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**A G E N D A   I T E M   S U M M A R Y****Reference No:** CB-11-1990**Draft No:** 2**P r i n c e   G e o r g e ' s****Meeting Date:** 4/17/90**C o u n t y   C o u n c i l****Requestor:** MNCPPC

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**Item Title:** Zoning Ordinance to permit alteration,  
etc., of a non-conforming s/f dwelling  
without S.E. prior to issuance of building  
permit under certain conditions

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**Sponsors** B   P   WI

|                           |             |                         |                       |         |
|---------------------------|-------------|-------------------------|-----------------------|---------|
| <b>Date Presented</b>     | 1/30/90     | <b>Executive Action</b> | ____/____/____        | —       |
| <b>Committee Referral</b> | (1) 1/30/90 | P&Z                     | <b>Effective Date</b> | 5/18/90 |
| <b>Committee Action</b>   | (1) 3/5/90  | FAV(A)                  |                       |         |
| <b>Date Introduced</b>    | 3/13/90     |                         |                       |         |
| <b>Pub. Hearing Date</b>  | (1) 4/17/90 | 1:30 PM                 |                       |         |

**Council Action** (1) 4/17/90 Enacted  
**Council Votes** B\_: A\_, CA: A\_, C\_: A\_, CI: --, H\_: --, M\_: A\_,  
P\_: A\_, W\_: A\_, WI: A\_, \_\_: \_\_, \_\_: \_\_, \_\_: \_\_

**Pass/Fail** P**Remarks**  
\_\_\_\_\_

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Wendy Irminger,  
**Drafter:** MNCPPC

**Resource**  
**Personnel:** Ruth Sennes, MNCPPC

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**LEGISLATIVE HISTORY**

FISCAL AND PLANNING  
COMMITTEE REPORT

**DATE:** 3/5/90

**Committee Vote:** Favorable with amendments, 3-0-0 (In favor:  
Council Members Castaldi, Casula and Pemberton)

Wendy Irminger, from the M-NCPPC, explained to the committee that the legislation was proposed because many single-family dwellings are nonconforming due to revisions to the Zoning Ordinance. In these cases, the requirement for a Special Exception for any alteration, extension or expansion is especially onerous. The Board of Appeals supports the legislation, since a substantial number of cases before the Board are requests for variances for these nonconforming uses. One clarifying amendment was proposed and accepted by the committee. Council Members Castaldi, Casula and Pemberton requested that their names be included as co-sponsors of the bill.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

Under current zoning provisions, an applicant is required to obtain approval of a Special Exception (Sec.27-384) prior to the issuance of a building permit for the modification of a nonconforming one-family dwelling. This is especially onerous where the one-family dwelling became nonconforming due to subsequent revisions of the Zoning Ordinance. The proposed amendment would eliminate the requirement that a Special Exception be obtained if the proposed modification conforms to the lot coverage requirements, impervious surface ratios in the Chesapeake Bay Critical Area, and other current zoning regulations applicable to the zone in which it is located.