

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/14/95

Reference No.: CB-104-1995

Proposer: MacKinnon

Draft No.: 2

Sponsors: MacKinnon

Item Title: An Ordinance concerning buildings constructed prior to November 29, 1949, to exempt certain residential buildings from the current regulations, and specifying that these buildings shall not be deemed nonconforming

Drafter:

Resource Personnel: Mary Lane
PZ&ED Committee Director

LEGISLATIVE HISTORY:

Date Presented: 9/26/95

Executive Action: __/__/__ __

Committee Referral:(1) 9/26/95 PZED

Effective Date: 1/2/96

Committee Action:(1) 10/11/95 FAV(A)

Date Introduced: 10/17/95

Pub. Hearing Date: (1) 11/14/95 1:30 PM

Council Action: (1) 11/14/95 ENACTED

Council Votes: AMc:A, DB:A, SD:A, JE:A, IG:N, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING AND ECON. DEV. COM. REPORT

DATE: 10/11/95

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members MacKinnon, Gourdine, Maloney, and Wilson).

Staff explained that this legislation legalizes residential structures with three or fewer units that were constructed prior to November 29, 1949, which is the date that current zoning categories and regulations were adopted. It is often difficult for property owners to document the legality of buildings constructed prior to this date, which leads to difficulties in altering or reconstructing the building, and receiving necessary permits for a change in use. It was noted that this legislation does not legalize any uses, but rather only the buildings.

Larry Taub, representing Warren and Helen Creech, spoke in support of the legislation. He explained that in the case of the Creech's property, which is a pre-1949 residential building located in Hyattsville, they may not be able to use their property in a way that is approved by the Council because of the way that the building is situated on the property. In this case, the minimum side yard requirement is not met, and documentation that would demonstrate that the building was legally erected more than 50 years ago does not exist. The Department of Environmental Resources and the Office of Law recommended specifying that any alterations, additions, or enlargements made after 1949 would have to comply with the applicable zoning regulations. The following amendment to Section 27-118 (c) was agreed to by the Committee: "Any alteration, enlargement, or extension of such a building after November 29, 1949 shall conform to the setback, yard, and height regulations of the zone in which it is located at the time it is or was constructed".

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

There are a number of homes in the County's older areas that do not conform with current regulations of the Ordinance. In order to be permitted to continue for residential purposes, the owner must prove that the home was legally erected. Such documentation, particularly for homes constructed prior to 1950, is often unavailable. This legislation states that any residential building with three or fewer dwelling units that was constructed prior to November 29, 1949, shall not have to comply with current zoning regulations, and shall not be deemed nonconforming.

CODE INDEX TOPICS: