ZONING BASICS for ANCs

Training Series by the D.C. Office of Zoning
June 2022
General Overview of the Zoning Process
WHAT IS ZONING?

• Zoning is the process of dividing land into zones to regulate:
  • Uses that are allowed, conditionally allowed, or prohibited (Use Categories)
  • The bulk, size, and placement of buildings (Development Standards)
# Zones Under 2016 Zoning Regulations

<table>
<thead>
<tr>
<th>Residential</th>
<th>Residential Flat</th>
<th>Mixed-Use</th>
<th>Mixed-Use</th>
<th>Neighborhood Commercial</th>
<th>Downtown</th>
<th>Special Purpose</th>
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<td>WR-1 - WR-8</td>
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</tbody>
</table>

*Production, Distribution, & Repair*
Use Categories

- Agriculture, Large
- Agriculture, Residential
- Animal Sales, Care, Boarding
- Antennas
- Arts, Design, Creation
- Basic Utilities
- Chancery
- Community-Based Inst'l Facility
- Daytime Care
- Eating and Drinking Establishment
- Education, College/University
- Education, Private
- Education, Public
- Entertainment, Assembly, Arts
- Firearm Sales
- Institutional, General
- Institutional, Religious
- Government, Large Scale
- Government, Local
- Lodging
- Marine
- Medical Care
- Motor Vehicle Related
- Office
- Parking
- Parks and Recreation
- Production, Distribution, Repair
- Residential
- Retail
- Service, General
- Service, Financial
- Sexually-Oriented Business
- Transportation Infrastructure
- Waste-Related Services
## Development Standards

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Pervious Surface</th>
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<tbody>
<tr>
<td>Lot Area</td>
<td>Maximum Number of Units</td>
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<tr>
<td>Height</td>
<td>Courts</td>
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<tr>
<td>Lot Occupancy</td>
<td>Penthouses</td>
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<td>Front Setback</td>
<td>Floor Area Ratio</td>
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<tr>
<td>Rear Yard</td>
<td>Green Area Ratio</td>
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</tbody>
</table>
When thinking about a development project . . .

- What zone is it in?
- What uses are permitted in that zone?
- What are the development standards for that zone?
ZONING MAPS AND REGULATIONS

- Zones are shown on the Official Zoning Map on the Office of Zoning website.

- Requirements of the zones (Uses, Development Standards) are reflected in the Zoning Regulations (Title 11 DCMR).

G. AUTHORITY AND APPLICABILITY

A-1

INTRODUCTION TO TITLE 11

A-2

ENACTMENT AND TITLE

A-2

INTERPRETATION AND APPLICATION

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VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED

A-5

ADMINISTRATIVE AND ZONING REGULATIONS

A-7

CODE ORGANIZATION

A-7

RELATIONSHIP OF GENERAL SUBTITLES TO LAND USE SUBTITLES

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ZONE DISTRICTS

A-8

DEVELOPMENT STANDARDS

A-9
ZONING REGULATIONS

- Zoning Regulations of 2016 (ZR16), organized into 16 Subtitles

- Zoning Regulations of 1958 (ZR58), organized into 35 chapters, still on books.
ZONING v. PLANNING

• Zoning actions implement the long-term goals set in the Comprehensive Plan (Title 10-A DCMR)
• Comprehensive Plan (CP) developed by Office of Planning (OP)
• CP includes Generalized Policy Map, Future Land Use Map (FLUM); City-Wide Elements (Land Use, Transportation, Housing, etc.), Area Elements
PARTICIPANTS IN THE ZONING PROCESS

**Zoning Commission (ZC):** Adopts and amends the Zoning Regulations and Zoning Map; also hears contested cases, such as Planned Unit Developments (PUDs) and Design Review

**Board of Zoning Adjustment (BZA):** Hears cases related to requests for zoning relief and appeals of administrative decisions related to zoning

**DC Office of Zoning (DCOZ):** Provides professional, technical, and administrative assistance to the ZC and the BZA in support of their oversight and adjudication of zoning matters in the District
PARTICIPANTS IN THE ZONING PROCESS

Office of the Zoning Administrator within the Department of Consumer and Regulatory Affairs (DCRA): Administers and enforces the Zoning Regulations, as well as ZC and BZA orders. The ZA also handles code enforcement.

Office of Planning (OP): Central planning agency for the District – OP submits written recommendations on cases before the ZC and BZA.

Advisory Neighborhood Commissions (ANCs): Elected bodies comprised of officials who provide formal citizen participation and review at the neighborhood level.
PARTICIPANTS IN THE ZONING PROCESS

Department of Transportation (DDOT) submits written recommendations on cases before the ZC and BZA.

