

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2014 Legislative Session**

Bill No. \_\_\_\_\_ CB-55-2014 \_\_\_\_\_

Chapter No. \_\_\_\_\_

Proposed and Presented by \_\_\_\_\_ Council Member Davis \_\_\_\_\_

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Military Installation Overlay Zone

3 For the purpose of establishing the Military Installation Overlay (“M-I-O”) Zone, providing  
4 procedures and restriction for designation and approval of the M-I-O Zone, and providing use  
5 restrictions, development regulations, site plan approval, and permitting requirements within the  
6 M-I-O Zone.

7 BY repealing and reenacting with amendments:

8 Sections 27-109, 27-111, 27-117, 27-223, 27-229,  
9 27-242, 27-243, and 27-243.01,

10 The Zoning Ordinance of Prince George's County, Maryland,  
11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code  
14 (2011 Edition; 2013 Supplement).

15 BY adding:

16 Sections 27-548.50, 27-548.51, 27-548.52, 27-548.53,  
17 27-548.54, 27-548.55, 27-548.56, and 27-548.57,

18 The Zoning Ordinance of Prince George’s County, Maryland,  
19 being also

20 SUBTITLE 27. ZONING.

The Prince George’s County Code  
(2011 Edition, 2013 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-109, 27-111, 27-117, 27-223, 27-229, 27-242, 27-243, and 27-243 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**

**PART 2. GENERAL.**

**DIVISION 3. ZONES AND ZONING MAPS.**

**Sec. 27-109. Classes of zones.**

(a) The Regional District is divided into the following classes of zones:

- \* \* \* \* \*
- || (7) Overlay.
- || T-D-O Zone (Transit District Overlay)
- || R-C-O Zone (Chesapeake Bay Critical Area Resource Conservation Overlay)
- || L-D-O Zone (Chesapeake Bay Critical Area Limited Development Overlay)
- || I-D-O Zone (Chesapeake Bay Critical Area Intense Development Overlay)
- || D-D-O Zone (Development District Overlay)
- || A-C-O Zone (Architectural Conservation Overlay)
- || M-I-O Zone (Military Installation Overlay)

(b) For the purposes of Sections 27-129(i), 27-157(d), 27-176(e), 27-195(e), 27-213(d), and 27-233(d), the order of intensity of zones is listed as follows, beginning with the least intense zone and progressing to the most intense:

- (1) R-O-S, O-S, R-A, R-E, V-L, R-L, V-M, R-R, R-S, R-80, R-55, RM-H, R35, R-20, R-M, R-T, R-30, R-30C, R-18, R-18C, R-U, R-10A, R-10, R-H, C-A, C-O, M-X-C, M-U-TC, CRC, C-S-C, UC-4, M-U-I, C-1, C-C, C-G, C-2, C-W, C-M, C-H, UC-3, L-A-C, M-A-C, I-3, I4, U-L-I, I-1, I-2, EIA, M-X-T, UC-2, R-P-C, UC-1.

(2) A T-D-O, R-C-O, L-D-O, I-D-O, D-D-O, A-C-O, or M-I-O Zone superimposed over any of the above zones shall not be construed to affect the intensity of the zone.

**Sec. 27-111. Boundaries of zones.**

(a) In determining the boundaries of any zone shown on the Zoning Map, the following rules shall apply:

(1) Zone boundary lines follow the center lines of street, railroad, or alley rights-of-way, and lot lines (or lines parallel or perpendicular to the lot lines), unless the boundary lines are fixed by dimensions on the Zoning Map. (See Figure 31.)

\* \* \* \* \*

(10) The boundaries of a Military Installation Overlay Zone shall be fixed by dimensions on the Zoning Map, and reflect the boundaries of the Safety Zones, noise contours, height surfaces, communications corridors, and other impact areas recommended by the most recent Air Installation Compatible Use Zone or equivalent study.

**Sec. 27-117. Structures excluded from height control.**

The height limits set forth in this Subtitle shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, television antennas, spires, bulkheads, elevators, or similar structures. Notwithstanding the forgoing exclusions from height control, all structures located on properties within the Military Installation Overlay Zone are subject to the height limit standards of the overlay zone.

**PART 3. ADMINISTRATION.**

**DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).**

**Subdivision 1. General.**

**Sec. 27-223. Limitations on zoning.**

(a) In a Sectional Map Amendment, property may be reclassified to any zone established in the Zoning Ordinance and Urban Centers and Corridor Nodes Development and Zoning Code of Prince George’s County (Subtitle 27A), except the Military Installation Overlay Zone, Architectural Conservation Overlay Zone and the Chesapeake Bay Critical Area Overlay Zones; and except for property located in the Resource Conservation Overlay Zone, which may not be reclassified to a Commercial or Industrial Zone, any Comprehensive Design Zone except the V-M and V-L Zones, or Mixed Use Zones. No Military Installation Overlay Zone or

1 Chesapeake Bay Critical Area Overlay Zone may be established or amended through the  
2 Sectional Map Amendment procedures; however, Chesapeake Bay Critical Area Zoning Map  
3 Amendment procedures and Sectional Map Amendment procedures may occur simultaneously  
4 for the same area, if so authorized by the District Council.

5 **DIVISION 5. APPEALS AND VARIANCES.**

6 **Subdivision 2. Board of Zoning Appeals.**

7 **Sec. 27-229. Powers and duties.**

8 (b) The Board of Zoning Appeals shall not have the power or duty to:

9 \* \* \* \* \*

10 (39) Grant a variance from any requirement of Part 18 of this Subtitle.

11 (40) Grant a variance from Part 10C of this Subtitle.

12 **DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.**

13 **Subdivision 1. General Requirements and Procedures.**

14 **Sec. 27-242. Alteration, extension, or enlargement.**

15 (a) In general.

