



# Zoning in the District of Columbia

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# History

## Early History/1920 Zoning Ordinance

Washington was one of the first cities to develop a comprehensive zoning ordinance after New York broke the ground in 1916. This began with the Zoning Act of March 1, 1920, which established zoning and the Zoning Commission in the District.

The Zoning Commission consisted of the three Commissioners (the Board of Commissioners) who divided up the various departments in the District and ran the City. In addition, two other statutory members of the federal government were also appointed, the first being the officer in charge of the buildings and grounds of the District of Columbia (which in 1934 became the officer in charge of the National Park Service) and secondly, the Superintendent of the U.S. Capitol Building and Grounds (which became the Architect of the Capitol).

The original 1920's ordinance had three types of controls with a map depicting each one. The first map dealt with height districts and regulations regulating the heights within those districts. The second set of maps divided the city into use districts -- four of them originally (residential, commercial one, commercial two, and industrial)--with additional regulations later added. The last set of maps showed area districts depicting lot occupancy.

## Zoning Act of 1938

### Zoning Commission

The next major legislative step was the Zoning Act of 1938. the Zoning Enabling Act established the police power of the Zoning Commission to regulate the height and bulk, location, uses, lot occupancy of buildings, and to divide these districts into zoned districts. Commissioners were also empowered to promulgate regulations in accordance with a Comprehensive Plan designed to lessen congestion in the street; secure safety from fire, panic, etc.; promote health and general welfare; provide adequate light and air; prevent undue concentration of population and overcrowding of land; advance health, safety, transportation, prosperity, civic activity, etc.; provide protection of property; and further economy and efficiency in provision of public services.

Further, it provided the following:

- zoned districts should be suitable to the character of the respective precincts and should encourage stability in districts and in land values;
- the Zoning Commission is required before adopting any amendments to hold a public hearing with at least 30 days notice;
- a favorable vote of a full majority of the total membership is required, not just of those participating;
- the building height limits of the Act of 1910 cannot be superceded in zoning;
- one cannot build a building without a building permit in the District;



- the executive is the enforcement arm (Department of Consumer and Regulatory Affairs); and
- federal public buildings are exempt from zoning controls, but the National Capital Planning Commission (NCPC) shall review and regulate such buildings.

### **Board of Zoning Adjustment**

In 1938, the Board of Zoning Adjustment (BZA) was also created to be the release valve of zoning, dealing with unusual situations of property and regulation. It was established that the five-member panel would include: one member of the National Capital Planning Commission or a staff designee; one member of the Zoning Commission or a staff designee; and three other members who have resided in the District for at least three years (including at least one homeowner). It was determined the Zoning Commission would provide general rules for the BZA; BZA could adopt its own supplemental rules of procedure; and that meetings would be open to the public. Further, the act authorized the BZA to do the basic three things it handles today: variances, special exceptions, and appeals from administrative decisions.

### **1950's Comprehensive Plan**

The next major change in procedure came with the 1950's Comprehensive Plan, which suggested the zoning regulations text and map needed a complete overhaul and called for new modern comprehensive districts for all parts of the city. It also noted that large areas of the District were poorly zoned as to existing use and planning objectives for the future, creating the danger of incompatible building types and excessive population density. Further, it recommended doing away with a majority of commercial strip zoning and replacing them with business centers with greater depths of lots for major modern buildings. Lastly, it recommended establishing approval standards for off-street parking and loading and recommended special treatment for large-scale residential developments of more than 10 acres.

### **Lewis Plan of 1956**

The 1950's Comprehensive Plan was the impetus of the Lewis Plan of 1956, in which Harold Lewis, a planning and zoning consultant out of New York, recommended a major zoning overhaul.

Firstly, in the new plan, Mr. Lewis was concerned that the BZA had gotten into legislation; they were adopting so many variances and special exceptions that they were actually acting as the Zoning Commission. Secondly, he called for a unified set of zoned districts based on the 1950's Comprehensive Plan. Thirdly, he proposed a floor area ratio (FAR) system; a density device that would provide better control over specific density than the previous system, as well as design flexibility for the architects and developers. Lastly, he proposed stricter parking requirements.

With the exception of the parking requirements, which were approved in 1956, the Zoning Ordinance of 1958 adopted most of his recommendations. The ordinance also created the SP district, which established transition zones around the edge of central districts. It also adopted new regulations addressing light and air in building standards. Most importantly, it established the pres-



ent system of basic zone districts.

Today, the Zoning Commission and BZA are still operating under the basics of the Zoning Ordinance of 1958 with a number of amendments.

### **Reorganization Plan No. 3 of 1967**

In 1967, the “Commissioner” and the DC Council were established, abolishing the Board of Commissioners. The Commissioner, the Chairman of the Council, and the Vice-Chairman of the Council replaced the Board of Commissioners on the Zoning Commission; the officer in charge of the National Park Service (or staff member) and the Architect of the Capitol (or staff member) remained on the Zoning Commission.

### **Home Rule Act 1973**

Under the Home Rule Act, it was established that three local members appointed by the Mayor, and confirmed by the Council, would replace the Commissioner and Council on the Zoning Commission; the officer in charge of the National Park Service (or staff member) and the Architect of the Capitol (or staff member) still remained on the Commission.

### **Office of Zoning Independence Act of 1990**

In September 1990, the City Council established the Office of Zoning as an independent agency responsible for providing professional, technical, and administrative staff assistance to the Zoning Commission and the Board of Zoning Adjustment for purposes of assuring uncompromised decisions. This Act became effective October 1, 1991.





# Zoning

## Zoning Regulations

The Zoning Regulations (DCMR Title 11) of the District of Columbia control land use, density, height, and bulk characteristics of property in the city. The District of Columbia Zoning Map identifies the designated zoning for all parcels of land in the city. All construction or rehabilitation on private land must conform to the requirements imposed by the Zoning Regulations and Zoning Map adopted by the D.C. Zoning Commission or seek relief before the appropriate bodies.

The zoning controls of a particular zone district applicable to a property govern many aspects of use and development, including:

- the use of a property, e.g., home, store, office, industry, etc.;
- the maximum permitted building height, in feet, and sometimes stories;
- maximum permitted building bulk or gross floor area ratio (FAR), which is a general measure of building scale and intensity of use;
- minimum lot area and width;
- lot occupancy, i.e., the percentage of a lot that a building may cover;
- the size of required side yards, rear yards, and courts; and
- the number of off-street parking spaces that are required to service the use, given its size and operating characteristics.

## The Zoning Process

The zoning process involves the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA), with staff support from the Office of Zoning; the Office of Planning; and the Zoning Administrator in the Department of Consumer Affairs (DCRA). The zoning process also involves the applicants for zoning changes and relief (and their attorney, architect and/or consultants), Advisory Neighborhood Commissions (ANCs), and interested citizens and organizations.

