

## ***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.

(CB-42-2015)

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

(CB-42-2015)

### **Sec. 27-548.52. Definitions.**

- (a) Words and terms in this Part are defined as follows:
- (1) **Accident Potential Zone ("APZ").** APZ I begins at the outer end of the Clear Zone 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 feet long and 3,000 feet wide. The Accident Potential Zones for Joint Base Andrews are illustrated in Figure C "Accident Potential/Clear Zones."

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- (2) **Air Installation Compatible Use Zone Study ("AICUZ").** A study performed and updated periodically by Air Force installations to assist local, regional, state, and federal officials in the communities neighboring military air facilities, such as Joint Base Andrews, by promoting compatible development within areas subject to aircraft noise and accident potential; and protecting Air Force operational capability from the effects of land use that are incompatible with aircraft operations. The geography and extent of the Accident Potential Zones, the Clear Zones, the height surfaces and the noise contours are defined in this study.
  - (3) **Approach-Departure Clearance Surface.** The imaginary surfaces which are symmetrically centered on the extended runway centerline, beginning as an inclined plane (glide angle) 200 feet beyond each end of the primary surface, and extending for 50,000 feet. The slope of the approach departure clearance surface is 50:1 until it reaches an elevation of 500 feet above the established airfield elevation, illustrated on Figure A "Height" as "B". It then continues horizontally at this elevation to a point 50,000 feet from the starting point, illustrated on Figure A ("Height") as "C." The width of this surface at the runway end is 2,000 feet, flaring uniformly to a width of 16,000 feet at the end point. The area identified in the 2007 Air Installation Compatible Use Zone Study and the 2009 Joint Land Use Study as "Imaginary Surface C" is not subject to the provisions of this Part.
  - (4) **Clear Zone.** A corridor symmetrically centered on the runway centerline beginning at the end of the runway and extending outward 3,000 feet and which has a width of 3,000 feet (1,500 feet to either side of the runway centerline). The Clear Zones for Joint Base Andrews are illustrated in Figure C, "Accident Potential/Clear Zones."
  - (5) **Conical Surface.** This is an inclined imaginary surface extending outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the conical surface is 20:1. The conical surface connects the inner and outer horizontal surfaces, illustrated on Figure A (Height) as "E."
  - (6) **High Intensity Noise Areas.** Areas impacted by noise levels exceeding 74 dBA Ldn as established by Figure B (Noise Intensity).
  - (7) **Imaginary (Height Limit) Surfaces.** Primary surface, approach-departure clearance surface, inner horizontal surface, outer horizontal surface, transitional surface, individually or collectively, as herein defined. According to CFR 77.25, an object that exceeds this imaginary surface is an Obstruction to Air Navigation.
  - (8) **Impact Maps.** The geographic boundary of the three areas of constraint which are referenced as Figure A (Height), Figure B (Noise Intensity) and Figure C (Accident Potential/Clear Zones North and South).
  - (9) **Inner Horizontal Surface.** An imaginary surface that is an oval plane at a height of 150 feet above the established airfield elevation. The inner boundary intersects with the approach-departure clearance surface and the transitional surface. The outer boundary is formed by scribing arcs with a radius 7,500 feet from the centerline of each runway end and interconnecting these arcs with tangents, illustrated in Figure A (Height) as "D."
  - (10) **Joint Base Andrews Microwave Communications Corridor.** The area referenced as Figure D which is comprised of a 50 foot-wide area between designated military communications facilities at Joint Base Andrews, Brandywine Receiver Facility and Davidsonville Transmission Site.
  - (11) **Military Installation Overlay Zone (M-I-O Zone) Area.** A defined land area where regulations in Part 10C modify zoning standards and requirements.
  - (12) **Noise Contour.** One of the series of boundaries illustrated in Figure B showing the increases in the intensity of noise as measured in Decibels (DBA Ldn),

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- (13) **Outer Horizontal Surface.** This imaginary surface is located 500 feet above the established airfield elevation and extends outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet, illustrated in Figure A (Height) as "F." The area identified in the 2007 Air Installation Compatible Use Zone Study and the 2009 Joint Land Use Study as "Imaginary Surface F" is not subject to the provisions of this Part.
  - (14) **Primary Surface.** An imaginary surface symmetrically centered on the runway, extending 200 feet beyond each runway end that defines the limits of the obstruction clearance requirements in the vicinity of the landing area. The width of the primary surface is 2,000 feet, or 1,000 feet on each side of the runway centerline, illustrated in Figure A (Height) as "A."
  - (15) **Safety Zones.** Accident Potential Zone 1, Accident Potential Zone 2, and the Clear Zone, individually or collectively, as defined herein and illustrated in Figure C (Accident Potential/Clear Zones North and South).
  - (16) **Transitional Surface.** An imaginary surface that connects the primary surfaces, the clear zone surfaces, and the approach/departure clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface, or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline, illustrated in Figure A (Height) as "G."

(CB-42-2015)

Editor's note(s)—Figures A—C, referenced above, are set out herein at the end of Part 10C.

### **Sec. 27-548.53. Applicability.**

- (a) **Affected Areas.** This Part applies to all property regardless of underlying zone or other overlay zone within the M-I-O Zone.
- (b) **Impact Maps.**
  - (1) The Impact Maps referenced in this Part establish the geographic boundaries of the M-I-O Zone where the requirements of this Part are in effect. The Impact Maps are those in the most current Air Installation Compatible Use Zone Study (AICUZ), as amended from time to time, and are reflected in Figure A (Height), Figure B (Noise Intensity), Figure C (Accident Potential/Clear Zones North and South) and Figure D (Joint Base Andrews Microwave Communications Corridor). The Official Impact Maps shall be adopted by the District Council through a Military Installation Overlay Zoning Map Amendment and shall be on file and available for review by the public in the Clerk of the Council's office.
  - (2) Where a property is affected by more than one Impact Map, the requirements of all applicable Impact Maps apply. Where any Impact Map requirements conflict, the most stringent requirements shall apply.
  - (3) Where a property is split zoned by a boundary of the M-I-O Zone, only that portion of the property within the M-I-O Zone shall be required to meet the provisions of this Part.
- (c) **Development Applications and Permits.** This Part applies to the review of all development applications permitted in this Subtitle, as well as all building permits and use and occupancy permits issued within the M-I-O Zone.
- (d) **Exemptions.** The provisions of this Part do not apply to:
  - (1) Permits for changes in ownership, name, or occupancy; with no change of use.
  - (2) Permits for any grading or infrastructure improvements.
  - (3) Permits for any public utility, or private utility for public use.

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(2021 Supp., Update 11)

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- (4) Permits issued pursuant to one of the following development approvals, provided that the application was approved prior to the date of classification of the property into the M-I-O Zone and the validity period for such approval has not expired:
    - (A) A final plat of subdivision approved for single-family detached residential development;
    - (B) A preliminary plan of subdivision for development not otherwise requiring a Detailed Site Plan;
    - (C) A Special Exception for development not otherwise requiring a Detailed Site Plan
    - (D) A Detailed Site Plan
    - (E) A Specific Design Plan
  - (5) Permits for fences or walls.
  - (6) Alterations requiring a permit of a minor nature pursuant to Section 27-255(c).
  - (7) Areas of Prince George's County defined by the 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use Study as Imaginary Surfaces "C" (part of the Approach-Departure Clearance Surface) and "F" (Outer Horizontal Surface) are not subject to the Provisions of this Part.
  - (e) Nonconforming Uses. The following uses shall be considered non-conforming uses:
    - (1) Existing uses in the High Intensity Noise Area on the Prohibited Use List in Section 27.548.55(c)(1)(C); and
    - (2) Existing uses in the Safety Zones that are either:
      - (A) on the Prohibited Use List in Section 27.548.56(a) of this Subtitle; or
      - (B) on the Limited Permitted Use List in Section 27.548.56(b) but prohibited in the underlying zone or underlying overlay zone.
  - (f) Nonconforming Structures. All existing structures within the Military Installation Overlay Zone whose height exceeds the height limits established by the Impact Map for Height are nonconforming structures.
  - (g) Where the requirements of the underlying zone are more restrictive than the M-I-O Zone, the most restrictive of the requirements shall apply.
  - (h) The Requirements for Safety in Section 27-548.56 of this Subtitle apply to principal and accessory or ancillary uses individually. A use prohibited by Section 27-548.56 of this Subtitle shall not be permitted as a principal, accessory, or ancillary use.

(CB-42-2015)

Editor's note(s)—Figures A—C, referenced above, are set out herein at the end of Part 10C.

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

- (a) For purposes of the Military Installation Overlay Zone, heights are measured from the base of a structure to the highest point of any part of the structure, including, but not limited to, antennae, towers, poles, monopoles, or satellite dishes.
- (b) No development, structure, or alteration of the land shall exceed the height established by the Impact Map for Height.
- (c) At the time of building permit, a licensed Engineer or qualified professional of competent expertise shall certify that structures do not exceed the height established by the Impact Map for Height, utilizing the formulae and methodology set forth in this Section.

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- (d) Areas of Prince George's County defined by the 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use Study as Imaginary Surfaces "C" (part of the Approach-Departure Clearance Surface) and "F" (Outer Horizontal Surface) are not subject to the Provisions of this Part.
- (e) The Planning Board shall verify certification of height using the formulae proscribed in this Section as described below:
- (1) Military Installation Overlay Zone height formulae are based upon the highest elevation of the subject property in relation to the elevation of the runways at Joint Base Andrews, which are 274 feet above sea level.
  - (2) The figures calculated through the measurements in this Section should add the difference in elevation between the runways at Joint Base Andrews and the highest elevation on the subject property: properties lower than 274 feet in elevation should add this difference in elevation; properties higher than 274 feet in elevation should subtract this difference in elevation to determine the maximum height:
    - (A) Surface A (Primary Surface): No structures permitted.
    - (B) Surface B (Approach-Departure Clearance Surface): Structures shall not exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50.
    - (C) Surface D (Inner Horizontal Surface): Structures shall not exceed a height (in feet) equivalent to 150 feet.
    - (D) Surface E (Conical Surface): Structures shall not exceed a height (in feet) equivalent to the total of the following equation:
      - (i) Subtotal: The distance between Surface A and nearest boundary of the subject property, less the distance between the subject property and the border of Surfaces D and E.
      - (ii) Total: Divide subtotal by 20, then add 150.
    - (E) Surface G: Transitional Surface 7:1: Structures shall not exceed a height (in feet) equivalent to the total of the following equation:
      - (i) Subtotal 1: The distance between the nearest edge of Surface A to a point on Surface B approximately horizontal (east-to-west) from the nearest edge of the property, divided by 50.
      - (ii) Subtotal 2: The distance between the imaginary point on Surface B horizontal to the property and the nearest edge of the subject property, less the distance between this imaginary point and the edge of Surface G.
      - (iii) Subtotal 3: Divide Subtotal 2 by 7.
      - (iv) Add Subtotals 1 and 3.

(CB-42-2015)

### **Sec. 27-548.55. Requirements for Noise.**

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

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- (b) Interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.
  - (c) Uses in High Intensity Noise Areas
    - (1) The issuance of permits authorizing any construction within the High Intensity Noise Area shall be subject to the following additional restrictions:
      - (A) At the time of building permit, if a non-residential use is required by Subtitle 4 (Building Code) to provide noise level reduction within the interior of a building, such noise reduction must be certified by an Acoustical Engineer or qualified professional of competent expertise.
      - (B) New use and occupancy permits for non-residential uses which do not otherwise include new construction can be issued provided that the use and occupancy permit site plan contains a note specifying that the property is located in a High Intensity Noise Area.
      - (C) Prohibited Uses. To reduce the adverse impact of the noise of air operations on vulnerable populations, the following uses are prohibited in the High Intensity Noise Area:
        - (i) Day care centers for children;
        - (ii) Schools that offer a complete program of nursery school education accredited by the Maryland State Department of Education or a complete program of academic elementary (including pre-kindergarten and kindergarten), junior high (middle), or senior high school education;
        - (iii) Playgrounds;
        - (iv) Recreational programs, before- and after-school;
        - (v) Swimming Pool, Community;
        - (vi) Outdoor play areas; and
        - (vii) All other active outdoor recreational uses.

(CB-42-2015)

Editor's note(s)—Figure B, referenced above, is set out herein at the end of Part 10C.

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

- (a) Prohibited Uses.
  - (1) In order to protect the public health, safety, and welfare of the communities surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the following uses are strictly prohibited in Accident Potential Zones 1 and 2 and the Clear Zone (also referred to collectively as the "Safety Zones") within the Military Installation Overlay Zone:
    - (A) Schools that offer a complete program of nursery school education accredited by the Maryland State Department of Education or a complete program of academic elementary (including pre-kindergarten and kindergarten), junior high (middle), or senior high school education or public or private institutions of higher learning, colleges, or universities;
    - (B) Club or lodge, or public building;
    - (C) Commercial recreational or entertainment attractions (indoor or outdoor), community building, performance art center, arena, stadium, auditorium, museum, art gallery, theater, movie theater;
    - (D) Congregate living, hotel/motels, senior or retirement housing, multi-family housing;

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- (E) Day care center for children or adults, assisted living facility, hospital, adult rehabilitation center, medical or health campus, nursing or care home, medical day care, homeless or transitional shelter;
  - (F) Class III landfill, transfer station;
  - (G) Commercial and Industrial uses that include the sales, handling, above-ground storage, refining, fabrication or manufacturing of explosives, fireworks, or gunpowder; fertilizers, pesticides and insecticides; petroleum products (other than gas station or vehicle repair and service station), and other products constituting a potential hazard by fire, explosion or other means should an aircraft accident occur. May include refinery, asphalt mixing plant, cement manufacturing, distillery, dry cleaning plant; and
  - (H) Any type of use, activity or storage, including temporary and accessory uses, that would cause any of the following impacts:
    - (i) Release into the air any substance, such as steam, dust, or smoke which would impair visibility or otherwise interfere with the operation of aircraft;
    - (ii) Produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision;
    - (iii) Produce electrical emissions which would interfere with aircraft communication systems or navigation equipment.
  - (I) Cement manufacturing, concrete batching or cement mixing plant, concrete recycling facility, sand and gravel wet-processing, surface mining.
  - (J) New uses on the Limited Use List in Section 27.548.56(b)(1) beyond the size limitations described therein.
- (2) In addition to the provisions of this Section, above, the following uses are strictly prohibited in the Clear Zone of the Military Installation Overlay Zone:
- (A) Eating and Drinking Establishments;
  - (B) Churches or similar places of worship;
  - (C) All office uses that exceed .08 F.A.R.; and
  - (D) Retail sales.
- (b) Limited Permitted Uses.
- (1) In order to protect the public health, safety, and welfare of the communities surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the following uses are permitted in Accident Potential Zones 1 and 2 within the Military Installation Overlay Zone, subject to size limitations:
- (A) Churches or similar places of worship;
  - (B) Eating and drinking establishments; and
  - (C) Office uses.
- (2) New limited permitted uses, including new accessory limited permitted uses on the site of an existing principal use, are subject to the following size restrictions:
- (A) New churches or similar places of worship shall not exceed 80 sanctuary seats or 6,000 square feet of gross floor area, whichever is greater.