16 (1) A nonconforming building or structure, or a certified nonconforming use (except  
17 as provided for in this Section) may be altered, enlarged, or extended, provided that:

18 (A) The alteration, enlargement, or extension conforms to the building line  
19 setback, yard, and height regulations of the zone in which the use is located; and

20 (B) A special exception has been approved by the District Council, in  
21 accordance with Part 4 of this Subtitle.

22 (b) Exceptions.

23 \* \* \* \* \*

24 (13) Nonconforming uses, buildings, or structures located partially or completely  
25 within a Military Installation Overlay Zone Safety Zone shall not be altered, enlarged, or  
26 extended.

27 **Sec. 27-243. Reconstruction, reestablishment, and restoration.**

28 (a) Without enlargement, extension, or relocation.

29 (1) The restoration, reconstruction, or reestablishment of a nonconforming  
30 building or structure, or a certified nonconforming use, which has either been unintentionally  
31 destroyed by fire or other calamity, has temporarily ceased operation for the sole purpose of

1 correcting Code violations, or has temporarily ceased operation due to the seasonal nature of the  
2 use, may be permitted without relocation, enlargement, or extension, provided that:

3 (A) Where the building, structure, or use has been unintentionally destroyed  
4 by fire or other calamity, a building permit for restoration or reconstruction shall be issued within  
5 one (1) calendar year from the destruction date, and construction pursuant to the permit has  
6 begun within six (6) calendar months after the date of issuance (or lawful extension) of the  
7 permit, and proceeds to completion in a timely manner. If it has been destroyed for more than  
8 one (1) calendar year, the reconstruction, reestablishment, or restoration may only be permitted  
9 upon approval of a Special Exception in accordance with Part 4 of this Subtitle.

10 (B) Where a certified nonconforming use has temporarily ceased operation,  
11 either for the sole purpose of correcting Code violations or because the nature of the  
12 nonconforming use is seasonal, such use shall be reestablished within one (1) calendar year from  
13 the date upon which operation last ceased.

14 (2) The intentional demolition and reconstruction, reestablishment, or restoration  
15 of a certified nonconforming use on the same lot, which does not involve relocation,  
16 enlargement, or extension, may be permitted only upon approval of a Special Exception in  
17 accordance with Part 4 of this Subtitle.

18 (b) With enlargement, extension, or relocation.

19 (1) The reconstruction or restoration of a nonconforming building or structure, or  
20 a certified nonconforming use, which has been unintentionally destroyed by fire or other  
21 calamity and which involves an enlargement, extension, or relocation, may be permitted only  
22 upon approval of a Special Exception in accordance with Part 4 of this Subtitle.

23 (2) The intentional demolition and reconstruction of a certified  
24 nonconforming use on the same lot, which involves relocation, enlargement, or extension, may  
25 be permitted only upon approval of a Special Exception in accordance with Part 4. The  
26 requirement for a Special Exception shall not apply to the replacement of a mobile home,  
27 provided the new mobile home does not exceed one thousand and fifty (1,050) square feet in  
28 size.  
29

(3) Notwithstanding the above, the enlargement, extension or relocation of non-conforming uses, buildings or structures within the Safety Zones of the Military Installation Overlay Zone as defined in Part 10C is prohibited.

**Sec. 27-243.01. Change of nonconforming use to another use.**

A nonconforming use may not be changed to, or changed to include, any use other than that certified, unless such other use is permitted, or permitted by grant of a Special Exception, in the zone in which the nonconforming use is located.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that Sections 27-548.50, 27-548.51, 27-548.52, 27-548.53, 27-548.54, 27-548.55, 27-548.56, and 27-548.57 of the Zoning Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s County Code, be and the same are hereby added:

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 2. ZONING MAP AMENDMENTS.**

**Subdivision 8. Military Installation Overlay Zone.**

**Sec. 27-213.30. Applicability.**

This Subdivision contains the procedures for classifying property in the Military Installation Overlay Zone. Unless otherwise indicated, these procedures take the place of any other Zoning Map Amendment provisions contained in this Subtitle.

**Sec. 27-213.31 General Procedures.**

(a) The Planning Board may initiate a Military Installation Overlay Zoning Map Amendment with the concurrence, by resolution, of the District Council.

(b) After the Military Installation Overlay Zone Map Amendment is initiated by the Planning Board, Technical Staff shall prepare a proposed Map Amendment. The proposal shall contain the following:

(1) The proposed boundaries of the Military Installation Overlay Zone, including the Safety Zones, noise contours, height surfaces, communications corridors, and other impact areas recommended by the most recent Air Installation Compatible Use Zone or equivalent study, as needed, shown on the Zoning Map;

1           (2)    A written justification describing how the proposed zoning boundaries  
2 comply with the purposes of the Military Installation Overlay Zone; and

3           (3)    Any proposed changes in underlying zoning categories, along with written  
4 justification for the changes.

5           (c)    **Notice.**

6           (1)    Notice to property owners within the boundaries, and municipalities lying,  
7 wholly or in part, within one (1) mile of the boundaries of the proposed Military Installation  
8 Overlay Zone shall be by first class mail.

9           (2)    Notice of the date, time and location of public hearings shall be by  
10 publication in a newspaper of general circulation and on the County's website.

11          (d)    The Planning Board shall transmit the proposed Military Installation Overlay  
12 Zoning Map Amendment to the District Council.

13          (e)    Upon transmittal of the recommended Military Installation Overlay Zoning Map  
14 Amendment to the District Council, both the Planning Board and the Zoning Hearing Examiner  
15 shall cease accepting and processing all Zoning Map Amendment and Special Exception  
16 applications within the boundaries of the proposed Military Installation Overlay Zoning Map  
17 Amendment until after final action by the District Council on the Military Installation Overlay  
18 Zoning Map Amendment. Any application pending before the District Council at the time of  
19 transmittal shall immediately be remanded to the Office of the Zoning Hearing Examiner.

20 **Sec. 27-213.32. Authority to change underlying zones.**

21          When the District Council approves Military Installation Overlay Zones, it may, as part  
22 of its approval, change an underlying zone to any other zone, except a Comprehensive Design  
23 Zone; provided, however, that no land located in an area to be classified in the Military  
24 Installation Overlay Zone may be placed in the M-X-T Zone or any Commercial or Industrial  
25 Zone. No land may be rezoned to a Comprehensive Design Zone through the Military  
26 Installation Overlay Zoning Map Amendment procedures.

27 **Sec. 27-213.33. Specific Planning Board procedures.**

28          (a)    **Notice.**

29          (1)    At least 30 days prior to the joint public hearing:

1                   (A) Notice of proposed changes to the zoning of land resulting from the  
 2 Military Installation Overlay Map Amendment shall be sent in accordance with Section 27-  
 3 213.31 (c)(1);

4                   (B) Notice of the joint public hearing shall be provided in accordance  
 5 with Section 27-213.31(c)(2); and

6                   (C) The Planning Board shall release the proposed Military Installation  
 7 Overlay Zoning Map Amendment for public inspection and a copy of the proposal shall be sent  
 8 to all public agencies and municipalities with operational or planning responsibilities within the  
 9 boundaries of the proposed Military Installation Overlay Zoning Map Amendment.

10           (b)     **Planning Board action.**

11                   (1)     The Planning Board may recommend approval, approval with  
 12 modifications, or disapproval of the proposed Military Installation Overlay Zoning Map  
 13 Amendment. The Planning Board shall take action, by resolution adopted at a regularly  
 14 scheduled public meeting, not more than thirty (30) days after the joint public hearing. The  
 15 Planning Board shall transmit its recommendation to the District Council within thirty (30)  
 16 calendar days of adoption of the resolution.

17     **Sec. 27-213.34 Specific District Council Procedures.**

18           (a)     **Amendments.**

19     The District Council may propose changes, revisions, or amendments to the map or text of a Map  
 20     Amendment transmitted by the Planning Board, at any time prior to final action. If amendments  
 21     are proposed, then the District Council shall hold an additional joint public hearing, prior to  
 22     approval of the Map Amendment.

23           (b)     **Notice.**

24                   (1)     At least 30 days prior to the joint public hearing: Notice of the joint  
 25 public hearing shall be provided in accordance with Section 27-213.31 (c)(2);

26           (c)     **Time for final action.**

27                   (1)     The Council shall take final action on the Map Amendment at any time  
 28 within thirty (30) days after receipt of the Planning Board’s resolution, but not later than one  
 29 hundred twenty (120) calendar days after receipt of the Planning Board’s resolution. If no final  
 30 action is taken within this time period, the Military Installation Overlay Zoning Map Amendment  
 31 shall be deemed disapproved.



1           (d)     **Voting requirements.**

2                     (1)     The approval of a Military Installation Overlay Zoning Map Amendment  
 3 shall be by Ordinance, and shall be by majority vote of the full Council. A two-thirds (2/3)  
 4 majority vote of the full Council shall be required to approve any portion of the Map  
 5 Amendment contrary to the recommendation of a municipality concerning land within its  
 6 boundaries.

7           (e)     **Notice of approval.**

8                     (1)     Notice of approval of a Military Installation Overlay Zoning Map  
 9 Amendment shall be published by the Clerk of the Council at least one (1) time in the County  
 10 newspapers of record, and shall be sent to the Planning Board, the Commission, all owners of  
 11 land, and any municipality lying, wholly or in part, within, or within one (1) mile of, the  
 12 boundaries of the Military Installation Overlay Zone.

13   **SUBTITLE 27. ZONING.**

14   **PART 10C. MILITARY INSTALLATION OVERLAY ZONE**

15           **Sec. 27-548.50 Introduction**

16                     (a)     The 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use  
 17 Study (JLUS), representing a partnership between Joint Base Andrews Naval Air Facility  
 18 Washington (hereinafter JBA or “the base,” Prince George’s County and the local community,  
 19 identified incompatible land uses which produce, or are affected by, noise, smoke, dust,  
 20 excessive light, electromagnetic interference and vibrations which adversely affect the  
 21 communities surrounding the base including residential, commercial and employment areas or  
 22 which may impair the base’s mission. The JLUS recommends strategies to address the impacts  
 23 resulting from incompatible land uses and base activities, including, but not limited to:

- 24                             (1)     downzoning impacted residential zones,
- 25                             (2)     discouraging mixed-use zones to avoid intensification,
- 26                             (3)     encouraging rezoning to the I-1 and I-4 Zones
- 27                             (4)     the establishment of a Military Installation Overlay Zone.

28                     (b)     The Military Installation Overlay Zone establishes standards of use, design and  
 29 construction for development in the vicinity of JBA impacted by air operations at the base.  
 30 These standards are intended to promote the health, safety and welfare of existing and future  
 31 base-area residents, workers and surrounding uses, while allowing JBA to fulfill its mission.

1           (c)     The Military Installation Overlay Zone is based on three areas of constraint:  
 2 noise, height, and accident potential. The MIOZ identifies geographic areas where  
 3 encroachment should be avoided, identifies prohibited uses, and creates standards for permitted  
 4 uses that provide for compatibility between the activities on the base and in the surrounding  
 5 neighborhoods.

6 **Sec. 27-548.51 Purposes.**

7           The purposes of the Military Installation Overlay Zone (MIOZ) are to regulate the  
 8 development and use of structures and property in order to promote land uses compatible with  
 9 operations at JBA; to protect the safety and welfare of individuals in the area from the adverse  
 10 impacts associated with high levels of noise from flight operations and the potential for aircraft  
 11 accidents associated with proximity to JBA operations. The intent of the regulations is to  
 12 recognize the rights of individual property owners while reducing interference with the military  
 13 operations at JBA.

14 **Sec. 27-548.52 Definitions.**

15           (a)     Words and terms in this Part are defined as follows:

16           (1)     Accident Potential Zone (APZ) – APZ I begins at the outer end of the  
 17 Clear Zone and is 5,000 feet long and 3,000 feet wide. APZ II begins at the outer end of APZ I  
 18 and is 7,000 feet long and 3,000 feet wide.

