

Prince George's County

# Military Installation Overlay Zone

**Prepared By:**

The Maryland Department of Planning



Approved in 2016, Prince George's County's **Military Installation Overlay Zone** (MIO) extends over 38 square miles adjacent to **Joint Base Andrews** (JBA). The MIO is applied to those portions of the county most impacted by JBA flight operations and results from decades of collaboration between federal, regional, and county stakeholders.

## OVERLAY ZONING DISTRICTS

An overlay zone is defined as a "zoning district which is applied over one or more previously established zoning districts, establishing stricter standards and criteria for covered properties in addition to those of the underlying zoning district."<sup>1</sup> Prince George's County's MIO does not change underlying zoning, but rather applies additional standards and requirements designed to preserve JBA's mission and ensure compatibility between the base and surrounding neighborhoods. The underlying zoning of the area impacted by the MIO zone is a mixture of residential, commercial, industrial, mixed-use, and open space, representing the diversity of land uses throughout the county.

## ZONING IN PRINCE GEORGE'S COUNTY AND M-NCPPC

The **Maryland-National Capital Park and Planning Commission (M-NCPPC)** was established in 1927 to plan for orderly development, acquisition of parkland, and protection of natural resources in Prince George's and Montgomery counties. The Prince George's County Planning Board serves as the county council's principal advisor on land use and community planning, with the planning department serving as staff to the planning board. All zoning related cases reviewed by the planning board are sent to the district council for review and/or final action.

## JOINT BASE ANDREWS (JBA) AND THE COUNTY

Initially situated among farms in a rural setting, post-World War II suburbanization of the Washington D.C. metropolitan area brought new,

## Military Installation Overlay At-A-Glance

**Adopted:** 2016

**Size:** 38 square miles

**Regulates:** Height, Noise Intensity, Accident Potential/Clear Zones and Uses

### Development Steps

**2007:** AICUZ completed; authorized completion of a JLUS

**2008-2009:** JLUS completed

**2010:** County Council endorses JLUS and the JLUS Implementation Committee is formed

**2011-13:** Planning Staff and Committee develop MIO

**2014:** Interim land use controls adopted

**2015:** County Council adopt MIO Zone

**2016:** County Council directs Planning Board to complete MIOZMA with CR-5-2016; County Council adopted MIOZMA with CR-97-2016

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and sometimes incompatible, development to the gates of JBA. Examples of incompatible uses included homes and commercial properties within active flight paths, leading to noise impacts and potential safety hazards.

The Department of Defense (DoD) recognized JBA's compatibility concerns and completed **Air Installation Compatible Use Zone** (AICUZ) studies for the base in 1974, 1989, 1994, 2007, and 2017. The 2007 AICUZ included a recommendation to

<sup>1</sup> Property Topics and Concepts, APA Planning and Law Division, 2008

“Support the Joint Land Use Study Program for the Andrews AFB area to protect the area from encroachment.”<sup>2</sup>

On September 11, 2007, the Prince George’s County District Council approved County Resolution (CR)-61-2007, authorizing the development of a Joint Land Use Study (JLUS) (now called a Compatible Use Study) in cooperation with DoD and JBA. The JLUS study area extended generally one mile around the base. Figure 1 is a map from the JLUS and identifies the base’s footprint and adjacent areas.

