



ZONING BASICS for ANCs

Training Series by the D.C. Office of Zoning
March 2021



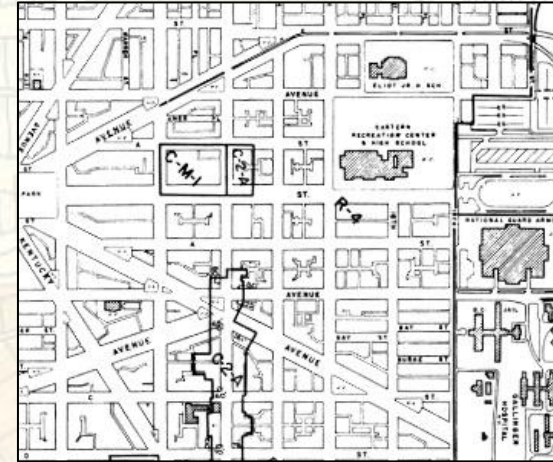
General Overview of the Zoning Process

WHAT IS ZONING?

- Zoning is the process of dividing land into zones to regulate:
 - Uses that are allowed, conditionally allowed, or prohibited
 - The bulk, size, and placement of buildings
- Zoning actions implement the long-term goals set in the Comprehensive Plan

WHAT IS ZONING?

- Zones are shown on the Official Zoning Map on the Office of Zoning website
- Requirements of the zones are reflected in the Zoning Regulations (Title 11 DCMR)



TITLE 11 – ZONING	
SUBTITLE A AUTHORITY AND APPLICABILITY	
ZONING	
2 A	AUTHORITY AND APPLICABILITY
1	INTRODUCTION TO TITLE 11
	ENACTMENT AND TITLE
	INTERPRETATION AND APPLICATION
	VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED.
2	ADMINISTRATIVE AND ZONING REGULATIONS
	CODE ORGANIZATION
	RELATIONSHIP OF GENERAL SUBTITLES TO LAND SUBTITLES
	ZONE DISTRICTS
	DEVELOPMENT STANDARDS
	USE PERMISSIONS
	ZONING MAP
	ZONE BOUNDARY LINES



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 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.

STRUCTURE OF THE ZONING REGULATIONS

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

The Land Use Subtitles

Subtitle D

Residential House (R) - (R-1-A through R-21)

Subtitle E

Residential Flat (RF) - (RF-1 through RF-5)

Subtitle F

Residential Apartment (RA) - (RA-1 through RA-10)

STRUCTURE OF THE ZONING REGULATIONS

The Land Use Subtitles

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

The Land Use Subtitles

Subtitle J

Production, Distribution, and Repair (PDR) -
(PDR-1 through PDR-7)

Subtitle K

Special Purpose Zones

For example: SEFC, ARTS, USN, CG, WR

STRUCTURE OF THE ZONING REGULATIONS

Subtitle U: Use Permissions

- Use groups
- Matter-of-right uses
- Special exception uses

Subtitle W: Boundaries for Specific Zone Districts

STRUCTURE OF THE ZONING REGULATIONS

Subtitle X: General Procedures

- Procedures for PUDs, Campus Plans, Map Amendments
- Standards for variances and special exceptions

Subtitle Y: BZA Rules of Procedure

Subtitle Z: ZC Rules of Procedure

- Application & notice requirements
- ANC Report Information
- Hearing / post-hearing procedures

HOW ZONING WORKS

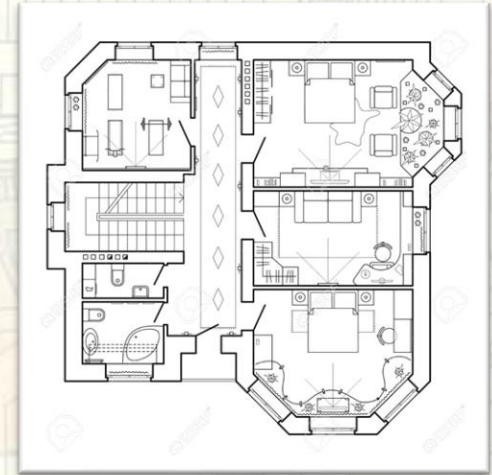
WHAT IS MATTER OF RIGHT?

