

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2015 Legislative Session**

Bill No. CB-42-2015
Chapter No. 45
Proposed and Presented by Council Member Davis
Introduced by Council Member Davis
Co-Sponsors _____
Date of Introduction October 13, 2015

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 restrictions for designation and approval of the M-I-O Zone, and to provide use
5 restrictions, development regulations, site plan provisions, and permitting requirements for the
6 M-I-O Zone in the Zoning Ordinance.

7 BY repealing and reenacting with amendments:

8 Sections 27-109, 27-111, 27-117, 27-143, 27-179,
9 27-198.02, 27-199, 27-223, 27-229, 27-242, 27-243,
10 27-254, 27-255, 27-260, 27-548.04, 27-548.05, 27-548.06,
11 27-548.21, 27-548.22, 27-548.23, and 27-548.26,
12 The Zoning Ordinance of Prince George's County, Maryland,
13 being also

14 SUBTITLE 27. ZONING.

15 The Prince George's County Code
16 (2011 Edition; 2014 Supplement).

17 BY adding:

18 Sections 27-213.23, 27-213.24, 27-213.25, 27-213.26,
19 27.213.27, 27-213.28, 27-213.29, 27-213.30, 27-548.50,
20 27-548.51, 27-548.52, 27-548.53, 27-548.54, 27-548.55,

27-548.56, and 27-548.57,
The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(2011 Edition; 2014 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, 27-143, 27-179, 27-198.02, 27-199, 27-223, 27-229, 27-242, 27-243, 27-254, 27-255, 27-260, 27-548.04, 27-548.05, 27-548.06, 27-548.21, 27-548.22, 27-548.23, and 27-548.26 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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,

1 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,
2 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,
3 U-L-I, I-1, I-2, EIA, M-X-T, UC-2, R-P-C, UC-1.

4 (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
5 over any of the above zones shall not be construed to affect the intensity of the zone.

6 * * * * *

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

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

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

13 * * * * *

14 (10) The boundaries of a Military Installation Overlay Zone shall be fixed by
15 dimensions on the Zoning Map and shall reflect the boundaries of the Safety Zones, noise
16 contours, height surfaces, and other impact areas identified by the most recent Air Installation
17 Compatible Use Zone (“AICUZ”) Study, as amended from time to time, for Joint Base Andrews.

18 **DIVISION 4. REGULATIONS APPLICABLE IN ALL ZONES**

19 **SUBDIVISION 2. HEIGHT.**

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

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

26 **PART 3. ADMINISTRATION.**

27 **DIVISION 2. ZONING MAP AMENDMENTS.**

28 **SUBDIVISION 1. CONVENTIONAL ZONES.**

29 **Sec. 27-143. Applications.**

30 (a) General

31 * * * * *

32 (10) The reclassification, through a Zoning Map Amendment, of property located

1 partially or completely within the Safety Zones of the Military Installation Overlay Zone is
2 subject to the following conditions:

3 (A) No land in the Safety Zones of the M-I-O Zone shall be rezoned to a more-
4 intense residential zone.

5 (B) No land in the Safety Zones of the M-I-O Zone shall be rezoned to the R-30,
6 R-30C, R-18, R-18C, R-10A, R-10, or R-H Zones.

7 (C) No land in the Safety Zones of the M-I-O Zone shall be placed in the M-U-I,
8 M-X-T, M-X-C, or M-U-TC Zones.

9 (D) No land in the Safety Zones of the M-I-O Zone shall be placed in a
10 Comprehensive Design Zone.

11 (E) No land in the Safety Zones of the M-I-O Zone shall be placed in an Urban
12 Center District pursuant to Subtitle 27A of this Code.

13 * * * * *

14 **SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.**

15 **Sec. 27-179. Applications.**

16 (a) General

17 * * * * *

18 (6) The reclassification, through a Zoning Map Amendment, of property located
19 partially or completely within the Safety Zones of the Military Installation Overlay Zone to a
20 Comprehensive Design Zone is prohibited.

21 * * * * *

22 **SUBDIVISION 3A. M-U-TC ZONE.**

23 **Sec. 27-198.02. General procedures.**

24 * * * * *

25 (b) After the Map Amendment is initiated by the Planning Board, the Technical Staff shall
26 immediately proceed to prepare a proposed Map Amendment. The proposal shall contain the
27 following:

28 (1) The proposed boundaries of the M-U-TC Zone, shown on the Zoning Map. The
29 proposed boundaries shall be continuous and shall not leave land in a different zone solely
30 enclosed by the M-U-TC. No property located partially or completely within the Safety Zones of
31 the Military Installation Overlay Zone shall be classified or reclassified in the M-U-TC Zone.

32 * * * * *

SUBDIVISION 4. M-X-T AND M-X-C ZONES.

Sec. 27-199. Applications.

(a) General.

* * * * *

(5) Where the property proposed for the Zoning Map Amendment is located within the Resource Conservation Overlay Zone[,] or within a Safety Zone of the Military Installation Overlay Zone, no Mixed Use Zone shall be granted for the subject property.

* * * * *

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 Chesapeake Bay Critical Area Overlay Zone may be established or amended through the Sectional Map Amendment procedures; however, Chesapeake Bay Critical Area Zoning Map Amendment procedures , and Military Installation Overlay Zoning Map Amendment procedures pursuant to Section 27-213.23 through 27-213.27 of this Subtitle, [and Sectional Map Amendment procedures] may occur simultaneously with Sectional Map Amendment procedures for the same area, if so authorized by the District Council.

* * * * *

(n) The zoning reclassification, via approval of a Sectional Map Amendment, for property located wholly or partially within the Safety Zones of the Military Installation Overlay Zone is subject to the following restrictions:

(1) No land in the Safety Zones of the M-I-O Zone shall be rezoned to a more-intense Residential zone.

(2) No land in the Safety Zones of the M-I-O Zone shall be rezoned to the R-30, R-30C, R-18, R-18C, R-10A, R-10, or R-H Zones.

1 (3) No land in the Safety Zones of the M-I-O Zone shall be placed in the M-U-I, M-X-
2 T, M-X-C, or M-U-TC Zones.

3 (4) No land in the Safety Zones of the M-I-O Zone shall be placed in a Comprehensive
4 Design Zone.

5 (5) No land in the Safety Zones of the M-I-O Zone shall be placed in an Urban Center
6 District pursuant to Subtitle 27A of this Code.

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

8 **SUBDIVISION 2. BOARD OF ZONING APPEALS.**

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

10 * * * * * * * *

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

12 * * * * * * * *

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

14 (40) Grant a variance from any requirement of Part 10C of this Subtitle.

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

16 **SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES.**

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

18 (a) In general.

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

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

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

25 (b) Exceptions.

