

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2002 Legislative Session

Bill No. _____ CB-51-2002
Chapter No. _____ 46
Proposed and Presented by _____ The Chairman (by request – Planning Board)
Introduced by _____ Council Members Shapiro, Hendershot, and Scott
Co-Sponsors _____
Date of Introduction _____ May 21, 2002

ZONING BILL

1 AN ORDINANCE concerning

2 General Aviation Airports and Aviation Policy Areas

3 For the purpose of defining and adopting land use regulations for Aviation Policy Areas,
4 providing for designation of Aviation Policy Areas adjacent to public use, general aviation
5 airports, establishing procedures for amendment of the Aviation Policy Area regulations for
6 individual properties, and making related amendments to the Zoning Ordinance.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01(a), 27-229(b), and 27-333,

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

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
13 (1999 Edition, 2001 Supplement).

14 BY adding:

15 Sections 27-548.32, 27-548.33, 27-548.34, 27-548.35, 27-548.36,
16 27-548.37, 27-548.38, 27-548.39, 27-548.40, 27-548.41,
17 27-548.42, 27-548.43, 27-548.44, 27-548.45, 27-548.46,
18 27-548.47, 27-548.48, and 27-548.49,

19 The Zoning Ordinance of Prince George's County, Maryland,
20 being also

SUBTITLE 27. ZONING

The Prince George's County Code

(1999 Edition, 2001 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 the following findings are made:

A. The District Council has enacted no zoning, planning, or other land use regulations which account for special public safety and convenience issues created by land development on properties near public use, general aviation airports.

B. There are five public use, general aviation airports with flight patterns over Prince George's County. These airports are Freeway Airport in Mitchellville, Washington Executive Airpark in Clinton, Potomac Airfield in Friendly, College Park Airport, and Suburban Airport in Anne Arundel County.

C. The District Council finds and declares that land development near these airports may substantially affect and be affected by airport and aircraft operations. Since 1998 the District Council and the Maryland-National Capital Park and Planning Commission have conducted studies and surveys, and have received information and advice from other state and local jurisdictions, on land use compatibility with airports. The studies and surveys, the information from other jurisdictions, and the report prepared for the Commission by William V. Cheek and Associates of Prescott, Arizona, indicate that land development near the named airports presents substantial problems of public safety and convenience. They also indicate that these problems cannot be adequately addressed by agencies and officials in State and Federal government with responsibility for regulating airport and aircraft licensing and operation.

D. The District Council finds and declares that the new zoning regulations adopted in this Ordinance for the Aviation Policy Areas in and around the named airports are necessary for the public safety and convenience. The Council recognizes that it has limited power under its planning and zoning jurisdiction to impose new land use regulations on the operators at Freeway Airport, Potomac Airfield, Washington Executive Airpark, and Suburban Airport. These airports are able to continue and even intensify their present operations, regardless of new County zoning regulations.

E. The District Council finds and declares that since it cannot effectively impose new zoning and planning restrictions on the named airports, the Council must enact reasonable regulations for surrounding land areas, to minimize public safety hazards and impositions on public convenience. The new zoning regulations in this Ordinance will benefit present and future residents of areas near airports, workers and businesses, and pilots and airport operators.

SECTION 2. BE IT FURTHER 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 27-107.01(a), 27-229(b), and 27-333 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 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(10) **Airfield, Airpark, Airport:** A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored, including "Accessory Uses" which are commonly associated with these facilities. These terms refer to any public use, general aviation airport licensed by the Maryland Aviation Administration, but not to airports with military or air carrier traffic.

(11) **Airstrip:** A place where aircraft may only take off or land, and discharge or receive cargo or passengers.

* * * * *

(21) **Attic:** The part of a "Building" which is immediately below, and wholly or partly within, the roof framing. (See Figure 1.)

(21.1) **Aviation Policy Area (APA):** A defined land area adjacent to an airport, where regulations in Part 10B modify zoning standards and requirements.

* * * * *

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 2. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

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

* * * * *

(35) Grant a variance to Section 27-424(a) regarding fencing around outdoor swimming pools;

(36) Grant a variance from any requirement in the Aviation Policy Areas, or any requirement which applies only to airports.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-333. Airport, airpark, [or] airfield, airstrip, heliport, helistop, private.

(a) A private airport, airpark, airfield, airstrip, heliport, helistop, or similarly designed area for the landing and taking off of aircraft may be permitted, subject to the following:

(1) The land area proposed for the use shall be sufficient to meet the Federal Aviation Administration's requirements for the class of facility proposed;

(2) There are no existing or proposed flight obstructions which are located outside the proposed facility and which fall within the approach zone to any of the proposed runways or landing strips;

(3) If air rights or easements have been acquired from the owners of adjacent properties in which approach zones fall, satisfactory evidence of them shall be submitted with the application;

(4) Structures shall be located at least one hundred (100) feet from any boundary line of the subject property; [and]

(5) An airstrip or helistop shall contain no terminal, storage, or repair/service facilities;

(6) An airport applicant shall demonstrate that the airport will not create conflicts on adjacent properties, pursuant to the Aviation Policy Area regulations in Part 10B.

(b) In addition to the requirements of Section 27-296(c), the site plan shall show the location and height of all structures, trees, and overhead wires located within airport approach surfaces [zones and less than five hundred (500) feet from the property] , as defined in Federal Aviation Regulations Part 77. The site plan shall also show [such things as] the proposed topography, grading, drainage, and water and sewerage facilities.

SECTION 3. BE IT FURTHER 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 27-548.32, 27-548.33, 27-548.34, 27-548.35, 27-548.36, 27-548.37, 27-548.38, 27-548.39, 27-548.40, 27-548.41, 27-548.42, 27-548.43, 27-548.44, 27-548.45, 27-548.46, 27-548.47, 27-548.48, and 27-548.49 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:

PART 10B. AIRPORT COMPATIBILITY.

DIVISION 1. AVIATION POLICY AREAS.

Subdivision 1. General.

Sec. 27-548.32. Introduction.

