
1 **CHAPTER 43 AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ) AND AIRPORT**
2 **ENVIRONS (AE) OVERLAY**

3 Sections:

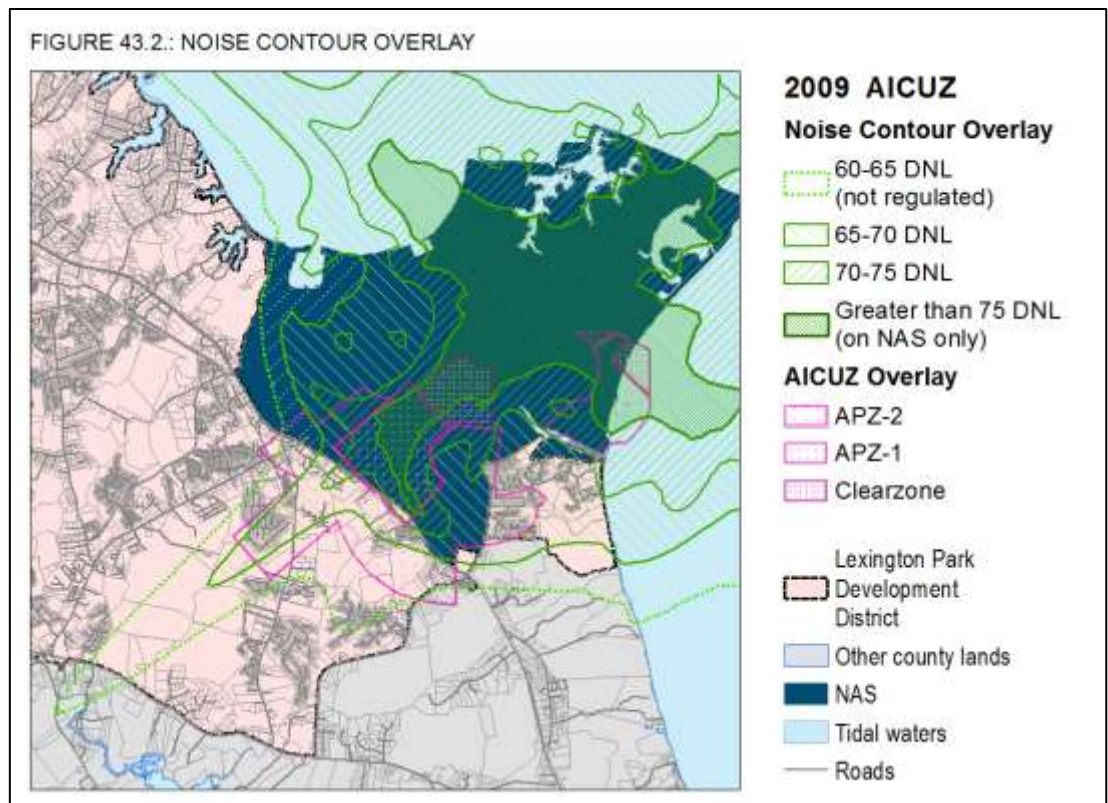
- 4 **43.1 Applicability and Zoning Map Designator.**
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8

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9 **43.1. Applicability and Zoning Map Designator.**