26 * * * * * * * *

27 (13) In the Military Installation Overlay Zone, alterations, extensions, or enlargements
28 of uses, buildings, or structures considered nonconforming pursuant to the provisions of Section
29 27.548.53 may be permitted to allow modifications subject to Sections 27-255(c)(2) and 27-
30 255(c)(3) of this Subtitle.

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

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

1 (1) The restoration, reconstruction, or reestablishment of a nonconforming building or
2 structure, or a certified nonconforming use, which has either been unintentionally destroyed by
3 fire or other calamity, has temporarily ceased operation for the sole purpose of correcting Code
4 violations, or has temporarily ceased operation due to the seasonal nature of the use, may be
5 permitted without relocation, enlargement, or extension, provided that:

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

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

17 (2) The intentional demolition and reconstruction, reestablishment, or restoration of a
18 certified nonconforming use on the same lot, which does not involve relocation, enlargement, or
19 extension, is prohibited within the Safety Zones of the Military Installation Overlay Zone, but
20 may be permitted outside of the Safety Zones of the Military Installation Overlay Zone only
21 upon approval of a Special Exception in accordance with Part 4 of this Subtitle.

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

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

27 (2) The intentional demolition and reconstruction of a certified nonconforming use on
28 the same lot, which involves relocation, enlargement, or extension, is prohibited within the
29 Safety Zones of the Military Installation Overlay Zone, but may be permitted outside of the
30 Safety Zones of the Military Installation Overlay Zone only upon approval of a Special
31 Exception in accordance with Part 4. The requirement for a Special Exception shall not apply to

1 the replacement of a mobile home, provided the new mobile home does not exceed one thousand
2 and fifty (1,050) square feet in size.

3 (3) Notwithstanding any other provision within this Section, the reconstruction or
4 restoration of a nonconforming building or structure, or a certified nonconforming use involving
5 an enlargement, extension, or relocation of uses, buildings, or structures considered non-
6 conforming pursuant to the provisions of Section 27-548.53 of this Subtitle is prohibited.

7 **DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.**

8 **SUBDIVISION 2. PROCEDURES.**

9 **Sec. 27-254. Applications.**

10 (a) Applications for building or use and occupancy permits shall be filed in duplicate on
11 forms provided by the Department of Permitting, Inspection, and Enforcement.

12 (b) No application for a building or use and occupancy permit shall be accepted by the
13 Department of Permitting, Inspection, and Enforcement unless all of the information required on
14 the forms and accompanying plans has been furnished by the applicant.

15 (c) Building and use and occupancy permit applications.

16 * * * * *

17 (4) If the building is located partially or completely within the Military Installation
18 Overlay Zone:

19 (A) The building permit application shall include a certification, pursuant to
20 Section 27-548.54, that any proposed structures do not exceed the height limit established by the
21 Impact Map for Height in Section 27.548.

22 (B) Applications for buildings or structures located within the High Intensity
23 Noise Area shall include the certifications set forth in Section 27-548.55.

24 (C) Applications for buildings and structures located within Accident Potential
25 Zones 1 and 2 must include a signed affidavit from the applicant acknowledging that the
26 property lies within an Accident Potential Zone for Joint Base Andrews.

27 [(4)](5) At least 30 days prior to the issuance of a use and occupancy permit for certain
28 uses specified by resolution of Council an applicant shall send, by first class mail, an
29 informational mailing of application filing to all civic associations registered for the area which
30 includes the subject property. At the same time and in the same manner, the applicant shall also
31 notify the District Council.

32 **Sec. 27-255. Referral to Planning Board.**

1 (a) No grading, building, or use and occupancy permit, except as provided in (c), below,
2 shall be issued until the application has been referred to the Planning Board (or its authorized
3 representative) for:

4 (1) Its review and recommendations with respect to the requirements of this Subtitle,
5 Subtitle 24, Subtitle 25, the Regional District Act, and any conditions placed on the property in a
6 zoning or subdivision matter; and

7 (2) A determination as to whether the application is in conformance with any approved
8 Conceptual Site Plan, Detailed Site Plan, Transit District Development Plan, Chesapeake Bay
9 Critical Area Conservation Plan or any other site or development plan applicable to development
10 of the property.

11 (b) Any permit issued without the review and recommendation or determination of the
12 Planning Board, or its authorized representative, is invalid. No permit shall be recommended for
13 approval until after the expiration of the specified appeal period from a Planning Board decision
14 concerning the subject property of the permit, unless the right of appeal has been waived; nor
15 shall any permit be recommended for approval during the pendency of any appeal to, or review
16 by, the District Council.

17 (c) This Section shall not apply to:

18 (1) Temporary permits issued in accordance with Subdivision 3 of this Division (unless
19 otherwise specified in this Subtitle), except in cases of property in a Transit District Overlay
20 Zone, which shall be governed by Section 27-260(d), or property in the Safety Zones of the
21 Military Installation Overlay Zone; properties subject to Subtitle 25; and properties within the
22 Chesapeake Bay Critical Area; and

23 (2) Permits of a minor nature, which types of permits shall be approved by the District
24 Council upon the recommendation of the Planning Board and the Director of the Department of
25 Permitting, Inspections, and Enforcement, and shall be maintained on a list available for public
26 inspection in each of these offices. Any permits issued pursuant to these provisions shall not be
27 subject to the requirements of this Subtitle. This exception shall not apply to any property which
28 is located within a historic district or listed on the Master Plan for historic preservation as a
29 historic resource; properties subject to Subtitle 25; or properties within the Chesapeake Bay
30 Critical Area.

31 (3) Certain permits of a minor residential nature, which types of permits:

1 (A) Shall be approved by the District Council upon the recommendation of the
2 Planning Board and the Director of the Department of Environmental Resources; and

3 (B) Shall be subject to review by the Director of the Department of
4 Environmental Resources or the Director’s designee for conformance to the requirements of this
5 Subtitle, Subtitle 24, the Regional District Act and any conditions placed on the property in a
6 zoning or subdivision matter, and for conformance to any approved Conceptual Site Plan,
7 Detailed Site Plan, Transit District Development Plan, or any other site or development plan
8 applicable to development of the property.

9 * * * * *

10 **SUBDIVISION 3. TEMPORARY PERMITS.**

11 **Sec. 27-260. Authorization.**

12 (a) The Department of Permitting, Inspections, and Enforcement may issue temporary use
13 and occupancy permits (and if necessary, building permits) for the specific temporary structures
14 and uses, and in accordance with the requirements of Section 27-261.

15 * * * * *

16 (e) In a Transit District Safety Zone of the Military Installation Overlay Zone, no
17 temporary use and occupancy permit or building permit shall be issued for any use or activity
18 unless the application for the permit has been reviewed by the Planning Board or its authorized
19 representative for conformance or consistency with the Military Installation Overlay Zone
20 requirements, or the approved Transit District Development Plan and Transit District Site Plan.