Any person or organization seeking to undertake new construction in the District of Columbia or to make repairs, alterations, or additions to existing buildings should consult with Department of Consumer and Regulatory Affairs (DCRA), to determine whether the proposed project conforms with zoning. If the proposed project conflicts with the zoning map or regulations, the Zoning Administrator will indicate what type of zoning relief is required or a lawyer or an architect may certify the relief required. Approvals by the Zoning Commission (for map or text amendments, air rights development, or a Planned Unit Development [PUD]), or by the Board of Zoning



Adjustment (for variances, special exceptions, or appeals) may also be required. Special reviews of proposed chancery development by the Board may be required for facilities proposed to be located in certain mixed-use areas of the city.

The applicant may either modify the project proposal to conform with zoning regulations, apply for relief from the Zoning Commission and/or Board of Zoning Adjustment, or, with cause, appeal the Zoning Administrator's decision to the Board of Zoning Adjustment.

## Participants

The **Zoning Commission (ZC)** is a five-member quasi-judicial commission created by the Zoning Act of 1920, as amended, and charged with preparing, adopting, and subsequently amending the Zoning Regulations and Map. The ZC also hears Planned Unit Development (PUD) cases -- a planning tool which allows a developer greater flexibility of development and other incentives, provided that the project offers a commendable number or quality of public benefits and that it protects and advances public health, safety, welfare, and convenience. Three members of the ZC are residents of the District of Columbia appointed by the Mayor and confirmed by the Council; the fourth member is the Architect of the Capitol (or his/her representative); and the fifth member is the Director of the National Park Service (or his/her representative).

The **Board of Zoning Adjustment (BZA)** is a five-member quasi-judicial board created by the Zoning Enabling Act of 1938, as amended, and charged with hearing cases related to variances, special exceptions, and appeals of administrative decisions. The BZA also hears Foreign Mission cases and civil infractions. Three members of the BZA are residents of the District of Columbia appointed by the Mayor and confirmed by the Council; one is a member of the National Capital Planning Commission (NCPC) or its staff; and one is a member of the ZC.

The **Office of Zoning (OZ)** is the administrative arm of the Zoning Commission and the Board of Zoning Adjustment. OZ receives and processes applications for zoning changes or relief; attends meetings and hearings and provides follow-up draft decisions; coordinates the zoning process with the Office of Planning and other agencies; maintains and updates the Zoning Regulations (text and map); responds to miscellaneous requests of ZC and BZA members; prepares records for court cases; and handles all administrative matters associated with the daily functioning of the office.

OZ consults with the Office of Corporation Counsel regarding legal issues and monitors the District's legislative process to keep the ZC and the BZA apprised of matters affecting zoning. Also, OZ provides public information about the zoning process, the Zoning Regulations, the zoning of specific properties, and the status of cases pending before the ZC and the BZA.

The Office of the Attorney General (OAG) provides legal advice to OZ and, in concert, the ZC and the BZA.



The **Office of Planning (OP)** is the central planning agency for the District of Columbia. The Comprehensive Plan Implementation Section prepares zoning text and zoning map amendments for submission to the ZC in order to implement the Comprehensive Plan through the Zoning Consistency Program. This ongoing program, which began in 1992, is intended to make the zoning text and map not inconsistent with the Comprehensive Plan. The Zoning Services section reviews applications for a zoning text or map amendment (Zoning Commission) or for a variance or special exception (Board of Zoning Adjustment). OP makes written recommendations to the ZC and BZA on these matters. The Board and Commission are required by statute to give “great weight” to OP’s recommendations. (202) 442-7600/[www.planning.dc.gov](http://www.planning.dc.gov)

The **Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs (DCRA)**, consists of the Zoning Administrator (ZA), Zoning Review Branch, and Zoning Inspection Branch. The ZA is responsible for administering and enforcing the D.C. Zoning Regulations, as well as the conditions of Board of Zoning Adjustment and Zoning Commission orders. The ZA is responsible for zoning code compliance and assuring the correct permit(s) and certificate(s) of occupancy have been obtained. For any questions concerning illegal construction, certificates of occupancy, or code enforcement, please contact the Office of the Zoning Administrator. (202) 442-4576/[www.dkra.dc.gov](http://www.dkra.dc.gov)

**Office of the Surveyor, in the Department of Consumer and Regulatory Affairs** maintains the legal records of all plats and subdivisions of private and District-owned property. (202) 442-4660/[www.dkra.dc.gov](http://www.dkra.dc.gov)

**Office of Tax and Revenue (OTR)** maintains information on real property values, tax assessments, and other real property information. (202) 727-4829/[www.otr.cfo.dc.gov](http://www.otr.cfo.dc.gov)

Other District of Columbia Agencies that OP coordinates comments from in the zoning process include: the Department of Transportation (DDOT), Department of Public Works (DPW), Department of Health (DOH), Department of Human Services (DHS), Department of Housing and Community Development (DHCD), etc.

The **National Capital Planning Commission (NCPC)**, the central planning agency for the federal government, reviews zoning text and map amendments approved by the ZC to determine if they have an adverse effect on the “federal interest” or are inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. In addition, the NCPC reviews special exception applications in the Naval Observatory Overlay District and proposed Planned Unit Developments (PUD’s).

**Office of Foreign Missions of the United States Department of State** participates in proceedings relating to chanceries before the ZC and BZA.

The **Architect of the Capitol (AOC)** reviews special exception applications in the Capitol Interest Overlay District.



**Advisory Neighborhood Commissions (ANCs)** are comprised of officials elected by their neighbors to provide to the city formal citizen participation and review at the community/ neighborhood level. All zoning applications to the ZC and the BZA are referred to the appropriate ANC and Single Member District ANC. In accordance with the Advisory Neighborhood Commission Act, the recommendations of the ANC's are given "great weight" in the zoning process.

The **Applicant** for a zoning change (text or map), PUD, or a zoning variance or special exception is the key factor in the zoning process. The applicant may be an individual property owner, a business or corporation, or a community organization. As indicated above, public agencies and the ZC themselves may also initiate a zoning change.

Attorneys, architects, private planners, and other consultants often play important roles in the zoning process. Some zoning proposals and appeal situations are relatively simple, for which a private individual can prepare and present a zoning case. However, zoning is often complex and, in almost all cases, applicants for a zoning change or appeal will hire a law firm that specializes in zoning and land development.

The architect for a project should consult with the zoning administrator in the permit process before making presentations before the ZC and the BZA. During the review of a project, design modifications may be necessary to address concerns raised in the zoning review process. In addition to zoning attorneys and architects, some projects involve a variety of consultants: urban planners, landscape architects, traffic engineers, real estate economists, and others.

