

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 11/23/2004  
**Reference No.:** CB-091-2004  
**Draft No.:** 2  
**Proposer(s):** Dernoga  
**Sponsor(s):** Dernoga, Harrington, Dean  
**Item Title:** An Ordinance permitting multifamily dwellings in the R-55 Zone under certain circumstances

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**Drafter:** Jackie Brown, Director PZED Committee  
**Resource Personnel:** Judith Thacher, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/28/2004	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/28/2004 - PZED	<b>Effective Date:</b>	1/10/2005
<b>Committee Action:</b>	10/6/2004 - FAV(A)		
<b>Date Introduced:</b>	10/19/2004		
<b>Public Hearing:</b>	11/23/2004 - 10:00 AM		
<b>Council Action (1)</b>	11/23/2004 - ENACTED		
<b>Council Votes:</b>	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-441

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### COMMITTEE REPORTS:

#### Planning, Zoning & Economic Development Committee

**Date 10/6/2004**

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum, and Harrington)

This legislation amends the residential zone use table to allow no more than 6 multifamily dwellings in the R-55 Zone where the structure has only one or two stories and the first had at least one commercial use.

The bill's sponsor explained that this legislation is intended to facilitate the location of multifamily dwellings on property that was formerly a neighborhood convenience center with 3 apartments over top of 3 commercial units. The property was rezoned R-55 in the last comprehensive rezoning and has been operating as a nonconforming use since that time. The North College Park Citizens Association opposed a rezoning to a commercial zone or to a multifamily zone in the midst of a single-family neighborhood, but supported the text amendment to permit six multifamily units in the R-55 Zone under the existing circumstances. The City of College Park also supported the text amendment.

The Office of Law and the Principal Counsel determined that the bill is in proper legislative form. The Principal

Counsel suggested amending the legislation to either place all the modifying language in the footnote or to move the footnote restriction into the table. The committee amended the bill to remove the footnote and modify the (F) provision of the footnote as follows:

“(F) Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes.”

The Planning Board opposes CB-91-2004 indicating that there has been no determination as to how many other properties are affected by the legislation. There may be a number of properties in the older developed areas of the county that at one time had a commercial use on the ground floor and are currently zoned R-55. As such, Planning Department staff cannot ascertain whether or not multifamily dwellings are appropriate in these locations.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

Multifamily dwellings are not permitted in the R-55 Zone (One-Family Detached Residential). This legislation permits up to six multifamily dwellings on property in this zone under certain circumstances.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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