(a) Aviation Policy Areas (APAs) are intended to establish a standard of safety and compatibility for the occupants of land in the immediate vicinity of airports with traffic patterns over land in Prince George's County. These standards benefit existing airport-area residents, future residents, nearby businesses, pilots, and airport operators.

(b) The Aviation Policy Area regulations identify permitted, prohibited, and site plan approval uses for each of six defined APAs adjacent to each airport. They also set development standards and guidelines that supplement or supercede other Zoning Ordinance regulations, as long as the airport is active and licensed for public use by the Maryland Aviation Administration (MAA).

Sec. 27-548.33. Purposes.

(a) The purposes of the Aviation Policy Areas are to provide special regulations for the development of land which may be affected by operations at airports in order to:

- (1) Encourage compatible land use around airports;
- (2) Mitigate nuisances and hazards associated with airport operations;
- (3) Protect people and structures in critical areas surrounding airports;

(4) Ensure the protection of airspace around airports, in accordance with Federal Aviation Regulations (FAR) Part 77, Surfaces;

(5) Allow owners around airports reasonable use of their property; and

(6) Provide property owners with flexibility in meeting applicable regulations.

Subdivision 2. Aviation Policy Areas.

Sec. 27-548.34. Category of airport.

(a) The applicable Aviation Policy Area dimensions correspond to the category of the airport, small or medium, under these criteria:

(1) Small airports have all of the following:

(A) Ownership by a County or State public agency;

(B) Runway length under 2,650 feet;

(C) No flight training schools; and

(D) No aircraft based there weighing more than 8,500 pounds.

(2) Medium airports have one or more of the following:

(A) Runway length over 2,650 feet, up to 4,000 feet;

(B) One or more flight training schools; or

(C) Aircraft based there weighing up to 12,500 pounds.

(b) Large airports, with runways exceeding 4,000 feet or aircraft based there weighing more than 12,500 pounds, are not permitted.

Sec. 27-548.35. Aviation Policy Area dimensions.

(a) The following Aviation Policy Area dimensions are uniform for all airport categories:

(1) APA-1, the Runway Protection Zone, is a trapezoid centered on the runway centerline that starts 200 feet from the runway on a line extending 125 feet on either side of the centerline and extends 1,000 feet farther out along the centerline. At its farthest point from the runway, it extends 225 feet on either side of the centerline. Each APA-1 comprises 8 acres. Each runway has two APA-1s, one at each end of the runway, for a total of 16 acres at each airport.

(2) APA-2, the Inner Safety Area, is defined as a rectangle centered on the runway centerline. It abuts APA-1, extending 1,500 feet farther out along the runway centerline. It extends 225 feet on either side of the centerline. Each APA-2 comprises 16 acres. Each runway has two APA-2s, one at each end of the runway, for a total of 32 acres at each airport.

(3) APA-4, the Outer Safety Area, is defined as a rectangular area abutting APA-2,

centered on and parallel to the extended runway centerline, extending 2,500 feet in length and 225 feet in width on either side of the centerline. Each APA-4 comprises 26 acres. Each runway has two APA-4s, one at each end of the runway, for a total of approximately 52 acres at each airport.

(4) APA-5, the Sideline Safety Area, is defined by two lines on either side of, parallel to, and 500 feet from the runway centerline, between the APA-3 areas at each end of the runway. Due to varying runway lengths, the acreage of each APA-5 differs at each airport, ranging from 73 to 90 acres.

(5) APA-6, the Traffic Pattern Area, is an oblong area with rounded ends, extending 5,000 feet from each point along the centerline of the airport runway. The APA-1 through APA-5 areas are excluded from the area for APA-6.

(b) The following Aviation Policy Area dimensions apply to small airports:

APA-3S, the Small Airport Inner Turning Area, is located on each side of APA-2 within the area defined by the extension of the APA-5 Sideline Safety Area boundary (500 feet on either side of the runway centerline) to a distance of 2,700 feet beyond the end of the runway. Each APA-3S area comprises approximately 17 acres.

(c) The following Aviation Policy Area dimensions apply to medium airports:

APA-3M, the Medium Airport Inner Turning Area, is a pie-shaped section exclusive of APA-1 and APA-2. A 90 degree angle forms its boundary closest to each runway end. It extends outward at 45 degrees on each side of the extended runway centerline for 2,500 feet. Each APA-3M comprises approximately 90 acres, for a total of approximately 180 acres at each airport. The dimensions and total acreage for APA-3 at Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.

(d) Figures 72 through 76 at the end of this Subtitle illustrate the Aviation Policy Areas for each airport.

Subdivision 3. Regulations.

Sec. 27-548.36. Applicability.

The standards and guidelines in this Subdivision apply to all property within the Aviation Policy Areas at public use, general aviation airports licensed by the Maryland Aviation Administration. All uses and structures in designated APAs shall comply with the standards

below. Whenever APA regulations conflict with regulations in the underlying zone, the APA regulations shall apply.

Sec. 27-548.37. Procedures.

(a) Prior to issuance of a building permit in APA-1, APA-2, APA-3S, APA-3M, or APA-5, all new development and all existing development with a proposed increase in floor area greater than 1,000 square feet shall be reviewed for compliance with APA regulations under Detailed Site Plan procedures in Part 3, Division 9.

(b) Compliance with APA regulations may be determined by the Planning Board or the District Council concurrently with any other procedure required by Subtitle 24 or this Subtitle (e.g., Zoning Map Amendment, Special Exception, Detailed Site Plan). In those cases where compliance has been determined by findings of the Planning Board or District Council in a resolution or ordinance of approval, further review by a Detailed Site Plan procedure shall not be required prior to issuance of a building permit, unless otherwise required by the approving authority.

Sec. 27-548.38. Regulated uses in Aviation Policy Areas.

(a) For an individual property, APA regulations are the same as in the property's underlying zone, except as stated in this Subdivision.

(b) Density

(1) In APA-1: No new residential structures are permitted.

(2) In APA-2 and APA-5: No new residential structures are permitted, except that one may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review. Yards for structures located outside APA-2 and APA-5 are permitted.

(3) In APA-3S and APA-3M: 0.2 dwelling units per acre are permitted. If clustered in accordance with APA mitigation subdivision techniques, 0.5 dwelling units per acre are permitted. One unit may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review.

(4) In APA-4 and APA-6, development densities and intensities are the same as in the underlying zone.

1 (c) Building Orientation and Massing

2 (1) In APA-1 (where allowed), APA-2 (where allowed), APA-3S, APA-3M, and
 3 APA-5, all structures except those used for airport operations shall be located as far from the
 4 runway centerline as possible, after compliance with applicable yard and setback requirements.

5 (2) In APA-2, APA-3S, APA-3M, and APA-5, development on a lot shall not exceed
 6 a floor area ratio (FAR) of 0.25.

7 (3) Land in any APA may be used as part of a lot or to satisfy open space
 8 requirements for cluster, lot size averaging, or APA mitigation subdivision development, for any
 9 property located in more than one APA.

10 (4) In APA-1, APA-2, APA-3S, APA-3M, or APA-5, land area subject to residential
 11 development restrictions should be a preferred sending area, under applicable transfer of
 12 development rights regulations.

13 (d) Use Restrictions

14 (1) In APA-1, APA-2, APA-3S, APA-3M, and APA-5, assisted living and day care
 15 facilities, hospitals, nursing and care homes, and public and private schools are prohibited.

16 (2) Storage above ground of flammable materials or other hazardous substances is
 17 prohibited in APA-1 and APA-2.

18 (3) In all APAs, uses of land should, to the greatest extent possible, not:

19 (A) Cause electrical interference with navigational signals or radio
 20 communications at the airport or with radio or electronic communications between the airport
 21 and aircraft;

22 (B) Emit fly ash, dust, vapor, gases, or particulate matter that may conflict with
 23 operation of the airport;

24 (C) Foster a substantial increase in bird population;

25 (D) Make it difficult for pilots to distinguish between airport lights and other
 26 lights, or impair pilot or ground operator visibility in the vicinity of an airport; or

27 (E) Otherwise endanger the landing, taking off, or maneuvering of aircraft.

28 (e) Exceptions

29 (1) Land uses and structures in existence on September 1, 2002, are not required to be
 30 modified to meet APA regulations, and no such use or structure shall be deemed nonconforming.
 31 But after that date, no use or structure may be changed to increase substantially its

1 nonconformance with the regulations. All such changes of use or structure after that date shall
 2 meet all APA regulations, as approved or as amended under procedures in Division 2.

3 (f) Existing restrictions on aircraft operations at individual airports, and the ability to
 4 impose and enforce new restrictions on the operation of aircraft, may be taken into account by
 5 the Planning Board and District Council during review of development applications in any areas
 6 subject to APA regulations.

7 **Sec. 27-548.39. Aviation Policy Area site plan requirements.**

8 (a) For property in APA-1, APA-2, APA-3S, APA-3M, or APA-5, an application for
 9 approval of a permit, site plan, preliminary plat, Special Exception, or Zoning Map Amendment
 10 shall include the following:

11 (1) A clearly delineated site plan showing the location of the project in relation to the
 12 Runway Protection Zone (APA-1), the Inner Safety Area (APA-2), the Inner Turning Area
 13 (APA-3S and APA-3M), and the Sideline Safety Area (APA-5); and

14 (2) The location and height of all proposed buildings, structures, and natural
 15 vegetation as measured from the closest runway end, when located within the Runway Protection
 16 Zone (APA-1), Inner Safety Area (APA-2), Inner Turning Area (APA-3S or APA-3M), or
 17 Sideline Safety Area (APA-5).

18 (b) In APA-4, APA-5, or APA-6, every application shall demonstrate compliance with
 19 height restrictions in this Subdivision.

20 **Sec. 27-548.40. Aviation Policy Area mitigation residential subdivision.**

21 (a) Residential property affected by APA building or density restrictions shall be allowed
 22 to subdivide or resubdivide so that potential lots affected by APA building restrictions are
 23 relocated to other parts of the property or to other property in an APA. An APA mitigation
 24 subdivision need not lie adjacent to or within the same APA as the affected property.

25 (1) Yield: The maximum allowed number of residential lots shall be determined by
 26 submission of a conceptual subdivision plan that could be approved under existing zoning if the
 27 property were not located in an APA. In this determination, the availability of public sewer or
 28 septic sites, floodplains, steep slopes, road grades and requirements, woodland conservation,
 29 stormwater management, park dedication, and all other regulations that affect development
 30 density shall be considered. The conceptual plan may be submitted as a pre-preliminary plan or
 31 as part of a preliminary plat of subdivision.

(2) Design: To the greatest extent possible, the APA mitigation subdivision shall be designed to accommodate the maximum development yield determined in the conceptual subdivision plan, for compliance with appropriate APA restrictions and consistency with the character of the district in which the property is located, as established by the Master Plan or the purposes of the existing zoning category. The preliminary subdivision plat and the site plan shall establish the development regulations for each site, including without limitation lot dimensions, lot coverage, and yard and setback requirements. Only single-family detached dwellings are permitted in an airport mitigation subdivision in single-family residential zones.

(3) Exceptions: Residentially zoned property owned by the airport in APA-1 or APA-5 shall be considered as an essential part of the airport operation and shall not qualify for any transfer of residential density by an APA mitigation subdivision, lot size averaging subdivision, or cluster subdivision, whichever may apply.

(4) Resubdivisions: If resubdivided solely to meet APA purposes or requirements, preliminary and final plats approved by September 1, 2002, are exempt, at the time of resubdivision, from adequate public facilities requirements.

(b) In the M-X-C Zone, a revision to a Preliminary Development Plan, Comprehensive Sketch Plan, or Final Development Plan requested solely to meet APA purposes or requirements may be approved by the Planning Board, subject to appeal to the District Council. Any appeal of such an approval is limited to the issue of compliance with APA purposes or requirements.

Sec. 27-548.41. Open area guidelines.

