

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session

Resolution No. CR-80-2018
Proposed by Council Member Patterson
Introduced by Council Members Patterson and Davis
Co-Sponsors _____
Date of Introduction October 16, 2018

RESOLUTION

1 A RESOLUTION concerning

2 The Oxon Hill Local Neighborhood Center

3 For the purpose of designating, pursuant to the current County General Plan, *Plan Prince*
4 *George's 2035*, the geographic boundaries of of the Oxon Hill Local Neighborhood Center, in
5 order to incentivize economic development and fulfilling market demand within specified areas
6 that are legislatively designated as focal points for concentrated residential development and
7 limited commercial activity within Prince George's County; and, in accordance with applicable
8 law, authorizing a limited payment alternative for the County school facilities surcharge for
9 certain qualified, multifamily residential dwellings therein

10 WHEREAS, pursuant to the provisions of Article XI-A of the Maryland Constitution, the
11 District Council takes legislative notice that Prince George's County is a county that has adopted
12 a charter home rule form of government, pursuant to majority vote in favor thereof by the
13 qualified voters of the County at the November 3, 1970, regular election held for members of the
14 House of Representatives of the United States; and

15 WHEREAS, as a duly ratified charter county within the State, Prince George's County
16 must therefore enact, adopt, amend, and execute a comprehensive plan for the physical
17 development of land herein, in accordance with Section 1-405, Land Use Article, Annotated
18 Code of Maryland, being also a public general law applicable to all charter counties in the State
19 of Maryland; and

20 WHEREAS, as specifically prescribed within the Regional District Act, at Section 21-103.
21 Land Use Article, the Commission shall review, 2 years after each decennial census of the

1 United States, the general plan for the development of that portion of the regional district located
2 in Prince George's County; and

3 WHEREAS, Section 21-104, Land Use Article further requires that such required general
4 plan and any amendment to the general plan shall contain the Commission's recommendations
5 for development within the regional district, descriptive or supporting material as required or
6 appropriate, and all minimum elements statutorily specified under Title 1, Subtitle 4 of the Land
7 Use Article; and

8 WHEREAS, as set forth in Title 21, discussed above, the District Council appreciates the
9 stated minimum elements required for inclusion in a general plan within Section 1-406, Land
10 Use Article, most particularly, the requirement for incorporation of a Development Regulations
11 Element, as well as all visions recited in Section 1-201, Land Use, in a general plan, more
12 specifically: (1) the required vision for Growth Areas, *i.e.*, growth that is concentrated in
13 existing population and business centers, growth areas adjacent to these centers, or strategically
14 selected new centers; (2) the required vision for Housing, *i.e.*, a range of housing densities, types,
15 and sizes that provide residential options for citizens of all ages and incomes; (3) the required
16 vision for Economic Development, *i.e.*, economic development and natural resource-based
17 businesses that promote employment opportunities for all income levels and; lastly, (4) the
18 required vision for Implementation, *i.e.*, specific strategies, policies, programs, and funding for
19 growth and development, resource conservation, infrastructure, and transportation that are
20 integrated across local, regional, and State level to achieve these visions; and

21 WHEREAS, in accordance with Section 21-216, the District Council approved procedures
22 for the Commission to initiate, submit, adopt, and amend a plan or part of a plan, and for the
23 district council to approve or amend a plan or part of a plan within its local zoning laws,
24 specifically, at Section 27-641 of the Zoning Ordinance of Prince George's County, being also
25 Subtitle 27 of the Prince George's County Code; and

26 WHEREAS, in accordance with the foregoing requirements of State law, as well as
27 applicable provisions of the Prince George's County Code, the District Council adopted CR-002-
28 2013 on January 22, 2013, thereby authorizing the Planning Board to initiate a General Plan
29 Amendment and approving respective goals, concepts, guidelines, and a public participation
30 program in order to develop a comprehensive approach to implement and/or update the
31 recommendations in the 2002 County General Plan; and

1 WHEREAS, as required by law, the Council approved, via adoption of CR-002-2013,
2 specific goals, concepts, guidelines, and a public participation program to direct Planning
3 Board's preparation of said General Plan Amendment; and

