

# *Zoning in the District of Columbia*

A Guide for Small Business Owners and  
Nonprofit Organizations  
Prepared by the  
D.C. Bar Pro Bono Program



## Introduction

Zoning laws and regulations direct how property owners may use their land. It can be a daunting task to make sense of these laws. This guide is intended to introduce small businesses and nonprofit organizations to the District of Columbia's zoning laws and regulations and provide guidance to those navigating the zoning process.\*

*Please note:* This guide is provided solely for informational purposes. The guide does not provide specific legal advice for any individual situation. The guide should be used in conjunction with, and not as a substitute for, qualified legal counsel. Only an attorney with knowledge of your particular situation can provide the legal assistance that you need. The guide also reflects the laws of the District of Columbia as of the date it is written. However, laws change. You should verify that the information in the guide is still timely.

Throughout the guide you will notice that some words are in **bold face**. These are terms that have a clearly defined meaning in the laws and regulations. There is a glossary in the back of this booklet that spells out the meaning of these terms.

## Zoning Basics

### What is zoning?

Zoning laws and regulations control how you can develop and use land. Generally, zoning laws tell property owners two things:

- **What can be built on the property:** Zoning laws often limit the maximum heights for buildings, depths for yards and establish parking requirements.
- **How the property may be used:** In certain areas, you may build only single family dwellings, in others, large apartment buildings and businesses are allowed as well. Other areas are reserved for manufacturing.

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The key reference tools for any property owner seeking to use or develop his or her property in the District of Columbia are the **Zoning Map** and the **Zoning Regulations**. The **Zoning Map** identifies the zoning designation of all private property within the District. The **Zoning Regulations** set forth the rules for how land may be used within each category of **zoning districts** in D.C. The regulations also spell out the procedures used for administering the zoning laws. You may review both the **Zoning Map** and the **Zoning Regulations** at the D.C. Office of **Zoning** or on-line by going to [www.dcoz.dc.gov](http://www.dcoz.dc.gov).

### Who sets zoning policy?

There are a handful of District government offices that implement the **Zoning Regulations**. Their roles will be discussed in greater detail below, but it is useful to have a basic understanding of each entity before proceeding.

#### Zoning Administrator

The **Office of the Zoning Administrator** is part of the D.C. Department of Consumer and Regulatory Affairs (DCRA). It reviews all applications for building permits and certificates of occupancy to ensure that they comply with the **Zoning Regulations**.

#### Board of Zoning Adjustment

The **Board of Zoning Adjustment** was established to provide a venue for property owners to request relief from the **Zoning Regulations**. If a property owner is unable to use or develop the property in a manner permitted by current zoning, he or she may apply for a **special exception** or **zoning variance**. The **Board of Zoning Adjustment** also hears appeals.

#### Zoning Commission

The **Zoning Commission** is responsible for making general changes to the **Zoning Regulations** and the **Zoning Map**. The **Zoning Commission** also reviews and approves requests for **Planned Unit Developments (PUDs)**.

#### Office of Zoning

The **Office of Zoning** provides administrative support to the **Board of Zoning Adjustment** and to the **Zoning Commission**.

## Office of Planning

The **Office of Planning** is responsible for comprehensive and long-range planning for property development in D.C. This office advises the **Zoning Commission** and the **Board of Zoning Adjustment** so as to ensure that the application of the **Zoning Regulations** is consistent with public policy and the [Comprehensive Plan](#). The **Office of Planning** is spearheading a comprehensive review and revision of the **Zoning Regulations**, which is anticipated to take effect in 2012.

## How is the District of Columbia zoned?

Like most cities, the District is divided into several **zoning districts**. Each **zoning district** is subject to different regulations, which place restrictions on the use, size and layout of an existing structure or proposed construction located on the property. The District's base **zoning districts** identified on the **Zoning Map** are:

- *Residential districts (R-1, R-2, R-3, R-4 and R-5)*
- *Special purpose districts (SP-1 and SP-2)*
- *Mixed use (commercial & residential) districts (CR, W-0, W-1, W-2, W-3)*
- *Commercial districts (C-1, C-2, C-3, C-4, C-5)*
- *Industrial districts (C-M-1, C-M-2, C-M-3, M)*

Several of these districts are further divided into sub-districts, which further limit maximum building size and occupancy levels, and place additional restrictions on the use of the property.

### *Overlay Districts*

In addition to the base **zoning districts**, the **Zoning Regulations** create several **overlay districts**. **Overlay districts** impose regulations in addition to those that apply in the base **zoning district**, often to preserve the character and density of a particular neighborhood located within the district. The **overlay districts** include areas such as Cleveland Park, Woodley Park, Takoma, Georgia Avenue, and the Capitol

It is important to note that the **Zoning Regulations** are strictly enforced. If an area is zoned for residential purposes, it may only be used for those purposes, unless the property owner has a **use variance**. The same applies to manufacturing and industrial districts; residential construction is not permitted in these areas. For more information about the District of Columbia's **zoning districts**, please consult the charts at the end of this guide or the summary provided on the D.C. **Office of Zoning website**.

Gateway area near the National Baseball Stadium. For example, an **overlay district** could prohibit fast food drive-throughs in a neighborhood where it would otherwise be permitted in the base **zoning district**. The **Zoning Commission** has the authority to determine that such a use is incompatible with the current character of a neighborhood and set up the **overlay district** accordingly.