(a) The objective of open area guidelines around airports is to provide strategically located areas under flight paths, to permit a successful emergency landing without hitting an occupied structure and to allow aircraft occupants to survive the landing without serious injury. Open area in Aviation Policy Areas generally refers to stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, recreational facilities such as ball parks, or yards, if the area is relatively level and free of objects such as overhead lines and large trees and poles. Because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be one or more contiguous acres.

(b) In each Aviation Policy Area, the following minimum open area percentages should be retained:

(1) APA-1, Runway Protection Zone: Maintain all undeveloped land in open space in accordance with FAA standards.

(2) APA-2, Inner Safety Area: 50 percent open area.

(3) APA-3S, APA-3M, Inner Turning Area: 20 percent open area.

(4) APA-4, Outer Safety Area: 30 percent open area.

Sec. 27-548.42. Height requirements.

(a) Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation.

(b) In APA-4 and APA-6, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with FAR Part 77.

Sec. 27-548.43. Notification of airport environment.

(a) In all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property.

(b) Every zoning, subdivision, and site plan application that requires approval by the Planning Board, Zoning Hearing Examiner, or District Council for a property located partially or completely within an Aviation Policy Area shall be subject to the following conditions:

(1) Developments with a homeowners' association: Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners' association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environment Disclosure Notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgment of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat.

(2) Developments without a homeowners' association: A disclosure clause shall be placed on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The

1 disclosure clause shall include the cautionary language from the General Aviation Airport
 2 Environment Disclosure Notice.

3 (c) An application to the Department of Environmental Resources for a building or use and
 4 occupancy permit for a property located partially or completely within an APA shall, if
 5 submitted by or on behalf of a prospective or contract purchaser and not subject to approval
 6 under (b)(1) or (b)(2) above, be accompanied by a copy of the General Aviation Airport
 7 Environment Disclosure Notice signed by the purchaser.

8 **DIVISION 2. AMENDMENT OF REGULATIONS.**

9 **Sec. 27-548.44. Applicability.**

10 This Division sets out procedures for amendment of Aviation Policy Area (APA)
 11 regulations in Division 1, Subdivision 3, as they apply to individual properties.

12 **Sec. 27-548.45. General procedures for amendments.**

13 A proposed amendment to Aviation Policy Area regulations for one property is requested
 14 by the property owner, reviewed by the Technical Staff, reviewed in public hearing before the
 15 Planning Board, and acted on by the District Council, with or without referral to the Zoning
 16 Hearing Examiner.

17 **Sec. 27-548.46. Application procedures.**

18 (a) A property owner requesting an amendment of Aviation Policy Area regulations for the
 19 owner's property shall file a Detailed Site Plan application with the Planning Board.

20 (b) The application shall also include:

21 (1) Proposed restrictions on building height and location on the subject property;
 22 (2) A statement how current APA regulations affect the subject property and how the
 23 proposed amendment meets the purposes of the APA; and

24 (3) A statement why the proposed amendment is necessary, because of practical
 25 difficulties on the property, the characteristics of the particular airport or its flight patterns, the
 26 substantial difference between uses or densities allowed on the property with and without the
 27 amendment, or otherwise.

28 **Sec. 27-548.47. Planning Board procedures.**

29 The Planning Board shall hold a public hearing on the application and file a
 30 recommendation with the District Council. The Board shall follow the procedures in Part 3,
 31 Division 9, and apply the standards in this Division.

Sec. 27-548.48. District Council procedures.

(a) The District Council may act on an application to amend Aviation Policy Area regulations for an individual property by approving it, in whole or in part, with or without conditions; by approving regulations or a site plan different from that proposed in the application; by denying it; or by referring it to the Zoning Hearing Examiner for review of specific issues.

(b) If an application concerns property which is the subject of other requests before the Planning Board, Zoning Hearing Examiner, or District Council, it may not be heard by the Council while other applications are pending before the Examiner or the Board. In all cases, except as otherwise provided below, the Examiner shall hear the application under this Division if the property is the subject of an Examiner hearing for any other application.

(c) The Examiner shall follow the procedures in this Section when reviewing an application referred by the District Council under this Division. The Examiner shall give priority in scheduling to all such cases.

(1) The Council's referral order shall state the issues the Examiner must review. The Technical Staff Report may be amended, if necessary, before the Examiner's hearing begins, to address those issues and update the report in the file.

(2) The property shall be posted and notice shall otherwise be given in accordance with the procedures for conventional Zoning Map Amendments in Part 3, Division 2, Subdivision 1. The Examiner shall follow the same hearing procedures as those in map amendment cases.

(3) In the decision the Examiner shall address and make recommended findings on the issues in the referral order and the approval standards given below. After the Examiner's decision is filed with the Clerk of the Council, the case shall be placed on the District Council's agenda and decided under the same procedures as apply in map amendment cases.

(4) Any person who was not a party of record when the record closed prior to the referral order may become a party of record after the referral, until the close of the record by the Examiner. After the filing of the Examiner's decision, any party of record may file exceptions and request oral argument, under the same procedures as apply in map amendment cases.

(d) The Council may not approve an application unless it finds:

(1) The owner's proposed use meets the purposes of the APA regulations, as stated in

1 Part 10B, Division 1;

2 (2) The proposed use will not create more hazards to public safety than would uses
 3 permitted by existing regulations;

4 (3) The amendment is necessary because special conditions or circumstances on the
 5 subject property or the adjacent airport create practical difficulties for the owner in complying
 6 with current regulations or make some regulations unnecessary; and

7 (4) The Detailed Site Plan filed with the application may be approved under the
 8 design standards and requirements in Part 3, Division 9.

9 (e) The owner and Council shall follow the procedures (but not the standards) for
 10 conditional Zoning Map Amendment approval in Part 3, Division 2, Subdivision 1, whenever an
 11 application is approved with conditions.

12 **Sec. 27-548.49. Site plan revisions.**

13 (a) After Aviation Policy Area regulations are amended for an individual property, the
 14 approved site plan may be revised under the Detailed Site Plan procedures in Part 3, Division 9.

15 (b) The Planning Board may not approve a revision of a site plan unless the revised plan
 16 meets all APA regulations, as amended for the property. Further amendment of the regulations
 17 may be approved only after full review under the procedures in this Division.