4 WHEREAS, as set forth therein, the District Council expressed directly the need for
5 unambiguous policy direction, development priorities, implementation programs that will serve
6 as a strategic plan with economic development strategies that will have fiscal impacts to the
7 County to guide decision-makers in determining where investments in land use and infrastructure
8 should be made in the County; and

9 WHEREAS, the categories of issues set forth in the goals, concepts, and guidelines
10 approved for the general plan project state categories of issues intended to correspond with the
11 required elements of the general plan, in relevant part: (1) A Development Pattern Goal that
12 encourages economic vitality, community well-being, and environmental stewardship, to include
13 guidelines for identification of priority center(s) for government incentives and short-term
14 investment that will catalyze transit-oriented development in the County, and how to leverage
15 public dollars to spur development in market challenged areas, especially at designated centers;
16 (2) An Economic and Business Development Goal that encourages quality economic
17 development at appropriate locations to increase employment opportunities for a range of skill
18 and educational levels, income, and the tax base, so as to develop and attract a workforce with
19 the required education and skills to meet the needs of the changing economy, as well to expand
20 economic opportunities in the County to revitalize economically depressed areas, reduce poverty,
21 and minimize income inequalities, while retaining and enhancing existing businesses and sectors
22 such as education, health care, retail, and agriculture; and (3) A Housing Goal that enhances the
23 quality, character, and health of neighborhoods through the provision of a high-quality mix of
24 residential development which meets contemporary standards for energy efficiency and offers a
25 variety of options for a range of incomes and ages, along with associated strategies to ensure that
26 affordable housing is available in location-efficient areas with access to employment centers and
27 amenities; and

28 WHEREAS, pursuant to the foregoing direction issued by the District Council, the Planning
29 Board Staff prepared a preliminary General Plan Amendment, *Plan Prince George's 2035*
30 which, upon public notice and duly advertised joint public hearing in accordance with law, the

1 District Council and the Planning Board held a duly advertised joint public hearing on November
2 12, 2013, to receive public testimony on the preliminary plan; and

3 WHEREAS, the Planning Board held work sessions January 16, 2014, January 23, 2014,
4 and January 30, 2014, to review comments contained in the joint public hearing record and staff
5 recommendations thereon; and

6 WHEREAS, on February 4, 2014, the Planning Board adopted resolution PGCPB No. 14-
7 10, thereby recommending approval of *Plan Prince George's 2035 Adopted General Plan* and its
8 incorporated recommendations thereon; and

9 WHEREAS, thereafter, upon transmittal of *Plan Prince George's 2035 Adopted General*
10 *Plan* by the Planning Board on March 6, 2014, the District Council conducted respective work
11 sessions on March 18, 2014, March 25, 2014, and April 1, 2014, and April 22, 2014, in order to
12 consider the record of public hearing testimony; the recommendations of the Planning Board
13 within PGCPB No. 14-10; and to determine whether revisions to the adopted plan were
14 necessary or appropriate; and

15 WHEREAS, before concluding the April 22, 2014, work session, the District Council
16 directed its legal counsel to prepare a Resolution of approval with certain articulated limited,
17 non-substantive revisions; and

18 WHEREAS, on May 6, 2014, in accordance with the requirements of applicable State and
19 local zoning laws, the District Council unanimously approved *Plan Prince George's 2035* as its
20 current General Plan via adoption of CR-026-2014; and

21 WHEREAS, as unequivocally advanced in the current County General Plan approved by
22 the District Council, demographic forecasts reveal a looming gap in the County's housing supply
23 and, while only thirty-two percent (32%) of the current housing stock is multifamily residential
24 development, the demand for this housing type, particularly by seniors and the Millennial
25 generation—is projected at sixty-one percent (61%); and

26 WHEREAS, a primary focus of *Plan Prince George's 2035* declares the need to strengthen
27 and revitalize the established, unincorporated neighborhoods as critical to the County's overall
28 wellbeing; and