21 **PART 10A. OVERLAY ZONES.**

22 **DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.**

23 **SUBDIVISION 1. GENERAL**

24 **Sec. 27-548.04. Relationship to other zones and Master, General, and Functional Plans.**

25 (a) The Transit District Overlay Zone shall be placed over other zones on the Zoning Map,
26 and shall modify specific requirements of those underlying zones. Only those requirements of the
27 underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are
28 modified. All other requirements of the underlying zones are unaffected by the Transit District
29 Overlay Zone. Where properties in a Transit District Overlay Zone are also classified in the
30 Military Installation Overlay Zone, the requirements of both zones shall apply. Where
31 requirements of the T-D-O Zone and M-I-O Zone conflict, the more restrictive of the
32 requirements shall apply.

1 * * * * *
2 **Sec. 27-548.05. Uses.**

3 (a) The uses allowed on a lot in a Transit District Overlay Zone shall be the same as those
4 allowed in the underlying zone in which the lot is classified, except as is modified by the Transit
5 District Development Plan.

6 * * * * *
7 (d) Where a property lies in both the M-I-O Zone and a T-D-O Zone, the Transit District
8 Development Plan (“TDDP”) shall not permit or allow uses prohibited in the M-I-O Zone.

9 **Sec. 27-548.06. Regulations.**

10 **(a) Density.**

11 (1) Development within a Transit District shall not exceed the specified maximum
12 residential density and any floor area ratio (FAR) requirements of the underlying zones, as those
13 requirements would normally be applied if the property were not zoned T-D-O. If an underlying
14 zone has provisions for awarding increased density or FAR above base requirements through
15 furnishing amenities or benefit features, those provisions shall still apply within the T-D-O Zone
16 and shall be applied when the Transit District Development Plan is approved.

17 **(b) Transit District Standards.**

18 (1) Transit District Standards shall be prepared for each Transit District Overlay Zone.
19 Transit District Overlay Zone regulations shall be the same as those in the underlying zone in
20 which property is classified, except as modified by Transit District Standards approved by the
21 District Council, in a Transit District Development Plan. Transit District Standards in each
22 Transit District Overlay Zone are intended to allow flexibility in the development review process
23 and foster high-quality, transit- and pedestrian-oriented development through design guidelines
24 and standards which promote the purposes of the Transit District Development Plan.

25 (2) The location, size, height, design, lot coverage of structures, signs, open space,
26 pedestrian and street connections (including streetscape configurations, street sections, green
27 streets, and complete streets requirements), and other regulations may be specified in the text,
28 concept plans, and maps in the Transit District Standards.

29 (3) Where a property lies in both the M-I-O Zone and a T-D-O Zone, the maximum
30 permitted height of structures shall be the more restrictive of the Transit District Standards and
31 Section 27-548.54, whichever maximum permitted height is lower.

* * * * *

DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.

Sec. 27-548.21. Relationship to other zones.

The Development District Overlay Zone shall be placed over other zones on the Zoning Map, and may modify specific requirements of those underlying zones. Only those requirements of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are modified. All other requirements of the underlying zones are unaffected by the Development District Overlay Zone. The Development District Overlay Zone may not be placed over the Urban Center or Corridor Node Zones (UC). Where properties in a Development District Overlay Zone are also classified in the Military Installation Overlay Zone, the requirements of both zones shall apply. Where requirements of the D-D-O Zone and M-I-O Zone conflict, the more restrictive of the requirements shall apply.

Sec. 27-548.22. Uses.

(a) The uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved by the District Council.

(b) Notwithstanding the provisions of subsection (a) of this Section, any other provision of the Zoning Ordinance, or any applicable provision within an approved comprehensive plan, a Hospital is a permitted use in the M-X-T/D-D-O Zone.

(c) Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may allow uses prohibited in the underlying zone where the uses are compatible with the goals of the Development District and purposes of the D-D-O Zone.

(d) A table of uses shall be incorporated within each Development District Overlay Zone clearly showing all uses in the underlying zone that will be permitted, prohibited, or otherwise restricted pursuant to Section 27-548.25 of this Division.

Sec. 27-548.23. Development District Standards.

(a) In general, Development District Overlay Zone regulations shall be the same as those in the underlying zone in which property is classified, except as modified by Development District Standards approved by the District Council, in a Sectional Map Amendment, in a Military

1 Installation Overlay Zoning Map Amendment, or in a later amendment of adopted standards. The
2 use of Development District Standards in each Development District Overlay Zone is intended to
3 allow flexibility in the development review process and foster high-quality development through
4 application of design guidelines and standards which promote the purposes of the Master Plan,
5 Master Plan Amendment, or Sector Plan.

6 * * * * *

7 (g) Where a property lies in both the M-I-O Zone and a D-D-O Zone, the maximum
8 permitted height of structures shall be the more restrictive of the Development District Standards
9 and Section 27-548.54, whichever maximum permitted height is lower.

10 **Sec. 27-548.26. Amendment of Approved Development District Overlay Zone.**

11 (a) District Council.

12 * * * * *

13 (3) The following amendments to development requirements within the Development
14 District may be approved by the District Council through Military Installation Overlay Zoning
15 Map Amendments for Development Districts in the M-I-O Zone, in accordance with Part 3,
16 Division 2, Subdivision 8 of this Subtitle:

17 (A) Changes to the boundary of the D-D-O Zone; and

18 (B) Changes to the Development District Standards where previously approved
19 standards conflict with the requirements of the M-I-O Zone.

20 * * * * *

21 SECTION 2. BE IT FURTHER ENACTED that Sections 27-213.23, 27-213.24, 27-
22 213.25, 27-213.26, 27.213.27, 27-213.28, 27-213.29, 27-213-30, 27-548.50, 27-548.51, 27-
23 548.52, 27-548.53, 27-548.54, 27-548.55, 27-548.56, and 27-548.57 of the Zoning Ordinance be
24 and the same are hereby added:

25 **PART 3. ADMINISTRATION.**

26 **DIVISION 2. ZONING MAP AMENDMENTS.**

27 **SUBDIVISION 8. MILITARY INSTALLATION OVERLAY ZONE.**

28 **Sec. 27-213.23. Applicability.**

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

32 **Sec. 27-213.24. Initiation of Military Installation Overlay Zoning Map Amendment.**

1 At any time following the issuance of an Air Installation Compatible Use Zone Study, as
 2 amended from time to time, by the Department of Defense:

3 (a) The District Council may initiate a Military Installation Overlay Zoning Map
 4 Amendment; or

5 (b) The Planning Board may initiate a Military Installation Overlay Zoning Map
 6 Amendment with concurrence by Resolution of the District Council.

7 **Sec. 27-213.25. Requirements for Zoning Map Amendments and Technical Staff Report.**

8 After the Military Installation Overlay Zoning Map Amendment is initiated by the Planning
 9 Board or District Council, Technical Staff shall prepare a proposed Map Amendment. The
 10 proposal shall contain the following:

11 (a) A map showing the proposed boundaries of the Military Installation Overlay Zone,
 12 including, as needed, the Safety Zones, noise contours, height surfaces, and other impact areas
 13 recommended by the most recent Air Installation Compatible Use Zone, as amended from time
 14 to time, shown on the Zoning Map;

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

17 (c) Any proposed changes in underlying zoning categories, along with written justification
 18 for the changes.

19 **Sec. 27-213.26. Joint Public Hearing; Notice.**

20 The Planning Board and District Council shall hold a Joint Public Hearing on the proposed
 21 Military Installation Overlay Zoning Map Amendment. At least 30 days prior to the Joint Public
 22 Hearing:

23 (a) The Planning Board shall release the proposed Military Installation Overlay Zoning
 24 Map Amendment for public inspection and a copy of the proposal shall be sent to all public
 25 agencies and municipalities within the boundaries of the proposed Military Installation Overlay
 26 Zoning Map Amendment.

27 (b) Notice of the date, time, and location of the Joint Public Hearing, and proposed changes
 28 to the zoning of land resulting from the Military Installation Overlay Zoning Map Amendment,
 29 shall be sent, by mail, to property owners within the boundaries, and municipalities lying, wholly
 30 or in part, within the boundaries of the proposed Military Installation Overlay Zoning Map
 31 Amendment, and any municipality within one (1) mile of the Military Installation Overlay

1 Zoning Map Amendment boundary.

2 (c) Notice of the date, time and location of public hearings shall also be published in a
 3 newspaper of general circulation and on the County’s website.

4 (d) The testimony received at the public hearing shall be made a part of the record. Exhibits
 5 introduced at any time prior to the close of the record shall be identified sequentially and
 6 maintained as part of the record. The hearing record shall remain open at least fifteen (15) days
 7 after the Joint Public Hearing.

8 **Sec. 27-213.27. Planning Board Action.**

9 Following the Joint Public Hearing, the Planning Board may recommend approval,
 10 approval with modifications, or disapproval of the proposed Military Installation Overlay Zoning
 11 Map Amendment. The Planning Board shall take action, by resolution adopted at a regularly
 12 scheduled public meeting, not more than thirty (30) days after the close of the Joint Public
 13 Hearing record. The Planning Board shall transmit its recommendation to the District Council
 14 within thirty (30) days of adoption of its resolution.

15 **Sec. 27-213.28. Zoning Map Amendment and Special Exception Applications.**

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

23 **Sec. 27-213.29. Authority to change underlying zones.**

24 When the District Council approves Military Installation Overlay Zones, it may, as part of
 25 its approval, change an underlying zone of land in the Safety Zones or High Intensity Noise Area
 26 to any other zone, subject to the following conditions:

27 (a) No land in the Safety Zones of the M-I-O Zone shall be rezoned to a more-intense
 28 residential zone.

29 (b) No land in the Safety Zones of the M-I-O Zone shall be rezoned to the R-30, R-30C, R-
 30 18, R-18C, R-10A, R-10, or R-H Zones.

31 (c) No land in the Safety Zones of the M-I-O Zone shall be placed in the M-U-I, M-X-T,

1 M-X-C, or M-U-TC Zones.

2 (d) No land in the Safety Zones of the M-I-O Zone shall be placed in a Comprehensive
 3 Design Zone.

4 (e) No land in the Safety Zones of the M-I-O Zone shall be placed in an Urban Center
 5 District pursuant to Section 27A.

6 **Sec. 27-213.30 Specific District Council Procedures.**

7 (a) The District Council may propose changes, revisions, or amendments to the map or text
 8 of a Map Amendment transmitted by the Planning Board, at any time prior to final action.

9 (b) The following amendments require the District Council to hold an additional public
 10 hearing, prior to approval of the Map Amendment:

11 (1) Classification of additional properties into the M-I-O Zone

12 (2) Changes to underlying zoning of properties proposed for the M-I-O Zone not
 13 requested by a property owner.

14 (c) At least 15 days prior to a second public hearing, notice shall be provided in accordance
 15 with Sec. 27-213. 26 (b) and (c).

16 (d) The District Council shall not take final action on the Map Amendment later than 180
 17 calendar days after receipt of the Planning Board's resolution. If no final action is taken within
 18 this time period, the Military Installation Overlay Zoning Map Amendment shall be deemed
 19 disapproved.

20 (e) Approval and voting requirements.

21 Approval of a Military Installation Overlay Zoning Map Amendment shall be by Ordinance
 22 or Resolution, and shall be approved by a majority vote of the full Council. Where all or a
 23 portion of a proposed Military Installation Overlay Zone lies within the boundaries of a
 24 municipal corporation, a two-thirds (2/3) majority vote of the full Council shall be required to
 25 approve any portion of the Map Amendment contrary to the recommendation of a municipality
 26 concerning land within its boundaries.

27 (f) Notice of approval.

28 Notice of approval of a Military Installation Overlay Zoning Map Amendment shall be
 29 published by the Clerk of the Council at least one (1) time in the County newspapers of record,
 30 and shall be sent to the Planning Board, all owners of land, and any municipality lying, wholly or
 31 in part within the proposed boundaries of the Military Installation Overlay Zone.

SUBTITLE 27. ZONING.**PART 10C. MILITARY INSTALLATION OVERLAY ZONE****Sec. 27-548.50. Introduction.**

(a) The 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use Study (“JLUS”), representing a partnership between Joint Base Andrews Naval Air Facility Washington (“Joint Base Andrews” or “the base ”), Prince George’s County and the local community, identifies land uses that impair, or are incompatible with, the mission of Joint Base Andrews. In addition, the JLUS identifies several impacts of air operations, such as noise and increased exposure to the potential for an air accident, which adversely affect the public safety, health, and welfare of communities surrounding Joint Base Andrews, including residential, commercial and employment areas. The JLUS recommends strategies to address the impacts resulting from incompatible land uses and base activities, including, but not limited to:

(1) downzoning impacted residential zones;

(2) discouraging mixed-use zones to avoid intensification;

(3) the establishment of a Military Installation Overlay Zone.

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

(c) The Military Installation Overlay Zone is based on three areas of constraint: noise, height, and accident potential. The M-I-O Zone identifies geographic areas where encroachment should be avoided, identifies prohibited uses, and creates standards for permitted uses that provide for compatibility between the activities at Joint Base Andrews and in the surrounding neighborhoods.

Sec. 27-548.51. Purposes.

The purposes of the Military Installation Overlay Zone are to regulate the development and use of structures and property in order to promote land uses compatible with operations at Joint Base Andrews; to protect the safety and welfare of individuals in the area from the adverse impacts associated with high levels of noise from flight operations and the potential for aircraft accidents associated with proximity to Joint Base Andrews operations. The intent of the

1 regulations is to recognize the rights of individual property owners while reducing interference
2 with the military operations at Joint Base Andrews.

3 **Sec. 27-548.52. Definitions.**

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

5 (1) Accident Potential Zone (“APZ”). APZ I begins at the outer end of the Clear Zone
6 and is 5,000 feet long and 3,000 feet wide. APZ II begins at the outer end of APZ I and is 7,000
7 feet long and 3,000 feet wide. The Accident Potential Zones for Joint Base Andrews are
8 illustrated in Figure C “Accident Potential/Clear Zones.”

9 (2) Air Installation Compatible Use Zone Study (“AICUZ”). A study performed and
10 updated periodically by Air Force installations to assist local, regional, state, and federal officials
11 in the communities neighboring military air facilities, such as Joint Base Andrews, by promoting
12 compatible development within areas subject to aircraft noise and accident potential; and
13 protecting Air Force operational capability from the effects of land use that are incompatible
14 with aircraft operations. The geography and extent of the Accident Potential Zones, the Clear
15 Zones, the height surfaces and the noise contours are defined in this study.

16 (3) Approach-Departure Clearance Surface. The imaginary surfaces which are
17 symmetrically centered on the extended runway centerline, beginning as an inclined plane (glide
18 angle) 200 feet beyond each end of the primary surface, and extending for 50,000 feet. The
19 slope of the approach departure clearance surface is 50:1 until it reaches an elevation of 500 feet
20 above the established airfield elevation, illustrated on Figure A “Height” as “B”. It then
21 continues horizontally at this elevation to a point 50,000 feet from the starting point, illustrated
22 on Figure A (“Height”) as “C.” The width of this surface at the runway end is 2,000 feet, flaring
23 uniformly to a width of 16,000 feet at the end point. The area identified in the 2007 Air
24 Installation Compatible Use Zone Study and the 2009 Joint Land Use Study as “Imaginary
25 Surface C” is not subject to the provisions of this Part.

26 (4) Clear Zone. A corridor symmetrically centered on the runway centerline
27 beginning at the end of the runway and extending outward 3,000 feet and which has a width of
28 3,000 feet (1,500 feet to either side of the runway centerline). The Clear Zones for Joint Base
29 Andrews are illustrated in Figure C, “Accident Potential/Clear Zones.”

30 (5) Conical Surface. This is an inclined imaginary surface extending outward and
31 upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000

1 feet to a height of 500 feet above the established airfield elevation. The slope of the conical
2 surface is 20:1. The conical surface connects the inner and outer horizontal surfaces, illustrated
3 on Figure A (Height) as “E.”

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

6 (7) Imaginary (Height Limit) Surfaces. Primary surface, approach-departure clearance
7 surface, inner horizontal surface, outer horizontal surface, transitional surface, individually or
8 collectively, as herein defined. According to CFR 77.25, an object that exceeds this imaginary
9 surface is an Obstruction to Air Navigation.

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

13 (9) Inner Horizontal Surface. An imaginary surface that is an oval plane at a height of
14 150 feet above the established airfield elevation. The inner boundary intersects with the
15 approach-departure clearance surface and the transitional surface. The outer boundary is formed
16 by scribing arcs with a radius 7,500 feet from the centerline of each runway end and
17 interconnecting these arcs with tangents, illustrated in Figure A (Height) as “D.”

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

22 (11) Military Installation Overlay Zone (M-I-O Zone) Area. A defined land area where
23 regulations in Part 10C modify zoning standards and requirements.

24 (12) Noise Contour. One of the series of boundaries illustrated in Figure B showing the
25 increases in the intensity of noise as measured in Decibels (DBA Ldn),

26 (13) Outer Horizontal Surface. This imaginary surface is located 500 feet above the
27 established airfield elevation and extends outward from the outer periphery of the conical surface
28 for a horizontal distance of 30,000 feet, illustrated in Figure A (Height) as “F.” The area
29 identified in the 2007 Air Installation Compatible Use Zone Study and the 2009 Joint Land Use
30 Study as “Imaginary Surface F” is not subject to the provisions of this Part.

31 (14) Primary Surface. An imaginary surface symmetrically centered on the runway,

1 extending 200 feet beyond each runway end that defines the limits of the obstruction clearance
2 requirements in the vicinity of the landing area. The width of the primary surface is 2,000 feet, or
3 1,000 feet on each side of the runway centerline, illustrated in Figure A (Height) as “A.”

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

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

12 **Sec. 27-548.53. Applicability.**

13 (a) Affected Areas. This Part applies to all property regardless of underlying zone or other
14 overlay zone within the M-I-O Zone.

15 (b) Impact Maps.

16 (1) The Impact Maps referenced in this Part establish the geographic boundaries of the
17 M-I-O Zone where the requirements of this Part are in effect. The Impact Maps are those in the
18 most current Air Installation Compatible Use Zone Study (AICUZ), as amended from time to
19 time, and are reflected in Figure A (Height), Figure B (Noise Intensity), Figure C (Accident
20 Potential/Clear Zones North and South) and Figure D (Joint Base Andrews Microwave
21 Communications Corridor). The Official Impact Maps shall be adopted by the District Council
22 through a Military Installation Overlay Zoning Map Amendment and shall be on file and
23 available for review by the public in the Clerk of the Council’s office.

24 (2) Where a property is affected by more than one Impact Map, the requirements of all
25 applicable Impact Maps apply. Where any Impact Map requirements conflict, the most stringent
26 requirements shall apply.

27 (3) Where a property is split zoned by a boundary of the M-I-O Zone, only that portion
28 of the property within the M-I-O Zone shall be required to meet the provisions of this Part.

29 (c) Development Applications and Permits. This Part applies to the review of all
30 development applications permitted in this Subtitle, as well as all building permits and use and
31 occupancy permits issued within the M-I-O Zone.

1 (d) Exemptions. The provisions of this Part do not apply to:

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

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

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

5 (4) Permits issued pursuant to one of the following development approvals, provided
 6 that the application was approved prior to the date of classification of the property into the M-I-O
 7 Zone and the validity period for such approval has not expired:

8 (A) A final plat of subdivision approved for single-family detached residential
 9 development;

10 (B) A preliminary plan of subdivision for development not otherwise requiring a
 11 Detailed Site Plan;

12 (C) A Special Exception for development not otherwise requiring a Detailed Site
 13 Plan

14 (D) A Detailed Site Plan

15 (E) A Specific Design Plan

16 (5) Permits for fences or walls

17 (6) Alterations requiring a permit of a minor nature pursuant to Section 27-255(c)

18 (7) Areas of Prince George’s County defined by the 2009 Joint Base Andrews Naval
 19 Air Facility Washington Joint Land Use Study as Imaginary Surfaces “C” (part of the Approach-
 20 Departure Clearance Surface) and “F” (Outer Horizontal Surface) are not subject to the
 21 Provisions of this Part.

