



TEXT AMENDMENT TO MODIFY THE DEFINITIONS OF A CHILD DEVELOPMENT HOME AND A CHILD/ELDERLY DEVELOPMENT CENTER

Submitted by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

November 25, 2008

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed text amendment to the District of Columbia Zoning Regulations to modify the definitions of a Child Development Home and a Child/Elderly Development Center is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

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The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to Section 199 of the District of Columbia Zoning Regulations to increase the number of children permitted as a matter-of-right in a Child Development Home from five to six and the number of children permitted in a Child/Elderly Development Center from six to seven.

In April 2007, the child care regulations within the District of Columbia Municipal Regulations (DCMR) Chapter 3: Development Facilities were updated. At present time, Zoning Regulations and DCMR Chapter 3 have conflicting definitions. As a result, the District of Columbia Office of Planning has requested the text amendment to be consistent with the DCMR Chapter 3, along with Z.C. 08-16A which allows infants to be permitted in the definition of a Child Development Center.

The proposed text amendment to the Zoning Regulations is as follows with old text marked through and **new text is shown in bold and underlined**:

CHAPTER 1, THE ZONING REGULATIONS, Section 199 Definitions

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 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 under the age of fifteen (15) years of age an/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 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.

The proposed text amendment is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

Marcel C. Acosta
Executive Director