

ATTACHMENT 1

Zoning Text Amendment No: 05-10
Concerning: Telecommunication Facility
Amendments
Draft No. & Date: 3 – 7/5/05
Introduced: July 12, 2005
Public Hearing: 9/20/05 – 1:30 p.m.
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Praisner and Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- defining amateur radio facility and allowing an amateur radio facility as a permitted use in certain zones;
- defining radio and television stations and towers and establishing special exception standards for radio and television broadcasting station and tower; and
- generally amending the telecommunication facility zoning regulations.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

| | |
|-------------------|--------------------------------------|
| DIVISION 59-A-2 | “DEFINITIONS AND INTERPRETATION” |
| Section 59-A.2.1 | “Definitions” |
| DIVISION 59-B-1 | “EXEMPTIONS FROM HEIGHT CONOTROLS” |
| Section 59-B-1.1 | “Belfries, chimneys, etc.” |
| DIVISION 59-C-1 | “RESIDENTIAL ZONES, ONE-FAMILY” |
| Section 59-C-1.31 | “Land uses” |
| Section 59-C-1.71 | “Land uses” |
| DIVISION 59-C-2 | “RESIDENTIAL ZONES, MULTIPLE-FAMILY” |
| Section 59-C-2.3 | “Land uses” |
| DIVISION 59-C-4 | “COMMERCIAL ZONES” |
| Section 59-C-4.2 | “Land uses” |
| DIVISION 59-C-5 | “INDUSTRIAL ZONES” |
| Section 59-C-5.21 | “Allowable uses” |
| DIVISION 59-C-6 | “CENTRAL BUSINESS DISTRICT ZONES” |
| Section 59-C-6.22 | “Land uses” |
| DIVISON 59-C-8 | “TRANSIT STATION DEVELOPMENT AREA” |
| Section 59-C-8.3 | “Land uses” |
| DIVISION 59-C-9 | “AGRICULTURAL ZONES” |
| Section 59-C-9.3 | “Land uses” |

| | |
|---------------------|--|
| DIVISION 59-C-10 | “RMX ZONES—RESIDENTIAL MIXED USE DEVELOPMENT” |
| Section 59-C-10.3.2 | “Land uses” |
| DIVISION 59-G-2 | “SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS” |
| Section 59-G-2.43 | “Public utility buildings, public utility structures and telecommunication facility” |
| Section 59-G-2.44 | “Radio and television broadcasting stations and towers” |

EXPLANATION:

***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
**** indicates existing law unaffected by the text amendment*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Amateur Radio Facility:** Any facility used for personal, non-commercial radio
6 communications licensed by the Federal Communications Commission.

7 * * *

8 **Radio and television broadcasting studio:** A facility used for the creation and
9 production of radio, television, and other electronic media programming. This
10 includes studios, stages, editing facilities, post-production facilities, and program
11 distribution via wire or fiber optic cable. A radio and television broadcasting
12 studio does not include a [broadcast] tower at the same location as the studio.

13
14 **Radio and television broadcasting stations and towers.** Any facility used to
15 transmit radio or television communications that are intended to be received by the
16 general public.

17 * * *

18 **Structure:** An assembly of materials forming a construction for occupancy or use
19 including, among others, buildings, stadiums, gospel and circus tents, reviewing
20 stands, platforms, stagings, observation towers, radio and [TV] television
21 broadcasting towers, [[telecommunications facilities,]] telecommunications and
22 wireless transmission towers, monopoles, water tanks, trestles, piers, wharves,
23 open sheds, coal bins, shelters, fences, walls, signs, power line towers, pipelines,
24 railroad tracks and poles.

25 * * *

26 **Telecommunication facility:** Any facility established for the purpose of providing
27 wireless voice, data or [and] image transmission within a designated service area.

