

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 26-04

Office of Zoning

(Text Amendment – Subtitles Y and Z, Chapters 2, 7, & 16)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of its intent to amend Subtitle Y and Z, Chapters 2, 7, and 16 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) with the specific text at the end of this notice.

Petition

On April 1, 2026, the Office of Zoning (OZ) filed a petition with the Commission proposing amendments to the Zoning Regulation's Rules of Practice and Procedure for the Board of Zoning Adjustment (BZA) and the Commission to remove obsolete provisions and terminology and ensure alignment with current practices as well as improve the public's ability to navigate the zoning process (Ex. 2). OZ stated that the proposed amendments would do the following:

- Update the requirements for submitting a digital file (Subtitle Y § 203.6; Subtitle Z § 203.5);
- Update the times for receiving email and Interactive Zoning Information System (IZIS) filings (Subtitle Y and Subtitle Z §§ 206.10-206.14);
- Clarify when the clock starts for scheduling BZA modifications without hearing (Subtitle Y § 703.15);
- Add that BZA owner-occupied fees apply to applications that do not involve subdivided lots (Subtitle Y § 1600.1);
- Remove the outdated references to COVID-19 time extensions and the fees for filing such (Subtitle Y & Subtitle Z, Chapters 7 & 16); and
- Add a new section for fees for required additional hearing notices (i.e., signs to post on properties) prepared by OZ (Subtitle Y § 1600.4; Subtitle Z § 1600.8).

OZ stated that the proposed amendments are in response to requests of the BZA and the Commission and would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens (*Id.*).

OP Setdown Report

The Office of Planning (OP) Setdown Report stated that the proposed amendments are not substantive in nature and would improve clarity, efficiency and accessibility of the administration of zoning procedures (Ex. 5). OP also stated that the proposed amendments would not be inconsistent with the Comprehensive Plan and would advance Comprehensive Plan Implementation Element guidance encouraging agencies to continuously review their standards to

improve efficiency as needed. The OP Setdown Report cited the following Implementation Element guidance in support of the proposed amendments:

- Policy IM-1.3.5: District Government Compliance: Improve and ensure continued compliance by the District government with the provisions and standards of its building and zoning regulations in all parts of Washington, DC (10-A DCMR § 2504.7);
- Action IM-1.3.A: Monitor and Review New Zoning Regulations: Regularly monitor and review the zoning regulations to verify that they are working to achieve their purpose and submit corrections, changes, and amendments as necessary (10-A DCMR § 2504.8); and
- Policy IM-1.5.6: Electronic Media Enhance communication between residents, organizations, and the District government by providing access to information through electronic media and other methods (10-A DCMR § 2506.7).

Setdown and Authorization to Publish Notice of Proposed Rulemaking

At its April 30, 2026 public meeting, the Commission heard testimony from OZ and OP in favor of the proposed amendments. At the public meeting, the Commission voted to:

- Set the petition down for a public hearing; and
- Authorize an immediate publication of a Notice of Proposed Rulemaking (NOPR) for the petition.

Pursuant to Subtitle Z §§ 603.1(b)(1) and 603.4(b) of the Zoning Regulations, amendments to Subtitles A, Y, or Z of the Zoning Regulations do not require the Commission to take a proposed action vote or referral to the National Capital Planning Commission (NCPC) for comment and review. Accordingly, since this petition only proposes amendments to Subtitles Y and Z, the Commission is not required to take a proposed action vote or to refer the amendments to NCPC prior to taking final action.

VOTE (April 30, 2026): **4-0-1** (Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**; Joseph S. Imamura, not present not voting)

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The following amendments to the text of the Zoning Regulations are adopted on an emergency basis, and are proposed for the Commission's final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and ~~striketrough~~ text):

I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Subsection § 203.6, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.6 If a video is used, ~~six (6) copies~~ **a digital copy** of the video ~~on DVD~~ shall be filed with the Board.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS **and e-mail filings** sent on or before 11:59 p.m. shall be recorded as being received on the same day.

~~206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.~~

206.112 The filing for **IZIS filings and** ~~an~~ e-mail filings received ~~between 5:01 p.m. and on or after~~ 12:00 a.m. shall be recorded on the next business day.

206.123 ...¹

206.134 ...

Subsections §§ 702.1-702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within

¹ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

this two (2) year period; ~~provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order.~~

702.2 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within this two (2) year period; ~~provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order.~~

Subsection § 703.15, CONSENT CALENDAR – TECHNICAL CORRECTIONS TO FINAL ORDERS AND MODIFICATIONS WITHOUT HEARINGS TO ORDERS AND PLANS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

703.15 A request for a modification without hearing shall be filed with and accepted as complete by the Office of Zoning at least thirty-five (35) days prior to the public meeting at which the request is to be considered.