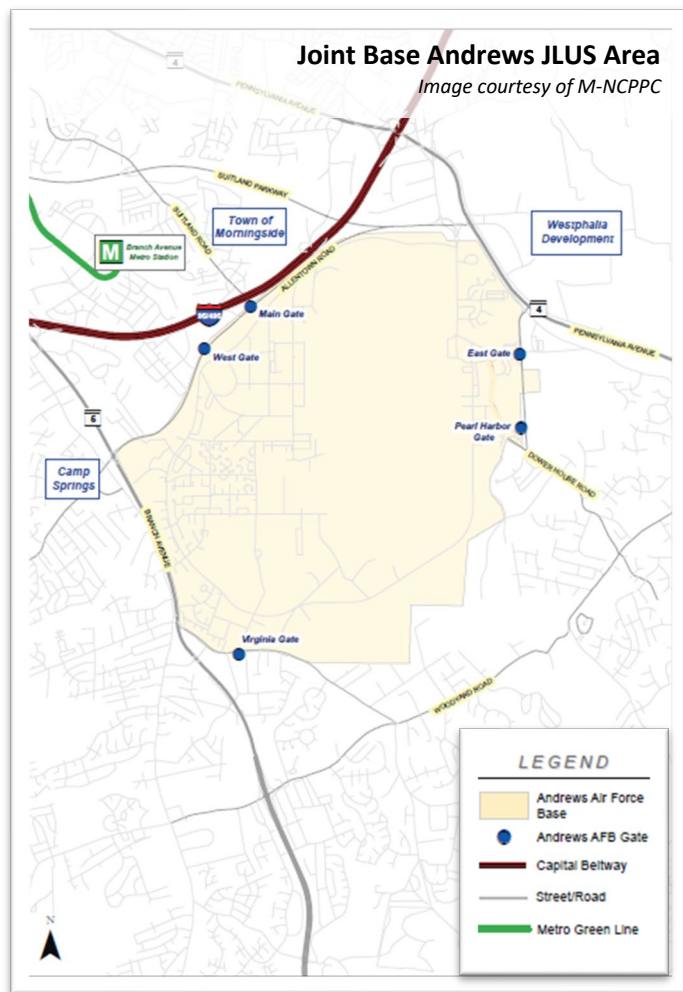


Figure 1: Joint Base Andrews covers approximately 6.8 square miles of land and is located near the junction of three key regional transportation routes.

From 2008-2009, a policy and technical committee guided development of the JLUS with the mindset that regulating land uses within areas adjacent to JBA was needed to promote public health, safety, and welfare. The goals developed as part of the JLUS were:

- Ensuring local land use controls promote development that is compatible with the base mission and air operations
- Addressing encroachment issues, including noise, traffic, pollution, and impacts on environmental and cultural resources
- Identifying opportunities for economic and community revitalization around the base
- Identifying needed traffic and transportation improvements
- Increasing communication and strengthening relationships between the base, the county, and surrounding communities<sup>3</sup>

The county council endorsed the JLUS in 2010 with CR-30-2010, and one of its recommended land use strategies was to establish a “Military Installation Overlay Zone” as a new zoning overlay district.

### JLUS IMPLEMENTATION COMMITTEE

With CR-30-2010 and CR-52-2010, the county council established a JLUS Implementation Committee tasked with helping to implement study recommendations. The committee’s 17 members represented elected officials, business organizations, development industries, and residents from the JLUS area. Its charge included implementing JLUS recommendations for transportation, economic and community development, environmental and natural resources, historic and cultural resources, and land use.

The committee introduced, developed, and gained county approvals (CB-03-2012) for an Interim Land Use Control (ILUC) while the MIO was being developed. The ILUC established limitations on development in the JLUS area, including height restrictions within JBA’s imaginary surfaces associated with obstructions to air navigation, and

<sup>2</sup> Air Installation Compatible Use Zone Study, Andrews Air Force Base, Maryland, 2007

<sup>3</sup> Joint Base Andrews Naval Air Facility Washington: Joint Land Use Study, December 2009

