

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

2007 MAY 16 PM 3:42



MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ³
Secretary to the Zoning Commission
Date: May 16, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 25, 2007:

1. Z.C. Notice of Public Hearing (Case No. 06-48);
2. Z.C. Notice of Public Hearing (Case No. 07-09);
3. Z.C. Notice of Public Hearing (Case No. 07-15);
4. Z.C. Notice of Proposed Rulemaking (Case No. 06-47); and
5. Z.C. Notice of Proposed Rulemaking (~~Case No. 07-03~~)

Attachment

ZONING COMMISSION
District of Columbia

CASE NO.

07-03

EXHIBIT NO.

16

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION

District of Columbia

CASE NO. 07-03

EXHIBIT NO. 16

RULEMAKING TRANSMITTAL FORM

2007 MAY 16 PM 2:13

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:

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 07-03: Text Amendment – 11 DCMR: Minimum lot dimensions in Residential Districts.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Section 401.1.

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: MAY 15, 2007 SIGNED: *Linda Singer* PHONE: (202) 442-9777

| | | | |
|---|--------------------------------------|--------------------|-------------------------|
| <input checked="" type="checkbox"/> FINAL | <input type="checkbox"/> CONDITIONAL | NAME: LINDA SINGER | 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:

5-14-07

APPROVAL OF ATTEST:

Sharon J. Schellin
Secretary to the Zoning Commission

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. 07-03
(Text Amendment – 11 DCMR)
(Minimum lot dimensions in Residential Districts)

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 § 401 of the Zoning Regulations (Title 11 DCMR). The proposed amendment clarifies § 401 by stating explicitly that a building on a lot made substandard by the enactment of the 1958 Regulations may not be converted to a use requiring a greater lot area or width than is on the building's lot.

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 is amended as follows. Added wording is shown **bolded** and underlined:

1. Chapter 4, RESIDENCE DISTRICTS: HEIGHT, AREA AND DENSITY REGULATIONS, § 401.1 is amended to read as follows:

401.1 Except as provided in chapters 20 through 25 of this title **and in the second sentence of this subsection**, in the case of a building located, on May 12, 1958, on a lot with a lot area or lot width, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title. **Notwithstanding the above, the lot area requirements of § 401.3 must be met when the building is being converted to a use that would require more lot area or lot width than is on the building's lot.**

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. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**