

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

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MEMORANDUM

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

From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission

Date: August 8, 2006

Re: Publication for the Office of Zoning

Please publish the following in the *D C Register* on August 18, 2006:

- 1 Z C Notice of Final Rulemaking & Order No 04-33 (Case No 04-33) – also provided on the attached diskette,
- 2 Z C Notice of Public Hearing (Case No 04-33A), and
- 3 Z C Corrected Revised Notice of Proposed Rulemaking (Case No 06-06)

Attachments

11:50 AM
AUG 14 2006
ZONING COMMISSION
District of Columbia

CASE NO. 06-06
EXHIBIT NO. 64

RULEMAKING TRANSMITTAL FORM

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

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

DATE AND TIME RECEIVED

Office of Documents use only

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

TELEPHONE

TITLE AND DESCRIPTION OF RULES: Charter School Text Amendment Z.C. No 06-06

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Sections §§ 199, 206, 400, 401, 403, 501, 601, 701, 901, and 2101 of the Zoning Regulations (Title 11 DCMR)

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. AUGUST 3, 2006

SIGNED

Alan Byrth

PHONE (202) 442-9777

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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:

7/10/06

APPROVAL
OF ATTEST:

Sharon J. Schellin
Secretary to the Zoning

TITLE: Commission

PHONE (202) 727-0340

Office of Documents
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THIS NOTICE
PUBLISHED AT:

VOL.

DCR

DATE:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED REVISED NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 06-06
(Charter Schools Text Amendments)**

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 (2001 ed.)), hereby gives notice of its intent to amend §§ 199, 206, 400, 401, 403, 501, 601, 701, 901, and 2101 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would change the definition of "Schools, public" in the Zoning Regulations to include Charter Schools, amend the building height, lot area, lot width, and lot occupancy requirements for public schools in Residence Districts, exempt public schools with 16 or less students from lot dimension requirements, allow collocation of school uses with other uses and sharing of recreation facilities, permit schools in Residence Zones not meeting the proposed requirements to be allowed as special exceptions, allow public schools in SP, CR, and W Zone Districts, amend FAR limits for public schools in Commercial Districts, and create parking standards for preschools

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 publication of a corrected notice is required because the Revised Notice of Proposed Rulemaking, published on July 21, did not include text changes suggested by the Office of Planning in its report dated May 1, 2006, and at the May 13, 2006 public hearing, and which the Commission approved when it took proposed action on July 10, 2006. Those changes consisted of: (1) removing minimum lot area requirement for public schools in the R-5-C, R-5-D, and R-5-E zones; (2) lowering minimum the lot width requirement for public schools to 80 feet in all R-5 zones; and (3) treating public schools as residential uses for purposes of calculating FAR in commercial (C) zones.

When the Commission takes final action to approve the proposed text, it will consider comments made in response to the Notice of Emergency and Proposed Rulemaking published on March 17, 2006 the Revised Notice of Proposed Rulemaking published on July 21, 2006, all testimony received in the record of its public hearing for this case, and comments made in response to this Corrected Revised Notice of Proposed Rulemaking

The following rulemaking action is proposed

Title 11 DCMR is amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown underlined.

A Chapter 1, THE ZONING REGULATIONS, § 199 1, is amended as follows

School, public - A building or use within a building operated and maintained or chartered by the District of Columbia Board of Education or the District of Columbia

Public Charter School Board for educational purposes and other such community uses as deemed necessary and desirable

B Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows,

1. By amending § 201 1(k) to read as follows:

- (k) Public school, subject to the provisions of chapter 21 of this title; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school.

2 By amending § 206 to read as follows.

206 PUBLIC AND PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

206.2 The school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions

206 3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

C. Chapter 4, RESIDENCE DISTRICTS HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows.

1 By amending §§ 400.10 and 400 11 to read as follows

400 10 In an R-1, R-2, R-3, and R-4 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft).

400 11 In an ~~R-3, R-4~~, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft)

2 By amending the table in § 401 3 to read as follows:

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ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
<u>R-1-A</u> <u>Public School</u>	<u>15,000</u>	<u>120</u>
R-1-A All <u>other</u> structures	7,500	75
<u>R-1-B</u> <u>Public School</u>	<u>15,000</u>	<u>120</u>
R-1-B All <u>other</u> structures	5,000	50
<u>R-2</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-2 One-family semi- detached dwelling	3,000	30
R-2 All other structures	4,000	40
<u>R-3</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-3 Row dwelling	2,000	20
R-3 One-family semi- detached dwelling	3,000	30
R-3 All other structures	4,000	40
<u>R-4</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-4 Row dwelling and flat	1,800	18
R-4 One-family semi-	3,000	30

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detached dwelling		
R-4 Conversion to apartment house	900/apartment or bachelor apartment	None prescribed
R-4 All other structures	4,000	40
<u>R-5-A</u> <u>Public School</u>	<u>9,000</u>	<u>80</u>
R-5-A All other structures	As prescribed by the Board pursuant to § 3104	As prescribed by the Board pursuant to § 3104
<u>R-5-B</u> <u>Public School</u>	<u>9,000</u>	<u>80</u>
<u>R-5-C, R-5-D, R-5-E</u> <u>Public School</u>	<u>None prescribed</u>	<u>80</u>
R-5-B, R-5-C, R-5-D, R-5-E All other structures	None prescribed	None prescribed

3 By adding new §§ 401 8 through 401.11 to read as follows

401 8 For public schools minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

401 9 For public schools on a corner lot or through lot, minimum lot width may include the measurement of all street frontages

401 10 For public schools on split-zoned lots, the minimum lot width and minimum lot area requirements if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006

401 11 Public schools limited to no more than sixteen (16) students shall not be subject to the lot dimensions requirements of this section

4 By amending § 403 1 to read as follows.

403 1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403.2; provided, that the portion of the building excluding closed courts exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories, and provided further, that direct pedestrian access not less than ten feet (10 ft) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level. In the R-2, R-3, and R-4 zones, the total lot occupancy should not exceed 70 percent.

D Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended by adding a new §501.1(i) to read as follows:

(i) Public School, subject to the provisions of chapter 21 of this title.

E Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding a new §601 1(u) to read as follows:

(u) Public School, subject to the provisions of chapter 21 of this title.

F Chapter 7, COMMERCIAL DISTRICTS, is amended as follows

1 By amending the heading of the table in § 771 2 to read as follows:

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE <u>OR PUBLIC SCHOOL</u>	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)

2 By adding a new § 771 10 to read as follows.

771 10 In a C-1 District, the maximum floor area ratio requirements may be increased for specific public school buildings or structures, but shall not exceed the floor area ratio 1.8.

G Chapter 9, WATERFRONT DISTRICTS, is amended by adding a new § 901 1(v) to read as follows

(v) Public School, subject to the provisions of chapter 21 of this title.

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H Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following to the chart found in § 2101.1.

SCHOOLS	
<u>Pre-elementary schools and pre-kindergarten schools or facilities</u>	<u>2 for each 3 teachers and other employees</u>

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 Schellin, Secretary to the Zoning Commission, 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