

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 97

CASE NO. 73-17

SEPTEMBER 27, 1974

Pursuant to notice, public hearings of the Zoning Commission were held on July 11 and July 25, 1973, and May 16, 1974, to consider an amendment to the text of the Zoning Regulations. Thereafter, having met in Executive Session, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

1. Re-title Article 75 to read "Plan Review Developments."

2. Create a new section 7502 as follows:

Section 7502 - Sectional Development Plans

7502.1 Purposes of Sectional Development Plans

The purpose of this section is to provide an area-wide, detailed approach to the implementation of major development goals and objectives of the citizens of the District of Columbia. Sectional Development Plans are intended to be applied in areas where some change from existing conditions is appropriate in the public interest. Such plans should be developed only for areas where detailed, local area planning is required for the enhancement of the public welfare by providing the opportunity for closely coordinated development by individual property owners. Such areas may be located at Uptown Centers, adjacent to subway stations, and other locations where development goals and objectives have not been adequately realized. The size of a Sectional Development Plan area shall be determined in the planning process for such an area. The boundaries of the Sectional Development Plan may be drawn so as to include

areas not necessarily intended for future development or redevelopment but which could serve as compatible development transitions between surrounding neighborhoods and the project area. The procedures and standards established herein are intended to permit, with Zoning Commission approval, zoning in accordance with planning directed toward goals and objectives concerned with social, economic, land use, circulation, environmental, historic preservation, and aesthetic enhancement of the area through feasible measures involving specific programs in the public sector and increased awareness of these programs in the private sector.

A sectional Development Plan shall furnish a framework, based upon detailed planning consideration, which should be a substantial influence on questions involving special exceptions, variances, Planned Unit Developments, Zoning Map amendments, and general development. A Sectional Development Plan should further the provision of improved living and working, recreation and transportation conditions within the area and in that area's relationships to other parts of the city.

7502.2 Components of Sectional Development Plans

The components of a Sectional Development Plan shall be as follows:

7502.21 - A statement of the overall goals which the plan intends for the plan area and the specific objectives which should be used to achieve such goals. The relationships of these goals to overall development goals of the District of Columbia and to the comprehensive plan should be clearly stated. Public sector and private sector objectives should be clearly related to elements of the Sectional Development Plan to indicate how such elements will achieve the stated objectives. Such goals and objectives shall be specific enough to provide guidance and direction to the Zoning Commission, Board of Zoning Adjustment, private property owners and the public at large in the preparation and evaluation of applications for Planned Unit Developments, special exceptions and other requests before appropriate zoning authorities.

7502.22 - A map showing the existing zoning of the plan area and surrounding adjacent areas.

7502.23 - Proposed amendments to the Zoning Map or Regulations resulting from items done under Paragraph 7502.24.

7502.24 - Supporting data should include the following where appropriate and applicable:

a. Social and economic characteristics of existing and projected populations including densities; age and sex profiles; individual family and household housing needs and housing payment levels; school grade level loads; income levels; employment and unemployment; minority status; health and physiological handicaps; and car ownership or possession.

b. Analysis of existing and proposed land and building uses; building and structure heights; densities, numbers, sizes, and types of housing units; all building use densities including FAR's and percents of lot occupancy; lot lines, building outlines, and other structures outlines; public rights-of-way, street curb-to-curb outlines, other pavement and court outlines; location of all public facilities and utility structures.

c. Analysis of existing and proposed traffic and circulation including traffic capacities of: vehicular roads, mass transportation, pedestrian paths and sidewalks, bicycle paths and any other circulation systems; detailed trip generation rates, street and alley modifications, parking requirements for all land uses; local and through traffic volumes and routes for all circulation systems; particular attention should be given to solution of problems created where two or more of these systems join, intersect or meet any land or building use.

d. Environmental assessments of existing and proposed development including effects on: water and sewer capacities; air quality and noise from commercial, industrial and traffic sources; water drainage, seepage and soil erosion from buildings and other hard surfaces; slope treatments and planting areas; provisions for protection from wind and rain and protection from or exposure to, sunlight and day light; general aesthetic qualities in terms of public spaces, landscaping, and open space treatment, building forms and set backs, control of outdoor advertising; controls of other man-made and natural features.

e. The provisions for protection and enhancement of buildings, structures, or places of historic, architectural or cultural merit either as included on the National Register of Historic Places or in the District of Columbia Inventory of Historic Sites or as may be further defined in the process of preparing the plan.