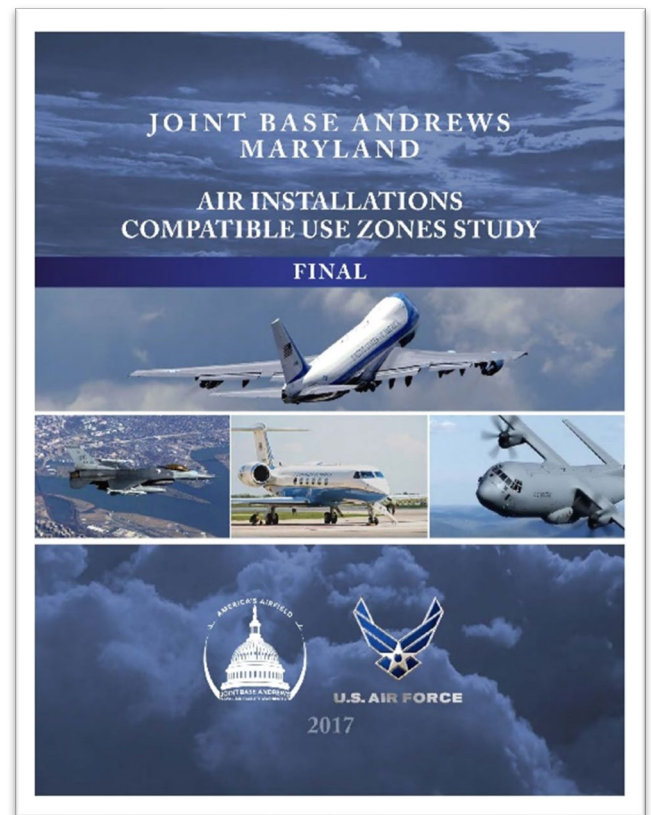
noise attenuation requirements for all development within the highest noise contours. As interim measures, the ILUC also prohibited development on vacant property in the Safety Areas,<sup>4</sup> disallowed commercial properties from expanding buildings, and prevented new residential development.

In its **2012 annual report** to the county council, the committee described how the ILUC process informed development of the ultimate goal, the MIO. Lessons learned included the complications of parking space restrictions, the unreasonable application of temporary controls on properties that had already received development approvals, and the need to clearly communicate the importance of land use controls to property owners concerned with impacts to their property, including simple and clear maps.<sup>5</sup>

### OVERLAY DEVELOPMENT PROCESS

Building upon the committee's work, the county council considered Council Bill (CB)-55-2014. The bill's purpose was to establish "the Military Installation Overlay ("MIO") Zone, providing procedures and restrictions for designation and approval of the MIO Zone, and providing restrictions, development regulations, site plan approval, and permitting requirements within the MIO Zone." While that bill failed another attempt (**CB-42-2015**) was made. The Prince George's County Planning Department, in collaboration with the Planning, Zoning, and Economic Development Committees, proposed text amendments and the bill was ultimately approved and enacted on November 10, 2015.

Establishing the zone was only the first step since it now had to be mapped. The district was defined as the areas originally established in the 2007 AICUZ and reinforced in the JLUS. On January 19, 2016, the district council directed the M-NCPPC to



The **2017 AICUZ study** documents changes to flight operations, noise exposure areas, accident potential, and land use compatibility conditions since the previous study completed in 2007.

initiate a Military Overlay Zone Map Amendment (MIOZMA) through CR-5-2016.

On April 5, 2016, the district council and planning board held a joint public hearing to receive comments and testimony on the MIOZMA. Following the hearing the district council conducted work sessions to discuss staff and planning board recommendations. It then held another public hearing to consider zoning change requests from five property owners in the proposed MIOZMA.<sup>6</sup> Finally, on November 15, 2016, the district council adopted **CR-97-2016**, thus mapping and applying the MIO to approximately 32,000 properties.

<sup>4</sup> Sec. 27-1809 of CB-03-2012 established the Safety Areas as the Accident Potential Zones established in the 2007 AICUZ

<sup>5</sup> Prince George's County JLUS Implementation Committee 2012 Annual Report, January 2013

<sup>6</sup> Military Installation Overlay Zoning Map Amendment, Prince George's County Planning Board Report, November 2016

## MIO REGULATIONS

The MIO regulates land use and development in three overlapping geographic areas based on the 2017 AICUZ imaginary surfaces associated with safe air navigation, noise contours, and accident potential and clear zones. These areas are included as impact maps - Figures A (Height), B (Noise Intensity), and C (Accident Potential/Clear Zones North and South) in Section 27-4402(c) of the Prince George's County Zoning Ordinance.