18 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Ordinance are
 19 hereby declared to be severable. If any section, subsection, paragraph, subparagraph, sentence,
 20 clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of
 21 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 22 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 23 Ordinance, since the same would have been adopted without the incorporation in this Ordinance
 24 of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection,
 25 or section.

26 SECTION 5. BE IT FURTHER ENACTED that within thirty (30) days of District Council
 27 adoption of this Ordinance, the Planning Director shall give notice of the adoption by first-class
 28 mail to each owner of property in an Aviation Policy Area. Neither the Planning Director's
 29 failure to give nor an owner's lack of receipt of any notice required by this Section shall affect
 30 the validity or applicability of this Ordinance or any Aviation Policy Area regulation.
 31

1 SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect on
2 September 1, 2002.

Adopted this 23rd day of July, 2002.

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: _____

Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Acting 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 72

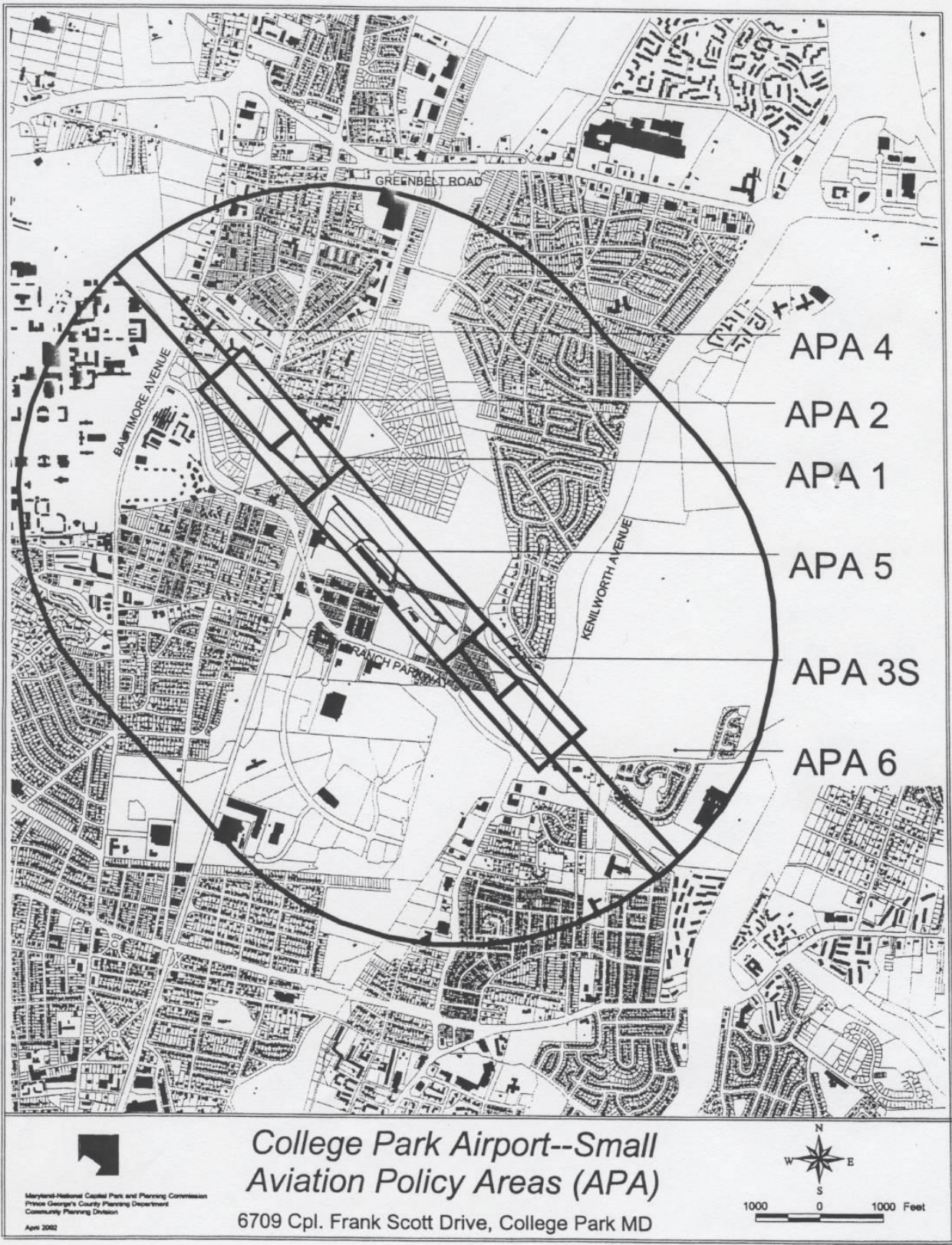


FIGURE 73

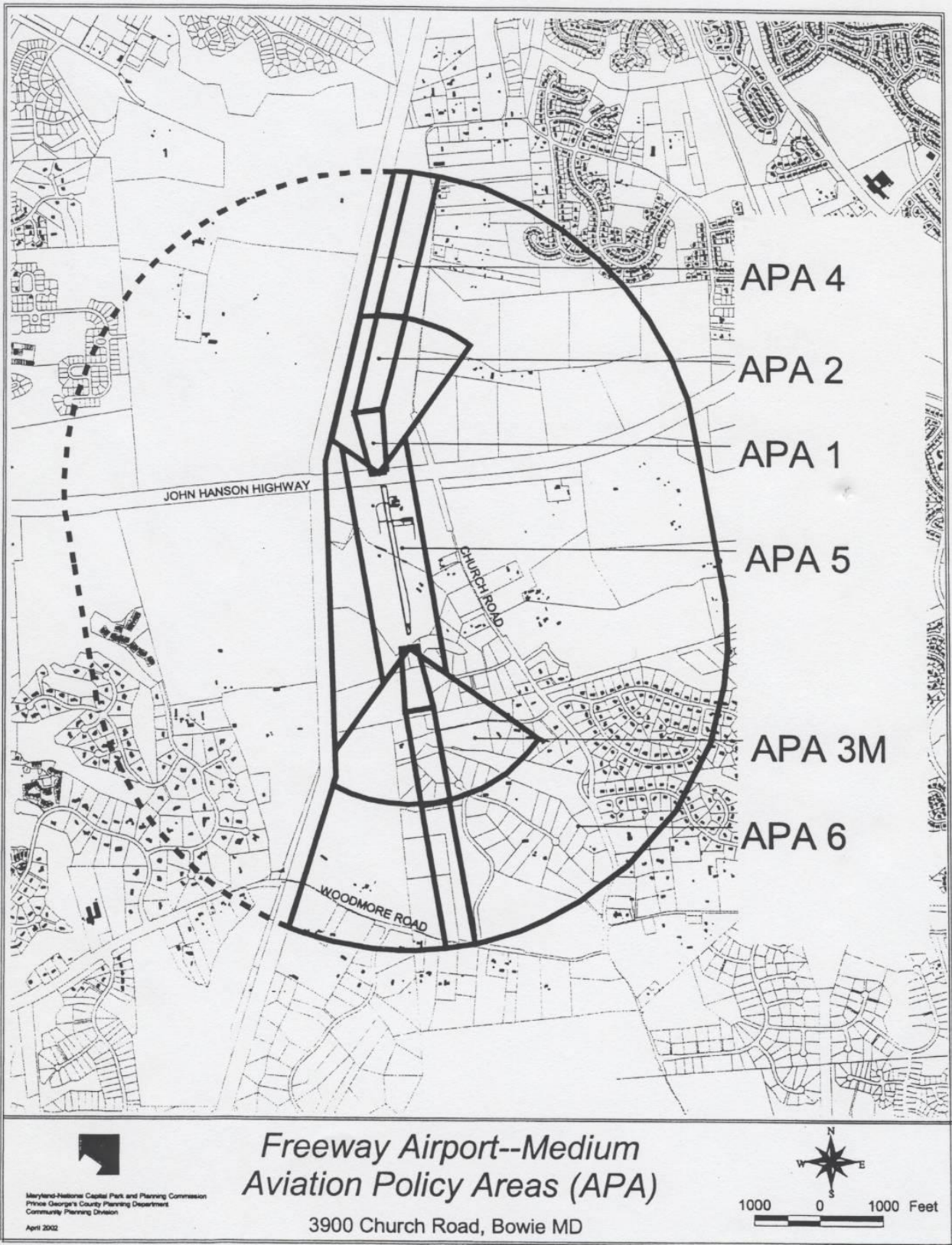


FIGURE 74

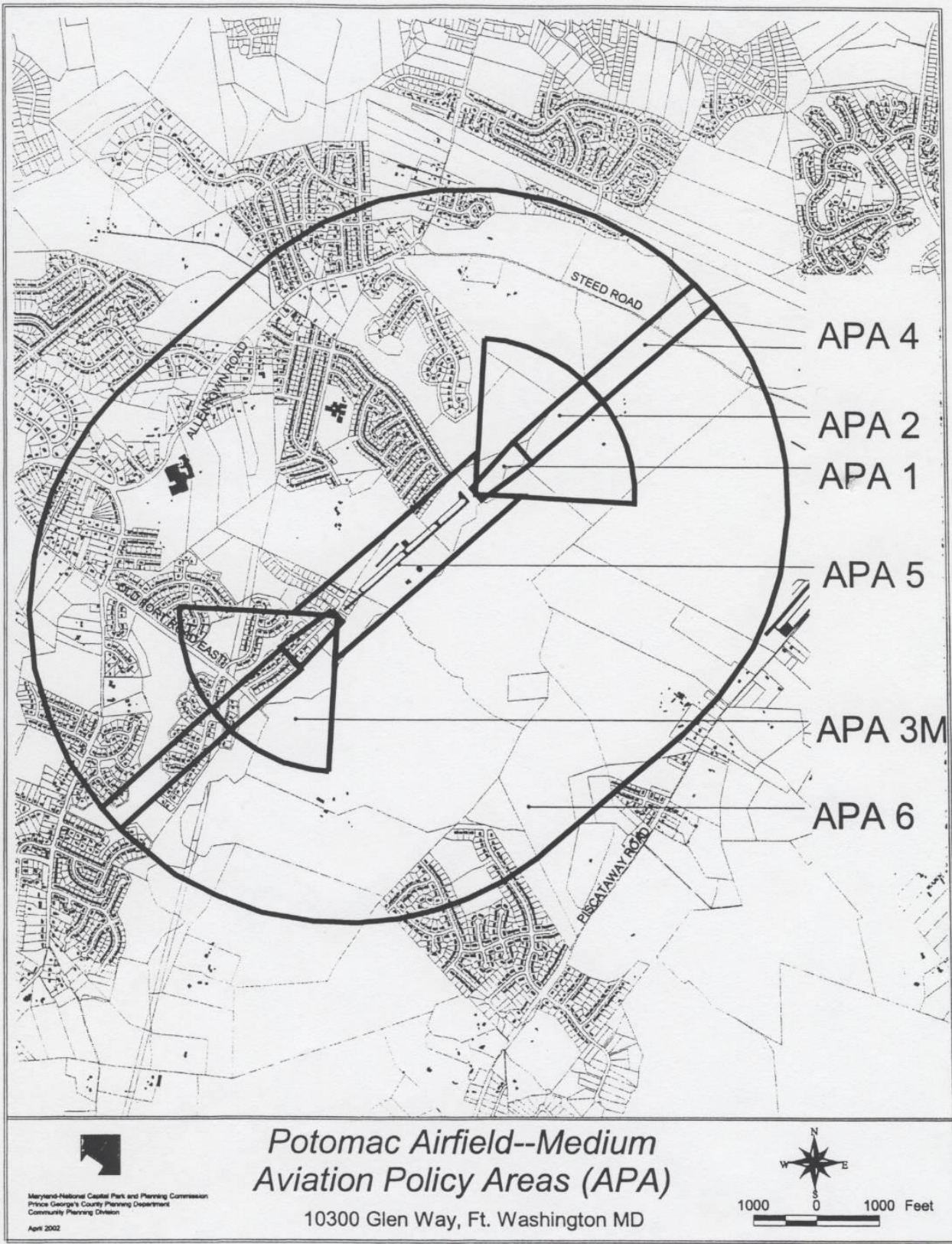


FIGURE 75

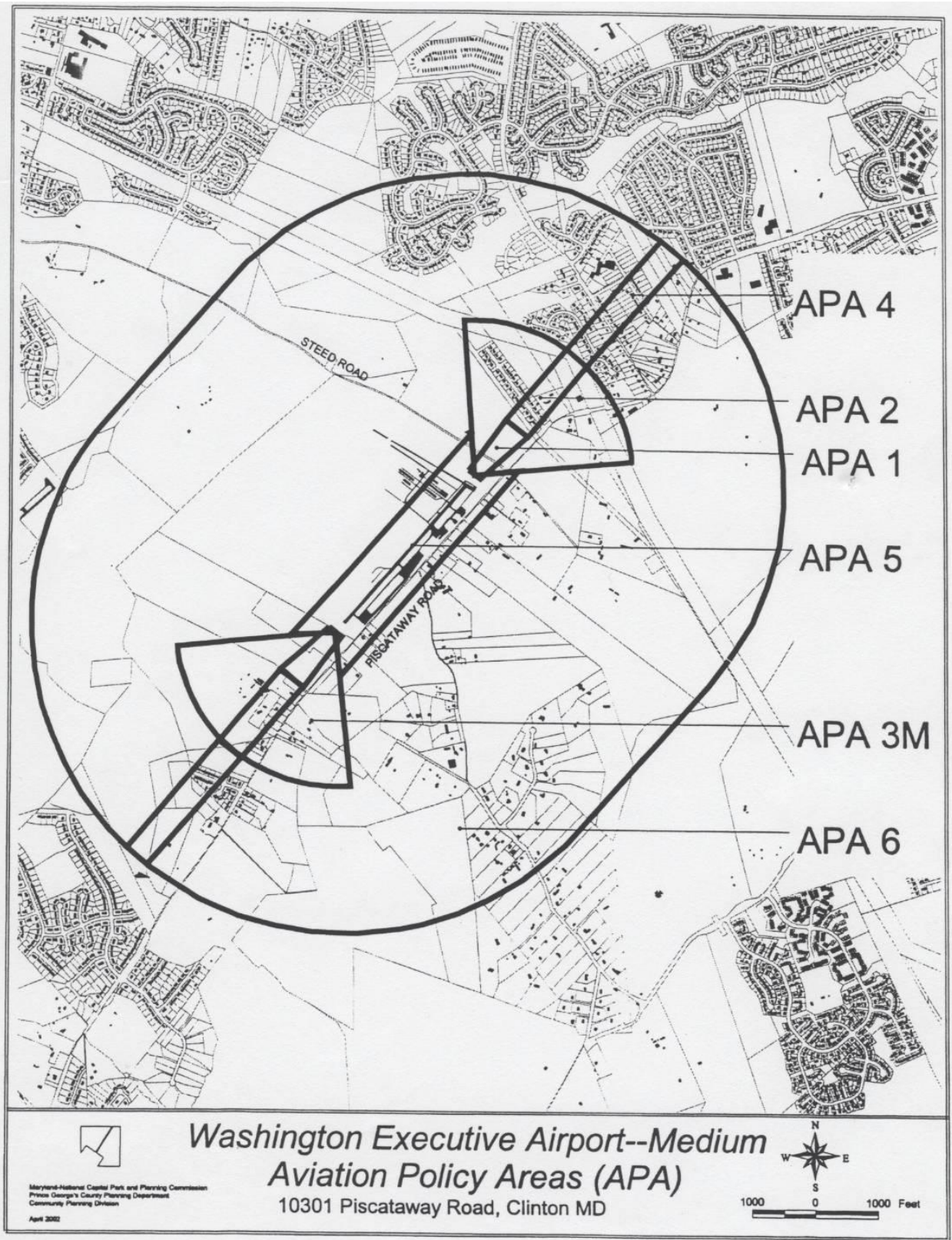


FIGURE 76

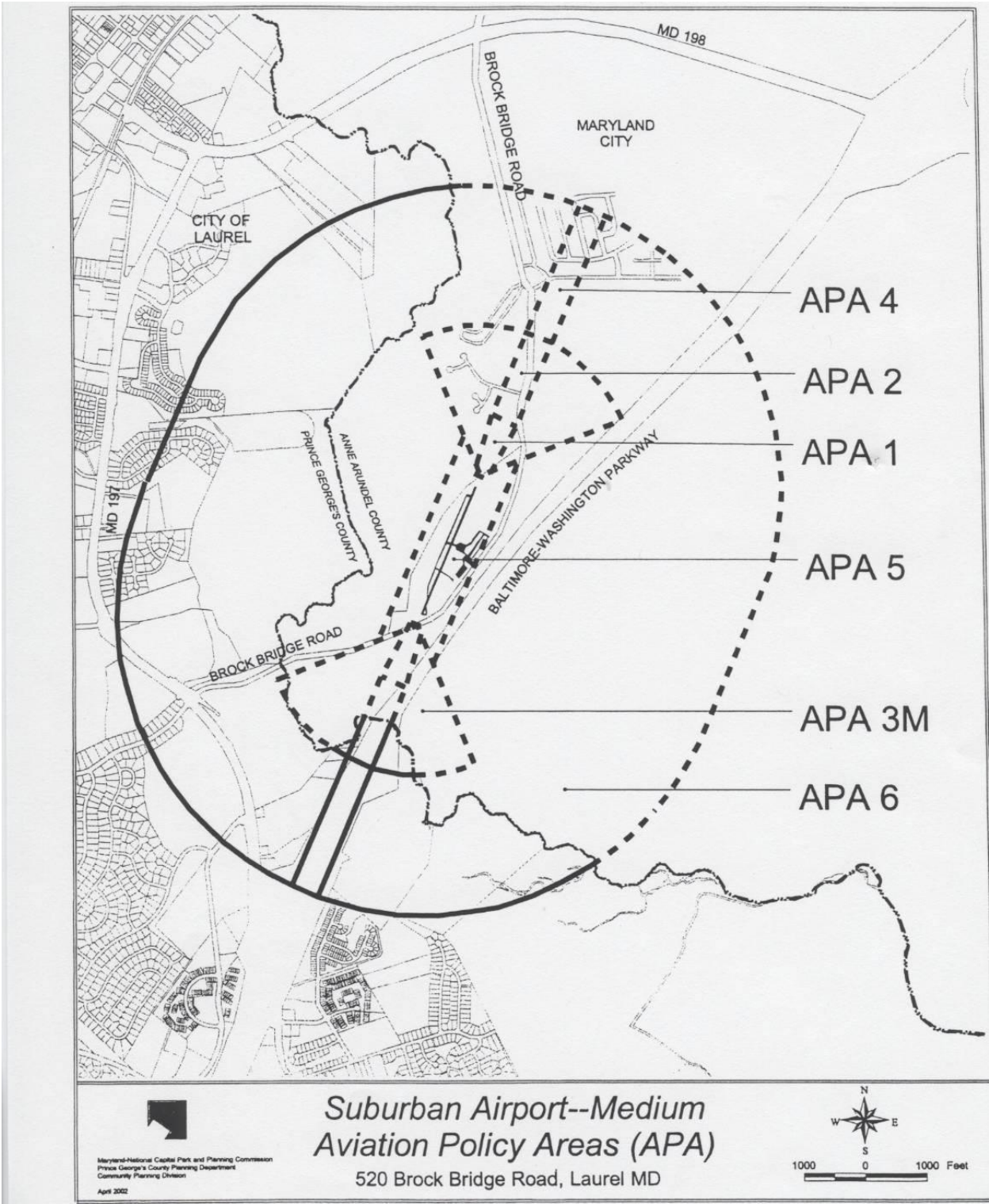


FIGURE 77

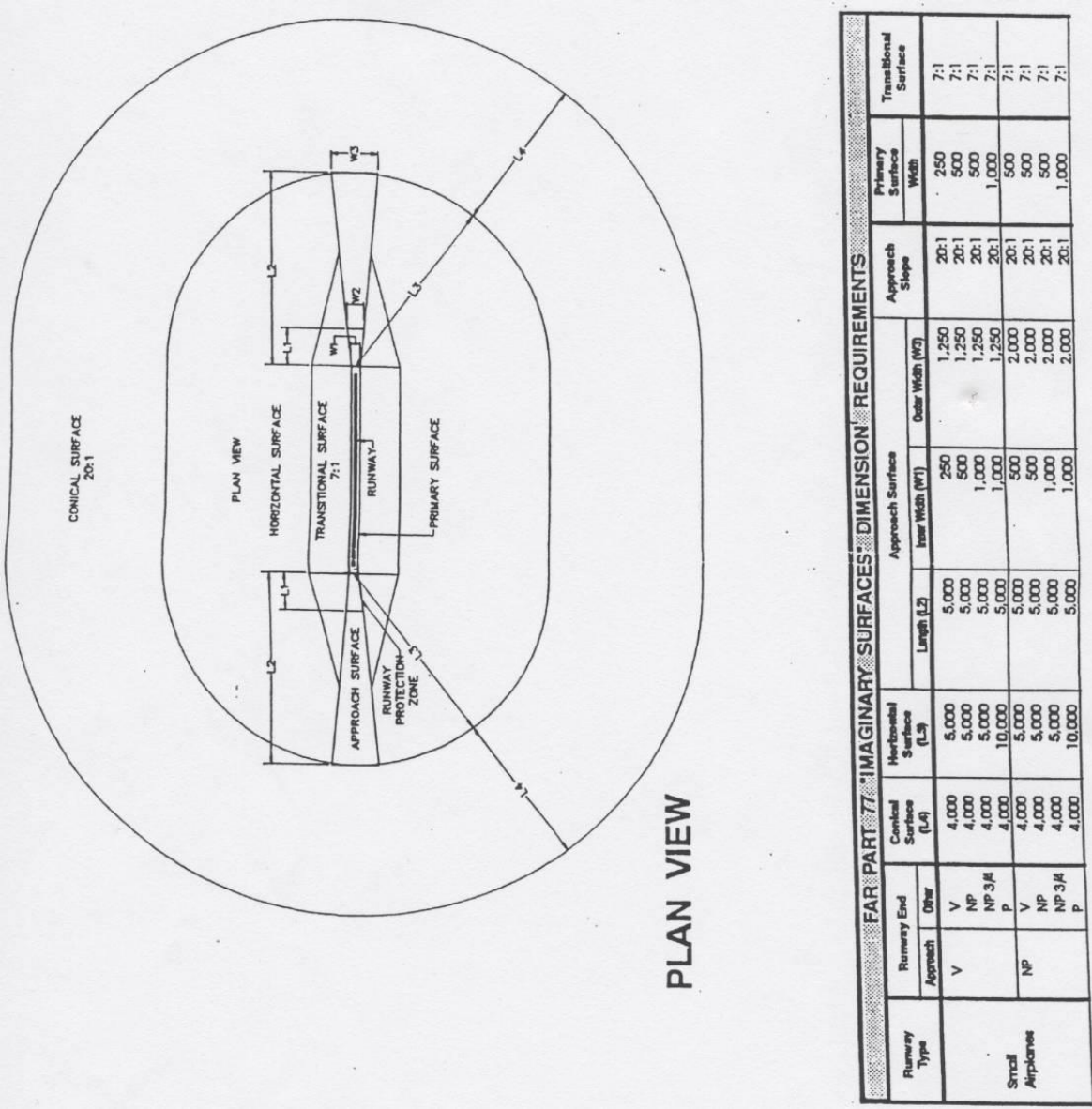


Figure 77

V = Visual Approach Runway
NP = Non-precision Instrument Approach Runway
P = Precision Instrument Approach Runway