22 (e) Nonconforming Uses. The following uses shall be considered non-conforming uses:

23 (1) Existing uses in the High Intensity Noise Area on the Prohibited Use List in Section
 24 27.548.55(c) (1) (C); and

25 (2) Existing uses in the Safety Zones that are either:

26 (A) on the Prohibited Use List in Section 27.548.56(a) of this Subtitle; or

27 (B) on the Limited Permitted Use List in Section 27.548.56(b) but prohibited in
 28 the underlying zone or underlying overlay zone.

29 (f) Nonconforming Structures. All existing structures within the Military Installation
 30 Overlay Zone whose height exceeds the height limits established by the Impact Map for Height
 31 are nonconforming structures.

1 (g) Where the requirements of the underlying zone are more restrictive than the M-I-O
 2 Zone, the most restrictive of the requirements shall apply.

3 (h) The Requirements for Safety in Section 27-548.56 of this Subtitle apply to principal and
 4 accessory or ancillary uses individually. A use prohibited by Section 27-548.56 of this Subtitle
 5 shall not be permitted as a principal, accessory, or ancillary use.

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

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

10 (b) No development, structure, or alteration of the land shall exceed the height established
 11 by the Impact Map for Height.

12 (c) At the time of building permit, a licensed Engineer or qualified professional of
 13 competent expertise shall certify that structures do not exceed the height established by the
 14 Impact Map for Height, utilizing the formulae and methodology set forth in this Section.

15 (d) Areas of Prince George's County defined by the 2009 Joint Base Andrews Naval Air
 16 Facility Washington Joint Land Use Study as Imaginary Surfaces "C" (part of the Approach-
 17 Departure Clearance Surface) and "F" (Outer Horizontal Surface) are not subject to the
 18 Provisions of this Part.

19 (e) The Planning Board shall verify certification of height using the formulae proscribed in
 20 this Section as described below:

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

24 (2) The figures calculated through the measurements in this Section should add the
 25 difference in elevation between the runways at Joint Base Andrews and the highest elevation on
 26 the subject property: properties lower than 274 feet in elevation should add this difference in
 27 elevation; properties higher than 274 feet in elevation should subtract this difference in elevation
 28 to determine the maximum height:

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

30 (B) Surface B (Approach-Departure Clearance Surface): Structures shall not
 31 exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of

1 the subject property, divided by 50.

2 (C) Surface D (Inner Horizontal Surface): Structures shall not exceed a height (in
 3 feet) equivalent to 150 feet.

4 (D) Surface E (Conical Surface): Structures shall not exceed a height (in feet)
 5 equivalent to the total of the following equation:

6 (i) Subtotal: The distance between Surface A and nearest boundary of the
 7 subject property, less the distance between the subject property and the border of Surfaces D and
 8 E.

9 (ii) Total: Divide subtotal by 20, then add 150

10 (E) Surface G: Transitional Surface 7:1: Structures shall not exceed a height (in
 11 feet) equivalent to the total of the following equation:

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

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

18 (iii) Subtotal 3: Divide Subtotal 2 by 7

19 (iv) Add Subtotals 1 and 3

20 **Sec. 27.548.55. Requirements for Noise.**

21 (a) Noise Intensity Contours in the M-I-O Zone are established by the most current Air
 22 Installation Compatible Use Zone Study (“AICUZ”) on file in the Clerk of the County Council’s
 23 office and are identified in the Impact Map represented as Figure B (Noise Intensity).

24 (b) Interiors of all new residential construction within the Noise Intensity Contours,
 25 including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or
 26 qualified professional of competent expertise.

27 (c) Uses in High Intensity Noise Areas

28 (1) The issuance of permits authorizing any construction within the High Intensity
 29 Noise Area shall be subject to the following additional restrictions:

30 (A) At the time of building permit, if a non-residential use is required by Subtitle
 31 4 (Building Code) to provide noise level reduction within the interior of a building, such noise

1 reduction must be certified by an Acoustical Engineer or qualified professional of competent
 2 expertise.

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

6 (C) Prohibited Uses. To reduce the adverse impact of the noise of air operations
 7 on vulnerable populations, the following uses are prohibited in the High Intensity Noise Area:

8 (i) Day care centers for children;

9 (ii) Schools that offer a complete program of nursery school education
 10 accredited by the Maryland State Department of Education or a complete program of academic
 11 elementary (including pre-kindergarten and kindergarten), junior high (middle), or senior high
 12 school education;

13 (iii) Playgrounds;

14 (iv) Recreational programs, before- and after-school;

15 (v) Swimming Pool, Community

16 (vi) Outdoor play areas; and

17 (vii) All other active outdoor recreational uses.

18 **Sec. 27-548.56. Requirements Part 10C.**

19 (a) Prohibited Uses.

20 (1) In order to protect the public health, safety, and welfare of the communities
 21 surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the
 22 following uses are strictly prohibited in Accident Potential Zones 1 and 2 and the Clear Zone
 23 (also referred to collectively as the "Safety Zones") within the Military Installation Overlay
 24 Zone:

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

29 (B) Club or lodge, or public building;

30 (C) Commercial recreational or entertainment attractions (indoor or outdoor),
 31 community building, performance art center, arena, stadium, auditorium, museum, art gallery,

1 theater, movie theater;

2 (D) Congregate living, hotel/motels, senior or retirement housing, multi-family
 3 housing;

4 (E) Day care center for children or adults, assisted living facility, hospital, adult
 5 rehabilitation center, medical or health campus, nursing or care home, medical day care,
 6 homeless or transitional shelter;

7 (F) Class III landfill, transfer station;

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

14 (H) Any type of use, activity or storage, including temporary and accessory uses,
 15 that would cause any of the following impacts:

16 (i) Release into the air any substance, such as steam, dust, or smoke which
 17 would impair visibility or otherwise interfere with the operation of aircraft;

18 (ii) Produce light emissions, either direct or indirect (reflective), which
 19 would interfere with pilot vision;

20 (iii) Produce electrical emissions which would interfere with aircraft
 21 communication systems or navigation equipment.

22 (I) Cement manufacturing, concrete batching or cement mixing plant, concrete
 23 recycling facility, sand and gravel wet-processing, surface mining.

24 (J) New uses on the Limited Use List in Section 27.548.56(b) (1) beyond the size
 25 limitations described therein.

26 (2) In addition to the provisions of this Section, above, the following uses are strictly
 27 prohibited in the Clear Zone of the Military Installation Overlay Zone:

28 (A) Eating and Drinking Establishments;

29 (B) Churches or similar places of worship;

30 (C) All office uses that exceed .08 F.A.R.; and

31 (D) Retail sales.

1 (b) Limited Permitted Uses.

2 (1) In order to protect the public health, safety, and welfare of the communities
 3 surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the
 4 following uses are permitted in Accident Potential Zones 1 and 2 within the Military Installation
 5 Overlay Zone, subject to size limitations:

- 6 (A) Churches or similar places of worship;
- 7 (B) Eating and drinking establishments; and
- 8 (C) Office uses.

