Government of the District of Columbia
OFFICE OF ZONING

2005 DEC 31 PM 3:57

MEMORANDUM

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

FROM: Sharon S Schellin
Acting Secretary to the Zoning Commission

DATE: December 1, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on December 9, 2005

1 Z C. Notice of Emergency Rulemaking (Case No 05-20);
2 Z C. Notice of Proposed Rulemaking (Case No. 05-20), and
3 Z C Notice of Proposed Rulemaking (Case No 05-29)

Attachments

[redacted]
CASE NO. 05-29
EXHIBIT NO. 6

441 4th St , N W , Suite 210-S, Washington, D C 20001
Telephone (202) 727-6311 E-Mail Address zoning_info@dcoz.dc.gov Web Site www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.05-29
EXHIBIT NO.6

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [X] 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: 442-0340

TITLE AND DESCRIPTION OF RULES **Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina**

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 206 4 and 206 5

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: NOVEMBER 30, 2005 SIGNED: Ae Zyw fr PHONE: (202) 442-9777

V	FINAL		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.
Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D C. Official Code § 6-641.01)

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

DATE OF APPROVAL OF VOTE. November 28, 2005

APPROVAL OF ATTEST: Sharon J Schellin
TITLE: Acting Secretary to the Zoning 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. 05-29
(Text Amendment – 11 DCMR — Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina)

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 Code 2001 Ed. § 6-641 01 (2001)), hereby gives notice of its intent to amend chapter 2 of the Zoning Regulations (Title 11 DCMR) The proposed amendment would temporarily permit private schools in the District of Columbia to enroll students displaced by the effects of Hurricane Katrina without having such students count against enrollment caps imposed by orders of the Board of Zoning Adjustment. The rule would limit the number of students who could be enrolled without counting towards such caps at ten percent of the maximum number permitted or twenty students, whichever is less, and would expire on July 1, 2006. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D C Register*

The following rulemaking action is proposed

Title 11 DCMR (Zoning) is proposed to be amended as follows

Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended by adding new §§ 206.4 and 206 5 to read as follows:

206.4 Students who were displaced due to the effects of Hurricane Katrina may attend a private school existing as of September 15, 2005, without being counted against the limit on the number of students that may be a condition of an order of the Board of Zoning Adjustment, provided, that the number of students to be accommodated at a school shall not exceed ten percent (10%) of the maximum number permitted or twenty (20) students, whichever is less

206 5 Subsection 206 4 shall expire on July 1, 2006.

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 *D C Register* Comments should be filed with Sharon S Schellin, Office of Zoning, 441 4th Street, N.W , Suite 210-S, Washington, D.C 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.