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- (B) New eating and drinking establishments in the M-I-O/C-S-C (Commercial Shopping Center) Zone shall not exceed 6,000 square feet of gross floor area.
  - (C) New eating and drinking establishments within Accident Potential Zones but not classified in the C-S-C Zone shall not exceed 3,500 square feet of gross floor area.
  - (D) New office uses accessory to a permitted use in the M-I-O/I-1, M-I-O/I-2, and 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.
- (3) Existing uses on the Limited Use List in Section 27-548.56(b)(1) of this Subtitle at the time of reclassification of the subject property to the M-I-O Zone are permitted and not nonconforming if all of the following conditions apply:
- (A) The use is permitted in the underlying zone, including any applicable existing overlay zone; and
  - (B) The use has a valid use and occupancy permit on the date of the property's classification into the M-I-O Zone for one of the following uses:
    - (i) Church or similar place of worship;
    - (ii) Eating or drinking establishment; or
    - (iii) Office.
- (4) Alterations, expansion, or extensions of existing uses on the Limited Use List as defined by Section 27-548.56(b)(3) of this Subtitle may be permitted, subject to all of the following:
- (A) At the time of application, the applicant shall have a valid use and occupancy permit for the use on the Limited Use List proposed for alteration, expansion, or extension on the date the property was classified in the M-I-O Zone.
  - (B) The use shall be located on property that is not within the boundaries of the Clear Zone of the M-I-O Zone;
  - (C) The use shall be located on property within Accident Potential Zone 1; or Accident Potential Zone 2.
  - (D) The proposed altered, expanded, or extended use shall be the primary use of the property and limited to one of the following:
    - (i) Church or other place of worship;
    - (ii) Eating and dining establishment; or
    - (iii) Office.
  - (E) The proposed expansion shall not exceed the height limitations in Section 27-548.54.
  - (F) The proposed expansion, and the sum total of all expansions, shall not exceed a 25% increase in gross floor area.
  - (G) Prior to approval of a site plan, preliminary subdivision plan, building permit, or use and occupancy permit, the applicant executes an affidavit acknowledging the property location within an Accident Potential Zone for Joint Base Andrews.
- (5) New uses on the Limited Use List in Section 27-548.56(b)(1) of this Subtitle are prohibited in Accident Potential Zones 1 and 2 beyond the size limitations described therein.
- (c) Development applications within the Safety Zones shall include a lighting plan that demonstrates compliance with all of the following standards:
- (1) All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the site;



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- (2) All external lighting must be projected downward at an angle of no less than ten (10) degrees below horizontal;
  - (3) Buildings shall not use glass or other highly reflective materials on any surface angled above horizontal; and
  - (4) Structures three (3) stories or taller shall use non-reflective wall surfaces and windows.

(CB-42-2015)

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

- (a) Building permits, use and occupancy permits, and development applications subject to this Part located partially or completely in the M-I-O Zone for uses which may produce noise, smoke, dust, excessive light, electromagnetic interference and vibrations which potentially impact base operations, shall be referred to Joint Base Andrews for their review and written comment.
- (b) All building permits, use and occupancy permits, and development applications subject to this Part where a proposed structure is wholly or partially located in the Northern Clear Zone (Figure C) shall be referred to Joint Base Andrews for their review and written comment.
- (c) All building permits, use and occupancy permits, and development applications subject to this Part located partially or completely in the M-I-O Zone for a use that includes prohibited activities identified in Section 27-548.56(a)(1)(G) of this Subtitle shall be referred to Joint Base Andrews for their review and comment.
- (d) All building permits, use and occupancy permits, and development applications subject to this Part located partially or completely in the M-I-O Zone for a structure, grading of land, or landfill that may exceed the height limitations identified in Section 27-548.54 of this Subtitle shall be referred to Joint Base Andrews for their review and comment.
- (e) It shall be incumbent upon Joint Base Andrews to ensure that any written comments are received by the appropriate body in a timely manner within the established development review process. The appropriate body shall not deny an application solely due to failure to receive written comment from Joint Base Andrews.