29 WHEREAS, to this end, the Council appreciates its obligation to prepare and to meet the
30 housing preferences of many of its seniors—a growing segment of our population—and young
31 professionals—being a critical component of our County's workforce and economic

1 competitiveness, through the use of targeted Local Centers, which are focal points of
2 concentrated residential development and limited commercial activity designed to serve the
3 Established Communities within Prince George’s County; and

4 WHEREAS, the Council understands its concurrent, ongoing duty to encourage and support
5 specific efforts devised to implement and promote the priorities set forth in applicable area
6 Master Plans, as may be augmented by a subsequent decennial, comprehensive County General
7 Plan, specifically, to spur proactive action by the County to prompt an evolution in the mix of
8 housing types, increase the supply of workforce and higher-value residential dwelling units to
9 realize the longstanding land use and development policy calling for vibrant, mixed-use and
10 mixed-income neighborhoods around existing transit hubs; and

11 WHEREAS, to this end, the Council takes note of its approved Policy for Housing and
12 Neighborhoods within *Plan Prince George’s 2035*, and its declared commitment to development
13 policy for Local Centers, to include the concentration of medium to high density housing
14 development with convenient access to jobs, schools, retail outlets, recreation, and other personal
15 services targeted to meet projected demand and changing consumer preferences; and

16 WHEREAS, as a result, the Council was deliberate in announcing its policy within the
17 County Housing and Neighborhoods Element of Plan 2035, “HN1.1,” advocating for the County
18 to “[p]rovide tax credits, financial assistance, zoning, and other tools to promote the development
19 of higher-density housing in transit-oriented, mixed-use communities,” as well as the further
20 affirmations by the Council, in Policy of the Housing and Neighborhood Element, that the
21 County “[p]reserve and expand the range of housing types at different price points, ranging from
22 workforce and affordable units to upper-income housing, so as to reduce housing and
23 transportation cost burdens,” along with “HN4.1,” promoting the specific strategy for the County
24 to “[e]ncourage new housing development to incorporate universal design features by providing
25 certain incentives through the zoning ordinance, reduction in permit fees, tax credits, streamlined
26 permit review, and other tools”; and

27 WHEREAS, within the Community Heritage, Culture, and Design Element of *Plan Prince*
28 *George’s 2035*, “Urban Design Principle I.3” sets forth a new policy for the County, particularly
29 at its designated Centers, to “[p]rioritize infill, reinvestment, and revitalization in existing
30 neighborhoods in order to promote redevelopment around existing infrastructure and facilities to
31 leverage public investment, promote the efficient use of County resources, strengthen older

1 communities, and preserve open space and environmental assets”; and

2 WHEREAS, at Paragraph 7 of the Community Heritage, Culture, and Design Element, the
3 Council specifically calls for the County to “[p]romote thoughtful design in Local Centers and
4 Regional Transit Districts,” namely, to integrate a strategic mix of uses that fosters an inviting
5 and vibrant environment and is market-supported,” with a particular emphasis on “renovating
6 and adapting vacant or underutilized buildings and/or promoting infill development on vacant
7 lots”; and

8 WHEREAS, after approving the current County General Plan in May 2014, the District
9 Council proposed furthering legislation in September 2014, styled as CB-074-214, An Ordinance
10 to permit certain conversions of an office building to multifamily residential dwelling uses, under
11 certain circumstances; and

12 WHEREAS, CB-074-2014 was directly targeted to further the actualization of the land use
13 policies within designated Centers in the County, as specified in applicable area Master Plans, as
14 modified, where applicable, by the Council’s approval of the new General Plan, Plan 2035, in
15 May 2014; and

16 WHEREAS, pursuant to the requirements set forth in applicable area Master Plans, the
17 2014 County General Plan, and such furthering legislation enacted by the Council as to
18 conversions of disused office space to multifamily residential dwelling uses in designated
19 Centers, a development proposal was filed and accepted by the Development Review Division of
20 the Maryland-National Capital Park and Planning Commission; and

21 WHEREAS, pursuant to the requirements of Part 3 and Part 6 of the Zoning Ordinance, the
22 Planning Board considered and rendered a decision to approve the subject application for
23 conversion of office space to multifamily residential uses on October 31, 2017; and

