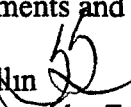


Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin 
Acting Secretary to the Zoning Commission

DATE: December 14, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D-C Register* on December 23, 2005:

- ✓ 1 Z C Notice of Proposed Rulemaking (Case No. 05-01)

Attachments

Office of
Documents and
Administrative
Issuance
2005 DEC 14 PM 3:10

~~Zoning Commission~~
District of Columbia

CASE NO. 05-01
EXHIBIT NO. 11

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS 441 4th Street, N W , Suite 210 South

TELEPHONE (202) 727-0340

TITLE AND DESCRIPTION OF RULES

CASE NO 05-01 (TEXT AMENDMENTS -ADULT DAY TREATMENT CENTERS -- 11 DCMR)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Sections

FINAL RULES ONLY Give the D.C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799 D C Official Code § 6-641 01)

LEGAL CERTIFICATION I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient

DATE DECEMBER 12, 2005 SIGNED *Alan Zuyke* PHONE (202) 442-9777

☐ FINAL

☒ X

☐ CONDITIONAL

NAME: ROBERT J SPAGNOLETTI TITLE: ATTORNEY GENERAL

PROMULGATOR Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE

7-11-05

APPROVAL OF ATTEST

Sharon J. Schellin
Secretary to the Zoning

TITLE

Commission

PHONE

(202) 727-0340

Office of Documents use only.

THIS NOTICE PUBLISHED AT

VOL

DCR

DATE

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 05-01
(Text Amendments –Adult Day Treatment Centers -- 11 DCMR)

The Zoning Commission for the District of Columbia, 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) hereby gives notice of its intent to amend §§ 199, 501, 601, 701, 721, 802, 901, and 2101 of the Zoning Regulation (11 DCMR) The proposed rules would recognize “Adult day treatment center” as a use separate and distinct from the existing use known as “Child/Elderly development center” The use would not be permitted in any Residence or C-1 Zone District, but allowed as a matter of right in all other zones, except the Industrial Zones (CM and M), for which special exception approval must be obtained Final Rulemaking action to adopt these amendments shall be taken not less than thirty (30) days from the date of publication of this notice in the *D C Register*

Title 11 DCMR (Zoning) is proposed to be amended as follows (new text is shown in **bold** and underline and deleted text is shown with ~~strike through~~).

A Section 199, DEFINITIONS, is amended as follows

1 By amending the definition of “Child/Elderly development center” to read as follows:

Child/Elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the non-residential licensed care, education, counseling, or training of individuals two (2) years old or older but under the age of fifteen (15) years of age ~~or less~~ and/or for the non-residential care of ~~elderly~~ individuals age 65 or older, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities A child/elderly development center includes the following accessory uses counseling, education, training, and health and social services for the ~~parents or principal guardians of children~~ person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child or legal guardian of such individuals

2 By inserting the following new definitions in alphabetical order:

Adult day treatment facility – a building or part of a building used for non-residential programs operated for the purpose of providing medically supervised day treatment services for adults with a developmental disability or mental disorders, totaling six (6) or more persons who are present for less than twenty-four (24) hours An adult day treatment facility includes the following accessory uses counseling, education, training and health and social services for the person or persons with legal charge of individuals

attending the center, including but not limited to any parent, spouse, sibling, child or legal guardian of such individuals. This definition does not encompass facilities that offer drug or alcohol abuse rehabilitation services. For the purposes of this definition, the following sub-definitions apply:

Mental disorder - an abnormal mental condition in an individual, who requires the comprehensive and relatively intensive full range of mental health services in a therapeutic and structured environment if he or she is to remain in the community or if he or she is to move from twenty-four (24) hour institutional care to the community

Developmental disability – a severe, chronic disability of a person that is attributable to a mental or physical impairment, or both, that is manifested before the person attains the age of twenty-two (22) years and is likely to continue indefinitely. The person causes substantial functional limitations in three (3) or more areas of major life activity:

- (a) Self-care,
- (b) Receptive and expressive language,
- (c) Learning,
- (d) Mobility;
- (e) Self-direction,
- (f) Capacity for independent living; or
- (g) Economic sufficiency,

A developmental disability reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other service, which are life-long or of extended duration, and are individually planned and coordinated.

B. Section 501, Uses as a Matter of Right (SP), is amended by adding new § 501.1 (j) to read as follows:

- (j) Adult day treatment facility

C. Section 601, Uses as a Matter of Right (CR), is amended by adding new § 601.2 (d) to read as follows:

- (d) Adult day treatment facility, provided that there shall be no property containing an existing adult day treatment facility either in the same square as or within a radius of 500 feet (500 ft) from any portion of the subject property.

D. Chapter 7 is amended as follows:

1. Section 701.2 is amended by inserting the phrase "or Adult day treatment facility" after the phrase "and their families", and

2. Section 721, Uses as a Matter of Right (C-2), is amended by adding a new § 721 2 (y) to read as follows:

(y) Adult day treatment facility

E Section 802, Special Exceptions (C-M), is amended by adding new § 802 20 to read as follows:

802 20 Adult day treatment facility

F Section 901, Uses as a Matter of Right (W), is amended by adding new § 901 1 (x) to read as follows.

(x) Adult day treatment facility.

G Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting, alphabetically, the following use and parking requirement in the parking schedule included in § 2101 1, under the general use category "Commercial Building"

Adult Day Treatment Facility

All Districts

1 for each employee

All persons wishing to comment on the above matter of this proposed rulemaking should file their comments, in writing, to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N W , Washington, D C 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D C Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.