- 10 1. **Applicability.** All existing, new, or improved public airports, airfields, or heliports shall be located
11 within an AICUZ or AE Overlay Zone.
- 12 a. An Air Installations Compatible Use Zone (AICUZ) Overlay applies to certain lands
13 immediately surrounding the Patuxent River Naval Air Station and has been delineated on the
14 Official Zoning Maps in accordance with all state and federal aviation requirements.
- 15 b. An Airport Environs (AE) Overlay applies to certain lands surrounding the St. Mary's County
16 Regional Airport and as been delineated on the Official Zoning Maps in accordance with the
17 County's airport master plan.
- 18 c. A Noise Contour Overlay applies to certain lands immediately surrounding the Patuxent River
19 Naval Air Station.
- 20 e.d. If a portion of a lot, parcel, or tract lies within one of the AICUZ or AE subdistrict(s), the
21 restrictions upon uses and structures apply only to that portion of the lot, parcel, or tract
22 located within the AICUZ or AE subdistrict(s).
- 23 2. Zoning Map Sub-Districts and Purpose.
- 24 a. Within the AICUZ the following sub-districts shall be designated on the Official Zoning
25 Maps:
- 26 (1) Clear Zone (CZ). Within the CZ, aircraft can be expected to operate at an altitude
27 close to ground level, and therefore this area is the area of greatest aircraft accident
28 potential and threat to human life and real property improvements.
- 29 (2) Accident Potential Zone 1 (APZ 1). This is the glide zone, and area in which aircraft
30 are transitioning to commit to touchdown or takeoff with high power settings in a
31 descending or climbing attitude. It is an area of high concentration of air traffic and
32 noise and represents the second greatest accident and risk potential.
- 33 (3) Accident Potential Zone 2 (APZ 2). This is the rendezvous dispersion zone, the area
34 over which aircraft are normally in a vulnerable flight attitude with variable power
35 settings on landing and high power settings on takeoff and represents the least
36 potential for aircraft accidents and risks within the AICUZ.
- 37 b. Within the AE overlay the following sub-districts are designated on the Official Zoning Maps
38 but note that the vertical aspects of the sub-districts are described herein in Figure 43.3.C:
- 39 (1) Approach Surface (AS). The inner edge of this surface coincides with the width of
40 the primary surface and is 500 feet wide. The approach surface expands outward
41 uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the
42 primary surface, centered on the extended runway centerline. This surface extends
43 upward at a slope of 34 feet horizontally for each foot vertically (34:1) beginning at
44 the end of and at the same elevation as the primary surface.
- 45 (2) Conical Surface (CS). This surface commences at the periphery of the horizontal
46 surface at a slope of twenty to one (20:1) and extends outward a horizontal distance
47 of 4,000 feet.
- 48 (3) Heliport Imaginary Surfaces. Heliport imaginary surfaces consist of the HPS, the
49 HAS and the HTS. The heliport primary surface (HPS) underlies a surface that
50 coincides with the size and shape of the designated takeoff and landing area of a
51 heliport. This surface is a horizontal plane at the elevation of the established heliport

- 1 elevation. The heliport approach surface (HAS) begins at each end of the Heliport
2 Primary Surface with the same width as the primary surface, and extends outward
3 and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The
4 slope of the approach surface is 8:1 for civil and 10:1 for military heliports. Heliport
5 transitional surfaces (HTS) extend outward from the lateral boundaries of the
6 heliport primary surface and from the approach surfaces at a slope of 2 feet
7 horizontal to 1 foot vertical for a distance of 250 feet measured horizontally from the
8 centerline of the primary and approach surfaces.
- 9 (4) *Horizontal Surface (HS)*. This is as a horizontal plane one hundred and fifty (150)
10 feet above the established airport elevation, this surface is defined by arcs of ten
11 thousand (10,000) feet radii from the center of each end of the Primary Surface of
12 the runway, connected by tangent lines. The Horizontal Surface does not include the
13 Approach and Transitional Surfaces.
- 14 (5) *Primary Surface (PS)*. This sub-district is a ground surface, 500 feet in width,
15 centered lengthwise on the runway and ending 200 feet beyond the end of the
16 runway.
- 17 (6) *Transitional Surface (TS)*. This sub-district is established as a surface extending
18 outward at 90-degree angles to the runway centerline extended at a slope of seven
19 feet horizontally for each one foot vertically (7:1) from the sides of the primary and
20 approach surfaces to where they intersect the horizontal and conical surfaces. In
21 addition to the Site Development Standards contained herein, there are established
22 height limits sloping upward and outward seven feet horizontally for each foot
23 vertically (7:1) beginning at the sides of the same elevation as the approach surfaces,
24 and extending to where they intersect the conical surface.
- 25 (7) *Runway Protection Zone (RPZ)*. This sub-district is a trapezoid shaped area located
26 off the end of each runway (part of Area 1). The RPZ expands outward uniformly to



Source: Air Installations Compatible Use Zones Report for NAS Patuxent River, Patuxent River, Maryland, July 2009

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a width of 700 feet at a horizontal distance of 1,000 feet from the primary surface, centered on the extended runway centerline. This is an area where aircraft are operating at a low altitude during approach or takeoff.