9 (2) New limited permitted uses, including new accessory limited permitted uses on the
 10 site of an existing principal use, are subject to the following size restrictions:

11 (A) New churches or similar places of worship shall not exceed 80 sanctuary seats
 12 or 6,000 square feet of gross floor area, whichever is greater.

13 (B) New eating and drinking establishments in the M-I-O/C-S-C (Commercial
 14 Shopping Center) Zone shall not exceed 6,000 square feet of gross floor area.

15 (C) New eating and drinking establishments within Accident Potential Zones but
 16 not classified in the C-S-C Zone shall not exceed 3,500 square feet of gross floor area.

17 (D) New office uses accessory to a permitted use in the M-I-O/I-1, M-I-O/I-2, and
 18 M-I-O/I-3 shall not exceed 0.15 F.A.R.; all other new office uses shall not exceed 0.08 F.A.R.

19 (3) Existing uses on the Limited Use List in Section 27-548.56(b)(1) of this Subtitle at
 20 the time of reclassification of the subject property to the M-I-O Zone are permitted and not
 21 nonconforming if all of the following conditions apply:

22 (A) The use is permitted in the underlying zone, including any applicable existing
 23 overlay zone; and

24 (B) The use has a valid use and occupancy permit on the date of the property's
 25 classification into the M-I-O Zone for one of the following uses:

- 26 (i) Church or similar place of worship;
- 27 (ii) Eating or drinking establishment; or
- 28 (iii) Office.

29 (4) Alterations, expansion, or extensions of existing uses on the Limited Use List as
 30 defined by Section 27-548.56(b)(3) of this Subtitle may be permitted, subject to all of the
 31 following:

1 (A) At the time of application, the applicant shall have a valid use and occupancy
 2 permit for the use on the Limited Use List proposed for alteration, expansion, or extension on the
 3 date the property was classified in the M-I-O Zone.

4 (B)The use shall be located on property that is not within the boundaries of the
 5 Clear Zone of the M-I-O Zone;

6 (C) The use shall be located on property within Accident Potential Zone 1; or
 7 Accident Potential Zone 2.

8 (D) The proposed altered, expanded, or extended use shall be the primary use of
 9 the property and limited to one of the following:

- 10 (i) Church or other place of worship;
- 11 (ii) Eating and dining establishment; or
- 12 (iii) Office.

13 (E) The proposed expansion shall not exceed the height limitations in Section 27-
 14 548.54.

15 (F) The proposed expansion, and the sum total of all expansions, shall not exceed
 16 a 25% increase in gross floor area.

17 (G) Prior to approval of a site plan, preliminary subdivision plan, building permit,
 18 or use and occupancy permit, the applicant executes an affidavit acknowledging the property
 19 location within an Accident Potential Zone for Joint Base Andrews.

20 (4) New uses on the Limited Use List in Section 27.548.56(b)(1) of this Subtitle are
 21 prohibited in Accident Potential Zones 1 and 2 beyond the size limitations described therein.

22 (c) Development applications within the Safety Zones shall include a lighting plan that
 23 demonstrates compliance with all of the following standards:

24 (1) All lighting shall be fully shielded with cut-off, non-glare fixtures directed only
 25 onto the site;

26 (2) All external lighting must be projected downward at an angle of no less than ten
 27 (10) degrees below horizontal;

28 (3) Buildings shall not use glass or other highly reflective materials on any surface
 29 angled above horizontal; and

30 (4) Structures three (3) stories or taller shall use non-reflective wall surfaces and
 31 windows.

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

2 (a) Building permits, use and occupancy permits, and development applications subject to
 3 this Part located partially or completely in the M-I-O Zone for uses which may produce noise,
 4 smoke, dust, excessive light, electromagnetic interference and vibrations which potentially
 5 impact base operations, shall be referred to Joint Base Andrews for their review and written
 6 comment.

7 (b) All building permits, use and occupancy permits, and development applications subject
 8 to this Part where a proposed structure is wholly or partially located in the Northern Clear Zone
 9 (Figure C) shall be referred to Joint Base Andrews for their review and written comment.

10 (c) All building permits, use and occupancy permits, and development applications subject
 11 to this Part located partially or completely in the M-I-O Zone for a use that includes
 12 prohibited activities identified in Section 27-548.56(a) (1) (G) of this Subtitle shall be referred to
 13 Joint Base Andrews for their review and comment.

14 (d) All building permits, use and occupancy permits, and development applications subject
 15 to this Part located partially or completely in the M-I-O Zone for a structure, grading of land, or
 16 landfill that may exceed the height limitations identified in Sec. 27-548.54 of this Subtitle shall
 17 be referred to Joint Base Andrews for their review and comment.

18 (e) It shall be incumbent upon Joint Base Andrews to ensure that any written comments are
 19 received by the appropriate body in a timely manner within the established development review
 20 process. The appropriate body shall not deny an application solely due to failure to receive
 21 written comment from Joint Base Andrews.

22 **Sec. 27-548.58. Modification of Prohibited and Limited Permitted Uses.**

23 Notwithstanding any other provisions of this Part, an owner, or owner's authorized
 24 representative, of property located within Accident Potential Zone 1 or 2, may request that any
 25 prohibited use may be authorized or that size restrictions on any limited permitted use, including
 26 new accessory limited permitted uses on the site of an existing permissible use, be waived as part
 27 of a development, provided that said modification is found to be compatible with the Purposes
 28 of this Part and further provided that a Detailed Site Plan is approved in accordance with the
 29 provisions of Part 3, Division 9 of this Subtitle.

30 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are
 31 hereby declared to be severable; and, in the event that any section, subsection, paragraph,

1 | subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
2 | unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
3 | not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
4 | subsections, or sections of this Ordinance, since the same would have been enacted without the
5 | incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
6 | subparagraph, subsection, or section in this Ordinance.

7 | SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
8 | date of its adoption.

Adopted this 10th day of November, 2015.

