

LIBER 0028 FOLIO 029

Subject: Land Use – To repeal and replace Ordinance No. 2019-39 with a new ordinance allowing private landing strips and private helipads in the RCA Overlay prohibiting flight schools and commercial operations as defined in Federal Aviation Administration regulations.

Page 1 of 4

ORDINANCE

TO REPEAL AND REPLACE ORDINANCE NO. 2019 – 39 WITH A NEW ORDINANCE ALLOWING PRIVATE LANDING STRIPS AND PRIVATE HELIPADS IN THE RCA OVERLAY PROHIBITING FLIGHT SCHOOLS AND COMMERCIAL OPERATIONS AS DEFINED IN FEDERAL AVIATION ADMINISTRATION REGULATIONS

WHEREAS, pursuant to §4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

WHEREAS, a notice of a public hearing was advertised on January 10, 2020 and January 17, 2020 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on January 28, 2020 to receive public comment and consider the repeal and replacement of Ordinance No. 2019 – 39 with a new ordinance to allow private landing strips and private helipads in the RCA Overlay that prohibits flight schools and other commercial operations as defined in Federal Aviation Administration Regulations; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to repeal and replace Ordinance No. 2019 – 39 with a new ordinance to allow private landing strips and private helipads in the RCA Overlay that prohibits flight schools and other commercial operations as defined in Federal Aviation Administration Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. §51.3.88 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is hereby repealed and replaced with the following language:

88. Airport, Landing Strip, Helipad, and Heliport.

a. General Standards:

(1) Site plan approval shall be required.

(2) Publicly-owned airports, landing strips, and heliports are permitted in accordance with an adopted Airport Master Plan. All other airports, landing strips, and

LIBER 0028 FOLIO 30

Subject: Land Use – To repeal and replace Ordinance No. 2019-39 with a new ordinance allowing private landing strips and private helipads in the RCA Overlay prohibiting flight schools and commercial operations as defined in Federal Aviation Administration regulations.

Page 2 of 4

heliports may be permitted as a conditional use in accordance with Chapter 25 of this Ordinance.

- (3) The site plan must show all existing and/or proposed buildings, hangars, runways, tie-down areas, fuel storage and pumping areas, fencing, employee and public parking, public transit loading and unloading areas, screening, vehicle ingress and egress areas, and off-street pedestrian pickup space.
- (4) The site plan shall also show topography and elevations of the highest point or projection for structures and towers (existing and/or proposed) surrounding the runway/landing area for a distance of
 - (a) 20,000 feet from the runways of an airport with at least one runway more than 3,200 feet in length; or
 - (b) 10,000 feet from the runways of an airport with at least one runway no more than 3,200 feet in length; or
 - (c) 5,000 feet from the landing and take-off areas of each heliport.
- (5) Minimum setbacks for the facility shall be determined by the clearance criteria of Chapter 43. The height of existing structures in the vicinity of the proposed facility shall be evaluated when siting for new airports, airfields, landing strips and heliports.
- (6) Minimum lot size for an airport shall be 10 acres and for a heliport shall be two acres.

b. Conditional Standards:

- (1) Within the RCA, the following standards shall apply:
 - (a) Permit approval shall be required for landing strips, and helipads.
 - (b) Landing strips and helipads shall be prohibited in the Critical Area Buffer. Variances for these uses in the Critical Area Buffer shall not be granted.
 - (c) Publicly-owned airports, landing strips, helipads, and heliports, and privately-owned airports and heliports are not allowed.
 - (d) Private landing strips and helipads are allowed.

LIBER 0028 FOLIO 31

Subject: Land Use – To repeal and replace Ordinance No. 2019-39 with a new ordinance allowing private landing strips and private helipads in the RCA Overlay prohibiting flight schools and commercial operations as defined in Federal Aviation Administration regulations.

- (e) The minimum lot size shall be 20 acres.
- (f) All businesses such as the sale or leasing of aircraft, maintenance, or flight school and any other type of commercial operations as defined in the Federal Aviation Administration regulations shall be prohibited.
- (g) Shall be maintained in grass or similar low vegetation.

SECTION II: §50.4.88 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is hereby repealed and replaced with the following language:

88. Airport, Landing Strip, Helipad, and Heliport.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
88. Airport, Landing Strip, Helipad, and Heliport	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P / C	C	-	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)

SECTION III: §51.3 Specific Regulations and Standards of Chapter 285 of the Code of St. Mary's County, Maryland, is hereby repealed and replaced with the following language:

88. Airport, Landing Strip, Helipad, and Heliport: Facilities open to aviation or operated for the takeoff and landing of aircraft, including runways, landing strips, heliports, helipads, passenger and cargo facilities, facilities for air traffic control, emergency service, information devices, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary open spaces. May include offices and facilities for flight instruction, charter, and cargo service, and related services for airport customers as accessory uses.

LIBER 0028 FOLIO 032

Subject: Land Use – To repeal and replace Ordinance No. 2019-39 with a new ordinance allowing private landing strips and private helipads in the RCA Overlay prohibiting flight schools and commercial operations as defined in Federal Aviation Administration regulations.

SECTION IV: This Ordinance shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

Date of Adoption: February 11, 2020

Effective Date: February 25, 2020

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
 Rebecca B. Bridgett
 County Administrator

James R. Guy
 James R. Guy, Commissioner President

Eric Colvin
 Eric Colvin, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Michael L. Hewitt
 Michael L. Hewitt, Commissioner

David A. Weiskopf
 David A. Weiskopf
 County Attorney

Todd B. Morgan
 Todd B. Morgan, Commissioner

John E. O'Connor
 John E. O'Connor, Commissioner

DOCUMENT VALIDATION

LR - Government
Instrument 0.00
Agency Name:
Commissioners of St.
Marys County
Instrument List: Other
Describe Other:
Ordinance
Ref: MM/Co. Comm
28/29

=====
Total: 0.00
02/13/2020 10:10
CC18-MS
#13390301 CC0704 - St
Mary's
County/CC07.04.03 -
Register 03

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844