19           (2)     Air Installation Compatible Use Zone Study (AICUZ) – A study  
 20 performed (and updated periodically) by Air Force installations to assisting local, regional, state,  
 21 and federal officials in the areas neighboring military air facilities (such as Joint Base Andrews)  
 22 by promoting compatible development within areas in areas subject to aircraft noise and accident  
 23 potential; and protecting Air Force operational capability from the effects of land use that are  
 24 incompatible with aircraft operations. The geography and extent of the Accident Potential Zones,  
 25 the Clear Zones, the height surfaces and the noise contours are defined in this study.

26           (3)     Approach-Departure Clearance Surface – The imaginary surfaces which  
 27 are symmetrically centered on the extended runway centerline, beginning as an inclined plane  
 28 (glide angle) 200 feet beyond each end of the primary surface, and extending for 50,000 feet.  
 29 The slope of the approach departure clearance surface is 50:1 until it reaches an elevation of 500  
 30 feet above the established airfield elevation, illustrated on Figure A (Height) as “B”. It then  
 31 continues horizontally at this elevation to a point 50,000 feet from the starting point, illustrated

1 on Figure A (Height) as “C.” The width of this surface at the runway end is 2,000 feet, flaring  
 2 uniformly to a width of 16,000 feet at the end point.

3 (4) Clear Zone – A corridor symmetrically centered on the runway centerline  
 4 beginning at the end of the runway and extending outward 3,000 feet and which has a width of  
 5 3,000 feet (1,500 feet to either side of the runway centerline).

6 (5) Conical Surface - This is an inclined imaginary surface extending outward  
 7 and upward from the outer periphery of the inner horizontal surface for a horizontal distance of  
 8 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the  
 9 conical surface is 20:1. The conical surface connects the inner and outer horizontal surfaces,  
 10 illustrated on Figure A (Height) as “E.”

11 (6) High Intensity Noise Areas – Areas impacted by noise levels exceeding  
 12 74 dBA Ldn as established by Figure B (Noise Intensity).

13 (7) Imaginary Surfaces – Primary surface, approach-departure clearance  
 14 surface, inner horizontal surface, outer horizontal surface, transitional surface, individually or  
 15 collectively, as herein defined. According to CFR 77.25, an object that exceeds this imaginary  
 16 surface is an Obstruction to Air Navigation.

17 (8) Impact Maps – The geographic boundary of the three areas of constraint  
 18 which are referenced as Figure A (Height), Figure B (Noise Intensity) and Figure C (Accident  
 19 Potential/Clear Zones North and South).

20 (9) Inner Horizontal Surface – An imaginary surface that is an oval plane at a  
 21 height of 150 feet above the established airfield elevation. The inner boundary intersects with  
 22 the approach-departure clearance surface and the transitional surface. The outer boundary is  
 23 formed by scribing arcs with a radius 7,500 feet from the centerline of each runway end and  
 24 interconnecting these arcs with tangents, illustrated in Figure A (Height) as “D”

25 (10) Joint Base Andrews Microwave Communications Corridor – The area  
 26 referenced as Figure D which is comprised of a 50 foot-wide area between designated military  
 27 communications facilities at Joint Base Andrews, Brandywine Receiver Facility and  
 28 Davidsonville Transmission Site.

29 (11) Military Installation Overlay Zone (MIOZ) Area – A defined land area  
 30 where regulations in Part 10C modify zoning standards and requirements.

31 (12) Noise Contour – One of the series of boundaries illustrated in Figure B

1 showing the increases in the intensity of noise as measured in Decibels (DBA Ldn),

2 (13) Outer Horizontal Surface – This imaginary surface is located 500 feet  
 3 above the established airfield elevation and extends outward from the outer periphery of the  
 4 conical surface for a horizontal distance of 30,000 feet, illustrated in Figure A (Height) as “F.”

5 (14) Primary Surface – An imaginary surface symmetrically centered on the  
 6 runway, extending 200 feet beyond each runway end that defines the limits of the obstruction  
 7 clearance requirements in the vicinity of the landing area. The width of the primary surface is  
 8 2,000 feet, or 1,000 feet on each side of the runway centerline, illustrated in Figure A (Height) as  
 9 “A.”

10 (15) Safety Zones – Accident Potential Zone 1, Accident Potential Zone 2,  
 11 and the Clear Zone, individually or collectively, as defined herein and illustrated in Figure C  
 12 (Accident Potential/Clear Zones North and South).

13 (16) Transitional Surface – An imaginary surface that connects the primary  
 14 surfaces, the clear zone surfaces, and the approach/departure clearance surfaces to the inner  
 15 horizontal surface, conical surface, outer horizontal surface, or other transitional surfaces. The  
 16 slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway  
 17 centerline, illustrated in Figure A (Height) as “G.”

18 **Sec. 27-548.53 Applicability**

19 (a) Affected Areas. This Part applies to all property regardless of underlying zone or  
 20 other overlay zone within the MIOZ Area.

21 (b) Impact Maps

22 (1) The Impact Maps referenced in this Part establish the geographic  
 23 boundaries of the MIOZ Area where the requirements of this Part are in affect. The Impact Maps  
 24 are those in the most current Air Installation Compatible Use Zone Study (AICUZ) and are  
 25 reflected in Figure A (Height), Figure B (Noise Intensity), Figure C (Accident Potential/Clear  
 26 Zones North and South) and Figure D (Joint Base Andrews Microwave Communications  
 27 Corridor). The Official Impact Maps shall be on file and available for review by the public in  
 28 the Clerk of the Council’s office.

29 (2) Where a property is affected by more than one Impact Map, the  
 30 requirements of all applicable Impact Maps apply. Where the Impact Map requirements conflict,  
 31 the most stringent requirements shall apply.

1           (3)     Where a property is split by a boundary of the MIOZ for either height,  
 2 noise or safety as established by the Impact Maps, only that portion of the property within the  
 3 MIOZ Area shall be required to meet the provisions of this Part.