Subsection § 705.7 of § 705, TIME EXTENSIONS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by deleting § 705.7 to read as follows:

~~705.7 — For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.~~

Subsection 1600.1 amended, new § 1600.4 is added, and Table Y § 1600 is amended of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3...

...

(d) Owner-occupied, single dwelling unit or flat not involving a subdivided lot, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars (\$325); and

- (e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat **not involving a subdivided lot**, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee; ~~except that:~~

~~(1) — A six (6)-month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars (\$50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars (\$520) for all other applicants; and~~

~~(2) — A one (1)-year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars (\$100) for an owner-occupied single dwelling unit or flat and one thousand dollars (\$1,000) for all other applicants.~~

...

1600.4

Pursuant to Subtitle Y § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be twenty-five dollars (\$25), which must be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars (\$5) per sign. There shall be no cost for owner-occupied properties that do not involve subdivided lots.

TABLE Y § 1600 – SCHEDULE OF FILING FEES			
SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
...			
Time extension/ minor and non-minor modifications <u>with and without hearing (owner-occupied)</u>			
• 6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$50	
• 1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$100	
• All other extensions/minor and non-minor modifications		\$130	
Time extension/modification with or without hearing (owner-occupied)			
• 6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$500	
• 1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$1,000	
• <u>Owner-occupied, not involving subdivided lot(s)</u>		<u>\$130</u>	
• All other extensions/modifications with or without hearing		26% of the original filing fee	
...			

TABLE Y § 1600 – SCHEDULE OF FILING FEES			
SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
HEARING NOTICES (POSTING SIGNS)			
<u>Up to 10 notices (signs) per application</u>			
• <u>Owner-occupied, not involving subdivided lots</u>		<u>N/A</u>	
• <u>All other applicants</u>		<u>\$25</u>	
• <u>Additional signs (per sign)</u>		<u>\$ 5</u>	

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsection § 203.5, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.5 If a video is used, ~~six (6) copies~~ a digital copy of the video ~~on DVD~~ shall be filed with the Commission.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS ~~and e-mail sent and received~~ on or before 11:59 p.m. shall be recorded as being received on the same day.

~~206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.~~

206.1~~2~~ The filing date for IZIS and ~~an~~ e-mail filings received ~~between 5:01 p.m. and on or after~~ 12:00 ~~ap~~.m. shall be recorded on the next business day.

206.1~~23~~ ...²

206.1~~34~~ ...

Subsections §§ 702.1-702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; ~~provided that any approval, including any extension other~~

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

~~than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a single period of six (6) months from the date of expiration of the approval.~~

702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit; ~~provided that any approval, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for a single period of six (6) months from the date of expiration of the approval.~~

702.3 Construction shall start within three (3) years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval; ~~provided that any such construction deadline, including by any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall be extended by a single period of six (6) months.~~

Subsections §§ 705.4-705.5, and 705.9, of § 705, TIME EXTENSIONS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 705.4-705.5 and deleting § 705.9 to read as follows:

705.4 Only one (1) extension, not including any granted due to the COVID-19 pandemic ~~under Subtitle Z §§ 702.1-702.3 or 705.9~~, may be requested for a design review development approval.

705.5 An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic ~~under Subtitle Z §§ 702.1-702.3 or 705.9~~. The second extension for an extension may be approved for no more than one (1) year.

...

~~705.9 For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.~~

Subsection 1600.1 and Table Z § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee ~~as follows:~~

(a) ~~Six (6) month time extension pursuant to Subtitle Z § 705.9 due to COVID-19—five hundred twenty dollars (\$520);~~

- (b) ~~One (1) year time extension pursuant to Subtitle Z § 705.9 due to COVID-19~~
~~—one thousand dollars (\$1,000); or~~
- (c) ~~All other time extensions~~ of the greater of one thousand, five hundred dollars (\$1,500) or ten percent (10%) of the original hearing fee, up to a maximum of five thousand dollars (\$5,000).

TABLE Z § 1600 – SCHEDULE OF FILING FEES		
CASE TYPE	FEE	MAXIMUM
...		
Time extension to the validity of an order for an approved design review or PUD		
*-6 month extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$520	-
*-1 year extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$1,000	-
<u>Time extension to the validity of an order for an approved design review or PUD</u> All other extensions	The greater of \$1,500 or 10% of the original hearing fee	\$5,000
...		

Add a new subsection 1601.8 and amend Table Z § 1601 of § 1601, HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1601.8 Pursuant to Subtitle Z § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be one hundred dollars (\$100), which shall be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars (\$5) per sign.

TABLE Z § 1600 – SCHEDULE OF HEARING FEES		
CASE TYPE	FEE	MAXIMUM
...		
<u>Additional Hearing Notices (Posting Signs)</u>		
• Up to 10 signs	<u>\$100</u>	
• Each additional sign over 10 (cost per sign)	<u>\$ 5</u>	