Another example of an **overlay district** is found in the Downtown Development area which includes most properties in the downtown area. In that case, the Downtown Development **overlay district** places restrictions on the types of uses permitted on the ground floor of commercial buildings (and also places a residential requirement on buildings that are commercially zoned) and provides incentives for property owners to provide preferred uses within buildings subject to the **overlay**. The preferred uses include multi-family residential units and historic preservation as well as retail and arts spaces.

#### *Historic Districts and Historic Landmarks*

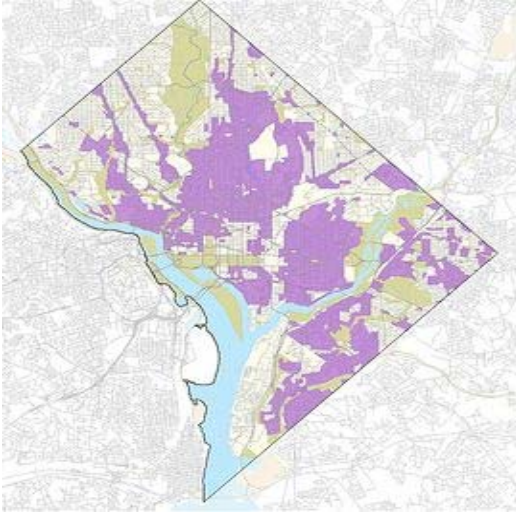
There are also **historic districts** and **historic landmarks** within the city. If property is located within a **historic district**, or is a **historic landmark**, the Historic Preservation Review Board will review any application involving the new construction, alteration or demolition of a building or the subdivision of the lot on which the building sits. The Historic Preservation Review Board is not responsible for administering the **Zoning Regulations** and these historic preservation restrictions are not part of the regulations. However, the Board must review the physical changes to a structure to ensure the changes preserve the historic characteristics of a building or area.

#### *Planned Unit Developments*

Finally, the **Zoning Regulations** allow for **Planned Unit Developments** or **PUDs**. The regulations authorize the **Zoning Commission** to give a property owner of a **PUD** the flexibility to develop property outside the zoning constraints that would otherwise be applicable to the property. **PUDs** generally involve larger sites (half an acre or larger – depending on the zoning category). If approved, the **PUD** property owner is given permission to develop the property to a greater height or density than would otherwise be allowed in exchange for project amenities (including exceptional architectural materials) and community benefits (such as affordable housing, employment opportunities, retail and cultural space). Before the **Zoning Commission** approves a **PUD**, there are extensive public hearings, with input from the **Office of Planning**, the affected **Advisory Neighborhood Commissions** and interested members of the public.

## Zoning Approval

### How do I obtain zoning information about a plot of land?



Before purchasing land, starting construction, renovating an existing structure, or attempting to occupy an existing structure, property owners should seek out information regarding the zoning classification for the land. Developers, architects, lawyers, realtors and others may also request proof of a property's zoning designation before working with a property owner.

To obtain such information, individuals have several options:

- Refer to the **Zoning Map** ([here](#)) and **Zoning Regulations** on the D.C. **Office of Zoning website**.
- Call (202) 442-4576 or [email](#) the **Office of Zoning** to request an informal verification of the property's zoning designation. Requests are typically completed within 3 business days.
- Make a written request to the **Office of Zoning** for an official **certification of zoning**, which will be provided within 14 business days. This request must include the name and address of the person making the request, the square and lot numbers of the property and the address of the property. The applicant must also provide two copies of a **plat** of the property prepared by the D.C. Surveyor or a licensed engineer. Finally, there is a nominal charge for this service.

It is important to use these options rather than relying on a visual inspection of the neighboring properties. These properties could be in a different zone, have received **variances** or even be operating in violation of the **Zoning Regulations**. Therefore, it is essential for you to verify the zoning designation through the proper channels.

The small business owner should also check the zoning of a piece of property **before signing a lease for the property**. It is important to ensure that the **Zoning Regulations** allow the small business owner to operate his or her business on the property. Do not assume that because the current tenant is using the property for a particular purpose, it is legal to do so.

## When do I need to obtain a building permit or certificate of occupancy?

You are required to obtain a permit for new construction, additions, renovations, and alterations to a structure and a certificate of occupancy in order to occupy a building. When an applicant submits a request to **DCRA** for a building permit or a certificate of occupancy, the application is referred to the **Office of the Zoning Administrator**. The office then reviews the application for compliance with the **Zoning Regulations**. Construction or occupancy that complies with the regulations is approved as a **matter of right**, meaning that the application cannot be denied for other reasons related to zoning. If the **Zoning Administrator** determines that an application is not consistent with current **Zoning Regulations**, the **Zoning Administrator** will inform the applicant. Then the applicant has the following options:

- *Change the project in order to comply with the Zoning Regulations.*
- *Appeal the determination to the Board of Zoning Adjustment.*
- *Apply to the Board of Zoning Adjustment for a special exception or a variance.*
- *Petition the Zoning Commission for a change in the Zoning Regulations or Zoning Map.*

It often takes many months to receive a hearing before the **Board of Zoning Adjustment** for a **special exception** or **variance**. It takes a similar length of time to apply for a zoning change. Therefore, it is important for the owner to weigh the time and cost it would take to seek a **special exception, variance** or zoning change and the likelihood of success, against the cost of modifying the project in order to conform to existing **Zoning Regulations**.

### *Special Exceptions and Variances*

#### What is the difference between a special exception and a variance?

**Special exceptions** are uses or building characteristics that are considered compatible with a particular **zoning district**, but which require review and approval by the **Board of Zoning Adjustment** before a permit or certificate will be issued. They are expressly mentioned in the **Zoning Regulations** and can only be granted if certain conditions are met. The applicant has the burden of showing that the proposed use or characteristic will be in harmony with the general purpose and intent of the **Zoning Regulations** and will not adversely affect neighboring properties.

The use of a special exception can be illustrated by the following:

*Example:* Suppose an organization wishes to start a community service center in an area zoned R-4 residential. The **Zoning Regulations** specifically provide that the organization may apply for a **special exception** to use the property as a community service center if it meets certain requirements and the exception is approved by the **Board of Zoning Adjustment**. The regulations provide that in order to meet the requirements for the **special exception**, the community service center must be operated by a nonprofit organization created for the purpose of improving the social or economic well-being of the neighborhood residents, such as a center for job training, family counseling and consumer cooperatives. In addition the center's proposed use must be reasonably necessary or convenient to the neighborhood and the center must be located in an area where the noise and other conditions are not objectionable to neighboring property owners.

A **variance**, in contrast, is required for property uses or building characteristics which are entirely disallowed by the regulations. The **Board of Zoning Adjustment** may grant a variance if the property owner proves that:

1. there are peculiar and exceptional conditions or features of the property (i.e. a lot is exceptionally narrow, shallow or has other irregular topographical conditions that prevent the owner from meeting the zoning requirements);
2. complying with the **Zoning Regulations** will result in practical difficulty (in the case of area variances) or undue hardship (in the case of use variances) to the owner; and
3. granting the variance will not be detrimental to the public good or the zoning plan of the District.

*Example:* Suppose a property owner wants to build an apartment building in the West End area. The **Zoning Regulations** permit multi-family residences in the applicable **zoning district**. However, the owner discovers that **Zoning Regulations** do not allow a building with the planned number of units because the lot is too narrow on one side. In order to proceed, the property owner has to either build a smaller building with fewer units or obtain a zoning **variance**. Even if the applicant shows the exceptional and practical difficulties he is experiencing, the **variance** will be denied if granting it would harm the integrity of the overall District of Columbia zoning plan.



**Variations** come in two forms: **use variations** and **area variations**. **Use variations** involve requests for permission for uses that are ordinarily prohibited in a given **zoning district**; for example, opening a grocery store in a district that is zoned only for residential use. **Area variations** involve requests for permission for construction or alterations of a structure where the use is permitted, but other aspects of the project are not.

*Example:* Suppose an owner wants to open a ten story hotel in a neighborhood zoned for mixed use. The property owner consults the **Zoning Map** and learns that while it is permissible to operate a hotel in the neighborhood, the zoning laws establish the maximum height of a building to be 90 feet – typically a nine story building. In order to operate his hotel as planned at this location, the property owner will need to obtain an **area variance**.

While the property owner is still required to prove the need for a **variance**, an applicant's burden is lower for an **area variance** than a **use variance**.

In the District of Columbia, **variations** and **special exceptions** run with the land; this means that once a **special exception** or **variance** is approved by the **Board of Zoning Adjustment**, subsequent owners of the land may also use the property for that purpose or in the same way. However, the regulations do provide time limits by which an approved permit or occupancy application must be acted upon or the owner will lose the **variance** or **special exception**.

### How do I apply for a special exception or a variance?

Before seeking a **special exception** or a **variance**, the property owner must either:

- have previously sought a building permit or certificate of occupancy which the **Office of the Zoning Administrator** denied and referred the owner to the **Board of Zoning Adjustment** or,
- submit a zoning self-certification form if the owner already knows that he or she will need relief from the **Zoning Regulations**.

The zoning self-certification form is for those property owners who, instead of waiting for the **Office of the Zoning Administrator** to reject their application, apply directly to the **Board of Zoning Adjustment** for a **special exception** or **variance**.

The owner should submit an application for a **variance** or **special exception** to the **Office of Zoning**. The property owner or their agent must submit the application in person. The application must include several documents, including:

- *a plat drawn to scale by a licensed engineer or the D.C. surveyor, showing any existing buildings;*
- *plans for proposed buildings or alterations;*
- *a detailed statement regarding existing and proposed uses;*
- *a preliminary statement explaining how the owner meets the burden of proof for a variance or special exception;*
- *three photographs of the property;*
- *the name and mailing address of all property owners within 200 feet of each corner of the lot; and*
- *the application fee.*

Applicants must submit all information they intend to use and rely upon during their hearing with the **Board of Zoning Adjustment**.

### Who reviews the application?

The application is submitted to the **Office of Zoning**. That office then sends copies of the application to at least two other government bodies: the **Office of Planning** and the **Advisory Neighborhood Commission** where the property is located.