(CB-42-2015)

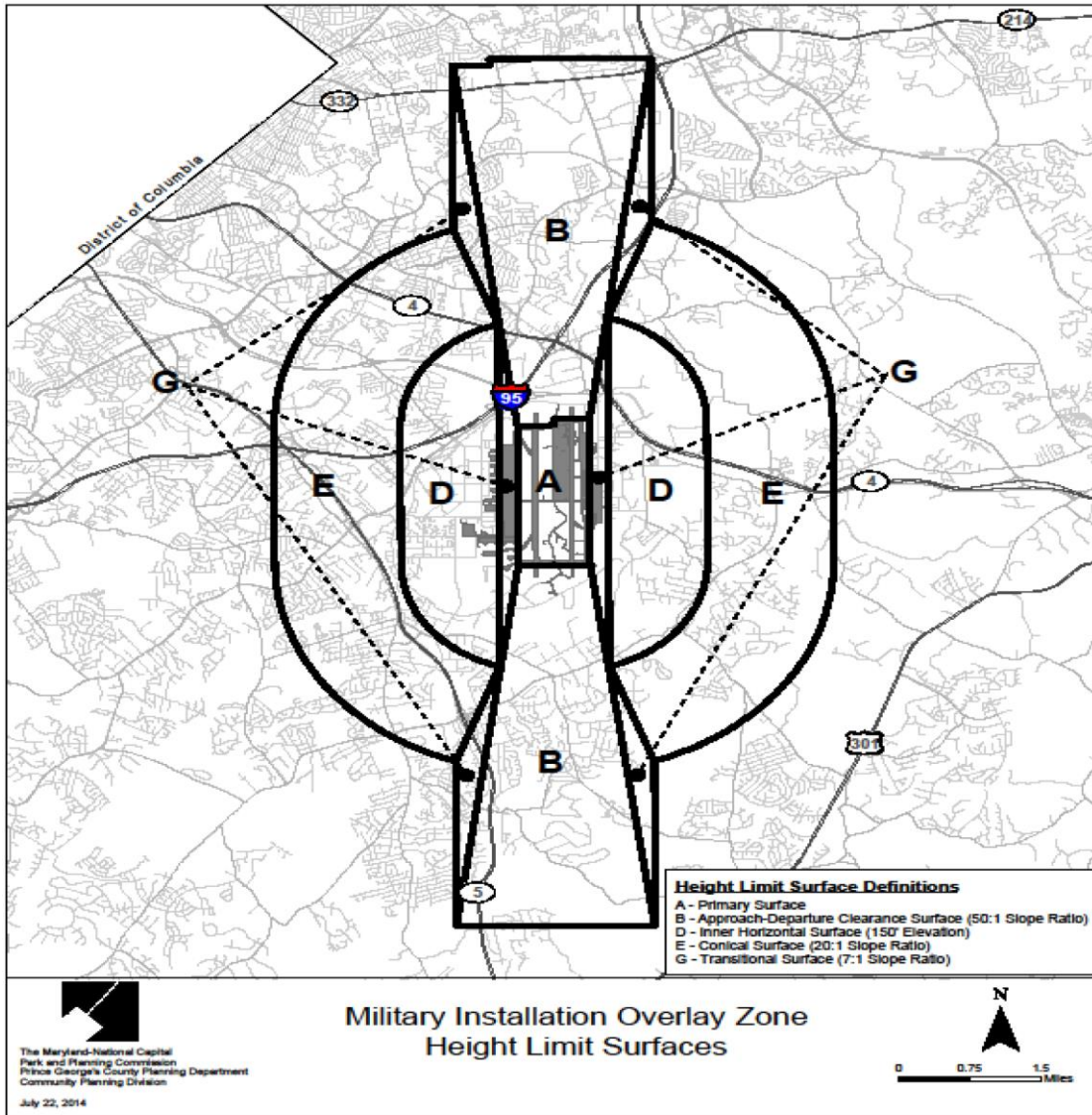
Editor's note(s)—Figure C, referenced above, is set out herein at the end of Part 10C.