## Zoning Commission Actions

### Map Amendments

The DCRA upon review of the project proposal, may determine that the project conflicts with the land use(s), height, density, bulk, etc. permitted by the zone district covering the site. In that event, the affected property owner may seek permission from the Zoning Commission to develop the proposed project by filing a map amendment application with the Commission. Map amendments may also be initiated by petition from the public, including public agencies such as the Office of Planning.

### Text Amendments

In addition, applications to change the text of the Zoning Regulations may be filed with the Zoning Commission. A text amendment changes the development standards in one or more zone districts.



## **Air Rights Development in Public Space**

Requests for renting or using the space above or below streets and alleys in the District of Columbia, under specified conditions, are referred to the Zoning Commission by the Building and Land Regulation Administration, DCRA. The Zoning Commission follows the Map Amendment process when reviewing applications for air rights development.

## **Planned Unit Development (PUD)**

A PUD is a planning tool which allows a developer greater flexibility of development and other incentives, such as increased building height and density; provided that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience. Although PUD's allow for greater flexibility, they must not circumvent the intent and purposes of the Zoning Regulations, nor should they be inconsistent with the Comprehensive Plan. When a project is designated a PUD, the Commission usually mandates development standards specifically tailored to the project.

## **Campus Plans**

Large institutions, such as colleges and universities, are required to prepare and submit a plan to the ZC for approval. After a “campus plan” is approved, future development of the “campus” must be in accordance with the plan. A campus plan falls under the category of a special exception.

## **Board of Zoning Adjustment Actions**

### **Variances**

The BZA is authorized to vary or modify any part of the Zoning Regulations where, because of an exceptional situation, the strict application of the Zoning Regulations results in “exceptional practical difficulties or exceptional and undue hardship” upon a property owner. In most cases, difficulty or hardship results from physical characteristics which make the property unique or difficult to use. The Board would have to find that granting the request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the Zoning Regulations.

### **Special Exceptions**

A special exception may be granted for a particular use of land or for a particular building. In general, a special exception is a conditioned permitted use in a particular zone district; that is, the use is permitted provided certain specific criteria are met. The Zoning Regulations set out standards for the Board to consider when deciding whether or not a particular special exception use should be allowed.



### **Non-Conforming Uses**

A non-conforming use is an existing use of land or structure which was once permitted under the Zoning Regulations, or which pre-existed the application of the Regulations, but is no longer permitted under current Regulations. These uses may be continued but are controlled to a greater degree than uses normally permitted by Zoning Regulations. The Zoning Regulations give BZA authority to allow the expansion of such uses under certain circumstances and to allow certain changes in use itself. The substitution of uses may also be permitted.

### **Foreign Missions**

Under the Foreign Missions Act of 1982, chanceries are permitted as a matter-of-right use in medium-high to high density Residential, Commercial, Industrial, and Waterfront Districts. In all other areas, including the Mixed-Use Diplomatic Overlay District, the Board of Zoning Adjustment has the authority to “disapprove” or veto a proposed chancery location or expansion.

### **Zoning Appeals**

In the case of appeals, the BZA is authorized to hear cases when it is alleged that the decision of any administrative officer or body related to the enforcement or administration of the Zoning Regulations is incorrect. In most cases, it is the decision of the Zoning Administrator which is appealed to the Board.

### **Civil Infraction Appeals**

Under the Civil Infractions Act of 1985, administrative appeals from the decision of an administrative law judge that involves the Zoning Act or Regulations are entertained and determined by the BZA.



## Summary of Height, Density and Bulk Requirements for Zoning Districts

District	Summary
R-1-A	Permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 75 feet, a minimum lot area of 7,500 square feet, a maximum lot occupancy of 40% for residential use and 60% for church and public school use, and a maximum height of three (3) stories/forty (40) feet.
R-1-B	Permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet, a minimum lot area of 5,000 square feet, a maximum lot occupancy of 40% for residential use and 60% for all other permitted uses, and a maximum height of three (3) stories/forty (40) feet.
R-2	Permits matter-of-right development of single-family residential uses for detached and semi-detached dwelling units with a minimum lot width of 30 feet, a minimum lot area of 3,000 square feet, a maximum lot occupancy of 40% for residential use and 60% for church and public school use, and a maximum height of three (3) stories/forty (40) feet.
R-3	Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings), churches, and public schools with a minimum lot width of 20 feet, a minimum lot area of 2,000 square feet, a maximum lot occupancy of 60%, and a maximum height of three (3) stories/forty (40) feet.
R-4	Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings and flats), churches, and public schools with a minimum lot width of 18 feet, a minimum lot area of 1,800 square feet, a maximum lot occupancy of 60%, and a maximum height of three (3) stories/forty (40) feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.
R-5-A	Permits matter-of-right development of single-family residential uses for detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment, low density development of general residential uses, including rowhouses, flats, and apartments, to a maximum lot occupancy of 40% and 60% for churches and public schools, a maximum floor area ratio (FAR) of 0.9, and a maximum height of three (3) stories/forty (40) feet.
R-5-B	Permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60%, a maximum FAR of 1.8, and a maximum height of fifty (50) feet.
R-5-C	Permits matter-of-right medium density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 75%, a maximum FAR of 3.0, and a maximum height of sixty (60) feet.

District	Summary
<b>R-5-D</b>	Permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 75%, a maximum FAR of 3.5, and a maximum height of ninety (90) feet.
<b>R-5-E</b>	Permits matter-of-right high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 75%, a maximum FAR of 6.0 for apartment houses, and 5.0 for other structures, and a maximum height of ninety (90) feet.
<b>SP-1</b>	Permits matter-of-right medium density development including all kinds of residential uses, with conversions of limited offices (including non-profit organizations, trade associations, and professionals) to general office use and new general office space permitted as a special exception requiring approval of the BZA, to a maximum lot occupancy of 80% for residential use, a maximum FAR of 4.0 for residential and 2.5 for other permitted uses, and a maximum height of sixty-five (65) feet.
<b>SP-2</b>	Permits matter-of-right medium/high density development including all kinds of residential uses, with conversions of limited offices (including non-profit organizations, trade associations, and professionals) to general office use and new general office space permitted as a special exception requiring approval of the BZA, to a maximum lot occupancy of 80% for residential use, a maximum FAR of 6.0 for residential and 3.5 for other permitted uses, and a maximum height of ninety (90) feet.
<b>CR</b>	Permits matter-of-right residential, commercial, and certain light industrial development to a maximum lot occupancy of 75% for residential use, a maximum FAR of 6.0 for residential and 3.0 for other permitted uses, and a maximum height of ninety (90) feet. Residential recreation space is required.
<b>C-1</b>	Permits matter-of-right neighborhood shopping and low density development to a maximum lot occupancy of 60% for residential use, a maximum FAR of 1.0, and a maximum height of three (3) stories/forty (40) feet.
<b>C-2-A</b>	Permits matter-of-right low density development, including office, retail, and all kinds of residential uses to a maximum lot occupancy of 60% for residential use, a maximum FAR of 2.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of fifty (50) feet.
<b>C-2-B</b>	Permits matter-of-right medium density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 80% for residential use, a maximum FAR of 3.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of sixty-five (65) feet.

District	Summary
<b>C-2-C</b>	Permits matter-of-right high density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 80% for residential use, a maximum FAR of 6.0 for residential and 2.0 FAR for other permitted uses, and a maximum height of ninety (90) feet.
<b>C-3-A</b>	Permits matter-of-right development for major retail and office uses to a maximum lot occupancy of 75% for residential use, a maximum FAR of 4.0 for residential and 2.5 FAR for other permitted uses, and a maximum height of sixty-five (65) feet.
<b>C-3-B</b>	Permits matter-of-right development for major business and employment centers of medium density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 100%, a maximum FAR of 5.0 for residential and 4.0 FAR for other permitted uses, and a maximum height of six (6) stories/seventy (70) feet.
<b>C-3-C</b>	Permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 100%, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum height of ninety (90) feet.
<b>C-4</b>	The downtown core comprising the retail and office centers for the District of Columbia and the metropolitan area, and allows office, retail, housing, and mixed uses to a maximum lot occupancy of 100%, a maximum FAR of 8.5 to 10.0, and a maximum height of 110 feet and 130 on 110-foot adjoining streets. (Maximum height and FAR depend on width of adjoining streets.)
<b>C-5</b>	Pennsylvania Avenue Development (PAD) permits retail and office, housing, and mixed development in the area on the north side of Pennsylvania Avenue, N.W. between First Street and 15th Street, N.W. to a maximum lot occupancy of 100%, a maximum FAR of 10.0 to 12.0, and a maximum height of 130 to 160 feet. (Maximum height and FAR depend upon approval of A PUD.)
<b>C-M-1</b>	Permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0 and a maximum height of three (3) stories/forty (40) feet with standards of external effects and new residential prohibited.
<b>C-M-2</b>	Permits development of medium bulk commercial and light manufacturing uses to a maximum FAR of 4.0 and a maximum height of sixty (60) feet with standards of external effects and new residential prohibited.

District	Summary
<b>C-M-3</b>	Permits development of high bulk commercial and light manufacturing uses to a maximum FAR of 6.0 and a maximum height of ninety (90) feet with standards of external effects and new residential prohibited.
<b>M</b>	Permits general industrial uses to a maximum FAR of 6.0 and a maximum height of ninety (90) feet with standards of external effects and new residential prohibited.
<b>W-0</b>	Permits open space, park and low-density and low-height waterfront related retail and arts related uses to a maximum lot occupancy of 25%, except that the lot occupancy can be increased to 50% for a recreational use, marina, yacht club or boathouse, a maximum FAR of 0.5, except that the FAR can be increased to 0.75, for a recreational use, marina, yacht club or boathouse, and a maximum height of forty (40) feet.
<b>W-1</b>	Permits matter-of-right low density residential, commercial, and certain light industrial development in waterfront areas to a maximum lot occupancy of 80% for residential use, a maximum FAR of 2.5 for residential and 1.0 for other permitted uses, and a maximum height of forty (40) feet.
<b>W-2</b>	Permits matter-of-right medium density residential, commercial, and certain light industrial development in waterfront areas to a maximum lot occupancy of 75% for residential use, a maximum FAR of 4.0 for residential and 2.0 for other permitted uses, and a maximum height of sixty (60) feet.
<b>W-3</b>	Permits matter-of-right high density residential, commercial, and certain light industrial development in waterfront areas to a maximum lot occupancy of 75% for residential use, a maximum FAR of 6.0 for residential and 5.0 for other permitted uses, and a maximum height of ninety (90) feet.

## Summary of Zoning Overlays

District	Summary
ARTS	<b>Uptown Arts Overlay</b> is applied to certain areas in the Commercial and Mixed-Use Districts to promote the arts and related cultural and arts-related support uses; to encourage pedestrian activity through increased, residential, retail, and entertainment uses; and to encourage the adaptive reuse of older buildings. This district is mapped in combination with other districts.
CAP	<b>Capitol Interest District Overlay</b> was established to protect the public health, safety, and welfare of the United States Capitol precinct and adjacent areas through additional controls on height, bulk, and permitted uses. This district is mapped in combination with other districts.
CBUT	<b>Chain Bridge/University Terrace</b> was established to preserve and enhance the park-like setting of the Chain Bridge Road/University Terrace area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences. This district is mapped in combination with other districts.
CG	<b>Capital Gateway Overlay</b> establishes use, height, density (including incentives for bonus density & height), combined lot development and design requirements for a mixture of residential and commercial development, including a Baseball Stadium, in the southwest and near southeast quadrants of the City, north of the Anacostia River. The overlay is mapped with the underlying CR, W-1, W-2, W-3 and C-3-C Districts.
CHC	<b>Capitol Hill Commercial Overlay</b> was established along the principal commercial corridors in the Capitol Hill Historic District to provide incentives for small office and retail development by increasing the maximum permitted floor area ration (FAR) to 3.0 FAR for all permitted uses.
D	<b>Mixed-Use Diplomatic Overlay</b> was established to implement the Foreign Missions Act which, among other things, governs the location, replacement, and expansion of chanceries in the District of Columbia. Permits the location of chanceries, subject to the approval of the Board of Zoning Adjustment (BZA). Height, density, bulk, and use requirements are from underlying zone.
DC	<b>Dupont Circle Overlay</b> was established to retain the low scale, predominantly residential character of the Dupont Circle area, its independent small businesses, human scale streetscapes, and historic character. Special restrictive standards for PUDs exist. This district is mapped in combination with other districts.

District	Summary
DD	<b>Downtown Development District Overlay</b> is applied to the core of the Downtown area, including the Shopping District or Retail Core, the Arts District, Gallery Place, Chinatown, Market Square, Convention Center, Mount Vernon Square, and areas designated for historic preservation and mixed commercial and housing use. The DD overlay regulations include development incentives and requirements, including “transferable development rights” and “combined lot development” that promote retail, hotel, residential, entertainment, arts/cultural uses, and historic preservation. This district is mapped in combination with other districts.
FB	<b>Foggy Bottom Overlay</b> was established to protect the integrity of the Historic District, the residential character of the area, and the human scale streetscape; and to encourage greater use of public transportation. Allows structural alterations and rebuilding rights for non-conforming apartment buildings. This district is mapped in combination with other districts.
FT	<b>Fort Totten Overlay</b> was established to allow existing industrial businesses to remain and expand and to protect surrounding residential areas through buffering. Requires screening and additional distance between industrial and residential uses. This district is mapped in combination with other districts.
HR	<b>Hotel/Residential Incentive Overlay</b> was established to provide development incentives for hotel and apartment house construction in certain areas within and adjacent to the Central Employment Area, the core area of the District of Columbia where the greatest concentration of employment is encouraged. This district is mapped in combination with other districts.
LO	<b>Langdon Overlay</b> was established to allow existing industrial businesses to remain and expand and to protect surrounding residential areas through buffering. The district is mapped in combination with other districts.
NC	<b>Neighborhood Commercial Overlay</b> was established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services. These districts are mapped in combination with other districts. Cleveland Park (CP), Woodley Park (WP), Macomb-Wisconsin (MW), Eighth Street, S.E. (ES), Takoma Park (TK) GA Georgia Ave. (GA) and H Street, NE (HS).
NO	<b>Naval Observatory Overlay</b> was established to protect the Observatory’s scientific mission and provide for the security needs of the Vice-President’s residence. Special height restrictions are in effect for the areas near the Naval Observatory. This district is mapped in combination with other districts.



