

OFFICE OF THE SECRETARY
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

2008 DEC 16 A 9:10



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin 
Secretary to the Zoning Commission

Date: December 15, 2008

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on December 26, 2008:

1. Z.C. Notice of Proposed Rulemaking (Case Nos. 08-16 & 08-16A).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-16A
EXHIBIT NO. 8

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ZONING COMMISSION
District of Columbia
CASE NO.08-16A
EXHIBIT NO.8

OFFICE OF THE SECRETARY
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RULEMAKING TRANSMITTAL FORM

2008 DEC 16

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: 727-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case Nos. 08-16 and 08-16A (Text Amendment - 11 DCMR)
(Text amendments to modify definitions of Child Development Home and Child Development Center)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) § 199

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, 2008

SIGNED:

Alan Bergstein

PHONE: (202) 442-9777

☒ FINAL	☐ CONDITIONAL
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NAME: ALAN BERGSTEIN

TITLE: SECTION CHIEF,
LAND USE AND PUBLIC
WORKS

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:

10-30-08

APPROVAL
OF ATTEST:

Sharon S. 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 Nos. 08-16 and 08-16A
(Text Amendment – 11 DCMR)
(Text amendments to Modify Definitions of Child Development Home and Child Development Center)

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 the definitions of “Child development home” and “Child/Elderly development center” in § 199 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments modify the definitions of Child development home and Child/Elderly development center to make the zoning definitions consistent with the definitions found in the regulations governing the licensure and inspection of these facilities found in Title 29 of the District of Columbia Municipal Regulations, Chapter 3.

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 (new text is shown **bolded** and underlined, deleted language is shown in ~~striketrough~~ text):

CHAPTER 1, THE ZONING REGULATIONS, §199 Definitions, is amended by modifying the definitions of Child development home and Child/Elderly development center as follows:

Child development home - a dwelling unit used in part for the licensed care, education, or training of no more than ~~five (5)~~ six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

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 and/or for the non-residential care of individuals age 65 or older, totaling ~~six (6)~~ seven (7) 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 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.

ZONING COMMISSION
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Z.C. CASE NOS. 08-16 AND 08-16A
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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 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.