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 (C of O) with DCRA



HOW ZONING WORKS

WHAT IS ZONING RELIEF?

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

- The Property Owner must be granted **zoning relief** in order to move forward
- Requests for zoning relief
 - Can be special exceptions or variances
 - Are granted/denied by the BZA and the ZC

File, Manage, and Submit Cases



Login to IZIS to file and manage, or to submit documents

A Username and Password are required to use this system

[Go to File & Manage Cases >](#)



ZC & BZA Cases

An Overview of Case Types

GENERAL CASE TYPES

The BZA and ZC consider two general case types:

Rulemaking:

- Includes amendments to the Zoning Regulations and some amendments to the Zoning Map
- Deals with matters of policy – “Petitions”

Contested Case:

- 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:

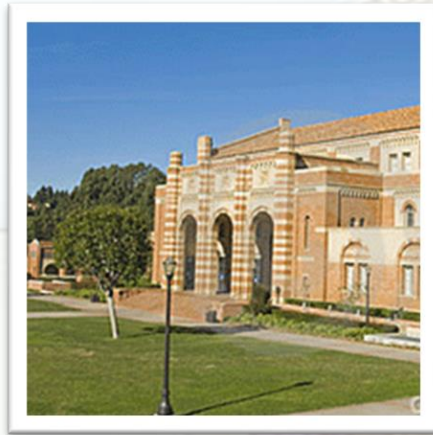
- Application/Petition to change the Zone District applied to a property; can include adding a new Zone District to an area.
- Could be a rulemaking or a contested case, depending on the circumstance

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

Requests for Zoning Relief



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
 - Special exceptions are identified by the ZC
 - 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?

TYPES OF BZA CASES

Other Case Types



Appeals

- A challenge of the decision of any administrative officer or body related to the enforcement or administration of the Zoning Regulations
 - ANC's can file appeals
 - Covered in Advanced Zoning trainings



Foreign Missions:

- A request by a chancery to relocate or modify its building
 - Follows rulemaking procedures

A background image of a zoning map with various colored zones and street names. The map is semi-transparent, allowing the text to be clearly visible. The text is centered and reads "ANC Participation in Zoning Cases".

ANC Participation in Zoning Cases

WHAT IS THE ANC'S ROLE?

**RULEMAKING
CASE**



Provide Input

**CONTESTED
CASE**



**Automatic
Party**

WHAT IS THE ANC'S ROLE?

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

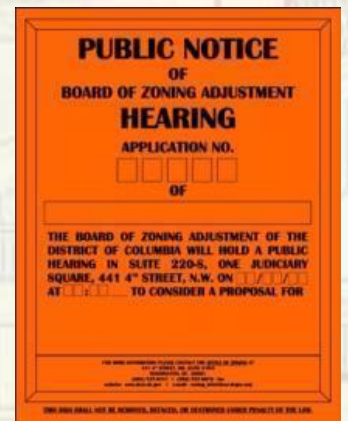
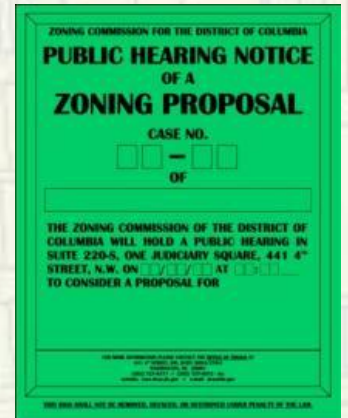
- Submit written comments (ANC report);
- Give testimony;
- Present witnesses;
- Cross examine other parties and witnesses; and
- Ask for rehearing or reconsideration of a final decision

NOTICE OF A CASE

- Timing of notice depends on the case type
 - BZA/ZC must meet the notice requirements of the ANC Act and the Zoning Regulations
- Notice sent by DCOZ will come to your ANC email account
- You may receive several forms of notice at different stages of the application
 - When a case is postponed, it is typically not re-noticed