Commission of Fine Arts (CFA)/Old Georgetown Board (OGB), Historic Preservation Review Board (HPRB), State Historic Preservation Officer (SHPO) may provide analysis of impacts on historic districts, landmarks.
Current Board of Zoning Adjustment

Fred Hill
Chairman
District Resident

Lorna John
Vice Chairperson
District Resident

Carl Blake
District Resident

Chrishaun Smith
NCPC Designee

Rotating Zoning Commissioner
STRUCTURE OF THE ZONING REGULATIONS OF 2016

Subtitle A
Zoning Authority
- Administration and Enforcement
- Vesting

Subtitle B
Definitions
- Definitions
- Use Categories
- General rules of measurement

Subtitle C
General Rules
- Pervious Surface and Green Area Ratio
- Parking & Loading
- Inclusionary Zoning
# Structure of the Zoning Regulations of 2016

<table>
<thead>
<tr>
<th>Subtitle</th>
<th>Description</th>
<th>Zones</th>
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<tbody>
<tr>
<td>D</td>
<td>Residential House (R)</td>
<td>R-1-A through R-21</td>
</tr>
<tr>
<td>E</td>
<td>Residential Flat (RF)</td>
<td>RF-1 through RF-5</td>
</tr>
<tr>
<td>F</td>
<td>Residential Apartment (RA)</td>
<td>RA-1 through RA-10</td>
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STRUCTURE OF THE ZONING REGULATIONS OF 2016

Subtitle G
Mixed Use (MU)
- MU-1 through MU-29

Subtitle H
Neighborhood Mixed Use (NC)
- NC-1 through NC-17

Subtitle I
Downtown (D)
- D-1-R through D-8
STRUCTURE OF THE ZONING REGULATIONS OF 2016

Subtitle J
Production, Distribution, and Repair (PDR)

- PDR-1 through PDR-7

Subtitle K
Special Purpose Zones

- SEFC, ARTS, USN, CG, WR
STRUCTURE OF THE ZONING REGULATIONS OF 2016

Subtitle U
Use Permissions
- Use groups
- Matter-of-right uses
- Special exception uses

Subtitle W
Specific Zone Boundaries
- Boundaries for specific zone districts

Welcome to District of Columbia Offical
Unofficial 11 DCMR (Zoning Regulations)

Please note this is a courtesy "unofficial" version of the Zoning Regulations of 2016. The Official version of the Zoning Regulations of 2016, as amended, can be found at the Office of Documents and Issuances at

cregs.dc.gov.

To view pending proposed rules, select the "Pending Text" menu button. To submit comments, please check the current status of the record is still open for comments and submit comments directly to the Office of Documents and Issuances via e-mail to

ZCSubmissions@dc.gov.
## Structure of the Zoning Regulations of 2016

### Subtitle X
**General Procedures**
- Procedures for PUDs, Campus Plans, Map Amendments
- Standards for variances and special exceptions

### Subtitle Y
**BZA Rules of Practice and Procedure**
- Application & notice requirements
- ANC Report Information
- Hearing / post-hearing procedures

### Subtitle Z
**ZC Rules of Practice and Procedure**
- Application & notice requirements
- ANC Report Information
- Hearing / post-hearing procedures
HOW ZONING WORKS

What is "matter-of-right"?

When a property owner wants to:

• Build something on their land
• Establish a new use on their property

If the Zoning Regulations allow the use or project:

• The property owner will apply for a Building Permit or Certificate of Occupancy with DCRA; no zoning relief required.
HOW ZONING WORKS

If the Zoning Regulations do not allow the project as a matter of right:

• The Property Owner must be granted zoning relief from ZC or BZA in order to move forward

• Requests for zoning relief
  • Can be special exceptions or variances (BZA)
  • Can be PUDs, design review approvals, etc. (ZC)
ZC & BZA Cases

An Overview of Case Types
GENERAL CASE TYPES
The BZA and ZC consider two general case types:

• **Rulemaking (ZC):**
  - Includes amendments to the Zoning Regulations and some amendments to the Zoning Map
  - Deals with matters of policy – “Petitions”

• **Contested Case (ZC and BZA):**
  - Includes requests for zoning relief, planned unit developments, and some amendments to the Zoning Map
  - Deals with a specific project and parties – “Applications”
Types of ZC Cases

- **Text Amendment**
  - Petition to change the text of the Zoning Regulations
  - Follows [rulemaking](#) procedures