District	Summary
RC	<b>Reed-Cooke Overlay</b> was established to protect and develop housing, maintain height and density at appropriate levels, and encourage small-scale business development. This district is mapped in combination with other districts.
SEFC	<b>Southeast Federal Center Overlay</b> is to provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond.
SSH	<b>Sixteenth Street Heights Overlay</b> was established to help accomplish several goals and policies of the Comprehensive Plan, especially those land use objectives relating to housing supply, neighborhood quality and character, and policies relating to human services and private institutions, as applied to the 16th Street Heights neighborhood. This district is mapped in combination with other districts.
TSP	<b>Tree and Slope Protection Overlay</b> was established to preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks, by regulating alteration or disturbance of terrain, destruction of trees, and maximum ground coverage of buildings and impervious surfaces. Restricts bulk and lot coverage and excessive tree cutting in wooded areas with steep slopes. This district is mapped in combination with other districts.
WH	<b>Wesley Heights Overlay</b> was established to preserve and enhance the low density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area; and to preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood. This district is mapped in combination with other districts.
WO	<b>Waterfront Open Space Recreation Overlay</b> was established to permit open space, park and low-density and low-height waterfront related retail and arts related uses to a maximum lot occupancy of 25%, except that the lot occupancy can be increased to 50% for a recreational use, marina, yacht club or boathouse, a maximum FAR of 0.5, except that the FAR can be increased to 0.75, for a recreational use, marina, yacht club or boathouse, and a maximum height of forty (40) feet.



## Summary of Height, Density and Bulk Requirements for Zoning Districts Chart

Zone District	Predominant Use/Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
R-1-A	One-family detached dwellings	75	7,500	40	-	3	40	60% lot occupancy for church and public school use
R-1-B	One-family detached dwellings	50	5,000	40	-	3	40	60% lot occupancy for all other permitted uses
R-2	One-family semi-detached dwellings	30	3,000	40	-	3	40	60% lot occupancy for church and public school use
	All other structures	40	4,000	40	-	3	40	
R-3	Row dwellings	20	2,000	60	-	3	40	60% lot occupancy for church and public school use
	One-family semi-detached dwellings	30	3,000	60	-	3	40	
	All other structures	40	4,000	60	-	3	40	
R-4	Row dwellings & flats	18	1,800	60	-	3	40	Conversions to apartments with 900 square feet of lot area per dwelling unit permitted; 60% lot occupancy for church and public school use.
	One-family semi-detached dwellings	30	3,000	60	-	3	40	
	All other structures	40	4,000	60	-	3	40	
R-5-A	Low density apartment	-	-	40	0.9	3	40	Row dwellings and garden apt. require site plan review; 60% lot occupancy for church and public school use.
R-5-B	Moderate density apartment houses	-	-	60	1.8	-	50	-

Zone District	Predominant Use/Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
R-5-C	Medium density apartment houses	-	-	75	3	-	60	-
R-5-D	Medium density apartment houses	-	-	75	3.5	-	90	-
R-5-E	High density apartment houses	-	-	75	6	-	90	Apartment houses; permitted FAR of 5.0 for all other structures.
SP-1	Medium density residential/limited office	-	-	-	4	-	65	Non-residential FAR limited to 2.5; residential lot occupancy limited to 80%
SP-2	Medium density residential/limited office	-	-	-	6	-	90	Non-residential FAR limited to 3.5; residential lot occupancy limited to 80%
CR	Mixed residential, retail, office and light industrial uses	-	-	-	6	-	90	Non-residential FAR limited to 3.0; residential lot occupancy limited to 75%; required private residential recreation space
C-1	Neighborhood shopping	-	-	-	1	3	40	Residential lot occupancy limited to 60%
C-2-A	Community business center - low-moderate density	-	-	-	2.5	-	50	Non-residential FAR limited to 1.5; residential lot occupancy limited to 60%
C-2-B	Community business center - low-moderate density	-	-	-	3.5	-	65	Non-residential FAR limited to 1.5; residential lot occupancy limited to 60%
C-2-C	Community business center - high density	-	-	-	6	-	90	Non-residential FAR limited to 2.0; residential lot occupancy limited to 80%
C-3-A	Medium bulk major business and employment	-	-	-	4	-	65	Non-residential FAR limited to 2.5; residential lot occupancy limited to 80%



Zone District	Predominant Use/ Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
C-3-B	Medium bulk major business and employment	-	-	-	5	6	70	Non-residential FAR limited to 4.0
C-4	Central business district	-	-	-	8.5-10.0	-	110	Height of 130 feet on 110-foot street
C-5 (PAD)	Pennsylvania Avenue Development	-	-	-	10.0-12.0	-	130-160	Maximum height and FAR depends upon approval of a PUD
C-M-1	Low bulk commercial and light manufacturing	-	-	-	3	3	40	Standards of external effects; new residential prohibited
C-M-2	Medium bulk commercial and light manufacturing	-	-	-	4	-	60	Standards of external effects; new residential prohibited
C-M-3	High bulk commercial and light manufacturing	-	-	-	6	-	90	Standards of external effects; new residential prohibited
M	General Industry	-	-	-	6	-	90	Standards of external effects; new residential prohibited
W-0	Waterfront open space and recreation, low density;			25%	0.5		40	Recreational use, marina, yacht club or boathouses limited to 50% lot occupancy and .75 FAR
W-1	Low density mixed residential-commercial	-	-	-	2.5	-	45	Non-residential FAR limited to 1.0; residential lot occupancy limited to 80%
W-2	Medium density mixed residential-commercial	-	-	-	4	-	60	Non-residential FAR limited to 2.0; residential lot occupancy limited to 75%
W-3	High density mixed residential-commercial	-	-	-	6	-	90	Non-residential FAR limited to 5.0; residential lot occupancy limited to 75%