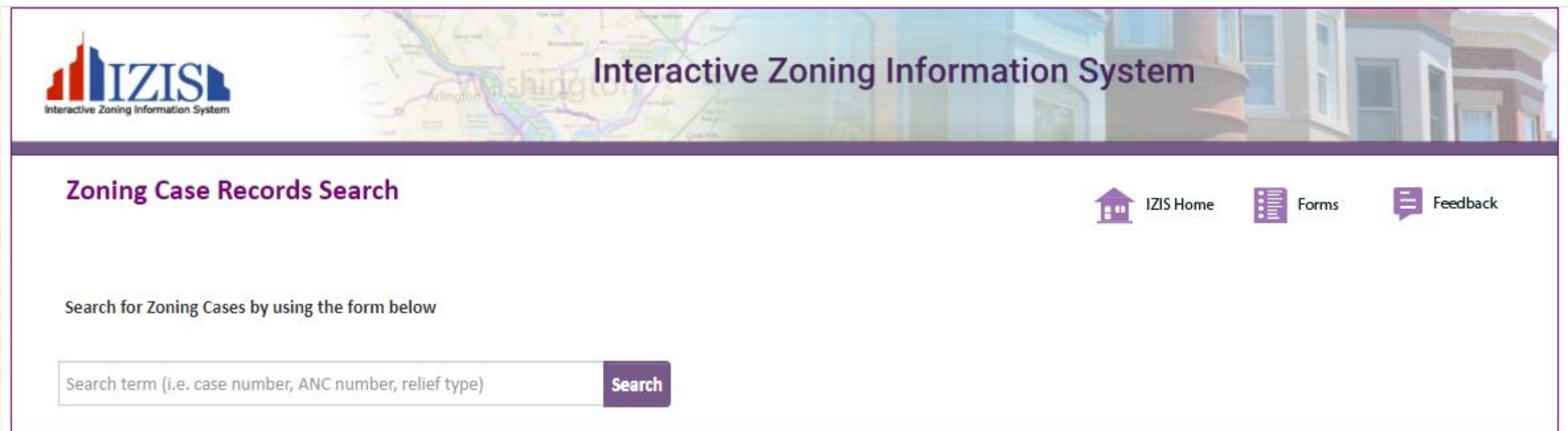
NOTICE OF A CASE

- **Notice of Intent:** In some ZC cases, Applicants mail a notice of intent (NOI) to the affected ANC and to all owners within 200 feet of the property prior to filing
- **Notice of Filing:** Applicants must serve their application on the affected ANC at the time of filing with DCOZ
- **Notice of Public Hearing:** DCOZ provides notice of public hearings on a case to the affected ANC and neighbors within 200 ft. of the property
- Notice is also **posted on the property** before a public hearing



RESEARCHING A CASE

- **Interactive Zoning Information System (IZIS):**
<https://dcoz.dc.gov/service/interactive-zoning-information-system>



The screenshot displays the IZIS website interface. At the top left is the IZIS logo, which consists of a stylized bar chart with red and blue bars, followed by the text "IZIS" in a large, bold, blue font, and "Interactive Zoning Information System" in a smaller font below it. To the right of the logo is a map of Washington, D.C., showing various zoning districts. The title "Interactive Zoning Information System" is prominently displayed in a large, dark purple font across the top of the page. Below the title, there is a navigation bar with three icons: a house icon for "IZIS Home", a document icon for "Forms", and a speech bubble icon for "Feedback". The main content area features the heading "Zoning Case Records Search" in a dark purple font. Below this heading, there is a text prompt: "Search for Zoning Cases by using the form below". At the bottom of the page, there is a search input field with the placeholder text "Search term (i.e. case number, ANC number, relief type)" and a dark purple "Search" button to its right.

DRAFTING AN ANC REPORT

Pursuant to 11 DCMR Y § 406.2 and Z § 406.2, the BZA and ZC shall give “**great weight**” to the written report of the affected ANC

“**Great Weight**” is an acknowledgement of the issues and concerns of the ANC and an explanation of why the ZC or BZA did or did not find the ANC persuasive

DRAFTING AN ANC REPORT

From DC Court of Appeals decision in *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079 (2016):

As for the recommendation of the ANC supporting the application, we note that the statute does not require the BZA to give “great weight” to the ANC's recommendation but requires the BZA to give great weight to any **issues and concerns** raised by the ANC in reaching its decision.

