

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 345

JUNE 11, 1981

CASE NO. 81-10

EMERGENCY ORDER

Whereas, in 1956 through 1958, the Zoning Commission of the District of Columbia was considering comprehensive revisions to the Zoning Regulations and Zoning Maps which had been in effect since 1920; and

Whereas, at the same time, the first urban renewal plan for a portion of the District of Columbia was being prepared; and

Whereas, when the present Zoning Regulations became effective on May 12, 1958, for a variety of reasons, the Zoning Commission determined not to apply the new zoning regulations to the area in Southwest Washington which the urban renewal plan would control; and

Whereas, the area covered by the Urban Renewal Plans for the "C", "C-1", and "B" areas is designated on the Zoning Map as "UR"; and

Whereas, the footnote to Section 2101 of the Zoning Regulations noted that "Areas of the District of Columbia designated as "UR" are redevelopment or urban renewal areas as established by plans approved by the Commissioners of the District of Columbia under authority of Congressional Legislation. Such areas have not been made a part of the comprehensive zoning plan adopted as a part of these regulations;" and

Whereas, by Order #191 dated January 12, 1978, the Zoning Commission determined that, at that time, it was not necessary or appropriate, to zone the renewal area because the controls of the S.W. Urban Renewal Plan were in effect until 1996; and

Whereas, subsequent to inquiries by representatives of the Delaware Avenue Baptist Church, the Deputy Zoning Administrator advised the Zoning Commission that there are some properties that are not within

the controls of either the S.W. Urban Renewal Plan or the Zoning Regulations; and

Whereas, the District of Columbia Department of Housing and Community Development (DHCD), by letter dated March 12, 1981, identified part or all of four squares in the subject area, that were not subject to the controls of the S.W. Urban Renewal Plan; and

Whereas, those properties are all included in the area designated as "UR" on the Zoning Map and are thus not part of the comprehensive zone plan; and

Whereas, the District of Columbia Office of Planning and Development (OPD), by memorandum dated June 2, 1981, recommended that the Zoning Commission take emergency zoning action, based on a need expressed by the Delaware Avenue Baptist Church to proceed with its development objectives; and

Whereas, property in the District of Columbia with no land use controls could be developed with any use, height, and density desired by the owner of that property, whether or not that use height, and density is compatible with surrounding uses, heights, and densities; and

Whereas, Section 1 of the Zoning (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D.C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia;" and

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals;"

Now, therefore, the Zoning Commission resolves that an emergency exists, and that it is necessary to take immediate action to apply the controls of the Zoning Regulations to property that would otherwise not be subject to any land use controls in the District of Columbia, to prevent the development or establishment of any incompatible land use, height or density in the subject area. It is therefore hereby ORDERED that all of Squares 591, 592, and 594 are zoned R-5-A, and that that part of Square 597 that is not currently subject to the Zoning Regulations is zoned R-5-B.

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This order shall take effect immediately, and may be in effect for no longer than 120 days.

ATTESTED BY:



STEVEN E. SHER
Executive Director
Zoning Secretariat

Vote of the Commission taken at its meeting held on June 11, 1981: 4-0 (George M. White, Ruby B. McZier, Lindsley Williams, and Walter B. Lewis, to adopt - John G. Parsons, not voting)