## Summary of Zoning Overlays Chart

Zone District	Predominant Use/Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
ARTS	Uptown Arts	-	-	-	2.5-4.5	-	50-75	Incentives for housing, arts and retail uses - 14th and U Streets
CAP	Capitol Interest Overlay	-	-	-	1.8	3	40	Restricts height, bulk and use
CBUT	Chain Bridge/University Terrace	-	-	-	-	-	-	Preserves and enhances the park-like setting
CG	Capital Gateway	-	-	-	-	-	-	use, height, density (including incentives for bonus density & height), combined lot development and design requirements for a mixture of residential and commercial development, including a Baseball Stadium
CHC	Capitol Hill Commercial Overlay District	-	-	-	3.0	-	-	Incentives for small office and retail development in the Capitol Hill Historic District
D	Diplomatic Overlay	-	-	-	-	-	-	Mapped as overlay with another, underlying district; chancery is permitted with BZA approval; height, density, bulk and use requirements are from underlying zone.
DC	Dupont Circle Overlay	-	-	-	-	-	-	Special restrictive standards for PUD's
DD	Downtown Development District Overlay	-	-	-	6.0-10.0	-	130	Incentive and requirements by downtown sub-areas
FB	Foggy Bottom Overlay	-	-	-	-	-	-	Allows structural alteration and rebuilding rights for non-conforming apartment buildings
FT	Fort Totten Overlay	-	-	-	5.0	-	80	Requires screening and additional distance between industrial and residential uses



Zone District	Predominant Use/Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
HR	Hotel/Residential	-	-	-	8.5	-	130	FAR of 8.5 is for hotel or apartment house only; height maximum permitted by Height Buildings Act of 1910
LO	Langdon Overlay	-	-	-	-	-	-	Buffering/screening protection for a residential area abutting industrial land/uses
	Neighborhood Commercial Overlay	-	-	-	-	-	-	Design and use provisions to encourage viability, attractiveness and continuation of neighborhood commercial areas
	Cleveland Park (CP)	-	-	-	2.0	-	40	Non-residential FAR limited to 1.0
NC	Woodley Park (WP)	-	-	-	2.5-3.0	-	40-50	Non-residential FAR limited to 1.0
	Macomb-Wisconsin (MW)	-	-	-	-	-	-	Provides for public review of large developments for uses, vehicular access, and the scale and massing of proposal.
	Georgia Ave. (GA)	-	-	-	-	-	-	Stabilization of area and encouragement of development
	Eighth Street, S.E. (ES)	-	-	-	3.0	-	45	Encourage medium density commercial development in proximity to the Navy Yard
	Takoma Park (TK)	-	-	-	-	-	-	Reserve open space, require minimum foot-to-ceiling heights on the ground floor, and allow and encourage residential development.
	H Street, NE (HS)	-	-	-	-	-	-	Provides a moderate-density and a medium-density mixed-use areas focusing on residential, retail, and arts and entertainment uses
NO	Naval Observatory Overlay	-	-	-	-	-	-	Special height restrictions near Naval Observatory



Zone District	Predominant Use/Description	Min. Lot Dimension		% of Lot Occupancy	Floor Area Ratio	Height		Remarks
		Width (feet)	Area (sq. ft.)			Stories	Feet	
RC	Reed-Cooke Overlay	-	-	-	-	-	-	Encourages residential development and restricts building height and bulk
SEFC	Southeast Federal Center	-	-	-	-	-	-	Development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors
SSH	Sixteenth Street Heights Overlay	-	-	-	-	-	-	Restricts non-residential uses thru BZA approval and screens associated parking
TSP	Tree and Slope Protection Overlay	-	-	-	-	-	-	Restricts bulk and lot coverage and excessive tree cutting in wooded areas with steep slopes
WH	Wesley Heights	-	-	-	-	-	-	Restricts non-residential uses through BZA approval and screens associated parking
WO	Waterfront Open Space Recreation Overlay	-	-	25%	0.5	-	40	Recreational use, marina, yacht club or boathouses limited to 50% lot occupancy and .75 FAR



## Definitions

**Building Height** - 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. The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet.

**Building Line** - A line beyond which property owners have no legal or vested right to extend a building or any part of the building without special permission and approval of the proper authorities; ordinarily a line of demarcation between public and private property, but also applied to building restriction lines, when recorded on the records of the Surveyor of the District of Columbia.

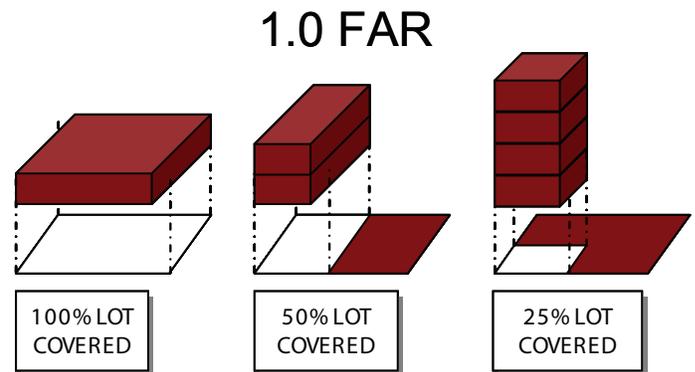
**Floor Area Ratio (FAR)** - A measure of density, intended to give some flexibility of design; can be expressed in one of the following ways:

a. 
$$\text{FAR} = \frac{\text{Gross Floor Area}}{\text{Lot Area}}$$

b. 
$$\text{Gross Floor Area} = \text{FAR} \times \text{Lot Area}$$

It is most commonly used in form “b” since the FAR and Lot Area of a parcel is predetermined and the gross floor area is what is unknown in most cases.

For example a building with an FAR of 1.0 can take many different forms; e.g., a 1-story building over the entire lot; a two-story building over 1/2 of the lot; a four-story building over 1/4 of the lot; or any combination thereof.



**Gross Floor Area** - The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings.

**Lot** - The land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

**Lot Occupancy (lot coverage)** - That portion of a lot which is covered with buildings or structures; usually expressed as a maximum percentage; e.g., a maximum lot coverage of 40 percent means that no more than 40 percent of the lot area may be built over with buildings or structures.

**Nonconforming structure** - A structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or the amendment, other than use, parking, loading, and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements.

**Nonconforming use** - Any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3.

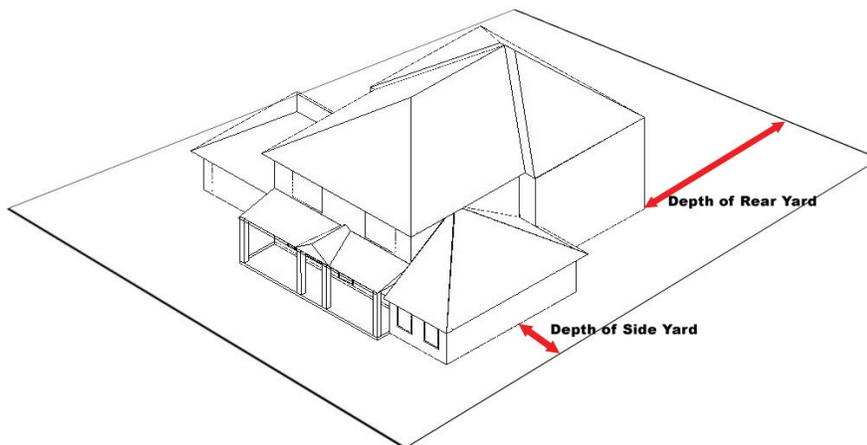
**Story** - The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured.