Section 27-4402(c) of the zoning ordinance states MIO's purpose as regulating "the development and use of structures and property 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 regulations is to recognize the rights of individual property owners while reducing interference with the military operations of joint Base Andrews."

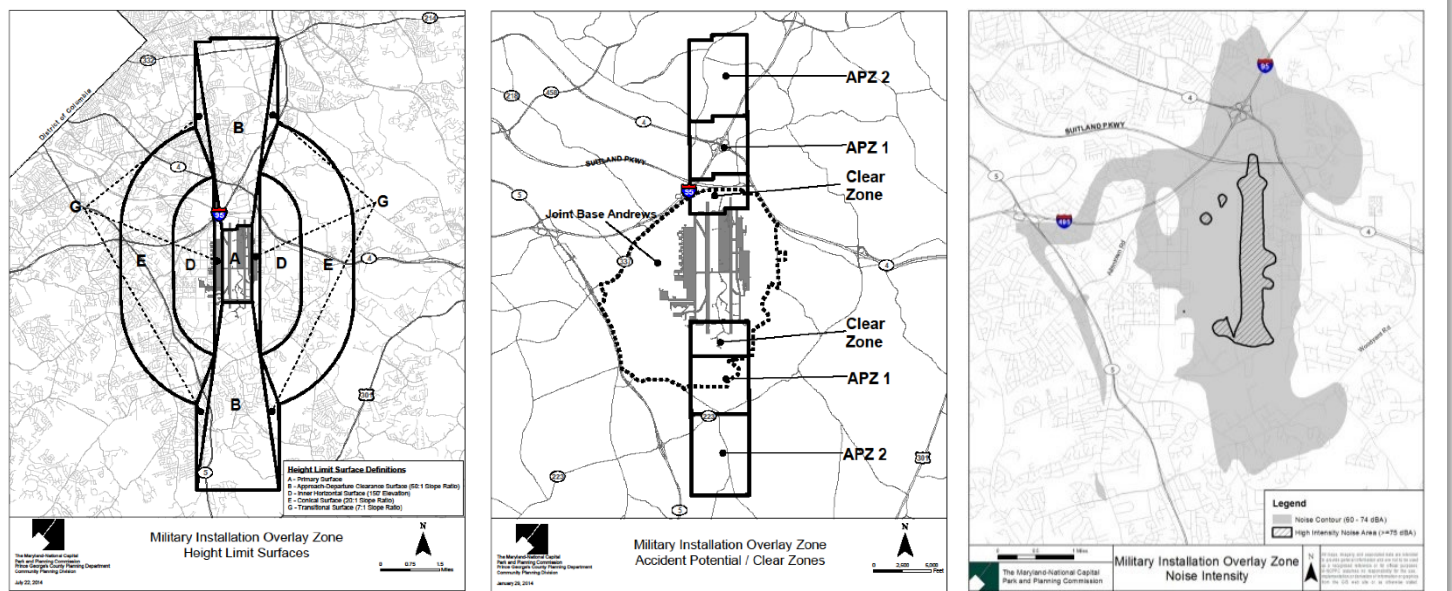
The MIO applies to all properties within the overlay regardless of the underlying zoning. It similarly applies to all development applications, as well as

building, use, and occupancy permits. The MIO exempts changes in ownership, name, or occupancy with no use change, as well as permits for grading, infrastructure improvements, public utilities, fences, or walls. It also grandfathers certain developments that existed prior to the implementation of the MIO zone. In describing the relationship between the MIO and the underlying zoning, Section 27-4402(c)(3)(A)(ii) notes that when underlying zoning requirements are more restrictive than the MIO, the more restrictive ones apply.