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

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

(CB-42-2015)

Figure A — Height



**Figure B — Noise Intensity**

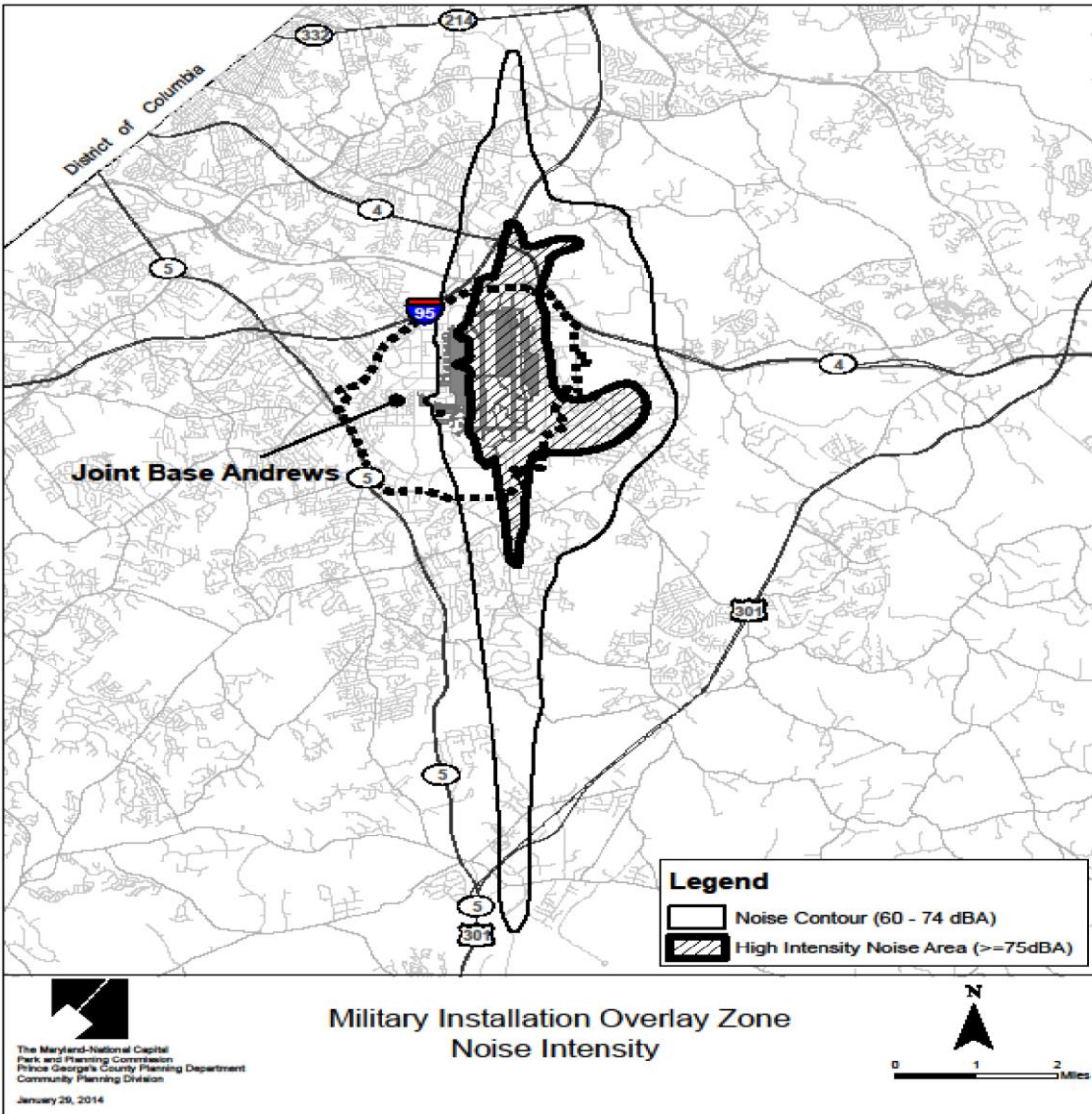


Figure C — Accident Potential/Clear Zones