DRAFTING AN ANC REPORT

The great weight requirement extends only to issues and concerns that are “legally relevant”

What is the issue or concern?



Is it within the BZA/ZC's jurisdiction?



Is it related to the zoning relief requested?

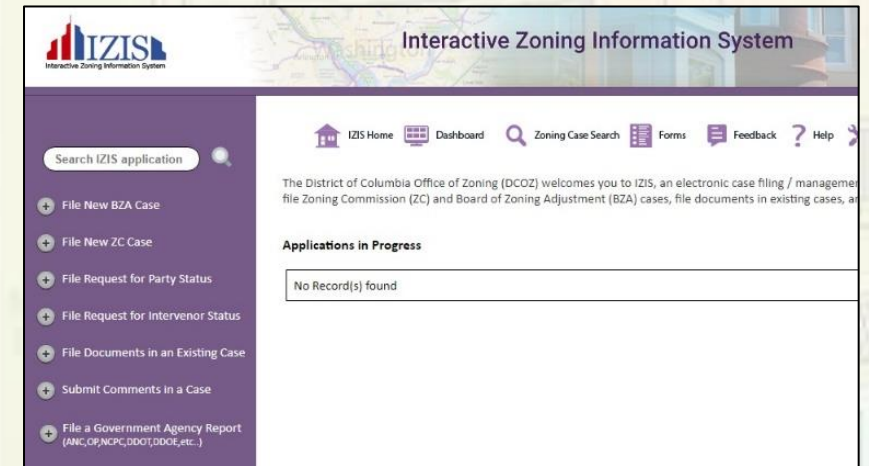
FILING AN ANC REPORT

Create an account in IZIS to upload pdfs instantly to the case record

Backup submission email accounts:

- BZAsubmissions@dc.gov – *for BZA cases only!*
- ZCsubmissions@dc.gov – *for ZC cases only!*

NOTE: Electronic submissions must be filed via IZIS or via the backup email accounts listed above; sending an email to DCOZ staff is not enough to ensure filing!

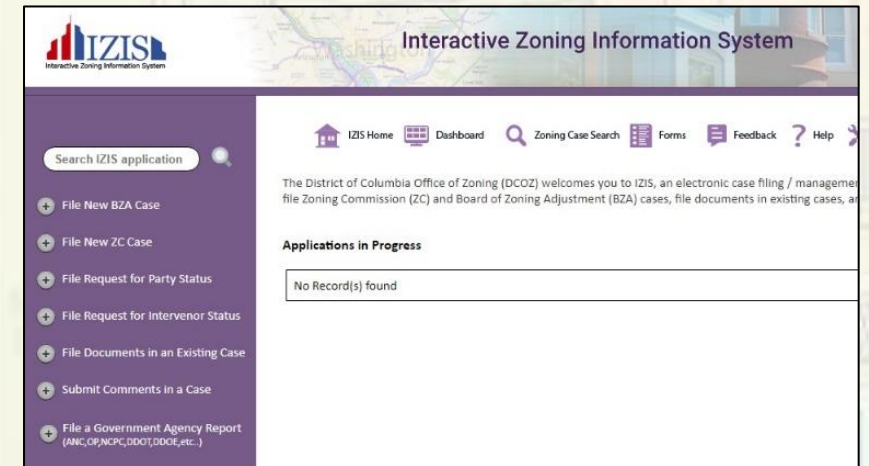


FILING AN ANC REPORT

SUBMISSION DEADLINES

- ANC Reports must be filed before the case is decided (but ideally as soon as possible)
- If the ANC wishes to participate as a party in the hearing, ANC Reports are due at least 7 days before the hearing