In the three areas codified in the impact maps, the MIO includes the following:

### Noise

- All new residential construction within noise contours, established by the 2017 AICUZ, be certified for an interior noise level of 45 dBA Ldn or less by a competent professional
- Description of permit restrictions for any uses in the High Intensity Noise Area (HINA), including the requirement that use and occupancy permits note the property is in an HINA



The components of the Military Installation Overlay Zone include Height Limit Surfaces, Accident Potential/ Clear Zones, and Noise Intensity.

- List of prohibited uses (e.g., day care centers, community swimming pools) due to the noise impact of air operations on vulnerable populations

### Uses

- List of prohibited uses in Accident Potential Zones and Clear Zone to protect health, safety, and public welfare, including schools, congregate living facilities, and commercial entertainment attractions. This prohibits uses that generate many people.
- Strictly prohibited and limited uses, including size and other limitations on those uses, based on M-I-O subzone (e.g., Accident Potential Zones)
- Requirements for alterations, expansions, and extensions of structures

### Height

- Height is measured from the base of a structure to its highest point
- Prohibitions on structures that exceed heights established by the impact map (Figure A)
- The planning board certifies structure height using a formula that accounts for JBA’s runway elevation at 274 feet above sea level
- Height requirements based on the type of imaginary surface (e.g., Conical, Primary, Approach-Departure)

### MIO IMPLEMENTATION

The Prince George’s County Planning Department implements the zoning ordinance during the development review process, including the MIO. A development proposal within the MIO triggers a staff assessment for compliance with overlay requirements, as well as those of the underlying zone. This may happen as early as the pre-acceptance review and continue through the occupancy permit process.

In addition to notifying adjacent property owners, development, and permit applications for projects

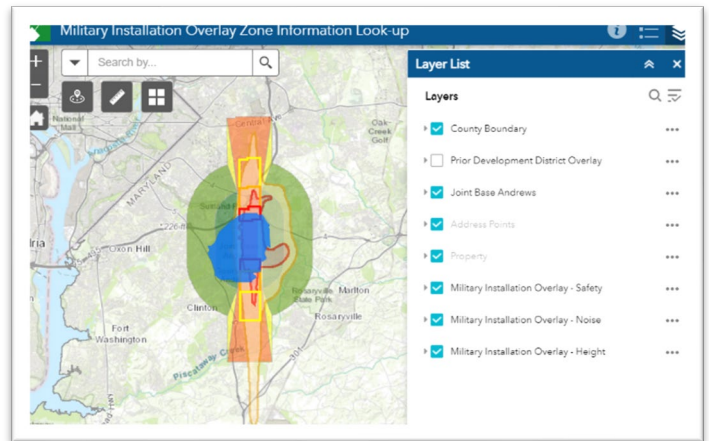
partially or wholly within the MIO zone must also be referred to JBA for review and comment. However, an application cannot be denied because JBA failed to send county staff written comments.

### MAPPING TOOLS

Prince George’s County has two resources to help inform property owners and stakeholders about the MIO zone and its impact on properties.

#### Military Installation Overlay Information Look-up Web Map

This **mapping tool** allows users to search for a property by address or tax account number, manually select a property by mouse click, or use a look up tool to determine within which of the three impact maps a property is located. The mapping layers also distinguish subareas within the impact maps, such as Accident Potential and Clear Zones, Noise and High Noise Intensity Zones, and the different types of imaginary surfaces.



The Military Installation Overlay Zone Information Look-up mapping tool.

### PGAtlas

**PGAtlas** is a countywide interactive mapping tool that provides spatial information, including infrastructure, environmentally sensitive areas, land use and growth, development activities, historic resources, easements, and zoning. The MIO zone is just one of the layers available. PGAtlas includes measurement and drawing tools and allows users to develop maps and save and print them.



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