The **Office of Planning** is charged with ensuring that a proposed project conforms to the District's **Comprehensive Plan** and public policy. The local **Advisory Neighborhood Commission**, or ANC, will receive copies of the application so that it may evaluate the application and offer input about whether the application should be approved.

The **Board of Zoning Adjustment** is the body which will make the final determination on the **variance** or **special exception**. The **Board of Zoning Adjustment** gives great weight to the input of the **Office of Planning** and the **Advisory Neighborhood Commission**.

The scheduling of a hearing varies and is largely dependent on the **Board of Zoning Adjustment's** calendar at the time. An applicant can usually expect to wait between three and six months for a hearing. The process can take four to eight months after an application is filed and the **Board of Zoning Adjustment** issues a final order. If there is a significant amount of opposition from the public or the **Advisory Neighborhood Commission**, the final order can be delayed weeks or months in order to fully address those concerns. (However, if an applicant is pursuing an alteration or addition to a one family dwelling or a park,

playground, athletic field or swimming pool, there is an abbreviated process called expedited review.)

### How is the application approved or rejected?

The **Board of Zoning Adjustment** considers the application in a public hearing. Regulations permit the applicant to present his or her case to the **Board of Zoning Adjustment**, to provide documents as evidence in support of the application, to call witnesses, and be represented by an attorney. Both the **Office of Planning** and the **Advisory Neighborhood Commission** also present their recommendations at the hearing. Community members, whether they support or oppose the application, are also permitted to testify. The applicant is allowed to ask questions of anyone who testifies.

## Rezoning

### What is rezoning?

If the **Board of Zoning Adjustment** does not approve an application for a **special exception** or **variance**, or if a project would require such an extensive amount of relief that it would make the approval of a **variance** or **special exception** unlikely, a property owner may seek an amendment to the **Zoning Map** or **Zoning Regulations**. Rezoning applications are discouraged except as part of an application for a **Planned Unit Development**. Any application for rezoning must be consistent with the District's **Comprehensive Plan**.

### How do I apply for rezoning?

To apply for a change in the **Zoning Map** or the text of the **Zoning Regulations**, an owner must submit an application to the **Zoning Commission** through the **Office of Zoning**. The **Office of Planning** will then examine the proposed change and, based on their recommendation, the **Zoning Commission** will either immediately deny the application or schedule a public hearing. The process for obtaining a **Zoning Map** or **Zoning Regulation** change can take up to twelve months.

### What occurs at the hearing?

If a hearing is scheduled, the affected local **Advisory Neighborhood Commission** will receive copies of the application so that it may evaluate the application and offer input to the **Zoning Commission** about whether the application should be approved.

Other interested individuals, such as neighbors, may testify at the public hearing in favor or against the application, and may even qualify as a party to the application,

if they can show that the proposed changes would affect them more than the general public. Parties to the application are entitled to a more prominent role during the hearing, including the opportunity to present and examine witnesses.

When considering an application, the **Zoning Commission** relies principally on the District of Columbia's **Comprehensive Plan**, including the ward's plan. The District has enacted ward plans for every ward in the city; these plans are designed to encourage growth and development while retaining each neighborhood's identity.

## *Appeals*

### What can be appealed?

Any determination by the **Zoning Administrator** or decision by the **Board of Zoning Adjustment** or the **Zoning Commission** may be appealed.

### Who may I appeal to?

A property owner may appeal a determination by the **Zoning Administrator** to the **Board of Zoning Adjustment**.

There are two ways to challenge a decision of the **Board** or the **Commission**. The applicant has the choice of either asking the **Zoning Commission** or **Board of Zoning Adjustment** to reconsider the decision or appealing the decision to the District of Columbia Court of Appeals.

The **Board of Zoning Adjustment** will only reconsider an application if there is new evidence that was unavailable at the original hearing and will have a material effect on the outcome.

The District of Columbia Court of Appeals will only hear an applicant's case if the original decision was not based on the facts, or if the facts the **Zoning Commission** or **Board of Zoning Adjustment** relied upon were not supported by substantial evidence. It is not necessary to seek reconsideration before appealing to the Court of Appeals.

## *Nonconformities and Vested Rights*

### What is a nonconforming use or structure?

A property can be nonconforming with respect to both use and dimension or structure. A **nonconforming use** is a use of the property that was established at one time when it was permitted as a **matter of right**, but is no longer allowed as a

**matter of right** because of a change in the **Zoning Regulations**. In order to qualify, the **nonconforming use** of the property has to be ongoing. The law provides that the current property owner and even subsequent owners can continue to use the property in the same manner, but only as long as the property is not substantially altered or destroyed or the **nonconforming use** of the property is not discontinued. A **nonconforming structure** is one which, regardless of its use, has been constructed in such a fashion that it does not conform to the area requirements of the current **Zoning Regulations**.

*Example:* Suppose a property owner is operating a fast food drive-through restaurant in a neighborhood zoned C-3, a use that is permitted by the **Zoning Regulations**. The **Zoning Commission** then adopts a new zoning regulation altering the **overlay district** for the neighborhood so that it prohibits fast food drive-throughs. Because the property owner's use of the property predated the alteration to the **overlay district**, it is a **nonconforming use**, and the owner can continue to operate the fast food drive-through restaurant at that location. If, at any time, the property owner converts the building to some other use, such as a coffee shop, the right to continue the **nonconforming use** will be lost, and the owner will not be permitted to convert the space back to a fast food drive-through at a later date.