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

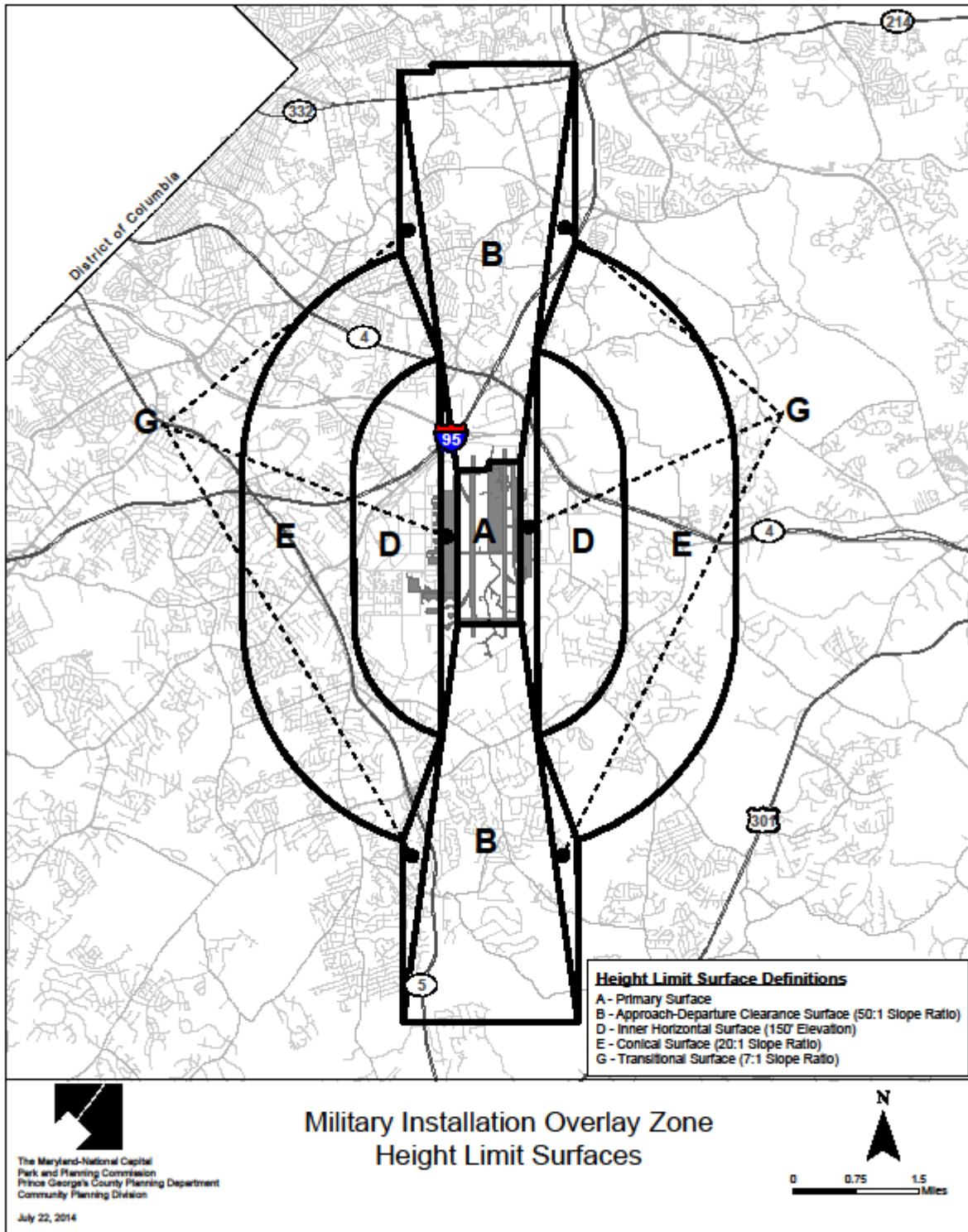


Figure B – Noise Intensity

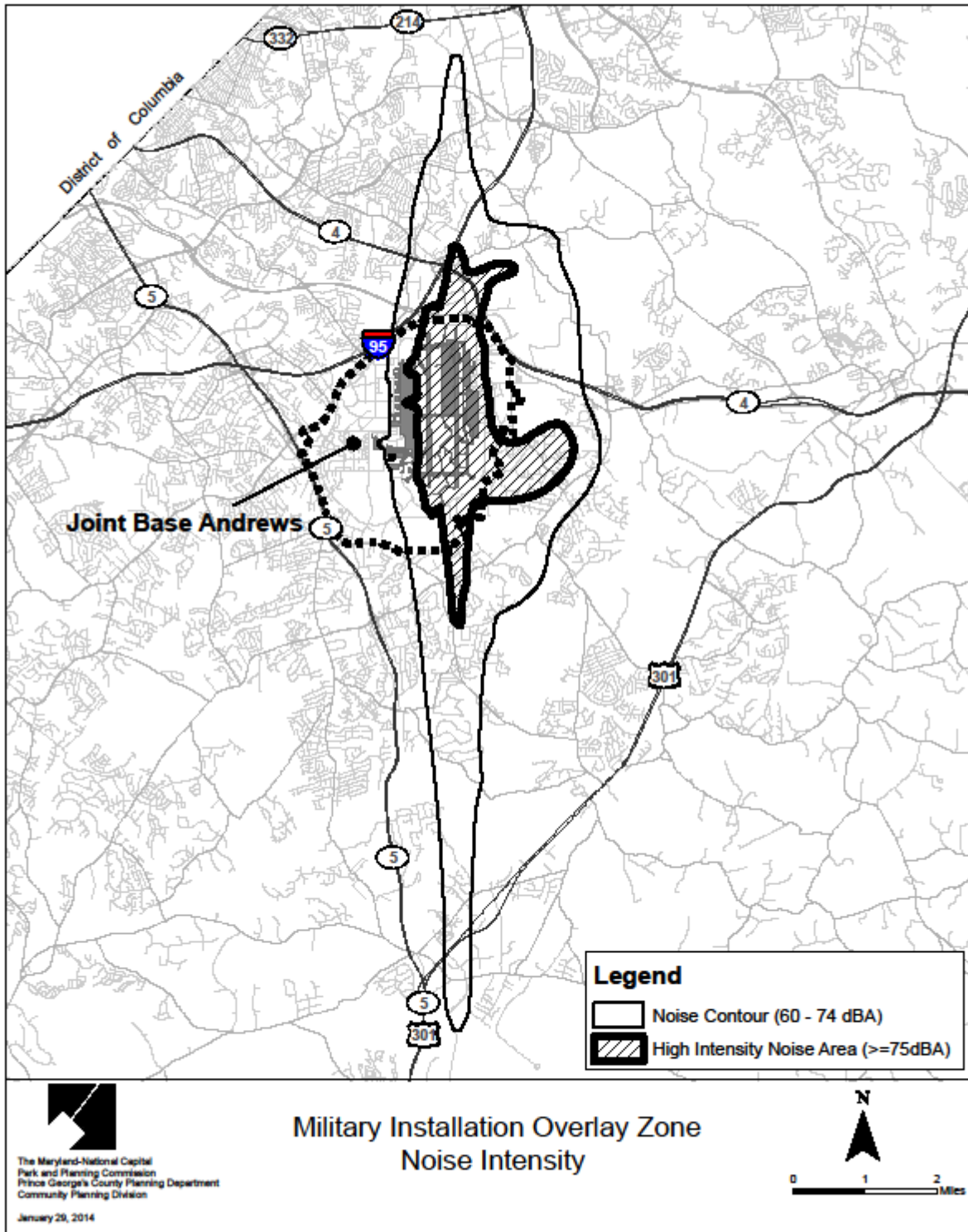


Figure C -- Accident Potential / Clear Zones

