

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

**Meeting Date:** 7/30/96

**Reference No.:** CB-73-1996

**Proposer:** Maloney

**Draft No.:** 1

**Sponsors:** Maloney

**Item Title:** An Ordinance to clarify the definition of conversion of  
a one-family dwelling

**Drafter:** Joyce Nichols  
Principal Counsel

**Resource Personnel:** Andrew Eppleman  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 6/18/96

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:**(1) 6/18/96 PZED

**Effective Date:** 10/28/96

**Committee Action:**(1) 7/24/96 FAV

**Date Introduced:** 7/30/96

**Pub. Hearing Date:** (1) 9/10/96 1:30 PM

**Council Action:** (1) 9/10/96 ENACTED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT**

**DATE:** 7/24/96

Committee Vote: Favorable, 3-2 (In favor: Council Members Estepp, Maloney and Russell;  
Opposed: Council Members MacKinnon and Wilson).

This bill clarifies that the conversion of a one-family detached dwelling to a building containing up to 3 dwelling units does not occur until the building is structurally altered and the additional dwelling units are occupied. Prior to a recent Circuit Court decision, a "conversion" was considered the structural alteration of the building. The Court interpreted "conversion" to mean occupancy. This type of conversion is permitted by right in 6 of the single-family zones under 3 conditions: if the conversion occurred prior to November 29, 1949, if the owner resides in the building, and if a valid u&o permit was in effect in 1986. It is permitted by Special Exception in these zones if it was in

existence prior to November 29, 1949, but either the owner does not reside in the building or a u&o permit was not in effect in 1986, and if it was in existence between November 29, 1949 and November 18, 1980. In all other cases, specifically conversions not in existence as of November 18, 1980, this type of conversion is prohibited. With the addition of the language in this legislation, all references to "conversion" will include both structural alteration and occupancy.

The Legislative Officer finds the bill to be in proper legislative form, the Department of Environmental Resources opposes the legislation as proposed, and the Planning Board supports the legislation.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

This legislation is to clarify legislative intent and administrative practice regarding requests to convert a one family detached dwelling to a building containing up to 3 dwelling units. Conversion within the scope of this type of request, does not occur until the building is structurally altered to include additional dwelling units and these additional dwelling units are occupied. Structural alteration alone is insufficient to prove conversion.

**CODE INDEX TOPICS:**