

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2016 Legislative Session**

Resolution No. CR-97-2016  
Proposed by Council Chair Davis (by request – Planning Board)  
Introduced by Council Member Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction November 15, 2016

**RESOLUTION**

1 A RESOLUTION concerning

2 The Military Installation Overlay Zone

3 For the purpose of approving, as an Act of the County Council, sitting as the District Council for  
4 that part of the Maryland-Washington Regional District in Prince George’s County, Maryland, a  
5 new Military Installation Overlay Zoning Map Amendment (“MIOZMA”) in Prince George’s  
6 County, and adopting certain detailed zoning proposals within plan area, composed of portions  
7 of Planning Areas 72, 75A, 76A, 76B, 77, 78, 81A, 82A, and 85A.

8 WHEREAS, upon approval by the District Council, this MIOZMA will amend portions  
9 of the Prince George’s County Zoning Map located in Planning Areas 72, 75A, 76A, 76B, 77,  
10 78, 81A, 82A, and 85A; and

11 WHEREAS, during the course of its 2007 legislative year, the County Council of Prince  
12 George’s County, Maryland, approved CR-61-2007 related to land use in the vicinity of  
13 operations in the County by the military installation at Andrews Air Force Base which, pursuant  
14 to its October 1, 2009, establishment as a joint base with Naval Air Facility Washington, is now  
15 known as Joint Base Andrews Naval Air Facility Washington, or Joint Base Andrews (“Joint  
16 Base Andrews”); and

17 WHEREAS, as drafted by technical staff of the Maryland-National Capital Park and  
18 Planning Commission and adopted by the Council, CR-61-2007 approved the policy of the  
19 Council to support a multi-agency partnership of the United States Department of Defense Office  
20 of Economic Adjustment, Joint Base Andrews, Prince George’s County Planning Department of  
21 the Maryland-National Capital Park and Planning Commission, and the Prince George’s County

1 Council for purposes of compiling a Joint Land Use Study within certain Accident Potential  
2 Zone areas of land in the County, together with nearby County properties impacted by high  
3 levels of noise, emanating from activities related to the military installation at Joint Base  
4 Andrews; and

5 WHEREAS, in accordance with the United States Department of Defense Office of  
6 Economic Adjustment's JLUS guidelines, a Technical Committee and Policy Committee were  
7 formed to create the 2009 *Joint Base Andrews Naval Air Facility Washington Joint Land Use*  
8 *Study* ("JLUS"); and

9 WHEREAS, during the time period between September 2008 and October 2009, the  
10 Technical and Policy committees studied pertinent data and formulated recommendations for  
11 compatible development in the Joint Base Andrews Accident Potential Zones ("APZ 1" and  
12 "APZ II") and related noise zones, including recommendations as to the regulation of land uses  
13 and mitigation of the impacts of associated noise within these zones that are critical to safeguard  
14 the public health, safety, and welfare of citizens and residents of the County; and

15 WHEREAS, as set forth therein, a critical recommendation within the 2009 JLUS included  
16 the establishment of a implementation task force to provide ongoing oversight, direction, and  
17 assistance in securing necessary resources for the implementation of the JLUS recommendations;  
18 and

19 WHEREAS, based on its review of the 2009 JLUS, the Council approved CR-30-2010 on  
20 March 30, 2010, to express its policy support for the 2009 JLUS recommendations and, pursuant  
21 thereto, establish the JLUS Implementation Committee; and

22 WHEREAS, pursuant to recommendations offered by the JLUS Implementation Committee  
23 in performance of its assigned duties, along with technical support supplied by the Planning  
24 Department staff of the Maryland-National Capital Park and Planning Commission, the Council  
25 considered and ultimately enacted legislation to establish certain Interim Land Use Controls  
26 ("ILUC") for Military Installation Conformance, including new development standards and  
27 prescriptions regulating proposals for the subdivision and development of land within a proposed  
28 designated ILUC area in the vicinity of Joint Base Andrews, for a specific, limited period of  
29 time; and

30 WHEREAS, after its deliberation of robust public comment received during several duly  
31 advertised public work sessions, on November 20, 2012, the Council enacted CB-3-2012 in order

1 to establish certain temporary land use and development standards within the ILUC area for a  
2 specified period; and