4           (c)     Development Applications and Permits. This Part applies to the review of all  
 5 development applications permitted in this Subtitle, Building permits and Use and Occupancy  
 6 permits issued within the MIOZ Area.

7           (d)     Exemptions This Part does not apply to:

8           (1)     Permits for changes in ownership, name, or occupancy with no change of  
 9 use.

10          (2)     Permits for any grading or infrastructure improvements.

11          (3)     Permits for any public utility, or private utility for public use.

12          (4)     Permits for properties where a Preliminary Plan of Subdivision, Detailed  
 13 Site Plan, Special Exception or other development application was approved prior to the  
 14 adoption of these regulations. If the validity period has expired, this exemption shall not apply.

15          (e)     Non-Conforming Uses. All existing uses within the area identified in Figure C  
 16 (Accident Potential/Clear Zones North and South) that are on the Prohibited Use List in this Part  
 17 shall be considered non-conforming uses.

18     **Sec. 27-548.54 Requirements for Height.**

19          (a)     No structure shall exceed the height established by the Impact Map for Height.

20          (b)     At the time of permit, a registered Engineer or qualified professional of competent  
 21 expertise shall certify that structures do not exceed the height established by the Impact Map for  
 22 Height, utilizing the formulae and methodology set forth in Attachment A.

23     **Sec. 27.548.55 Requirements for Noise.**

24          (a)     Noise Intensity Contours in the MIOZ Area are established by the most current  
 25 Air Installation Compatible Use Zone Study (AICUZ) on file in the Clerk of the County's office  
 26 and are identified in the Impact Map represented as Figure B (Noise Intensity).

27          (b)     Interiors of all new residential construction, including additions, must be certified  
 28 to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent  
 29 expertise.

30          (c)     Uses in High Intensity Noise Areas

31          (1)     The issuance of permits authorizing any construction within the High

1 Intensity Noise Area shall be subject to the following additional restrictions:

2 (A) At the time of permit, if a non-residential use is required by  
 3 Subtitle 4 (Building Code) to provide noise level reduction within the interior of a building, such  
 4 noise reduction must be certified by an Acoustical Engineer or qualified professional of  
 5 competent expertise.

6 (B) New use and occupancy permits for non-residential uses which do  
 7 not otherwise include new construction can be issued provided that the use and occupancy permit  
 8 site plan contains a note specifying that the property is located in a High Intensity Noise Area.

9 (C) Prohibited Uses. The following uses are prohibited in the High  
 10 Intensity Noise Area:

11 (i) Outdoor play areas

12 (ii) All other active outdoor recreational uses

13 **Sec. 27-548.56 Requirements for Safety.**

14 (a) Prohibited Uses

15 (1) The following uses are prohibited in the Safety Zone:

16 (A) Schools that offer a complete program of nursery school education  
 17 accredited by the Maryland State Department of Education or a complete program of academic  
 18 elementary (including pre-kindergarten and kindergarten), junior high (middle), or senior high  
 19 school education or public or private institutions of higher learning, colleges, or universities.

20 (B) Club or lodge, or public building,

21 (C) Eating and Drinking Establishments over 3,500 square feet, except in the  
 22 MIO/CSC Zone, where Eating and Drinking Establishments up to 6,000 square feet are  
 23 permitted subject to Section 27-461.

24 (D) Churches and similar places of worship with over 80 sanctuary seats

25 (E) Office uses that exceed .08 F.A.R.

26 (F) Commercial recreational or entertainment attractions (indoor or outdoor),  
 27 community building, performance art center, arena, stadium, auditorium, museum, art gallery

28 (G) Congregate living, hotel/motels, senior or retirement housing, multi-family  
 29 housing

30 (H) Day care center for children or adults, assisted living facility, hospital, adult  
 31 rehabilitation center, medical or health campus, nursing or care home, medical day care,  
 32 homeless or transitional shelter

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(I) Class III landfill, transfer station.

(J) Commercial and Industrial uses that include the sales, handling, above-ground storage, refining, fabrication or manufacturing of explosives, fireworks, or gunpowder; fertilizers, pesticides and insecticides; petroleum products (other than gas station or vehicle repair and service station) and other products constituting a potential hazard by fire, explosion or other means. May include refinery, asphalt mixing plant, cement manufacturing, distillery, dry cleaning plant.

(2) In addition to the above, the following uses are strictly prohibited in the Clear Zone:

- 1                   (A)    Eating and Drinking Establishments
- 2                   (B)    Churches or similar places of worship
- 3                   (C)    Medical offices
- 4                   (D)    Retail sales

5   **Sec. 27-548.57. Referrals to Joint Base Andrews.**

6           (a) Development Review applications in either the Height, Noise or Safety Zone impact  
7 areas for uses which produce noise, smoke, dust, excessive light, electromagnetic interference  
8 and vibrations which potentially impact base operations, may be referred to the Base Civil  
9 Engineer at Joint Base Andrews for their review and comment.

10          (b) All development review applications where a proposed structure is wholly or partially  
11 located in the Joint Base Andrews Microwave Communications Corridor (Figure D) shall be  
12 referred to the Base Civil Engineer at Joint Base Andrews for their review and comment.

13          (c) It shall be incumbent upon the Base to ensure that any comments are received by the  
14 Planning Department in a timely manner within the development review process.