### What are vested rights?

An owner's rights to construction on its property **vest** under the regulations once the owner obtains a building permit to develop the property. If the **Zoning Regulations** change after an owner purchases the land and before construction begins, the owner will be permitted to use the land under the original regulations, provided the owner has a building permit that was issued before the change in the **Zoning Regulations** took place. Otherwise, the new **Zoning Regulations** will apply to the construction on the property. Similarly, an owner's rights **vest** once he or she receives a certificate of occupancy for a particular use; even if the **Zoning Regulations** change the permitted uses of the property after he or she receives the certificate but before the owner actually occupies the building.

## Glossary

- **Advisory Neighborhood Commissions** – These are neighborhood bodies that advise the **Office of Zoning** on applications and proposed changes that affect their local areas. The Commissions are composed of elected residents of the neighborhoods and they provide valuable input from those who are, or will be, directly affected by government action. The District has thirty-eight Advisory Neighborhood Commissions.
- **Board of Zoning Adjustment** – The Board of Zoning Adjustment is an independent body that is authorized to grant relief from the strict application of the **Zoning Regulations** by granting **variances** or **special exceptions**. The Board also hears appeals of actions taken by the **Office of the Zoning Administrator**. The Board consists of five members; three are appointed by the Mayor, one of whom is a representative of the **Zoning Commission** and the last of whom is a representative of the National Capital Planning Commission.
- **Comprehensive Plan** – The [Comprehensive Plan](#) is a long-range (20-25 year) policy document that provides guidance for future planning and development within the District. The **Office of Planning** and the **Zoning Commission** take great care to ensure that any change to the **Zoning Map** and **Zoning Regulations** is consistent with the plan.
- **Department of Consumer and Regulatory Affairs (DCRA)** – DCRA is the Department of Consumer and Regulatory Affairs within the District of Columbia Government. The **Office of the Zoning Administrator** is part of DCRA.
- **Expedited Review** – This process allows the **Board of Zoning Adjustment** to rule on certain very limited applications for a **special exception** or **variance** without having to hold a hearing. To use the process, the applicant would have to waive his right to a hearing and other relevant parties like the **Office of Planning** and local **Advisory Neighborhood Commission** would need to waive their right to object. This process may only be used for additions or alterations to a single-family dwelling or for the construction of parks, playgrounds, swimming pools or athletic fields.
- **Historic District** – Historic districts are areas or neighborhoods that have been designated by the District government as historic under the DC historic preservation laws. These districts are subject to additional regulations, and any physical change to a structure in a historic district will need to be reviewed and approved by the Historic Preservation Review Board.
- **Matter of Right** – The property owner may develop land as a “matter of right” when the owner’s proposed land use and the structural design of the proposed building are permitted by the **Zoning Regulations**. If an applicant conforms to the **Zoning**

**Regulations**, then he or she has a right to develop the property with no additional zoning approval required, beyond the **Office of the Zoning Administrator's** initial review.

- **Nonconforming Use or Structure** – A nonconforming use is created when the zoning requirements for a piece of property are changed after a property is already in use, making a once legal use illegal. The property owner, and all subsequent property owners, may continue to use the property for the nonconforming purpose, so long as they do not substantially alter the property or abandon it. A **nonconforming structure** is one which, regardless of its use, has been constructed in such a fashion that it does not conform to the area requirements of the current **Zoning Regulations**.
- **Office of Planning** – The Office of Planning is the central planning agency of the District of Columbia. The Office's duties include reviewing applications for rezoning to ensure that they conform to the District of Columbia's **Comprehensive Plan** and reviewing applications for **variances** and **special exceptions**.
- **Office of Zoning** – The Office of Zoning provides technical assistance to the public and professional and administrative assistance to the **Zoning Commission** and the **Board of Zoning Adjustment**.
- **Office of the Zoning Administrator** – The Office of the Zoning Administrator is part of DCRA. The Office of the Zoning Administrator reviews applications for building permits and certificates of occupancy for compliance with the **Zoning Regulations**.
- **Overlay** – Additional zoning designations that modify and add to the basic, underlying **zoning district's** regulations.
- **Planned Unit Development** – A planned unit development is a planning tool which allows a developer greater flexibility in site planning and design. This flexibility allows the developer of a large property to incorporate amenities in the project and build at heights and dimensions that would not be permitted under the general provisions of the **Zoning Regulations**.
- **Plat** - A plat is a map, drawn to scale, showing the divisions of a piece of land. Plats typically show how the property has been subdivided into individual lots, blocks, streets and allies.
- **Special Exception** – A special exception is a permitted use in a particular zoning district, provided certain conditions are met. The **Zoning Regulations** allow property owners to receive a special exception from the **Board of Zoning Adjustment** if the Board determines that the property owner intends to use the property in a manner allowed in that zoning district, and any conditions for granting the special exception

have been met. The **Zoning Regulations** set out criteria that the Board must consider when reviewing these cases.