**Structure** - Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment.

**Yard** - An exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

**Yard, rear** - A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

**Yard, rear, depth of** - The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.



**Yard, side** - A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

## BZA Application Process

	<p><b>Submission of Application</b></p>
	<p><b>Notice of Filing</b> - Notices, the application, the ZA letter/memo or self-certification form, and a plat are sent to the ANC, SMD, and other government agencies, as required.</p>
	<p><b>Public Hearing Notice</b> - Based on the number of hearings, a date is set and official hearing notices are sent to the D.C. Register and property owners within 200 ft., 45 to 55 days prior to the hearing.</p>
	<p><b>Posting of Property</b> - Applicant must post the property 15 days prior to the hearing. (Applicant files affidavit of posting at least 5 days prior to hearing.)</p>
	<p><b>Final Documents</b> - Applicant files any final documents at least 14 days prior to the hearing</p>
	<p><b>Party Status Requests</b> - Party status requests must be filed at least 14 days prior to the hearing, which includes the following:</p> <ul style="list-style-type: none"> <li>(a) The person's name and address;</li> <li>(b) A request to appear and participate as a party;</li> <li>(c) Whether the person will appear as a proponent or opponent of the appeal or application;</li> <li>(d) Whether the person will appear through legal counsel and, if so, the name and address of the legal counsel; and</li> <li>(e) A written statement setting forth why the person should be granted party status, including reference to the following:             <ul style="list-style-type: none"> <li>(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the zoning relief requested of the Board;</li> <li>(2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee;</li> <li>(3) The distance between the person's property and the property that is the subject of the appeal or application before the Board;</li> <li>(4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the zoning relief requested of the Board is approved or denied; and</li> <li>(5) An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those of other persons in the general public.</li> </ul> </li> </ul> <p>Approval of party status is contingent upon the Applicant clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons in the general public.</p>

<h1>ANC</h1>	<p><b>ANC Report</b> - The ANC files a report at least 7 days prior to the hearing which is given “great weight” by the Commission or Board and includes the following:</p> <ul style="list-style-type: none"> <li>(a) An identification of the case number;</li> <li>(b) Date when ANC held a public meeting to consider the case;</li> <li>(c) Proof that proper notice of the meeting was given by the ANC;</li> <li>(d) The number of ANC members that constitute a quorum and the number of members present;</li> <li>(e) The issues and concerns of the ANC about the case as related to the Zoning Regulations;</li> <li>(f) Recommendations, if any;</li> <li>(g) The vote on the motion to adopt the report;</li> <li>(h) The name of the person authorized to present the ANC report; and</li> <li>(i) Signature of the Chair and/or the Vice-Chair.</li> </ul> <p>The ANC, in which the property is located, automatically receives party status; however, must submit a completed report to be given “great weight”.</p>
	<p><b>BZA Hearing</b></p>
	<p>Opening Statement by the Chairperson</p>
	<p><b>Preliminary Matters</b> - Discussion of why the case should not or cannot be heard that day, including verification of affidavits of posting and waivers of late filings.</p>
	<p><b>Call of the Case</b> - The case description, swearing in of witnesses, and determination of parties.</p>
	<p><b>Applicant’s Presentation</b> - (Applicant presents its Burden of Proof)</p>
	<p><b>Questions</b> - (By the Board of the Applicant)</p>
	<p><b>Cross-Examination</b> - (Other parties ask Applicant questions)</p>

<h1>OP</h1>	<b>Office of Planning (OP) and/or other Agency Reports</b>
	<b>Questions</b> - (By the Board of OP and other agencies)
	<b>Cross-Examination</b> - (Parties ask questions directed to OP or other agencies)
<h1>ANC</h1>	<b>Advisory Neighborhood Commission (ANC) Report &amp; Testimony</b>
	<b>Questions</b> - (By the Board of the ANC)
	<b>Cross-Examination</b> - (Parties ask questions directed to the ANC)
	<b>Testimony</b> - (By Parties and/or Persons in support)
	<b>Questions</b> - (By the Board of Parties or Persons)
	<b>Cross-Examination</b> (Parties ask questions directed to the Parties and/or Persons in support)
	<b>Testimony</b> (By Parties and/or Persons in opposition)

	<p><b>Questions</b> (By the Board of Parties or Persons)</p>
	<p><b>Cross-Examination</b> (Parties ask questions directed to the Parties and/or Persons in opposition)</p>
	<p><b>Rebuttal and Closing Remarks by Applicant</b> - (Applicant can respond to any issues raised by other parties)</p>
<p><b>Decision</b></p>	
	<p><b>Statement by Board</b> - What documents are to be submitted into the record [if any] and when the Board will decide the case; or</p>
	<p><b>Bench Decision</b> - Board may decide the application after the hearing if it prepared to do so. Usually, this is only done when the Applicant has clearly met the burden of proof and there is no opposition</p>

## Burden of Proof Before the BZA

### 3103.2 Variances

Generally, there are two types of variances: area variances and use variances. An area variance is needed when the owner wishes to make some change to the physical structure or lot itself, and the property does not or will not comply with the Zoning Regulations in some respect. A use variance is needed when the owner wishes to use the property in a way that is not permitted in that zone district under the Zoning Regulations. The granting of a variance relates only to the specific piece of property which is the subject of the application. It will not change the zoning classification of your lot or square. In granting a variance, the Board simply allows the owner to do something with the property without requiring strict compliance with the Zoning Regulations. This provision has three main tests that must be addressed by the applicant:

1. Are there peculiar and exceptional, practical difficulties, such as the property is exceptionally narrow, shallow, oddly shaped, and/or has unusual topography, soil conditions, or other special conditions:
  - a. What makes it difficult for the owner to build on the property in compliance with the Zoning Regulations? (area variance)
  - b. How will there be financial hardship for the owner in using the property consistent with the Zoning Regulations? (use variance)
2. Granting the application will not be of substantial detriment to the public good; and
3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations.

### 3104.1 Special Exceptions

A special exception is applied for where the owner wishes to institute a use that is pre-deemed compatible with the Zoning Regulations for that particular district, but which needs to be reviewed by the Board to ensure that certain negative impacts will not occur. In addressing this provision, the Applicant must address the following:

1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations; and
2. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations.