f. Reports on the feasibility of the plan including its social, environmental and economic feasibility. The social feasibility shall be evaluated on projected changes in social and economic characteristics of the population such as those listed in 7502.24(a). The environmental feasibility shall be evaluated on projected changes in environmental factors such as those listed in 7502.24(d). The economic feasibility may be on a cost-benefit analysis basis showing projected costs such as capital improvements, public services, public utilities and loss of tax revenues for the area, and projected benefits such as increase of tax revenues, savings in maintenance costs, and economies of service, operations and budgeting arising from such a plan. While such an economic study should be concerned primarily with public costs and benefits, effects on the private sector may also be evaluated. Private and public costs and benefits, where evaluated, should be clearly identified and defined.

g. The relationship of a proposed Sectional Development Plan to the comprehensive plan.

h. Estimates of proposed capital expenditures for public improvements in the plan area should be prepared and submitted.

i. A list of specific, related programs to be adopted by other government agencies which are required to fully implement the plan and adequate explanations of how each program relates to the objectives and other elements of the plan.

j. A timetable for all projections and programs contemplated in Sub-paragraphs a-i above. All projections and programs done should be on the basis of equal or compatible time spans to allow direct comparisons to be made.

k. Any other information necessary to fully explain or support the proposals contained in the plan.

7502.3 Initiation and Preparation of Sectional Development Plans

7502.31 - Sectional Development Plans may be initiated and prepared by the National Capital Planning Commission or the Mayor-Commissioner's designated planning agency, either separately or jointly. The agency primarily responsible for the Sectional Development Plan shall be designated as the "preparing agency." Any citizen, property owner, group of citizens, or group of property owners may petition the Mayor-Commissioner's designated planning agency or the National Capital Planning Commission to propose to the Zoning Commission a plan which the citizens or property owners have prepared. Such petition may also be addressed directly to the Zoning Commission which may, at its discretion, request one of the above agencies to assume responsibility for such a plan. The agency, after ascertaining that a representative Community Advisory Group (see Subsection 7502.4) has been formed for the Sectional Development Plan area, may agree to such a petition, and shall then have the same responsibilities regarding that plan as if it had initiated the proposal.

7502.32 - The preparing agency shall be responsible for designating the boundaries of the Sectional Development Plan area. If the plan area, as designated, contains 50% or more land which is not federally owned, the Mayor-Commissioner's designated planning agency shall become the preparing agency. If the plan area contains more than 50% land which is federally owned, the National Capital Planning Commission shall become the preparing agency.

7502.33 - The preparing agency shall be responsible for the preparation of the plan document itself, as well as the necessary background, supporting and supplemental information required by Subsection 7502.2.

7502.34 - Before filing a plan with the Zoning Commission, the preparing agency shall discuss and coordinate its proposals with appropriate planning, technical support, and operating agencies of the District and Federal governments and affected inter-governmental bodies.

7502.35 - If, in the process of preparing a Sectional Development Plan, the preparing agency believes it is necessary to invoke emergency zoning in all or part of a Sectional Development Plan area the preparing agency may petition the Zoning Commission on behalf of such action. If the Zoning Commission determines that the immediate preservation of the public peace, health, safety, welfare or morals requires such emergency zoning as is requested by the preparing agency, the Commission shall approve the petition of such agency. If, during the 120 day period the emergency zoning is in effect, the preparing agency finds it is necessary to rezone all or part of the Sectional Development Plan area on an interim basis the preparing agency shall submit an application to the Zoning Commission for such interim rezoning, which application shall be based on a Sectional Development Plan in preparation. The Zoning Commission, in its discretion, may schedule a public hearing on the application. Alternatively, the preparing agency may petition for interim rezoning based on a Sectional Development Plan in preparation even if it does not

petition for an emergency rezoning. Further, if a petition for emergency zoning is denied by the Commission, the agency may petition for interim rezoning during the remainder of the Sectional Development Plan process. Nothing in this paragraph shall be construed as prohibiting an application by the preparing agency for permanent rezoning of all or part of a Sectional Development Plan area based on a completed Sectional Development Plan at any time during a period of emergency zoning.

7502.36 - If a public hearing on an application for interim rezoning under this regulation is granted such hearing shall be held within 60 days of the date upon which such hearing was granted. Notice of such hearing shall be given in the same manner as for amendments to the Zoning Map as contained in the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia. The Commission when conducting such hearing may, in accordance with its rule making powers, allow the cross-examination of witnesses where it deems necessary to verify the information presented by such witnesses.

7502.37 - Within 30 days of the completion of such public hearing the Zoning Commission shall issue an order granting, denying or granting with modifications the application for interim rezoning. Such order shall be advertised in accordance with the rules of Practice and Procedure of the Zoning Commission of the District of Columbia.

7502.38 - Such interim rezoning, if granted, shall remain in effect for a period of not more than two years from the date of issuance of the order or until such time as the area is permanently rezoned, whichever is less. If no Zoning Commission order permanently rezoning the area or areas affected has been issued within the two year period, zoning shall revert to that which was in effect immediately preceding the order for interim rezoning.