- **Variance** – A variance is a use or characteristic of the property that is not authorized in a **zoning district**, such as the construction of a business in a district that is zoned for residential use. The **Board of Zoning Adjustment** is authorized to permit exceptions to the **Zoning Regulations** when adherence to the regulations would result in practical difficulties or undue hardship. Even if the applicant shows these things, if the use is harmful to the public good, or inconsistent with the **Comprehensive Plan**, the Board will deny the application. There are two types of variances: use variances and area variances. Use variances govern how land may be used or what activities may be conducted on the property. Area variances are granted when the use is otherwise permitted, but the structure does not meet certain requirements.
- **Vested Rights** – An owner has a vested right in a particular use or construction plan if he or she has received some sort of approval from the District government, such as a building permit or certificate of occupancy, to begin development of the property. Once a property owner has a permit, then, even if the **Zoning Regulations** change between the time the owner receives the permit and the completion of construction, the owner may use his property for its original intended purpose, even if it no longer complies with the amended **Zoning Regulations**.
- **Zoning Certificate** – The **Office of Zoning** is authorized to provide the public with certification of the applicable zoning designation for property. The request must include the name and address of the person making the request, the square and lot numbers of the property and the address of the property. The applicant must also provide two copies of a **plat** of the property prepared by the D.C. Surveyor or a licensed engineer. Finally, there is a small fee for the certificate.
- **Zoning Commission** – The Zoning Commission is an independent body composed of three citizens and two experts - the Architect of the Capitol and the Director of the National Park Service. The Commission is charged with creating and enforcing the **Zoning Map** and the **Zoning Regulations**.
- **Zoning District** – A zoning district is a portion of the District of Columbia that has been designated by the **Zoning Regulations** for certain types of land uses, such as single family homes or neighborhood commercial uses.
- **Zoning Map** – The zoning map identifies the zoning designations for all private property located within the District of Columbia.
- **Zoning Regulations** – The zoning regulations govern zoning in the District of Columbia and are located at Title 11 of the D.C. Municipal Regulations and [here](#).



## Summary of Zoning Districts

### Residential Districts & Sub-districts

R-1-A	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• single-family, detached dwellings (detached dwellings are completely separate buildings that have two side yards);</li> <li>• churches and other places of worship;</li> <li>• public schools, recreational centers and libraries.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• private schools;</li> <li>• utility substations;</li> <li>• private stables;</li> <li>• non-profit organizations;</li> <li>• emergency shelters and small rehabilitation homes.</li> </ul>
R-1-B	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• single-family, detached dwellings;</li> <li>• churches and other places of worship;</li> <li>• public schools, recreational centers and libraries.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• private schools;</li> <li>• utility substations;</li> <li>• private stables;</li> <li>• non-profit organizations;</li> <li>• emergency shelters and small rehabilitation homes.</li> </ul>
R-2	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-1 districts;</li> <li>• single-family, semi-detached dwellings (semi-detached dwellings are those where one wall is either shared with another building, or where there is no side yard at all and the dwelling's wall are on the boundary of the property).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-1 districts.</li> </ul>
R-3	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-2 districts;</li> <li>• single family row dwellings (row dwellings are those with no side yards).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-2 districts.</li> </ul>
R-4	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-3 districts;</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• any use or structure that would require a special exception in R-3</li> </ul>

	<ul style="list-style-type: none"> <li>• a flat (a two-family) dwelling;</li> <li>• hospitals;</li> <li>• museums;</li> <li>• private clubs, fraternity &amp; sorority houses.</li> </ul>	<p>districts;</p> <ul style="list-style-type: none"> <li>• a telephone exchange.</li> </ul>
R-5-A	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-4 districts;</li> <li>• greenhouses or horticultural nurseries;</li> <li>• multiple dwellings (a building containing three or more dwelling units).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-4 districts.</li> </ul>
R-5-B	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-4 districts;</li> <li>• greenhouses or horticultural nurseries;</li> <li>• multiple dwellings (a building containing three or more dwelling units).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-4 districts.</li> </ul>
R-5-C	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-4 districts;</li> <li>• greenhouses or horticultural nurseries;</li> <li>• multiple dwellings (a building containing three or more dwelling units).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-4 districts.</li> </ul>
R-5-D	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-4 districts;</li> <li>• greenhouses or horticultural nurseries;</li> <li>• multiple dwellings (a building containing three or more dwelling units).</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-4 districts.</li> </ul>
R-5-E	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use that is permitted in R-4 districts</li> <li>• greenhouses or horticultural nurseries;</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• Any use or structure that would require a special exception in R-4 districts.</li> </ul>

	<ul style="list-style-type: none"> <li>• multiple dwellings (a building containing three or more dwelling units).</li> </ul>	
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**Special Purpose Districts**

SP-1	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any R-5 district;</li> <li>• art galleries;</li> <li>• parks, play grounds, swimming pools and athletic fields operated by a local community organization;</li> <li>• private schools;</li> <li>• public recreation and community center buildings.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• nonprofit organizations;</li> <li>• offices for professionals (architects, dentists, doctors, engineers, lawyers and etc.).</li> </ul>
SP-2	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any R-5 district;</li> <li>• art galleries;</li> <li>• parks, play grounds, swimming pools and athletic fields operated by a local community organization;</li> <li>• private schools;</li> <li>• public recreation and community center buildings.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• nonprofit organizations;</li> <li>• offices for professionals (architects, dentists, doctors, engineers, lawyers and etc.).</li> </ul>