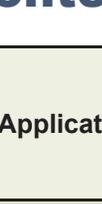
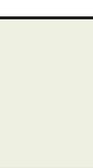
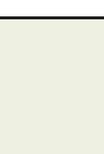
In addition, as all special exceptions are of a specific type, each type is represented in a certain section of the Zoning Regulations. Section 3104.1 sets forth the general standards that must be met for all types of special exception relief, while the other provisions cited in the Zoning Administrator's memorandum detail the remaining standards that must be met.

Variances and special exceptions are not automatically granted upon application and hearing before the Board. The Applicant is responsible for meeting the burden of proof associated with the particular relief requested.





## ZC Contested Case Process

	<b>Submission of Application</b>
	<b>Notice of Filing</b> - Notices are sent to the ANC, SMD, and other government agencies, as required.
<b>OP</b>	<b>Office of Planning (OP) Report Due</b> - Report due 10 days prior to setdown action.
	<b>Set Down Action</b>
	<b>Pre-Hearing Statement by Applicant</b>
	<b>Public Hearing Notice</b> - Based on the number of hearings, a date is set and official hearing notices are sent to the Applicant, D.C. Register, and property owners within 200 ft., 45-55 days prior to the hearing.
<b>ANC</b>	<b>ANC &amp; Ward Notification</b> - General, Specific, Adjacent & Single Member District ANCs and Ward Councilperson notified.
	<b>Posting of Property</b> - If applicable, Applicant must post the property 40 days prior to the hearing. (Applicant files affidavit of posting at least 30 days prior to hearing.)
<b>OP</b>	<b>Office of Planning (OP) Final Report Due</b> - Report due 10 days prior to the hearing date.
	<b>Hearing</b>

	<b>Opening Statement by the Chairperson</b>
	<b>Preliminary Matters</b> - Discussion of why the case should not or cannot be heard that day, including waivers of late filing
	<b>Call of the Case</b> - The case description, swearing in of witnesses, and determination of parties.
	<b>Applicant's Presentation</b>
	<b>Questions</b> - (By the Commission of the Applicant )
	<b>Cross-Examination</b> - (Other parties ask Applicant questions)
<b>OP</b>	<b>Office of Planning (OP) and/or other Agency Reports</b>
	<b>Questions</b> - (By the Commission of OP and other agencies )
	<b>Cross-Examination</b> - (Parties ask questions directed to OP or other agencies)
<b>ANC</b>	<b>Advisory Neighborhood Commission (ANC) - Report &amp; Testimony</b>

	<b>Questions</b> - (By the Commission of the ANC )
	<b>Cross-Examination</b> - (Parties ask questions directed to the ANC)
	<b>Testimony</b> - (By Parties and/or Persons in support)
	<b>Questions</b> - (By the Commission of the Parties or Persons)
	<b>Cross-Examination</b> - (Parties ask questions directed to Parties or Persons in support)
	<b>Testimony</b> - (By Parties and/or Persons in opposition )
	<b>Questions</b> - (By the Commission of the Parties or Persons)
	<b>Cross-Examination</b> - (Parties ask questions directed to the Parties or Persons in opposition)
	<b>Rebuttal and Closing Remarks by Applicant</b> - (Applicant can respond to any issues raised by other parties.)
	<b>Leave Record Open</b> - If the record is left open, then additional information is allowed into the record until it is closed.

	<p><b>Close Record</b> - Once the record is closed, then the case is scheduled in the monthly meeting agenda and the case is discussed at the next monthly meeting.</p>
	<p><b>Proposed Action</b> - (By the Commission)</p>
	<p><b>Draft Order</b> - The Office of Zoning prepares a draft order based on the proposed action</p>
<p><b>NCPC</b></p>	<p>Referred to NCPC</p>
	<p><b>Final Action</b> - Final Action is decided at the next monthly meeting.</p>
	<p><b>Final Order</b> - The Order is approved by the Commission. Upon being published in the D.C. Register, it becomes final and effective.</p>
	<p><b>Final Order Served</b> - Order is sent to: Applicant, Parties, OP, the appropriate ANC's, City Council, the Applicant, and the ZA.</p>

## ZC Rulemaking Process

	<b>Submission of Application</b>
	<b>Notice of Filing</b> - Notices are sent to the ANC, SMD, and other government agencies, as required.
<b>OP</b>	<b>Office of Planning (OP) Report Due</b> - Report due 10 days prior to setdown action.
	<b>Set Down Action</b>
	<b>Public Hearing Notice</b> -Based on the number of hearings, a date is set and official hearing notices are sent to the Applicant, D.C. Register, and property owners within 200 ft., 45-55 days prior to the hearing.
<b>ANC</b>	<b>ANC &amp; Ward Notification</b> - General, Specific, Adjacent & Single Member District ANCs and Ward Councilperson notified.
	<b>Posting of Property</b> - If applicable, Applicant must post the property 40 days prior to the hearing.(Applicant files affidavit of posting at least 30 days prior to hearing.)
<b>OP</b>	<b>Office of Planning (OP) Final Report Due</b> Report due 10 days prior to the hearing date.
	<b>Hearing</b>
	<b>Opening Statement by the Chairperson</b>

	<b>Preliminary Matters</b> - Discussion of why the case should not or cannot be heard that day, including waivers of late filing
	<b>Call of the Case</b> -The case description, swearing in of witnesses, and determination of parties.
<h1>OP</h1>	<b>Office of Planning (OP) and/or other Agency Reports</b>
	<b>Questions</b> - (By the Commission of the Applicant )
<h1>ANC</h1>	<b>Advisory Neighborhood Commission (ANC) - Report &amp; Testimony</b>
	<b>Questions</b> - By the Commission of the ANC
	<b>Presentation</b> - By Persons and/or Organizations in support
	<b>Questions</b> - By the Commission of Persons and Organizations in support
	<b>Presentation</b> - By Persons and/or Organizations in opposition
	<b>Questions</b> - By the Commission of Persons and Organizations in opposition

	<b>Leave Record Open</b> - If the record is left open, then additional information is allowed into the record until it is closed.
	<b>Proposed Action</b> - (By the Commission)
	<b>Draft Rulemaking</b> - The Office of Zoning prepares a draft order based on the proposed action
<b>DC Register</b>	<b>DC Register Publication</b>
	<b>30-Day comment period</b>
<b>NCPC</b>	<b>Referrals</b> - Referrals are sent to NCPC
	<b>Revised Draft Order &amp; Final Rulemaking</b> - A new draft order is proposed for ZC meeting.
	<b>Final Action</b> - Final Action is decided at the next monthly meeting.
	<b>DC Register Publication of Order and Final Rulemaking</b>

**Please Note:**

- Rulemakings are uncontested.
- No person shall have the standing of a party in a rulemaking proceeding.





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