43.2. Noise Level-Contour Overlay.

Noise from concentrated numbers of low-flying aircraft is expected to produce discomfort, annoyance or a potentially unhealthy environment. Noise level contour lines based on anticipated day-night average sound level (Ldn) in decibels (db) ~~may be shown in Figure 43.2 and will be applied to lands be shown shown~~ on the Official Zoning Maps. Applicants are responsible for seeking a determination by the the Planning Director of the Noise Contour Overlay applicable to their proposed project.

1. Sound deadening measures may be required, as shown on Figure 43.2.A, in new construction or renovation to assure adequate construction requirements for sound level reduction to produce an acceptable interior environment.
2. When a proposed structure or use lies within two noise contour areas the more restrictive requirements shown on Figure 43.2.A will apply for the entire structure or use.

FIGURE 43.2.A: LAND USE COMPATIBILITY ~~IN~~ and NOISE LEVEL ZONES ~~and~~ CONTOUR OVERLAY CRITERIA

<u>Legend for Figure 43.2.A</u>	
Y (Yes)	Land use and related structures compatible without restrictions.
Y(25)	Land use and related structures generally compatible; measures to achieve NLR of 25, must be incorporated into design and construction of structure.
Y(30)	Land use and related structures generally compatible; measures to achieve NLR of 30 must be incorporated into design and construction of structure.
Y [*] (Yes with restrictions)	Land use and related structures are generally compatible. However, see notes indicated by superscript.
N (No)	Land use and related structures are not compatible and should be prohibited.
N [*] (No with restrictions)	Land use and related structures are generally incompatible. However, see notes indicated by superscript.
SLUCM	Standard Land Use Coding Manual.
NLR (Noise Level Reduction)	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
DNL	Day-night average sound level.
NA	Not Applicable (no data available for that category).

Land Uses	Noise Contour Overlay Levels	
	65-70 DNL	70-75 DNL
Agricultural Uses		
Agriculture and Agricultural related activities (SLUCM # 81 & 82)	Y ⁶	Y ⁷
Forestry activities and related services (SLUCM # 83)	Y ⁶	Y ⁷
Farmer's Market; Roadside Stand	Y	Y(25)
Residential Uses (all types)		
	N ¹	N ¹
Public and Semi-Public Uses		
Cemeteries (SLUCM # 62.4)	Y	Y ²
Governmental services (SLUCM # 67)	Y ¹	Y(25)
Hospitals, other medical facilities (SLUCM # 65.1); Educational services and facilities (public and private) (SLUCM # 68)	Y(25)	Y(30)
Nursing homes; Long term Care Facilities (SLUCM # 65.16)	N ¹	N ¹
Nature exhibits (SLUCM # 71.2);	Y ¹	N
Public assembly (SLUCM # 72)	Y	N
Indoor Cultural & Entertainment Facilities includes Places of Worship, Auditoriums, Concert halls, clubs and lodges (standards apply for stand alone facilities and those incorporated in another use)	Y(25)	Y(30)

Land Uses	Noise Contour Overlay Levels	
	65-70 DNL	70-75 DNL
Outdoor Recreational activities (SLUCM # 74) includes golf courses, riding stables, water recreation; Resorts and group camps (SLUCM # 75); Parks (SLUCM # 76); Other cultural, entertainment and recreation (SLUCM # 79)	Y ¹	Y ¹
Commercial Uses		
Retail trade (all types except as noted)	Y	Y(25)
Wholesale (SLUCM # 51); Maintenance and Repair services (SLUCM # 64) Retail-building materials, hardware and farm equipment (SLUCM # 52)	Y	Y ²
Services (all types except as noted) includes offices,	Y	Y(25)
Private/ Commercial Indoor Cultural & Entertainment Facilities	Y(25)	Y(30)
Private/ Commercial Recreational activities	Y ¹	Y ¹
Nursing homes; Long term Care Facilities (SLUCM # 65.16)	N ¹	N ¹
Outdoor music shells, amphitheaters (SLUCM # 72.11)	N	N
Outdoor sports arenas, spectator sports (SLUCM # 72.2)	Y ⁶	Y ⁶
Amusements (SLUCM # 73) includes fairgrounds, miniature golf, driving ranges, amusement parks	Y	Y
Industrial Uses		
Production Industry (all types except as noted)	Y	Y ²
Manufacturing (SLUCM # 35) including Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; Laboratories,	Y	Y(25)
Warehousing and storage (SLUCM # 85);	Y	Y ²
Extractive industry (SLUCM # 63.7);	Y	Y
Transportation and Utilities (all types)	Y	Y ²
Communication (SLUCM # 47)	Y	Y(25) ⁴
Accessory Uses and Temporary Uses	Y ^{1,2}	Y ^{1,2}

Notes for Figure 43.2.A:

1. a. Where zoning allows residential uses, achieve outdoor to indoor noise level reduction (NLR) of at least 25 dB (DNL 65-69) and 30 dB (DNL 70-74); for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.
- b. Normal permanent construction can be expected to provide an NLR of 20 dB; thus, the reduction requirements are stated as 5, 10, or 15 dB over standard construction and assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.
- c. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor exposure, particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.
2. Incorporate measures to achieve an NLR of 25 into the design and construction of portions of buildings where the public is received, office areas, noise- sensitive areas, or where the normal noise level is low.
3. Incorporate measures to achieve an NLR of 30 into the design and construction of portions of these buildings where the public is received, office areas, noise- sensitive areas or where the normal noise level is low.
4. If the project or proposed development is noise sensitive, use is NLR; if not, land use is compatible without NLR.
5. Land use compatible provided special sound reinforcement systems are installed.
6. Residential buildings require an NLR of 25.
7. Residential buildings require an NLR of 30.

1 **43.3. Land Use and Development Regulations Generally.**

2 The restrictions upon use of land and structures ~~listed in Figures 43.3.A and 43.3.B,~~ apply to lands within the
3 AICUZ and the AE overlay ~~respectively,~~ and are in addition to any other applicable regulations. ~~Where the~~
4 ~~requirements conflict, the more stringent requirement shall apply.~~

5 1. ~~**Permitted Uses in the AICUZ.** Uses are identified in Schedule 50.4 and the AICUZ or AE districts that~~
6 ~~are shown in Figure 43.3.A and 43.3.B are~~ subject to the ~~limitations of §50.3 and guidance of the Air~~
7 ~~Installations Compatible Use Zones Report for NAS Patuxent River , Patuxent River, Maryland , July~~
8 ~~2009 following.~~

9 ~~2. **Permitted Uses in the AE.** Uses identified in Figure 43.3.B are subject to the following:~~

- 10 a. *Clearly Compatible (A):* Exposure to accident potential is such that the activities associated
11 with the land use may be carried out with essentially no interference and no substantial loss of
12 life and property.
- 13 b. *Normally Compatible(B):* Exposure to accident potential is great enough to be of some
14 concern, but density of people and structures, when properly planned and approved, will
15 allow the accident potential environment to be acceptable. Site plan approval is required.
- 16 c. *Normally Incompatible (C):* The exposure to accident potential is significantly more severe so
17 that more restrictive density and land use restrictions are necessary for safety of life and
18 property.
- 19 d. *Clearly Incompatible ~~(-)(D):~~* The exposure to accident potential at the site is so severe, due
20 to potential loss of life and property, that performance of the land use activity or development
21 is not permitted. ~~Uses not specified in Figures 43.3.A-B and 43.3.B shall be deemed clearly~~
22 ~~incompatible.~~
- 23 e. Improvements and land uses that obstruct or interfere with the safe operation of aircraft or
24 cause a congregation of persons shall not be permitted in the Clear Zone (CZ).

25 ~~2.3. **AE Land Use Compatibility Guidelines.** It is always best to take actions that will prevent~~
26 ~~incompatible land use, as opposed to taking action to correct such activities after the fact. The first~~
27 ~~step in implementing compatible land use for an airport is to adopt guidelines as part of a~~
28 ~~comprehensive plan and the airport's land use plan and map.~~ Areas recommended for ~~control~~ as part
29 of the Land Use Compatibility Guidelines in the AE District are defined in the following sections.
30 Figure 43.3.B-B identifies land uses which are generally compatible or incompatible within airport
31 safety zones and Part 77 surfaces. There are specific types of development that are usually compatible
32 within airport safety zones. In general, these include agriculture, commercial, and industrial uses.
33 Other types of development, such as noise sensitive activities and places of public assembly are
34 typically considered to be incompatible within airport safety zones. The Land Use Compatibility
35 Guidelines are divided into the following four areas, which are graphically shown in Figure
36 ~~443.3.CA.~~

- 37 a. ~~Area 1, as identified on the Official Zoning Maps,~~ consists of the land beneath the Primary
38 Surface for each runway at the airport and the land beneath the Runway Protection Zone
39 (RPZ) which is further described in Section ~~43.2.243-1.2.b.~~ The dimensions of this zone vary
40 based on the length and width of the runway and the existing or planned approach. The
41 following are permitted uses in Area 1, subject to the height requirements established by FAR
42 Part 77:
- 43 (1) Runway and taxiway systems (widening, extending etc.).
- 44 (2) Frangible navigational aids (localizer, approach lighting etc.).
- 45 b. ~~Area 2, as identified on the Official Zoning Maps,~~ consists of the land beneath the Approach
46 Surface, as defined in Section ~~43.2.243-1.2~~ for each runway and extended 3,000 feet from the
47 edge of the Primary Surface, as defined in Section ~~43.2.243-1.2~~, except for land within Area 1.
48 Area 2 expands outward uniformly from the Primary Surface to a width of 1,400 feet and
49 includes sufficient area for installation of an approach and runway indicator lighting systems.
50 The following are permitted uses in Area 2 and are subject to the height requirement
51 established in FAR Part 77.

- 1 (1) Agriculture.
- 2 (2) Passive Recreation (non-spectator).
- 3 (3) Cemeteries.
- 4 (4) Automobile Parking.
- 5 (5) Transportation Uses such as Roads, Railway and Street Rights-of-Way.
- 6 (6) Utilities (above and below ground).
- 7 | c. ~~Area 3, as identified on the Official Zoning Maps,~~ consists of the land beneath the
8 Transitional Surface and the land beneath the Approach Surface, as defined in Section
9 | ~~43.2.243-1.2~~ and located within 700 feet of the runway or runway centerline extended. The
10 following are permitted uses in Area 3, subject to the height requirements established in FAR
11 Part 77:
- 12 (1) Agriculture, Forestry.
- 13 (2) Recreation (non-spectator)
- 14 (3) Resource extraction – Mining, General Manufacturing.
- 15 (4) Transportation Uses such as Rods, Railway and Street Right-of-Way.
- 16 (5) Automobile Parking.
- 17 (6) Utilities.
- 18 (7) Wholesale and Retail Trade such as building materials, hardware, and general
19 merchandise.
- 20 (8) Services, excluding hospitals, nursing homes, educational, other medical facilities,
21 and other noise sensitive uses.
- 22 (9) Airport and aircraft related services and fixed base operations (Tee-hangars, etc.).
- 23 It is important to note that these land use recommendations for the approach and transitional
24 surfaces are not based specifically on any established FAA criteria.
- 25 | d. ~~Area 4, as identified on the Official Zoning Maps,~~ consists of the land beneath the AE sub-
26 districts not contained within Areas 1, 2 or 3, and is bound by the outer limit of the Conical
27 Surface. All land uses are permitted in Area 4, subject to the height requirements established
28 | in FAR Part 77.

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FIGURE 43.3.A...: AE SUB-DISTRICTS AND LAND USE COMPATIBILITY GUIDELINES for ST MARY'S REGIONAL AIRPORT

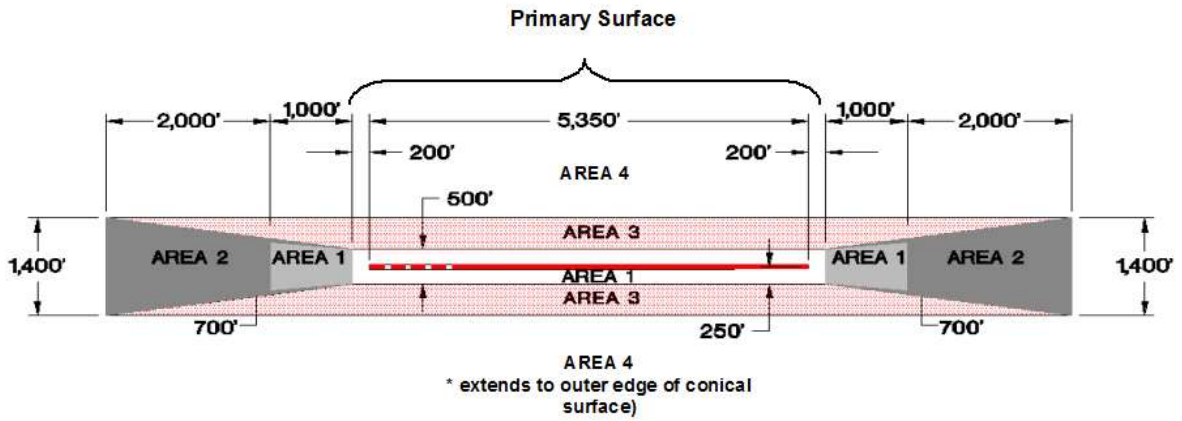
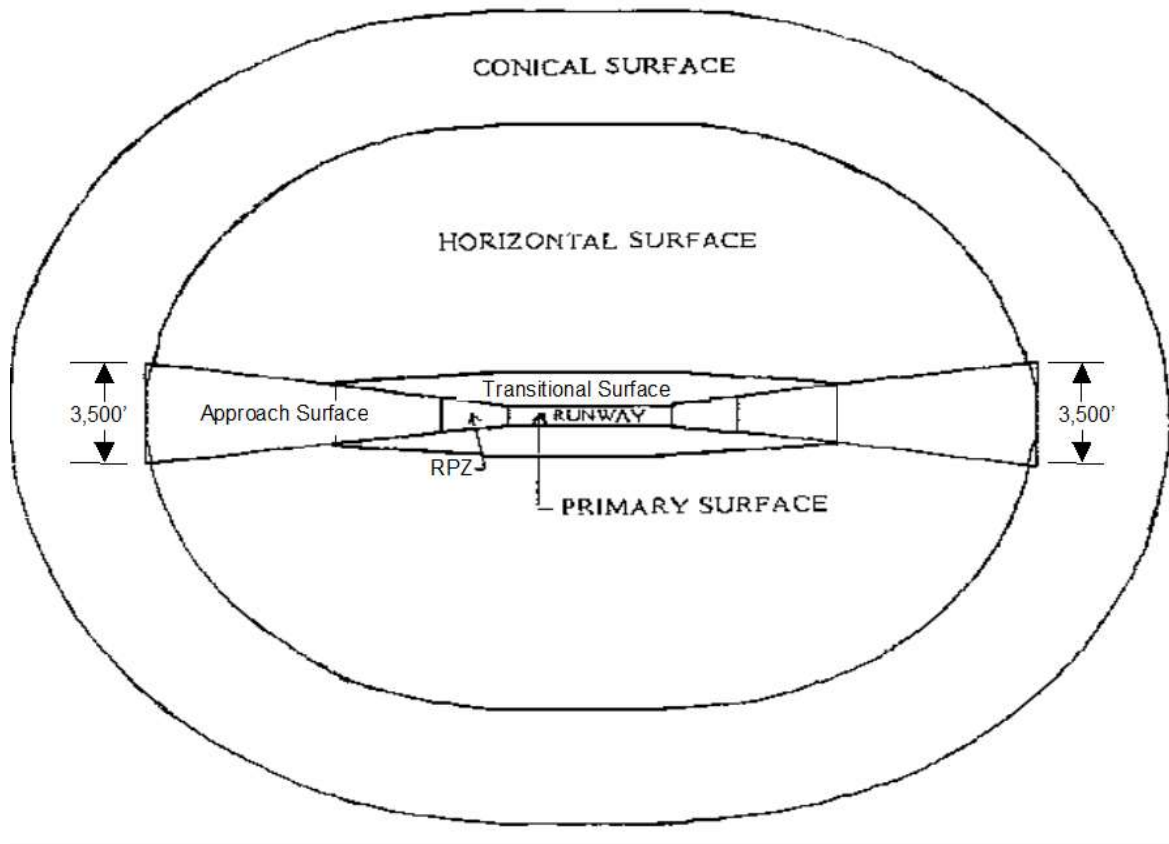


FIGURE 43.3.B: COMPATIBLE LAND USE RECOMMENDATIONS WITHIN THE AE SUB-DISTRICTS

Land Use Category	Compatibility		
	AREA 1 / 2*	AREA 3	AREA 4
RESIDENTIAL			
Residential-other than mobile home parks, transient lodgings	D / D	B	B
Mobile home parks / mobile homes	D / D	B	B
Transient lodgings, hotels, motels	D / D	B	B
PUBLIC USE AND TRANSPORTATION			
Places of public assembly (nursing homes, schools, hospitals, churches, auditoriums)	D / D	B	B
Government Buildings	D / D	B	B
Transportation (parking, highways, bus and rail terminals, aviation terminals)	D / B	B	A
COMMERCIAL AND RETAIL TRADE			
Offices-business and professional	D / D	B	B
Wholesale/Retail-materials, food, hardware and farm equipment	D / D	B	B
Retail trade-general, animal-related services (grooming etc)	D / D	B	B
Utilities	D / D	B	A
Communications (telephone, exchange stations, relay towers, transmission stations)	D / D	C	A
INDUSTRIAL AND MANUFACTURING			
Manufacturing - general	D / D	B	B
Agricultural (except livestock)	D / B	B	A
Livestock farming and breeding	D / B	B	A
Resource extraction (mining)	D / D	D	A
Forestry	D / D	B	A
RECREATIONAL			
Outdoor sports arenas	D / D	D	B
Nature exhibits, zoos	D / D	D	B
Amusement parks, resorts, camps	D / D	D	B
<i>Source: Pennsylvania Land Use Compatibility Guidelines, Exhibit 9 Land Use Recommendations do not reflect an FAA standard or guideline; areas are based on FAR Part 77 and FAA Safety Zones.</i>			

1 **KEY TO FIGURE 43.3.C**

- * A conditional use approval is required to be located within or below designated AREA 2, subject to Land Use Compatibility Guidelines contained herein.
- A: CLEARLY COMPATIBLE** Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference and no substantial loss of life and property.
- B: NORMALLY COMPATIBLE** Exposure to accident potential is great enough to be of some concern, but density of people and structures, when property planned, will allow the accident potential environment to be acceptable.
- C: NORMALLY INCOMPATIBLE** The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.
- D: CLEARLY INCOMPATIBLE** The exposure to accident potential at the site is so severe, due to potential loss of

life and property, that performance of land use activities is not advisable.

1 **43.4. Site Development Standards.**

2 | 1. **General Requirements.** Within the AICUZ, ~~and~~ AE, and Noise Contour Overlays, an application
3 for subdivision or site plan approval, conditional use approval, or variance, except for agricultural
4 uses, shall be subject to Site Plan Review pursuant to Chapter 60 of this Ordinance, and, shall not
5 be approved except upon receipt of evidence of filing of a “Notice of Proposed Construction or
6 Alteration” with the Federal Aviation Administration (FAA). Where required by 14 CFR Part 77,
7 as amended, development applications are required to document site elevations in relation to the
8 | AE Overlay Subdistrict surfaces (~~43.2.2.b43.1.2.b~~) and the AICUZ subdistricts (~~43.2.2.a43.1.2.a~~).
9 An area located in more than one of the AE Overlay Subdistrict surfaces is considered to be only
10 in the surface with the more restrictive height limitation. Documentation of site elevations shall
11 consist of a topographic map of the site showing contours for every five feet of elevation change
12 to illustrate the elevation above mean sea level; the location and height of any proposed buildings
13 or structures, as well as natural features that impinge upon the AE Overlay Subdistrict surfaces;
14 and the elevation of the aviation facility affecting the applicant’s property.

15 | a. *Conditional Use Application.* Within the AE surface restrictions described at Section
16 | ~~40.143.3~~, any application for subdivision or site plan approval within or below AREA 2,
17 shall be subject to Conditional Use application in accordance with Chapter 25 of this
18 Ordinance.

19 | b. *Review by Airport Manager.* Any application for subdivision approval, site plan
20 approval, conditional use approval, or variance within the AE overlay shall be referred to
21 the director of the department responsible for the Airport Master Plan for comment on the
22 potential impact of the proposal on aviation and/or airport operations or proposed
23 expansions prior to the issuance of any approval or building permit within the AE
24 overlay.

25 2. **Construction or Alteration Requiring Notice.** Zoning approval for development required to file a
26 “Notice of Proposed Construction or Alteration” with the Federal Aviation Administration, (FAA)
27 as set forth below, shall be conditioned upon evidence of filing of a Notice of Proposed
28 Construction or Alteration with the FAA. A Notice of Proposed Construction or Alteration shall be
29 completed by the applicant and submitted to the director of the department responsible for the
30 Airport Master Plan and to the FAA for review and approvals for:

- 31 | a. Any construction exceeding 100 feet in height above ground level at the site;
- 32 | b. Any construction greater in height than an AE Overlay Subdistrict surface extending
33 outward and upward at one of the following slopes:
- 34 (1) 100 feet horizontal to 1 foot vertical for horizontal distance of 10,000 feet from
35 the nearest runway (end or side) of an airport with at least one runway more than
36 3,200 feet in length, excluding heliports.
- 37 (2) 50 feet horizontal to 1 foot vertical for a horizontal distance of 10,000 feet from
38 the nearest runway (end or side) of an airport with at least one runway no more
39 than 3,200 feet in length, excluding heliports;
- 40 (3) 23 feet horizontal to 1 foot vertical for a horizontal distance of 5,000 feet from
41 the nearest point of the nearest landing and take off area of each heliport.

42 **OR**

43 | c. Any transportation routes/structure (bridges, railways, highway, waterways) for which the
44 height of the tallest vehicle anticipated to traverse the route/structure will exceed the
45 height of an AE Overlay Subdistrict surface extending outward and upward as set forth at
46 Section 43.4.2.b (1)-(3) above.

47 3. **Performance Standards.** The following performance standards shall apply to all uses within the
48 AICUZ or the AE overlay districts:

49 | a. No proposed development or land use shall create electrical or electronic interference
50 with communications among aviators and/or ground control personnel.

- 1 b. No proposed development or land use shall make it difficult for aviators to distinguish
2 between airport lights and other lights or cause glare in the eyes of aviators using the
3 airport or airport facilities.
- 4 c. No proposed development or land use may emit smoke, fly ash, dust, steam, vapor, gases
5 or other forms of air emissions that would impair visibility in the vicinity of the airport;
6 otherwise interfere with the safe operation of aircraft; or endanger the landing, take-off,
7 or maneuvering of aircraft at the airport or in the vicinity of the airport.

8 **43.5. Airport Easements, Restrictions, and Covenants.**

9 The following notes shall be included on all record plats of lands wholly or partly within the AE Overlay
10 District and subdivided after the adoption of this provision:

- 11 1. Within the area of the tract hereby created, no structure, erection, object, growth of trees, or
12 vegetation within the boundaries of the tract herein describes, nor any other objects placed within
13 said tract, shall penetrate the AE Overlay Subdistrict surfaces of an airport or heliport. Owner,
14 his/her/their/its heirs, successors and assigns shall be responsible for maintaining and pruning trees
15 and vegetation so this height restriction is not exceeded.
- 16 2. The land-owner expressly reserves for the use and benefit of itself and the public a right of flight
17 for the passage of aircraft in the airspace above the lands identified herein, together with the right
18 to cause above such tract all such noise, fumes, dust, vibration and fuel particles as may be
19 inherent in the operation of aircraft using said airspace for landing and taking off from the St.
20 Mary's County Regional Airport and other regulated public landing strips.