3 WHEREAS, after consideration of the public testimony and relevant documents submitted  
4 to the legislative record, the governing body of Prince George's County enacted CB-4-2012,  
5 effective from December 6, 2012, prescribing certain regulations therein as to proposals for the  
6 subdivision of land within the ILUC area of the County; and

7 WHEREAS, after solicitation of substantial public input through public outreach meetings,  
8 public work sessions, and a duly advertised public hearing, the County Council of Prince  
9 George's County, Maryland, sitting as the District Council, enacted CB-42-2015 on November  
10 10, 2015, thereby creating a new Military Installation Overlay (M-I-O) Zone in the County and  
11 setting forth certain procedural requirements for its consideration and approval of a new M-I-O  
12 Zone; and

13 WHEREAS, as stated therein, the purpose of the M-I-O Zone is to protect the public  
14 safety, health, and welfare of the citizens and residents in the County through regulation of the  
15 development and use of structures and property to promote land uses compatible with operations  
16 at Joint Base Andrews, and to protect the safety and welfare of individuals in the area of Joint  
17 Base Andrews from the potential for aircraft accidents, and the adverse impacts that are known  
18 to be associated with high levels of noises emanating from flight operations, associated with  
19 proximity to Joint Base Andrews operations; and

20 WHEREAS, the intent of the M-I-O Zone is to protect the lives and safety of workers,  
21 visitors, and residents, while reducing interference with the military operations at Joint Base  
22 Andrews; and

23 WHEREAS, the M-I-O Zone is a new zone set forth in the County Zoning Ordinance and  
24 has not previously been applied to property within the County; and

25 WHEREAS, as set forth in Section 27-213.24 of the Zoning Ordinance, preparation and  
26 approval of a Military Installation Overlay Zoning Map Amendment must be initiated by  
27 Resolution of the District Council authorizing the Planning Board to prepare the proposed Map  
28 Amendment; and

29 WHEREAS, on November 10, 2015, pursuant to the Land Use Article of the Annotated  
30 Code of Maryland the Prince George's County Council, sitting as the District Council, enacted  
31 CB-42-2015, an Ordinance to establish procedures for approving a new Military Installation

1 Overlay Zone, thereby initiating preparation of a new Military Installation Overlay Zone in  
2 Prince George's County; and

3 WHEREAS, upon public notice, the District Council and the Prince George's County  
4 Planning Board conducted a joint public hearing as to the proposed new Military Installation  
5 Overlay (M-I-O) Zone on April 5, 2016; and

6 WHEREAS, after several years of substantial public input through public outreach  
7 meetings, public work sessions, and a duly advertised public hearing, the County Council of  
8 Prince George's County, Maryland, sitting as the District Council, enacted CB-42-2015 on  
9 November 10, 2015, thereby creating a new Military Installation Overlay (M-I-O) Zone in the  
10 County and setting forth certain procedural requirements for its consideration and approval of a  
11 new M-I-O Zone; and

12 WHEREAS, as stated therein, the purpose of the M-I-O Zone is to protect the public safety,  
13 health, and welfare of the citizens and residents in the County through regulation of the  
14 development and use of structures and property to promote land uses compatible with operations  
15 at Joint Base Andrews, and to protect the safety and welfare of individuals in the area of Joint  
16 Base Andrews from the potential for aircraft accidents, and the adverse impacts that are known  
17 to be associated with high levels of noises emanating from flight operations, associated with  
18 proximity to Joint Base Andrews operations; and

19 WHEREAS, the intent of the M-I-O Zone is to protect the lives and safety of workers,  
20 visitors, and residents, while reducing interference with the military operations at Joint Base  
21 Andrews; and

22 WHEREAS, the M-I-O Zone is a new zone set forth in the County Zoning Ordinance and  
23 has not previously been applied to property within the County; and

24 WHEREAS, on January 19, 2016, the Prince George's County Council, sitting as the  
25 District Council, adopted CR-5-2016, thereby initiating a Military Installation Overlay Zoning  
26 Map Amendment as set forth in Section 27-213.24 of the Prince George's County Zoning  
27 Ordinance; and

28 WHEREAS, the Prince George's County Planning Board of The Maryland-National  
29 Capital Park and Planning Commission prepared a Technical Staff Report and proposed Map  
30 Amendment and released the same for public inspection as set forth by Sections 27-213.25 and  
31 27-213.26 of the County Zoning Ordinance on February 18, 2016; and