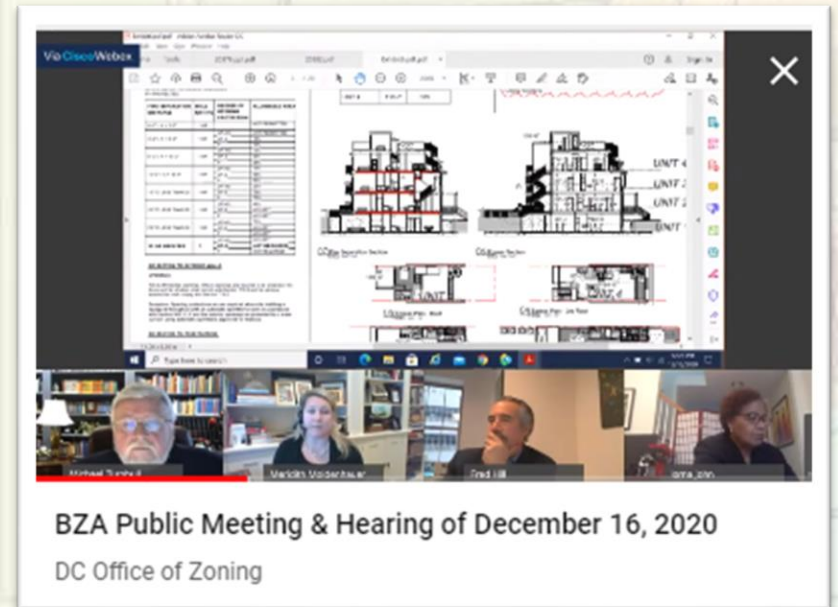
NOTE: This is different than the deadline for submissions from the public, which are due at least 24 hours before the start of the hearing session.



PARTICIPATE IN A HEARING

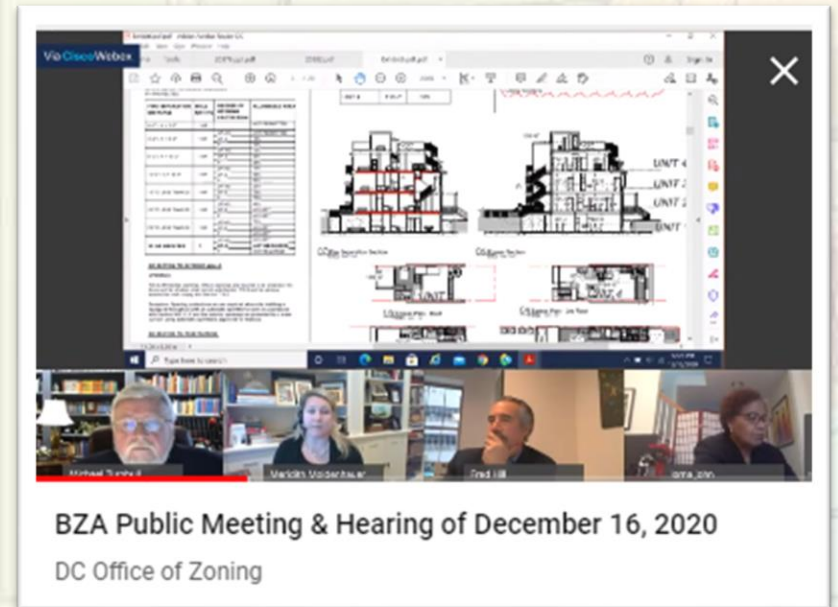
- At the public hearing, the ZC and BZA take testimony from the Applicant, OP, and any other parties to the case
- Affected ANC(s) are parties and may present testimony and cross-examine other parties
- The public may provide testimony

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 instructions for access





Updates for 2021

Regulatory Changes and Virtual Hearing Procedures

UPDATES IN 2020-2021

NOTICE

Per DC Council Action, there is an extended notice period required (51 business days before hearing date) for ANC's while public health emergency is declared.

SUBMISSIONS

Submissions are now due to the record at least 24 hours before hearing session starts, unless the filing is an ANC report.

VIRTUAL HEARINGS

The BZA and ZC are holding all public hearings and meetings virtually via Webex.

VIRTUAL HEARINGS

HOW TO WATCH OR LISTEN

- Watch live via Webex, YouTube; listen via phone
- 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>
- Sign up with DCOZ staff
 - ZC: 202-727-0340
 - BZA: 202-727-5471