- **Map Amendment:**
  - Application/Petition to change the zone designation of a property; it can also include adding a new Zone District to an area.
  - Could be a [rulemaking](#) or a [contested case](#), depending on the circumstance
Types of ZC Cases

Planned Unit Development (PUD):
- Review process for larger developments to ensure high quality development and public benefits

Campus Plan:
- Special exception review for large institutional uses, such as universities and hospitals

Design Review:
- Review of a building, structure or use that warrants special attention due to particular or unique characteristics of an area or project

Airspace Development:
- Reviews of development in the airspace above public streets and alleys
Types of BZA Cases

**Special Exception**
- Request to waive or deviate from an area or use requirement that is permitted in a zone, subject to specified criteria or conditions
  - Focuses on: *what are the potential adverse impacts?*

**Variance (Area or Use)**
- Request to waive or deviate from an area or use requirement that is not allowed by special exception; focuses on:
  - What is exceptional or unique about the property?
  - How is that uniqueness causing practical difficulty or undue hardship?
  - What are the potential adverse impacts on neighbors and the zone plan?
BZA ZONING RELIEF REQUESTS

• **Self-Certification:**
  • An attorney or architect licensed in the District files a Form 130 that certifies the zoning relief required for the proposed use or the proposed structure.

• **ZA Memorandum:** The ZA at DCRA provides a statement of the zoning relief required.
Types of BZA Cases

**Appeals**
- A challenge of the decision of any administrative officer or body related to the enforcement or administration of the Zoning Regulations

**Foreign Missions:**
- A request by a chancery to relocate or modify its building
  - Follows rulemaking procedures
ANC Participation in Zoning Cases
WHAT IS THE ANC’s ROLE?

RULEMAKING CASE

Provide Input

CONTESTED CASE

Automatic Party
An *Affected ANC*, as an automatic party, may:

- Submit written comments (ANC report);
- Give testimony;
- Present witnesses;
- Cross examine other parties and witnesses; and
- Ask for rehearing or reconsideration of a final decision
RESEARCHING A CASE

• Interactive Zoning Information System (IZIS): https://dcoz.dc.gov/service/interactive-zoning-information-system
PARTICIPATE IN A HEARING

- At the public hearing, the ZC and BZA take testimony from the Applicant, OP, and any other parties to the case
- Affected ANC(s) are parties and may present testimony and cross-examine other parties
- The public may provide testimony

NOTE: When the ZC or BZA hold a meeting, it is to deliberate on and decide cases. No public testimony is taken at that time.
PARTICIPATE IN A HEARING

- Designate a representative in the ANC report
- File written report at least 7 days before hearing (can be waived)
- Sign up to testify
- For virtual hearings, you can participate by video or phone
  - BZA or ZC staff will provide instruction
Updates for 2022
UPDATES IN 2021-2022

Regulatory Changes and Virtual Hearing Procedures

OFFICE OF ZONING LEGAL DIVISION
Functions of Land Use Division of Office of Attorney General (OAG) transferred to new Office of Zoning Legal Division (OZLD), which now drafts orders for ZC and BZA; OAG attorneys transferred to OZLD.

VIRTUAL HEARINGS
The BZA and ZC will continue to hold all public hearings and meetings virtually via Webex for the indefinite future.
Virtual Hearings

HOW TO WATCH OR LISTEN

Watch live via Webex, YouTube; listen via phone

Recording available next day on DCOZ Website and on YouTube

HOW TO SIGN UP TO PARTICIPATE

Fill out form on DCOZ website

• https://dcoz.dc.gov/service/sign-testify

Or, sign up with DCOZ staff

• ZC: 202-727-0340
• BZA: 202-727-5471
Virtual Hearings

Virtual Hearing Procedures

Subtitle Y § 103.13 and Subtitle Z § 103.13

• Sign up in advance to testify
• No “live video” during testimony
• Request to reopen record if technical difficulties
• All submissions except for official ANC Reports must be submitted at least 24 hours prior to Hearing
Interactive Zoning Information System (IZIS)

Searching Case Records:
https://app.dcoz.dc.gov/CaseReport/CaseSearch.aspx

Filing a Case / Uploading Documents:
https://app.dcoz.dc.gov/Login.aspx
Official Zoning Map

https://maps.dcoz.dc.gov/zr16
DCOZ Website

Office of Zoning Website:
http://dcoz.dc.gov/

Virtual Hearing Links and Information:
http://dcoz.dc.gov/service/watch-live-virtual-zcbza-hearingsmeetings
QUESTIONS?

Please feel free to contact us:

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