1           WHEREAS, as part of an extensive public outreach and information effort, The Maryland-  
2 National Capital Park and Planning Commission hosted a public information session on the  
3 proposed MIOZMA in Upper Marlboro, Maryland on March 21, 2016; and

4           WHEREAS, the County Council of Prince George's County, Maryland, sitting as the  
5 District Council, and the Prince George's County Planning Board of The Maryland-National  
6 Capital Park and Planning Commission held a duly-advertised Joint Public Hearing on April 5,  
7 2016 to receive public testimony on the proposed MIOZMA; and

8           WHEREAS, after the close of the hearing record on April 20, 2016, the Planning Board  
9 conducted a public work session on May 12, 2016, to examine staff's analysis of the testimony  
10 and exhibits received into the record of testimony for the April 5, 2016 joint public hearing and  
11 to consider the staff's recommendations thereon; and

12           WHEREAS, on May 19, 2016, the Planning Board voted favorably as to PGCPB No. 16-  
13 65, a resolution recommending approval of the MIOZMA, with further recommended  
14 amendments, extensions, deletions, and additions based on the record public hearing testimony;  
15 and

16           WHEREAS, on June 17, 2016, pursuant to Section 27-213.27 of the County Zoning  
17 Ordinance, the Prince George's County Planning Board transmitted its recommendations on the  
18 MIOZMA to the District Council; and

19           WHEREAS, the Military Installation Overlay Zoning Map Amendment will apply the  
20 Military Installation Overlay Zone to properties with the Military Installation Overlay Zone Area  
21 as defined by Figures A, B, and C in Part 10C of the Zoning Ordinance; and

22           WHEREAS, pursuant to Section 27-548.26 of the Zoning Ordinance, the Military  
23 Installation Overlay Zoning Map Amendment will amend the text and requirements of the  
24 Marlboro Pike Development District Overlay Zone, providing height restrictions on certain  
25 structures, and amending the intensity of new office development under the flight-path of Joint  
26 Base Andrews, as created by the 2009 *Marlboro Pike Sectional Map Amendment*; and

27           WHEREAS, pursuant to Section 27-548.26 of the Zoning Ordinance, the Military  
28 Installation Overlay Zoning Map Amendment will amend the text and requirements of the  
29 Southern Green Line Station Area Development District Overlay Zone, eliminating the previous  
30 unlimited height, density, gross floor area (GFA), or floor area ratio (FAR) requirements  
31 replacing them with the maximums permitted by the M-I-O Zone, as created by the 2014

1 *Southern Green Line Station Area Sectional Map Amendment*; and

2 WHEREAS, pursuant to Section 27-213.29 of the Zoning Ordinance, the District Council  
3 may, as part of its approval of the MIOZMA, reclassify the underlying zone of properties in the  
4 Safety Zones or High Intensity Noise Area of the Military Installation Overlay Zone to any other  
5 zone, subject to certain conditions; and

6 WHEREAS, such reclassifications are intended solely to increase conformance and  
7 compatibility with air operations at Joint Base Andrews; and

8 WHEREAS, based on the record of joint public hearing testimony, the Planning Board  
9 recommended within PGPB No. 16-65 that the zoning reclassification requested for property  
10 located at 6600 Foxley Road, with a corresponding Tax Account Number 0897694, from the I-4  
11 Zone to the M-I-O/I-2 Zone be approved; that the zoning reclassification requested for property  
12 located at 3700 Forestville Road, with Tax Account Number 0478834, from the C-S-C and I-1  
13 Zones to the M-I-O/I-1 Zone; and property at 7900 Alexandria Ferry Road from the I-4 to the M-  
14 I-O/I-1 Zone; and

15 WHEREAS, as set forth within Planning Board Resolution PGCPB No. 16-65, the Planning  
16 Board recommended disapproval of the proposed zoning reclassification of property that is  
17 located at 3309 Springdale Avenue, Tax Account 0627018, recommended application of the M-  
18 I-O zone to the existing R-55 zone; and at 8150 Parston Drive, Tax Accounts 0451336, 0451351,  
19 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, and 0496174 and recommends  
20 application of the M-I-O zone to the existing I-1 zone; and