15



1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five  
2 (45) calendar days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

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

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

Figure A -- Height

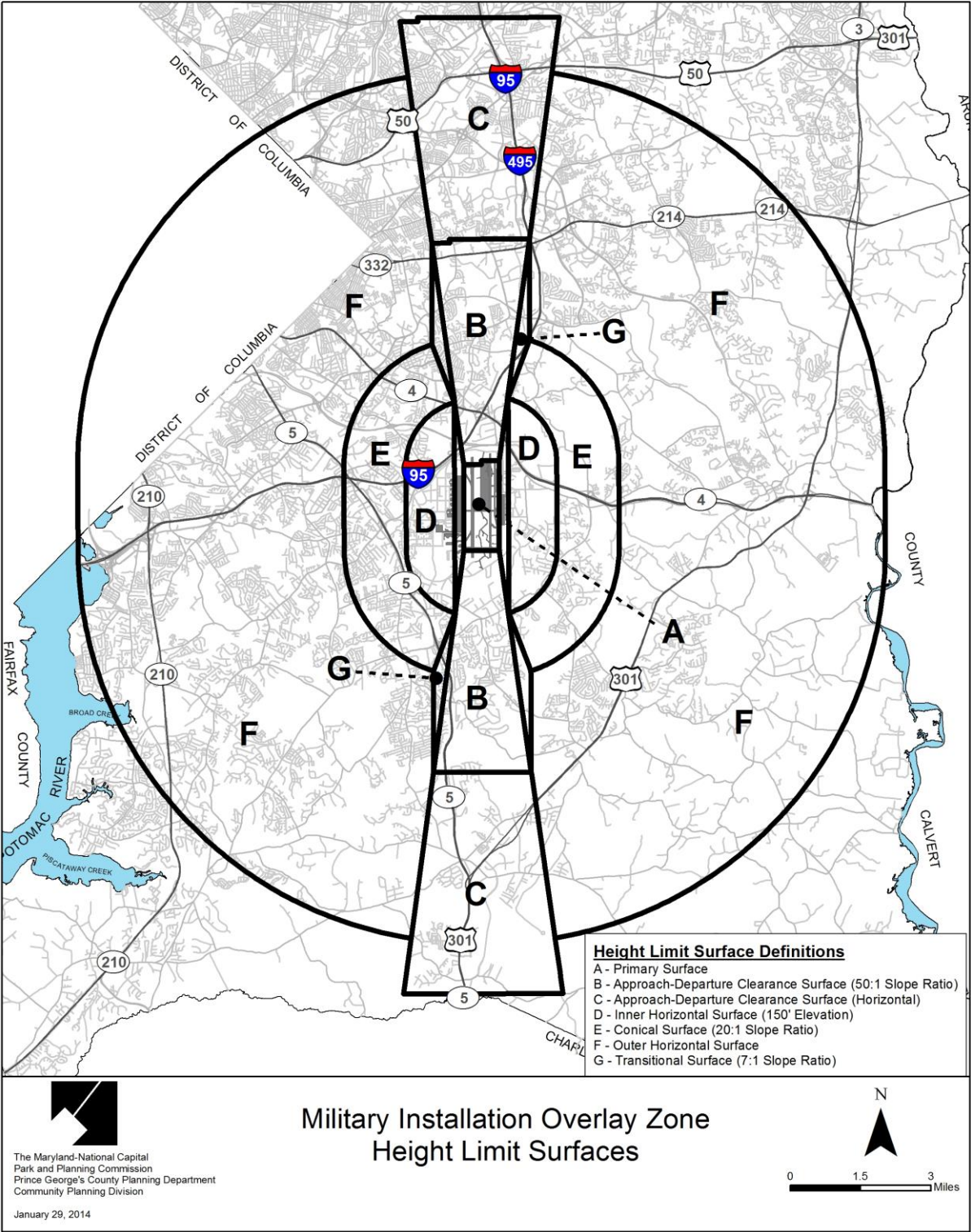