7502.4 Community Advisory Group

7502.41 - Before preparing a plan, the preparing agency shall cause to be formed an ad hoc Community Advisory Group, to advise the agency on any proposals which may be prepared. Such Advisory Group shall be organized in the preliminary phases of the planning process.

7502.42 - The membership of a Community Advisory Group shall include representatives of all elements of the community affected by a Sectional Development Plan including, but not limited to, advisory neighborhood councils, if any, commercial and residential property owners, associations of citizens, businessmen or tenants, residential and commercial tenants and others. Refusal of any individual or representative to accept membership on an Advisory Group shall not prevent that Group from carrying out its functions.

7502.43 - Each Community Advisory Group shall develop its own rules of procedure and governance, including election of officers, rules stipulating the responsibilities of membership, and the norms of decorum which shall govern its proceedings. An Advisory Group may further extend membership to any individual or representative of any element of the community as the Advisory Group shall consider appropriate.

7502.44 - The Community Advisory Group shall work with the preparing agency in preparing a plan for consideration by the Zoning Commission. The Advisory Group shall serve as the principal mechanism for providing community input for a plan, and shall also serve as the principal mechanism for distributing information from the preparing agency to the community. The

Advisory Group, with the preparing agency, shall provide the opportunity for all interested parties to review and discuss the proposals contained in a plan in advance of its submission to the Zoning Commission.

7502.45 - The preparing agency shall provide reasonable technical and administrative support services to the Community Advisory Group and shall, after consultation with the group, prepare a Sectional Development Plan for consideration by the Zoning Commission. After the preparing agency has prepared its final proposal, the Community Advisory Group may prepare a written statement, which may contain dissenting views, setting forth its view on that proposal.

7502.46 - The Community Advisory Group and representatives of the preparing agency shall continue to monitor any reviews or referrals of a Sectional Development Plan to the National Capital Planning Commission, the District of Columbia Council or any other District or Federal agency.

7502.5 - Processing of Sectional Development Plans

7502.51 - The preparing agency shall file a completed Sectional Development Plan and all supporting data and any additional information with the Executive Secretary to the Zoning Commission as part of an application for the rezoning of all or part of a Sectional Development Plan area. The preparing agency shall also file a statement documenting the meetings held and the public contacts made in accordance with Subsection 7502.4 above, including the final report of the Community Advisory Group, a summary of any responses from citizens, property owners or District agencies, and copies of any written responses to the proposals contained in the plan as parts of such application. In the event that the Zoning Commission finds that there has not been sufficient and meaningful community participation or adequate coordination with government agencies, the Zoning Commission may return the Sectional Development Plan to the preparing agency for additional community participation and/or agency coordination.

7502.52 - The plan shall be referred to the National Capital Planning Commission for its review and comment, specifically concerning the impact of the proposed plan on the federal interests. Where the NCPC is the preparing agency, no referral to NCPC shall be required.

7502.53 - The plan shall be referred to the District of Columbia Council for its review and comment. The Council, at its discretion may consider the general policies upon which such a plan is based, and may specifically comment on any changes proposed by the plan, any capital budgeting items proposed by the plan and any other matters within the purview of the Council.

7502.54 - The Zoning Commission may refer a Sectional Development Plan to any other District or Federal agency for its review and comment.

7502.55 - Reporting agencies should submit their recommendations to the Zoning Commission in writing within sixty (60) days of receipt of the proposed Sectional Development Plan from the Zoning Commission. Such period of time may be extended for an additional period of thirty (30) days upon the agreement of the Zoning Commission and the reporting agencies involved. If no comments are submitted within the time allowed, the Zoning Commission may act without such recommendations.

7502.56 - No changes in the Zoning Map or Regulations proposed as the result of a Sectional Development Plan shall be adopted unless a public hearing is held. Such hearing shall be conducted in accordance with the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, provided that when such hearing is conducted in accordance with the rule-making powers of the Commission, cross-examination of witnesses may be allowed where the Commission deems it necessary to verify the information presented by such witnesses.

7502.57 - After such public hearing, the Zoning Commission may adopt the statement of goals and

objectives and amendments to the Zoning Regulations or Map as specified in accordance with Paragraphs 7502.21 and 7502.23. The Commission shall also issue a statement of reasons containing the supporting data for the Sectional Development Plan as specified in Paragraph 7502.24 and as it may be modified by additional considerations raised in the record of the hearings on the plan. The boundaries of an adopted Sectional Development Plan shall be clearly delineated on the Official Zoning Map.

7502.58 - The Community Advisory Group and the preparing agency shall be jointly responsible for bringing to the attention of appropriate government agencies those items of the plan which cannot be implemented by the Zoning Commission. Such items shall include those listed in Sub-paragraphs 7502.24g, 7502.24h and 7502.24-i, and any other matters necessary to implement the plan.