24 WHEREAS, after Planning Board supplied notice of its decision in accordance with
25 applicable law, the disposition of the Planning Board became final, as no appeal from Planning
26 Board’s Resolution was filed with the Clerk of the Council, and no action was taken by the
27 Council to elect to review Planning Board’s determination as to the subject development
28 proposal; and

29 WHEREAS, since approving *Plan Prince George’s 2035* in 2014, the District Council
30 remains mindful of its statutory obligations within Section 1-417(b), Land Use Article, as
31 amended in 2013, which require a charter county to ensure that the implementation of the

1 | visions, the development regulations element, and the sensitive areas element of the plan are
 2 | achieved through the adoption of certain implementation mechanisms, consistent with the
 3 | comprehensive plan, to include: (1) zoning laws; and (2) local laws governing planned
 4 | development, subdivision, and other land use provisions; and

5 | WHEREAS, the term “Regulation” is defined in Sections 1-101(l), and (n), Land Use, as
 6 | follows: (1) “a rule of general applicability and future effect”; and “(2) ‘Regulation includes a
 7 | map or plan”, defined in this Section as inclusive of a general plan; and

8 | WHEREAS, pursuant to the 2012 Land Use Article Review Committee notes within the
 9 | Annotated Code of Maryland, the General Assembly was advised that “the inclusion of the
 10 | defined term ‘plan’ in the definition of ‘regulation’ herein may be construed to make a
 11 | ‘comprehensive plan’, as that term is included in the definition of ‘plan’ . . . a regulatory device
 12 | rather than a guide”; and

13 | WHEREAS, the Council is unable to uncover any discernable legislative action by the
 14 | General Assembly in response to the Land Use Article Review Committee’s suggestions since
 15 | Chapter 426, 2012 Laws of Maryland became effective; and

16 | WHEREAS, in light of the longstanding statutory responsibility of Prince George’s County
 17 | set forth in Section 23-106(a), (b)(2), Land Use, the Prince George’s County Council, sitting as
 18 | the District Council, is required to impose, by local law, public facilities standards and
 19 | requirements with respect to schools; and

20 | WHEREAS, the Council is bound, by concurrently applicable prescriptions of law set forth
 21 | in Title 1, Subtitle 4, Land Use Article, said provisions require the implementation of
 22 | development regulations element of a comprehensive plan by a charter county through adoption
 23 | of implementation mechanisms, as follows: “(1) zoning laws; and (2) local laws governing . . .
 24 | other land use provisions”; and

25 | WHEREAS, Section 1-101(j), Land Use, defines the term, “Local law,” as: “(1) an
 26 | enactment of the local legislative body of a local jurisdiction, whether by ordinance, resolution,
 27 | or otherwise; and “(2) ‘Local law’ does not include a public local law”; and

28 | WHEREAS, the Council has actual knowledge that the term “public local law” is known at
 29 | Maryland law as “an enactment by the General Assembly that applies to a single county”; and

30 | WHEREAS, the school facilities surcharge is a public local law first enacted by General
 31 | Assembly in 1995 and applies only in Prince George’s County; and

1 WHEREAS, to comply with such mandatory prescriptions of the Land Use Article, being
2 also a public general law enacted by the General Assembly, as defined in Section 1-204, General
3 Provisions Article, the District Council expressly recognizes its statutory land use responsibility
4 for adoption of such applicable implementation mechanisms consistent with the County general
5 plan via Sections 1-417 and 23-106, respectively; and

6 WHEREAS, in February 2018, the Local legislative body, *i.e.* the County Council,
7 presented a legislative proposal to amend the local laws of Prince George’s County, styled as
8 CB-006-2018, in furtherance of applicable State law mandates for implementation of such
9 development regulations within the current General Plan that was approved by the District
10 Council via CR-026-2014; and

11 WHEREAS, on March 8, 2018, the Public Safety and Fiscal Management Standing
12 Committee of the Prince George’s County Council considered CB-006-2018 and favorably
13 reported same to the floor of the County Council; and