**Mixed Use Districts**

CR	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• Artist studios;</li> <li>• boat clubs and marinas;</li> <li>• churches and places of worship;</li> <li>• recreational and community centers, private clubs;</li> <li>• chanceries;</li> <li>• offices;</li> <li>• hotels;</li> <li>• museums, libraries, theaters and restaurants;</li> <li>• private and public schools;</li> <li>• single-family dwellings, flats and multiple dwellings;</li> <li>• parks, swimming pools and open spaces.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• nonprofit organizations;</li> <li>• offices for professionals (architects, dentists, doctors, engineers, lawyers and etc.).</li> </ul>

W-0	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• Boat construction by local community organizations;</li> <li>• community gardens;</li> <li>• parks, open spaces, play grounds and bicycle trails;</li> <li>• Seasonal or occasional markets for produce, arts and crafts with non-permanent structures.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• boat clubs and marinas, yacht clubs;</li> <li>• churches and places of worship;</li> <li>• recreational and community centers, private clubs;</li> <li>• chanceries;</li> <li>• offices;</li> <li>• hotels;</li> <li>• museums, libraries, theaters, bookstores, bakeries, grocery stores and restaurants;</li> <li>• private and public schools;</li> <li>• single-family dwellings, flats and multiple dwellings;</li> <li>• parks, swimming pools and open spaces.</li> </ul>
W-1	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• Artist studios;</li> <li>• boat clubs and marinas;</li> <li>• churches and places of worship;</li> <li>• recreational and community centers, private clubs;</li> <li>• chanceries;</li> <li>• offices;</li> <li>• hotels;</li> <li>• museums, libraries, theaters and restaurants;</li> <li>• private and public schools;</li> <li>• accessory buildings, structures and parking,</li> <li>• single-family dwellings, flats and multiple dwellings;</li> <li>• parks, swimming pools and open spaces.</li> </ul>	N/A
W-2	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• Artist studios;</li> <li>• boat clubs and marinas;</li> <li>• churches and places of worship;</li> <li>• recreational and community centers, private clubs;</li> </ul>	N/A

	<ul style="list-style-type: none"> <li>• chanceries;</li> <li>• offices;</li> <li>• hotels;</li> <li>• museums, libraries, theaters and restaurants;</li> <li>• private and public schools;</li> <li>• accessory buildings, structures and parking,</li> <li>• single-family dwellings, flats and multiple dwellings;</li> <li>• parks, swimming pools and open spaces.</li> </ul>	
W-3	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• Artist studios;</li> <li>• boat clubs and marinas;</li> <li>• churches and places of worship;</li> <li>• recreational and community centers, private clubs;</li> <li>• chanceries;</li> <li>• offices;</li> <li>• hotels;</li> <li>• museums, libraries, theaters and restaurants;</li> <li>• private and public schools;</li> <li>• accessory buildings; structures and parking;</li> <li>• single-family dwellings, flats and multiple dwellings;</li> <li>• parks, swimming pools and open spaces.</li> </ul>	N/A

Commercial Districts

C-1	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any R-5 or SP-1 district;</li> <li>• banks and financial institutions;</li> <li>• bars and cocktail lounges;</li> <li>• barbers and beauty shops;</li> <li>• dry-cleaning, laundry, dressmaking and tailoring establishments;</li> <li>• gas stations;</li> <li>• opticians and optometrists;</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• accessory parking spaces;</li> <li>• bowling alleys;</li> <li>• public utility pumping stations.</li> </ul>
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C-2-A	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-1 district;</li> <li>• billiard or pool halls and bowling alleys;</li> <li>• catering establishments;</li> <li>• dental and optical laboratories;</li> <li>• funeral homes, mortuaries and undertaking establishments;</li> <li>• parcel delivery services,</li> <li>• radio and television studios;</li> <li>• plumbing or heating shop,</li> <li>• veterinary hospital;</li> <li>• department stores, drive-in restaurants;</li> <li>• automobile sales and car rental agencies;</li> <li>• furniture stores, musical instruments stores, office supplies and equipment sales.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• motorcycle sale and repair;</li> <li>• accessory parking spaces;</li> <li>• massage establishments;</li> <li>• public utility pumping stations;</li> <li>• fast food restaurants and food delivery services;</li> <li>• pet grooming establishments.</li> </ul>
C-2-B	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-1 district;</li> <li>• billiard or pool halls and bowling alleys;</li> <li>• catering establishments,</li> <li>• dental and optical laboratories;</li> <li>• funeral homes, mortuaries and undertaking establishments;</li> <li>• parcel delivery services;</li> <li>• radio and television studios;</li> <li>• plumbing or heating shop,</li> <li>• veterinary hospital;</li> <li>• department stores, drive-in restaurants;</li> <li>• automobile sales and car rental agencies;</li> <li>• furniture stores, musical instruments stores, office supplies and equipment sales.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• motorcycle sale and repair;</li> <li>• accessory parking spaces;</li> <li>• massage establishments;</li> <li>• public utility pumping stations;</li> <li>• fast food restaurants and food delivery services;</li> <li>• pet grooming establishments.</li> </ul>
C-2-C	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-1 district;</li> <li>• billiard or pool halls and bowling alleys;</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• motorcycle sale and repair;</li> <li>• accessory parking spaces;</li> <li>• massage establishments;</li> </ul>