Figure B -- Noise Intensity

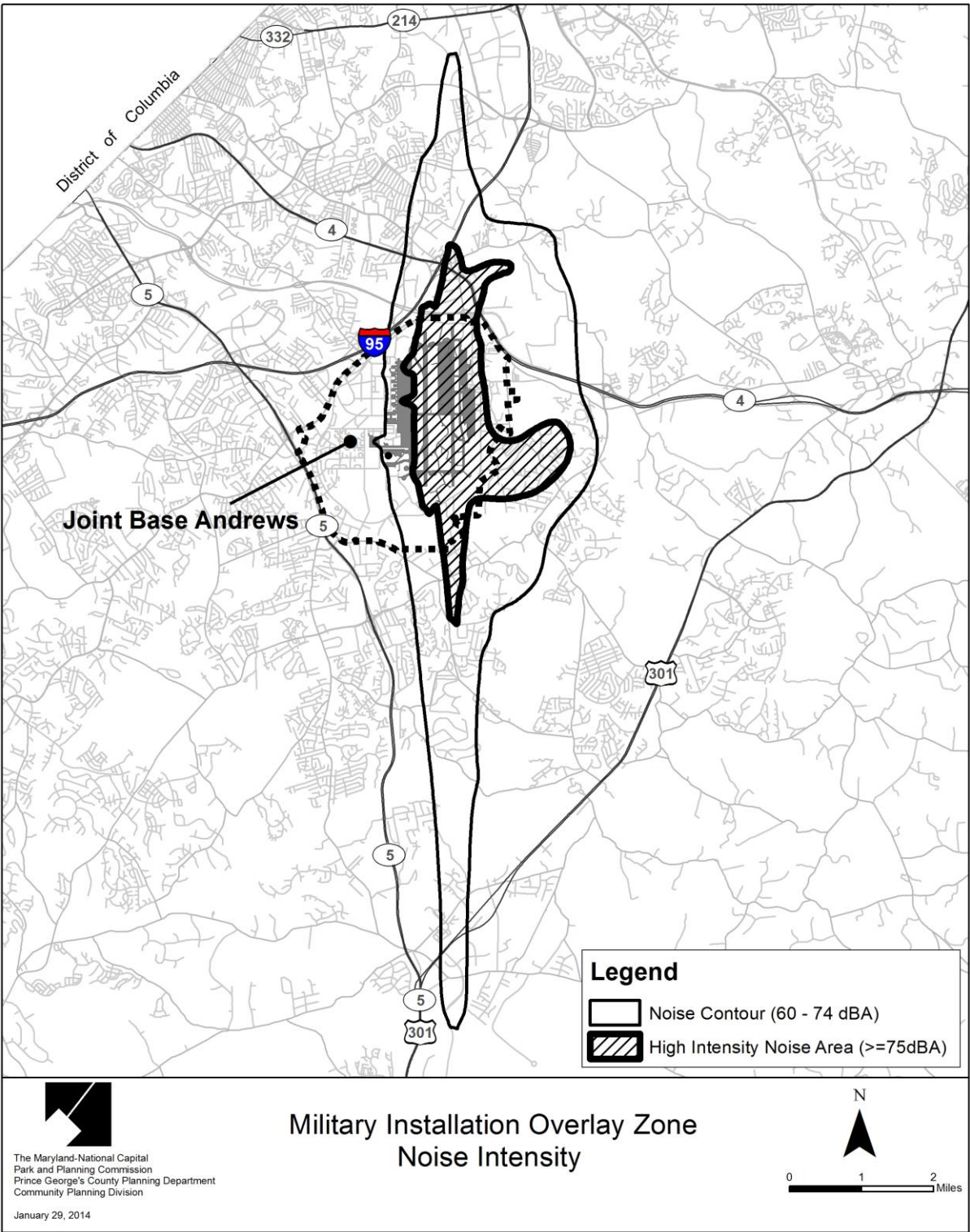
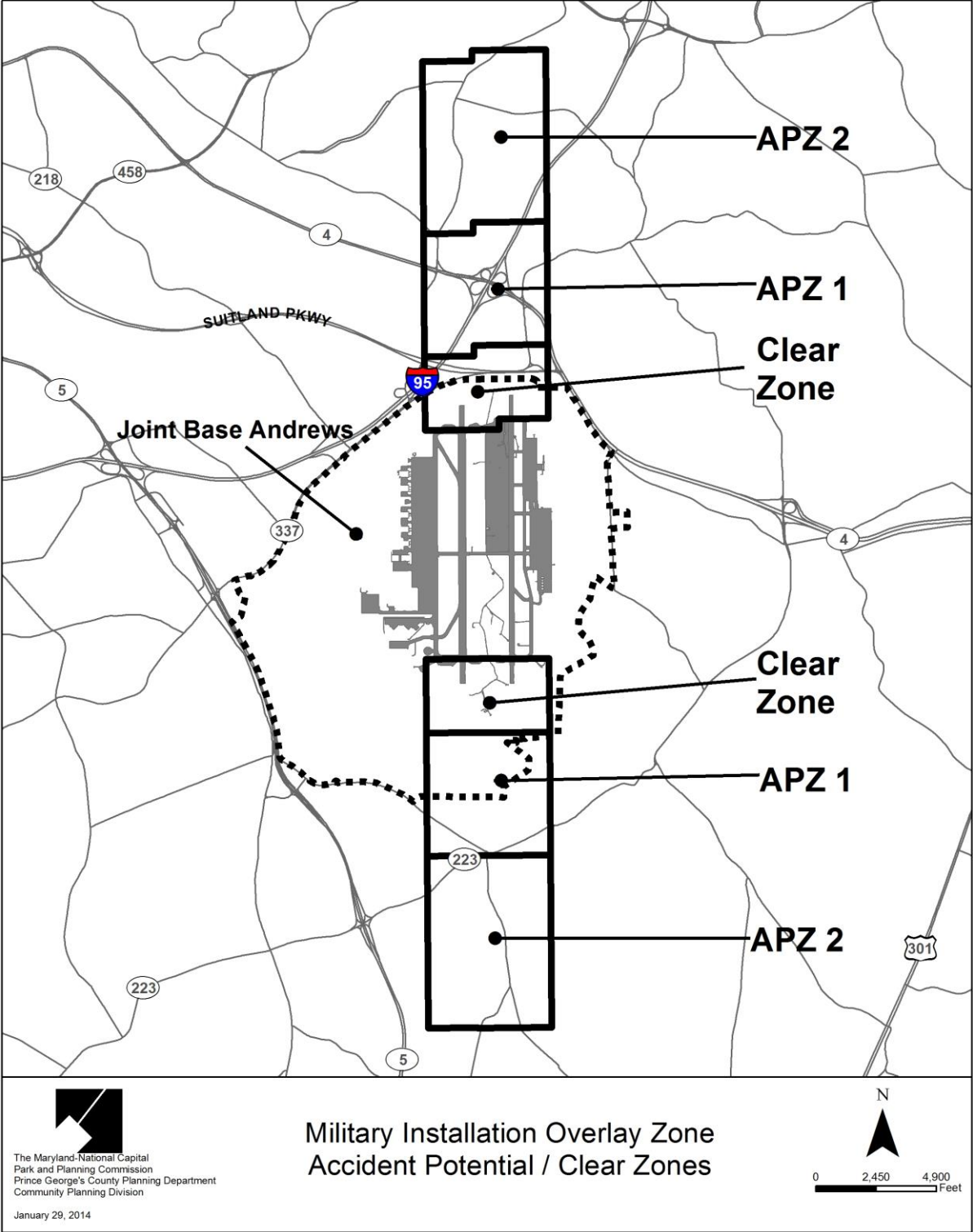


Figure C -- Accident Potential / Clear Zones



  
The Maryland-National Capital  
Park and Planning Commission  
Prince George's County Planning Department  
Community Planning Division  
January 29, 2014