Webex Meetings

VIRTUAL HEARINGS

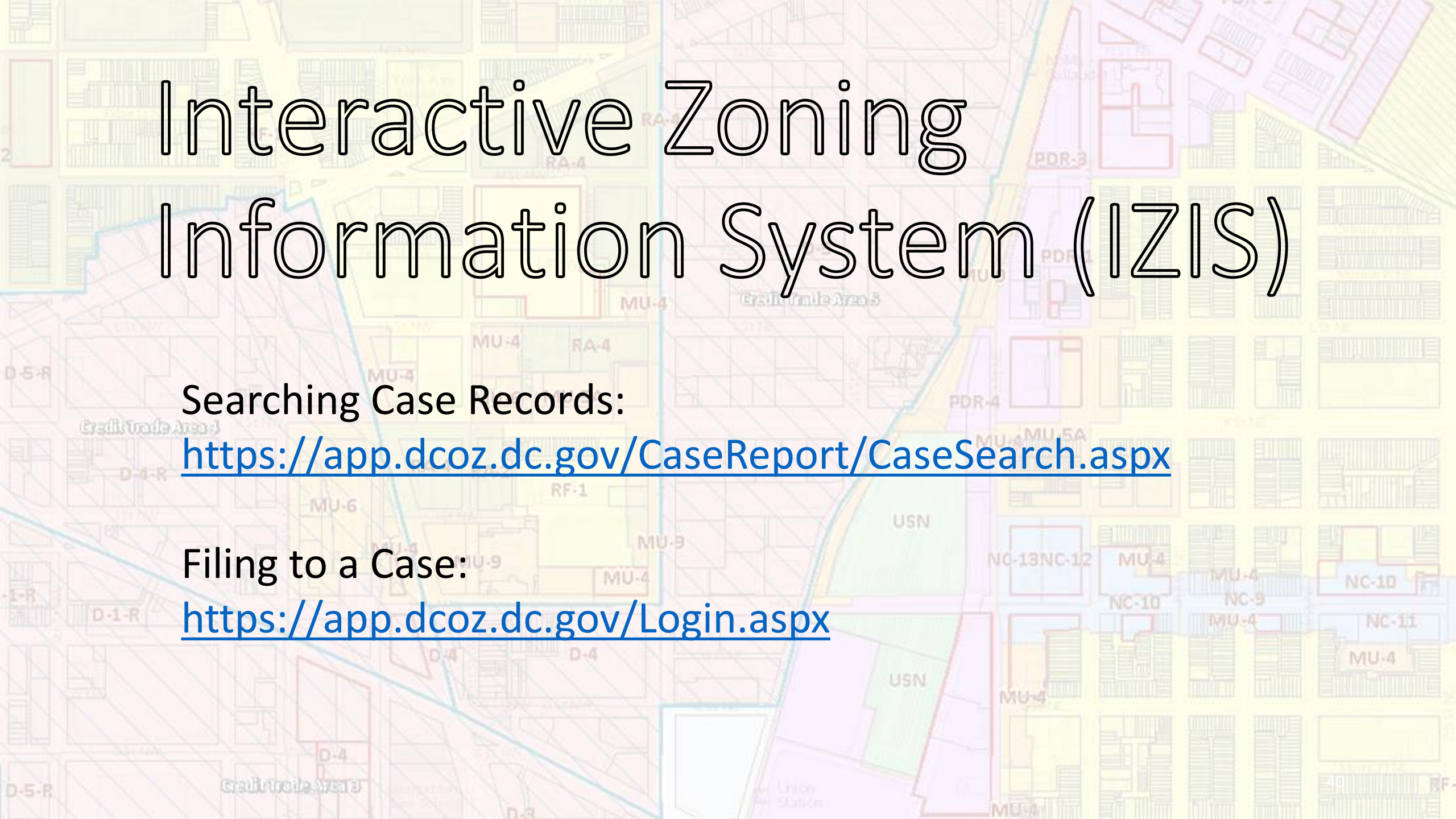
New Virtual Hearing Procedures

Subtitle Y § 103.13 & Subtitle Z § 103.13

- Mostly follows existing hearing procedures, but with extra safeguards
- Must sign up in advance to testify
- No “live video” during testimony
- Request to reopen record if technical difficulties



Using the Zoning Map & Interactive Zoning Information System (IZIS)



Interactive Zoning Information System (IZIS)

Searching Case Records:

<https://app.dcoz.dc.gov/CaseReport/CaseSearch.aspx>

Filing to a Case:

<https://app.dcoz.dc.gov/Login.aspx>

QUESTIONS?

Please feel free to contact us:

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