14 WHEREAS, on July 24, 2018, the County Council conducted a public hearing in
15 accordance with the prescriptions for local laws set forth in the Land Use Article, Annotated
16 Code of Maryland; and

17 WHEREAS, on September 28, 2018, the Council favorably voted to enact CB-006-2018, an
18 Act to amend the local laws of Prince George’s County within Subtitle 4 of the Prince George’s
19 County Code, in conformance with the statutory obligation imposed by State law to ensure the
20 implementation of the County general plan; and

21 WHEREAS, on October 2, 2018, the Council voted to finally approve CB-006-2018,
22 thereby providing, by local law, certain limited enabling authority for potential approval of
23 certain payment alternatives—for certain qualified multi-family residential dwelling uses and
24 certain conversions of office space commercial uses to multifamily residential dwelling uses—as
25 to the County school facilities surcharge; and

26 WHEREAS, the Council finds that there is a need to encourage and support conversions of
27 certain disused commercial space for purposes of realizing the longstanding land use and
28 development policy goal to adaptively reuse vacant or underutilized buildings to meet market
29 demands for residential uses in designated Centers within the County; and

30 WHEREAS, it is the further finding of the Council that, in order to implement the Plan
31 2035 vision, the County must apply strategies approved in the 2014 General Plan, specifically,

1 Strategy “PF1.4,” entreating the County’s action to “[r]evise the methodology that calculates the
 2 surcharge fees for schools and public safety,” and “Policy 2,” promoting the investment in
 3 “public facilities to catalyze economic development and revitalization, the stimulation of
 4 employment growth, and associated strengthening of surrounding neighborhoods”; and

5 WHEREAS, the Council finds that the implementation mechanisms for such land use and
 6 development regulations approved via *Plan Prince George’s 2035* are reasonable and necessary
 7 to serve the important statutory and governmental interest in the adoption of: (1) zoning laws;
 8 and (2) local laws governing ... (iii) other land use provisions”; and

9 WHEREAS, such local law may not be a public local law enacted by the General Assembly
 10 applicable only to Prince George’s County; and

11 WHEREAS, the Council is bound by the provisions within the 2014 General Plan, *Plan*
 12 *Prince George’s 2035*, to confirm the designation and geographic boundaries of the Oxon Hill
 13 Local Neighborhood Center, and to implement alternatives for payment of the school facilities
 14 surcharge therein by local law; and

15 WHEREAS, a Resolution has the force and effect of law but of a temporary or
 16 administrative character.

17 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 18 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 19 Regional District in Prince George's County, Maryland, that, pursuant to the approval of the
 20 2014 General Plan, *Plan Prince George’s 2035*, there is hereby designated an Oxon Hill Local
 21 Neighborhood Center, which shall be construed as the designated land area approved therein as
 22 that center designated within the 2006 *Master Plan and Sectional Map Amendment for the*
 23 *Henson Creek—South Potomac Planning Area* as the “Oxon Hill Regional Center.”

24 BE IT FURTHER RESOLVED THAT, the Council finds, based on its assessment of the
 25 most recent analysis supplied by staff of the Planning Commission, there are sufficient available
 26 seats within the respective public schools in the vicinity of the Oxon Hill Local Neighborhood
 27 Center, as designated herein.

28 BE IT FURTHER RESOLVED THAT, in accordance with the development regulations
 29 and policies approved in *Plan Prince George’s 2035*, coupled with the local law enacted by the
 30 Council, CB-006-2018, for property located within the boundaries of the Oxon Hill Local
 31 Neighborhood Center as designated herein and, unless such other reduction or waiver is

1 applicable by law, an alternative payment for the school facilities surcharge shall apply,
2 specifically, the school facilities surcharge may be reduced by fifty percent (50%) for
3 development of multifamily dwelling units through the conversion of an office building.

4 BE T FURTHER RESOLVED that this Resolution shall be abrogated and of no further
5 force and effect, without further action of the Council, after December 31, 2019.

Adopted this 16th day of October , 2018.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council