21 WHEREAS, in PGCPB No. 16-65, the Planning Board recommended that the District  
22 Council hold an additional public hearing to receive testimony on the five property owner  
23 rezoning requests; and

24 WHEREAS, the District Council finds that, based on the testimony received within the  
25 April 5, 2016, record of joint public hearing testimony concerning the proposed MIOZMA, five  
26 (5) property owners submitted testimony concerning certain specific requests submitted for  
27 reclassification of the existing, underlying zoning classification for their respective subject  
28 properties; and

29 WHEREAS, on September 19, 2016, the District Council convened as the Committee of the  
30 Whole to conduct a public work session for its review of the testimony and exhibits submitted to

1 the public hearing record, as well as the Planning Board's recommendations as established  
2 within PGCPB No. 16-65; and

3 WHEREAS, upon review and discussion of the record of joint public hearing testimony and  
4 the recommendations of Planning embodied within PGCPB No. 16-65, the Committee of the  
5 Whole voted favorably on a motion directing staff to prepare a Resolution declaring that a  
6 second public hearing held as recommended by the Planning Board as to the five (5) property  
7 owner requests for zoning reclassification of property within the proposed MIOZMA area; and

8 WHEREAS, on September 20, 2016, via adoption of CR-70-2016 by the District Council,  
9 the District Council that an additional public hearing be held, as recommended by the Planning  
10 Board, in order to seek public comment and testimony as to the five rezoning requests; and

11 WHEREAS, in accordance with the procedural prescriptions of the local zoning laws, the  
12 District Council conducted a duly advertised second public hearing pursuant to CR-70-2016 on  
13 October 25, 2016; and

14 WHEREAS, after the close of the record of public hearing testimony, the Council convened  
15 as the Committee of the Whole on November 14, 2016, for the purpose of conducting a public  
16 work session to review the testimony submitted to the public hearing record for the October 25,  
17 2016, hearing conducted in accordance with the provisions of CR-70-2016; and

18 WHEREAS, after an orientation by staff as to the procedural posture of the proposed map  
19 amendment, review and discussion of all exhibits within the public hearing record and Planning  
20 Board recommendations thereon, the committee of the whole voted favorably to direct the staff  
21 to prepare a resolution of approval consistent with all recommendations of Planning Board as to  
22 the proposed MIOZMA.

23 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
24 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
25 Regional District in Prince George's County, Maryland, that the Military Installation Overlay  
26 Zoning Map Amendment, inclusive of the Planning Board's recommendations endorsed on May  
27 19, 2016, by PGCPB No. 16-65, set forth as Attachment A and incorporated as if set forth fully  
28 herein, be and the same is hereby approved.

29 BE IT FURTHER RESOLVED that the Planning Board staff is further authorized to make  
30 appropriate textual, graphical, and map revisions to correct identified errors, to reflect updated  
31 information and revisions, and to incorporate the zoning map change reflected in this Resolution.

1 BE IT FURTHER RESOLVED that this Military Installation Overlay Zoning Map  
2 Amendment is an amendment to the Marlboro Pike Development District Overlay Zone, to the  
3 Southern Green Line Development District Overlay Zone, and to the official Zoning Map for the  
4 Maryland-Washington Regional District in Prince George’s County, Maryland, and the zoning  
5 changes approved herein shall be depicted on the official Zoning Maps of Prince George’s  
6 County.

7 BE IT FURTHER RESOLVED that it is express intent of the District Council that the  
8 provisions of this Resolution be severable. In the event that any provision, sentence, clause,  
9 section, zone, zoning map, or part thereof is declared illegal, invalid, unconstitutional, or  
10 unenforceable by a court of competent jurisdiction, then it is the further express legislative intent  
11 of the District Council that any such illegality, invalidity, unconstitutionality, or unenforceability  
12 shall not affect or impair any other remaining provisions, sentences, clauses, sections, zones,  
13 zoning maps, or parts hereof, nor their application to other zones, persons, or circumstances; and  
14 this Resolution shall have been adopted as if any such illegal, invalid, unconstitutional, or  
15 unenforceable provision, sentence, clause, section, zone, zoning map, or part thereof had not  
16 been included herein.

Adopted this 15th day of November, 2016.

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: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council