28 A telecommunication facility must not be staffed. A telecommunication facility
29 consists of one or more antennas attached to a support structure and related
30 equipment. Antennas are limited to the following types and dimensions: omni-
31 directional (whip) antennas not exceeding 15 feet in height and 3 inches in
32 diameter; directional or panel antennas not exceeding 6 feet in height and 2 feet in
33 width; and satellite or microwave dish antennas not exceeding 6 feet in diameter.
34 An antenna may be mounted to a structure, a building rooftop or a freestanding
35 monopole in accordance with Sections 59-A-6.12, 59-A-6.14, and 59-G-2.43.
36 Equipment may be located within a building, an equipment cabinet, or an
37 equipment room within an existing building. No lights or signs are permitted on an
38 antenna or support structure unless required by the Federal Communications
39 Commission, the Federal Aviation Administration, or the County.

40 * * *

41 **Tower:** A lattice-type structure, guyed or freestanding, supporting antennas used
42 for radio[,] and television broadcasting, telecommunication, and wireless
43 transmission.

44 **Sec. 2. Division 59-B-1 is amended as follows:**

45 **DIVISION 59-B-1. EXEMPTIONS FROM HEIGHT CONTROLS.**

46 **Sec. 59-B-1.1. Belfries, chimneys, etc.**

47 The building height limits [set forth in this] under this chapter [shall] do not apply
48 to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, [radio towers,]
49 television antennae or aerials, spires, tanks, water towers, water tanks, air
50 conditioning units or similar roof structures, and mechanical appurtenances, or, if
51 associated with an optional method development project and where recommended
52 in an approved urban renewal plan, rooftop architectural features, except:

53 (a) Where such structures are located within an airport approach area, as
54 designated on the zoning map; or

55 (b) In the case of air conditioning units or similar roof structures and
 56 mechanical appurtenances located on buildings in the RT-6.0, RT-8.0,
 57 RT-10.0, RT-12.5 and R-30 Zones or constructed under the standard
 58 method of development procedures in the CBD-0.5, CBD-R, and
 59 CBD-1 Zones, this exemption is limited to 8 feet.

60 [No such roof structures, however, may] A roof structure must not have a total area
 61 greater than 25 percent of the roof area except that a larger area may be approved
 62 for buildings approved by the Planning Board under the Central Business District
 63 optional method of development procedure[s in the central business district zones].
 64 A roof structure must not be used for any purpose other than a use incidental to the
 65 main use of the building. Exempt space [may] must not be used for retail, general
 66 and professional offices, or similar uses.

67 **Sec. 3. DIVISION 59-C-1 is amended as follows:**

68 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

69 * * *

70 **59-C-1.3. Standard development.**

71 * * *

72 **59-C-1.31. Land uses.**

73 * * *

| | RE-2 | RE-2C | RE-1 | R-200 | R-150 | R-90 | R-60 | R-40 | R-4 plex | RMH 200 |
|--|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| (b) Transportation, communication and utilities. | | | | | | | | | | |
| * * * | | | | | | | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | | | | | | |
| Public utility buildings[, public utility] and structures[, and telecommunications facilities]. | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE | [P ¹⁸ /] SE |

| | | | | | | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Radio and television broadcasting stations and towers. | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
| * * * | | | | | | | | | | |
| Telecommunication facility. | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE | P ¹⁸ /SE |

74 * Must not exceed 100 feet in height; however, a special exception for additional height
 75 may be granted[[,]] by the Board of Appeals, if it can be demonstrated that additional
 76 height is needed to engage in amateur radio communications.

77 18 Subject to Section 59-A-6.12 and 59-A-6.14

78 **59-C-1.7. R-T zones, townhouse, residential.**

79 **59-C-1.71. Land uses.**

80 * * *

| | R-T 6.0 | R-T 8.0 | R-T 10.0 | R-T 12.5 | R-T 15.0 |
|---|--------------|--------------|--------------|--------------|--------------|
| (b) Transportation, communication and utilities. | | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | |
| Public utility buildings and structures. | SE | SE | SE | SE | SE |
| * * * | | | | | |

81 * Must not exceed 100 feet in height; however, a special exception for additional height
 82 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 83 is needed to engage in amateur radio communications.

84

85 **Sec. 4. DIVISION 59-C-2 is amended as follows:**

86 **DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.**

87 * * *

88 **59-C-2.3. Land uses.**

| * * * | R-30 | R-20 | R-10 | R-H |
|---|--------------|--------------|--------------|--------------|
| (b) Transportation, communication and utilities. | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |

| | | | | |
|--|----|----|----|-------------------|
| * * * | | | | |
| Public utility buildings and structures. | SE | SE | SE | SE ^[4] |
| Radio and television broadcasting stations and towers. | SE | SE | SE | |
| * * * | | | | |

89 ¹⁴ Not including above ground transmission lines nor radio and television broadcasting
 90 stations and towers.]