**Military Installation Overlay Zone  
Accident Potential / Clear Zones**

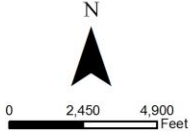
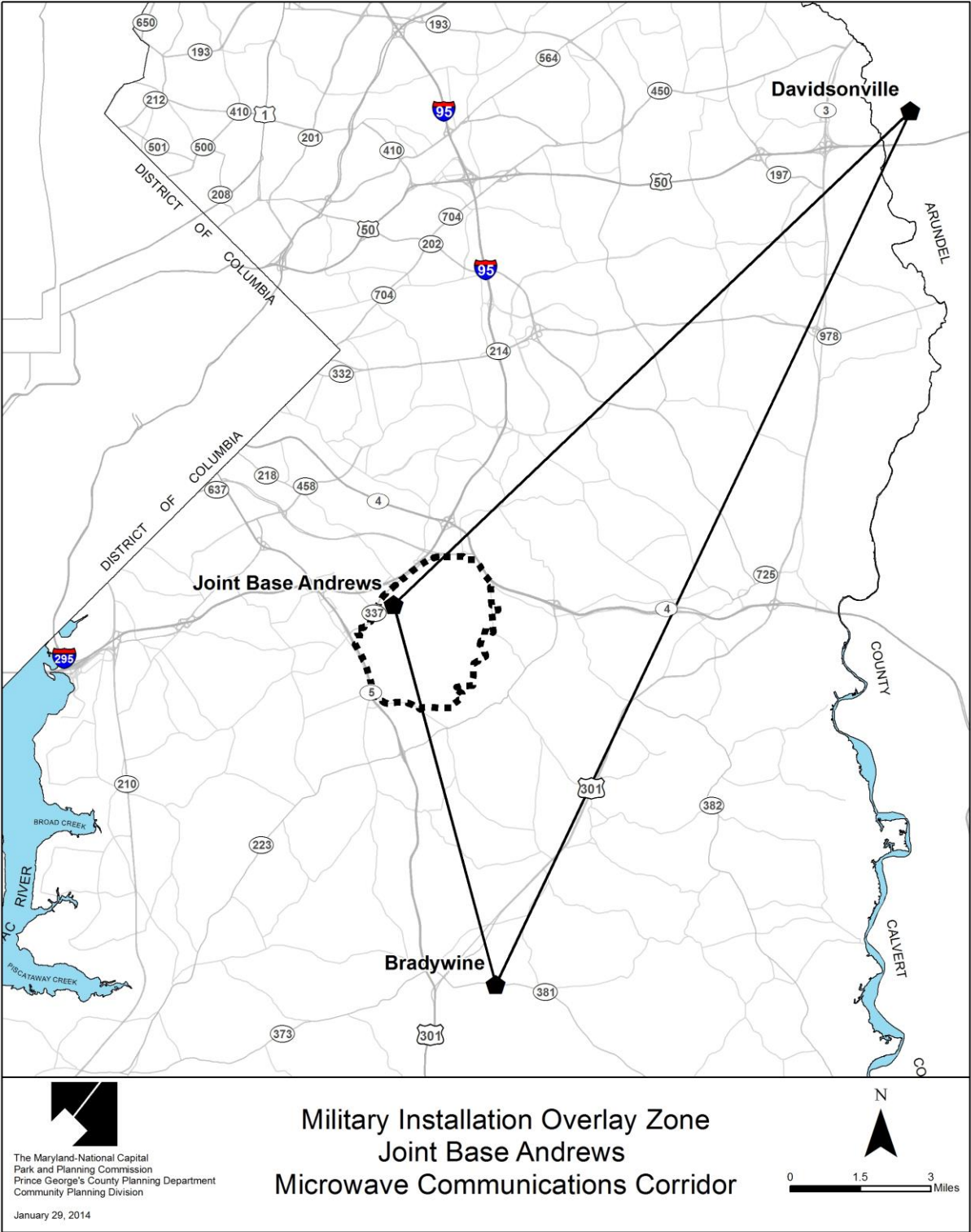




Figure D -- Joint Base Andrews Microwave Communications Corridor



**ATTACHMENT A: DETERMINATION OF HEIGHT LIMITS ESTABLISHED BY THE IMPACT MAP FOR HEIGHT**

At the time of permit, a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the height established by the Impact Map for Height. Permits shall not be issued for structures that exceed the height limits thus established.

The height of buildings or structures on a property is governed by either the Military Installation Overlay Zone or any height limit applicable to the underlying zoning of a property, whichever is lower. The Planning Board shall verify certification of height using the formulae proscribed in this Section as described below:

For the purposes of the Military Installation Overlay Zone, heights are measured from the base of a structure to the highest point of any part of the structure, including, but not limited to, antennae, towers, poles, monopoles, or satellite dishes.

Military Installation Overlay Zone height formulae are based upon the elevation of the subject property in relation to the elevation of the runways at Joint Base Andrews, which are 274 feet above sea level.

The figures calculated through the measurements below should add the difference in elevation between the runways at Joint Base Andrews and the subject property: properties lower than 274 feet in elevation should add this difference in elevation; properties higher than 274 feet in elevation should subtract this difference in elevation to determine the permitted height.

**Surface A (Primary Surface):** No structures permitted

**Surface B (Approach-Departure Clearance Surface):**

Permitted height (in feet) is equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50, or the height permitted by underlying zoning, whichever

is less.

**Surface C (Approach-Departure Clearance Surface):** Height governed by underlying zoning.

**Surface D (Inner Horizontal Surface):** Permitted height (in feet) is equivalent to 150 feet, or the height permitted by underlying zoning, whichever is less.

**Surface E (Conical Surface):** Permitted height (in feet) is equivalent to the total of the following equation:

Subtotal: The distance between Surface A and nearest boundary of the subject property, less the distance between the subject property and the border of Surfaces D and E.

Total: Divide subtotal by 20, then add 150 or the height permitted by underlying zoning, whichever is less.

**Surface F: Outer Horizontal Surface:** Height permitted by underlying zoning.

**Surface G: Transitional Surface 7:1:** Permitted height (in feet) is equivalent to the total of the following equation:

Subtotal 1: The distance between the nearest edge of Surface A to a point on Surface B approximately horizontal (east-to-west) from the nearest edge of the property, divided by 50.

Subtotal 2: The distance between the imaginary point on Surface B horizontal to the property and the nearest edge of the subject property, less the distance between this imaginary point and the edge of Surface G.

Subtotal 3: Divide Subtotal 2 by 7

Add Subtotals 1 and 3

or the height permitted by underlying zoning, whichever is less.