	<ul style="list-style-type: none"> <li>• catering establishments,</li> <li>• dental and optical laboratories;</li> <li>• funeral homes, mortuaries and undertaking establishments;</li> <li>• parcel delivery services;</li> <li>• radio and television studios;</li> <li>• plumbing or heating shop,</li> <li>• veterinary hospital;</li> <li>• department stores, drive-in restaurants;</li> <li>• automobile sales and car rental agencies;</li> <li>• furniture stores, musical instruments stores, office supplies and equipment sales.</li> </ul>	<ul style="list-style-type: none"> <li>• public utility pumping stations;</li> <li>• fast food restaurants and food delivery services;</li> <li>• pet grooming establishments.</li> </ul>
C-3-A	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-2 district;</li> <li>• amusement enterprises (like penny arcades and shooting galleries);</li> <li>• laundry or dry cleaning establishments;</li> <li>• printing, lithographing or photoengraving establishments;</li> <li>• fast food establishments and food delivery services;</li> <li>• public swimming pools.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• gasoline service stations;</li> <li>• repair garages;</li> <li>• mechanical parking garage;</li> <li>• motorcycle sales and repair;</li> <li>• public utility pumping stations;</li> <li>• accessory parking spaces;</li> </ul>
C-3-B	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-2 district;</li> <li>• amusement enterprises (like penny arcades and shooting galleries);</li> <li>• laundry or dry cleaning establishments;</li> <li>• printing, lithographing or photoengraving establishments;</li> <li>• fast food establishments and food delivery services;</li> <li>• public swimming pools.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• gasoline service stations;</li> <li>• repair garages;</li> <li>• mechanical parking garage;</li> <li>• motorcycle sales and repair;</li> <li>• public utility pumping stations;</li> <li>• accessory parking spaces;</li> </ul>
C-3-C	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-2 district;</li> <li>• amusement enterprises (like penny arcades and shooting galleries);</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• gasoline service stations;</li> <li>• repair garages;</li> </ul>

	<ul style="list-style-type: none"> <li>• laundry or dry cleaning establishments;</li> <li>• printing, lithographing or photoengraving establishments;</li> <li>• fast food establishments and food delivery services;</li> <li>• public swimming pools;</li> <li>• motorcycle sales and repair;</li> <li>• massage establishments;</li> <li>• mechanical parking garages.</li> </ul>	<ul style="list-style-type: none"> <li>• public utility pumping stations;</li> <li>• accessory parking spaces;</li> </ul>
C-4	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-3 district;</li> <li>• gasoline service stations.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• public utility pumping stations;</li> <li>• accessory parking spaces;</li> <li>• sexually oriented businesses.</li> </ul>
C-5	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any use permitted in any C-4 district, except animal boarding houses and gasoline service stations are only permitted as an accessory use to a parking garage.</li> </ul>	<p>Special exceptions are available for:</p> <ul style="list-style-type: none"> <li>• public utility pumping stations;</li> <li>• accessory parking spaces;</li> <li>• sexually oriented businesses.</li> </ul>

**Industrial Use Districts**

C-M-1	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any commercial use permitted in any C-4 district, except massage establishments, sexually-oriented businesses and international organizations. Commercial use excludes almost all residential uses;</li> <li>• apartments for the use of a caretaker, watchman, or janitor employed on the premises are permitted;</li> <li>• experimental, research and testing laboratories;</li> <li>• incinerators;</li> <li>• public utility pumping stations;</li> <li>• repair garages;</li> <li>• wholesale or storage establishments.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• massage establishments;</li> <li>• recycling facility;</li> <li>• solid waste handling facility;</li> <li>• concrete or asphalt mixing, processing or manufacturing facility;</li> <li>• animal boarding facilities and pet grooming establishments;</li> <li>• emergency shelters for up to one hundred and fifty individuals.</li> </ul>



C-M-2	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any commercial use permitted in any C-M-1 district.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• massage establishments;</li> <li>• recycling facility;</li> <li>• solid waste handling facility;</li> <li>• concrete or asphalt mixing, processing or manufacturing facility;</li> <li>• animal boarding facilities and pet grooming establishments;</li> <li>• emergency shelters for up to one hundred and fifty individuals.</li> </ul>
C-M-3	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any commercial use permitted in any C-M-1 district.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• massage establishments;</li> <li>• recycling facility;</li> <li>• solid waste handling facility;</li> <li>• concrete or asphalt mixing, processing or manufacturing facility;</li> <li>• animal boarding facilities and pet grooming establishments.</li> </ul>
M	<p>Property owners, as a matter of right, may develop:</p> <ul style="list-style-type: none"> <li>• any commercial use permitted in any C-M-1 district;</li> <li>• recycling facility.</li> </ul>	<p>Special exceptions for:</p> <ul style="list-style-type: none"> <li>• massage establishments;</li> <li>• solid waste handling facility;</li> <li>• concrete or asphalt mixing, processing or manufacturing facility;</li> <li>• animal boarding facilities and pet grooming establishments.</li> </ul>