7502.6 Amendments to Zoning in Sectional Development Plan Areas

7502.61 - Amendments to zoning in a Sectional Development Plan area may be proposed only by a District or Federal agency. Any citizen, property owner, group of citizens or group of property owners may petition the Mayor-Commissioner's designated planning agency, the National Capital Planning Commission or the Zoning Commission to adopt, as its own, such a proposed amendment.

7502.62 - Such amendments shall be generally subject to the procedures enumerated in Subsections 7502.2 through 7502.5 above as they may be modified by consideration of the proposed amendment.

7502.7 Procedures for Developing Property in Sectional Development Plan Areas

7502.71 - Any property may be developed to the maximum extent allowed as a matter of right under the adopted Zone Districts. No processing of property before the Zoning Commission or the Board of Zoning

Adjustment is necessary for such development unless such processing is required in these Zoning Regulations.

7502.72 - All of the procedures, requirements and standards for applications for Planned Unit Developments under Section 7501, as amended by this regulation, shall be followed except that there shall be no minimum required acreage qualification necessary to file such an application.

7502.8 Effective Date

7502.81 - These Regulations will take effect on September 27, 1974. They govern all Sectional Development Plans submitted after this regulation takes effect and any Sectional Development Plan then pending, except to the extent that, in the opinion of the Commission, their application to a particular Sectional Development Plan pending when this Regulation takes effect would not be feasible or would work undue hardship or injustice, in which event the former procedure, Section 7501 of the Zoning Regulations, applies; provided, however, in any such case the Zoning Commission may adopt any provisions of these Regulations as may, in their sole discretion, be appropriate.

3. Modify Existing Section 7501 as follows:

A. Delete from Subsection 7501.1 the words "(including Sectional Development Plans)."

B. Delete from Subsection 7501.2 the words "or a Sectional Development Plan", and "except as provided in Paragraph 7501.394,"

C. Delete from Paragraph 7501.21 the words "Provided, however, a Sectional Development Plan need not require the consent of all property owners,"

D. Delete existing Subparagraph 7501.23(b).

E. Add a new Subparagraph 7501.23(b) as follows:

"Where the project is entirely within the area of an adopted Sectional Development Plan, there shall be no required minimum area of land."

F. Delete Subparagraph 7501.24(f).

G. Delete from Subparagraph 7501.24(g) the words "notwithstanding the floor area ratio limitations for any one lot as contained in Subparagraph 7501.24(f)."

H. Renumber modified Subparagraph 7501.24(g) to 7501.24(f).

I. Delete from Subparagraph 7501.32(a) the words "or Sectional Development Plan."

J. Delete from Subparagraph 7501.393 the words "except as modified by Subparagraph 7501.394."

K. Delete Subparagraph 7501.394.

L. Delete from Subsection 7501.4 the words "the owner of the property situated within an approved Sectional Development Plan or."

M. Delete from Paragraph 7501.42 the words "or Sectional Development Plan."

4. Create a new Article 76 to be titled "Miscellaneous Provisions."

5. Amend various references in other parts of the Zoning Regulations to reflect the re-numbering, as follows:

1. In Subsection 2302.1, change 7514 to 7613.
2. In subsection 3201.21, change 7510 to 7609.
3. In subparagraph 7402.11(a), change 7502 to 7601.
4. In existing Paragraph 7502.31, change 7502.3 to 7601.3.
5. In existing Paragraph 7504.15, change 7505 to 7604.
6. In existing Paragraph 7505.39, change 7505.3 to 7604.3.

7. In existing Subparagraph 7514.12(b), change 7514.11(d) to 7613.11(d).
 8. In existing Subparagraph 7515.11(g), change 7515.13 to 7614.13.
 9. In existing Paragraph 7515.12, change 7515.1 to 7614.1.
 10. In existing Paragraph 7515.14, change 7515.1 to 7614.1.
 11. In existing Paragraph 8103.3, change 7516 to 7615.
 12. In existing Paragraph 9101.41, change 7509 to 7608.
6. Replace the Existing Definition in Section 1202 with the following:

"Sectional Development Plan: A set of development policies and standards adopted by the Zoning Commission after public hearing for a specific area of the District of Columbia, which forms the basis for amendments to the Zoning Map and Regulations and sets guidelines for the review and evaluation of individual applications before the Zoning Commission and the Board of Zoning Adjustment."

7. Renumber Existing Sections 7502 through 7516 as follows:

<u>Existing</u>	<u>Proposed</u>
7502	7601
7503	7602
7504	7603
7505	7604
7506	7605
7507	7606
7508	7607

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BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION

ATTEST:



MARTIN KLAUBER
Executive Secretary