

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

Meeting Date: 11/14/95

Reference No.: CB-70-1995

Proposer: Wilson

Draft No.: 2

Sponsors: Wilson and Maloney

Item Title: An Ordinance allowing certain improvements to existing multifamily developments without requiring certification of a nonconforming use, Special Exception approval, or validation of prior permits issued in error

Drafter:

Resource Personnel: Gene Singleton
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/12/95

Executive Action: __/__/__

Committee Referral:(1) 9/12/95 PZED

Effective Date: 1/2/96

Committee Action:(1) 10/2/95 FAV (A)

Date Introduced: 10/10/95

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:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/2/95

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

Staff explained the purpose of this legislation, which is to allow multifamily buildings that are nonconforming to install antennas and telecommunications equipment rooms without obtaining a Special Exception or certification of a nonconforming use. The sponsor added that for a multifamily building in his District to which this legislation is applicable, this exemption will benefit the residents of the complex by facilitating the lease of space to a telecommunications company and reducing the condo fees for the residents.

Leslie Romine, representing Nextel Communications, spoke in support of the legislation. She clarified that the intent of the legislation is to allow the installation of antennas, not towers or satellite dishes. The antennas being proposed are fifteen feet in height and two to three inches in diameter. There was concern by Committee Members that the height limitation should be stated in the legislation, but it was noted by staff that Section 27-445.04 already provides this limitation.

The Planning Board supports the legislation, but recommended that the legislation be amended to clarify that an antenna may only be erected on a nonconforming multifamily building where it is already permitted in the zone. Antennas for noncommercial purposes are permitted in the multifamily zones, but are prohibited for commercial purposes. The Committee reported the legislation out with a favorable report with this amendment.

BACKGROUND INFORMATION/FISCAL IMPACT

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

A number of existing apartment buildings do not conform to current zoning provisions such as parking, landscaping, and bedroom percentages. In 1990, the Council enacted legislation that facilitated the construction of certain improvements to these multifamily developments by waiving the requirement for certification of nonconforming use, validation of permits issued in error, and a Special Exception. These improvements were fences, trash enclosures, guard booths, canopies, playgrounds, landscaping, and day care centers. This legislation adds antennas and equipment rooms to the list of improvements that may be made without the approvals listed above.

CODE INDEX TOPICS: