

- 1201.1 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, 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.

1202 SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU-27)

1202.1 In consideration of a special exception in the MU-27 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-27 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-27 zone; and
 - (3) Role, mission, and functions of the Federal facilities within the MU-27 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.