91 * Must not exceed 100 feet in height; however, a special exception for additional height
 92 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 93 is needed to engage in amateur radio communications.

94

95 **Sec. 5. DIVISION 59-C-4 amended as follows:**

96 **DIVISION 59-C-4. COMMERCIAL ZONES.**

97 * * *

98 **59-C-4.2. Land uses.**

99 * * *

| | C-T | O-M | C-O | C-P | C-1 | C-2 | C-3 | C-4 | C-5 | C-6 | H-M | Country Inn |
|---|--------------|--------------|----------------------|----------------------|--------------|----------------------|----------------------|--------------|----------------------|--------------|----------------------|--------------|
| (c) Transportation, communication and utilities: | | | | | | | | | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | | | | | | | | |
| Public utility buildings [,public utility] and structures [and telecommunication facilities]. | SE | SE | [P ⁸]/SE | [P ⁸]/SE | SE | [P ⁸]/SE | [P ⁸]/SE | SE | [P ⁸]/SE | | [P ⁸]/SE | SE |
| Radio and television broadcasting stations and towers. | | | SE/P ⁵⁵ | | | SE/P ⁵⁵ | SE/P ⁵⁵ | | | | | |
| Radio and television broadcasting studios. | | | P | | | P | | P | | | P | |

| | | | | | | | | | | | | |
|------------------------------------|-----------|-----------|-------------------------|-------------------------|-----------|-------------------------|-------------------------|-----------|-------------------------|--|-------------------------|-----------|
| * * * | | | | | | | | | | | | |
| <u>Telecommunication facility.</u> | <u>SE</u> | <u>SE</u> | <u>P⁸/SE</u> | <u>P⁸/SE</u> | <u>SE</u> | <u>P⁸/SE</u> | <u>P⁸/SE</u> | <u>SE</u> | <u>P⁸/SE</u> | | <u>P⁸/SE</u> | <u>SE</u> |

100 * Must not exceed 100 feet in height; however, a special exception for additional height
 101 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 102 is needed to engage in amateur radio communications.

103 8 A [freestanding monopole for a] monopole or tower supporting antennas used for a
 104 telecommunication facility is a permitted use up to 150 feet in height with a setback of
 105 one foot for every foot of height from all residential and agricultural zoned properties.

106 * * *
 107 55 A radio and television broadcasting station without a broadcast tower is a permitted use.

108 **Sec. 6. DIVISION 59-C-5 is amended as follows:**

109 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

110 * * *

111 **59-C-5.21. Allowable uses.**

112 * * *

| | I-1 | I-2 | I-3 | I-4 | R&D | LSC |
|--|--------------------|--------------|--------------------|--------------------|--------------------|--------------------|
| (c) Transportation, communication and utilities. | | | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | | |
| Public utility buildings [,public utility] <u>and</u> structures [<u>and telecommunication facilities</u>]. ^[4] | [P/]SE | [P/]SE | [P/]SE | [P/]SE | [P/]SE | SE |
| Radio and television broadcasting stations <u>and</u> towers [<u>and accessory structures</u>]. | SE/P ³³ | P | SE/P ³³ | SE/P ³³ | SE/P ³³ | SE/P ³³ |
| <u>Telecommunication facility.</u> ⁴ | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |

113 4 A [freestanding monopole for a] monopole or tower supporting antennas used for a
 114 telecommunications facility is a permitted use up to 199 feet in height with a setback of
 115 one foot for every foot of height from all residential and agricultural zoned properties.

116 33 Radio and television broadcasting station without a broadcast tower is a permitted use.

117 * Must not exceed 100 feet in height; however, a special exception for additional height
 118 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 119 is needed to engage in amateur radio communications.

120 **Sec. 7. DIVISION 59-C-6 is amended as follows:**

121 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

122 * * *

123 **59-C-6.22. Land uses.**

124 * * *

| | CBD-0.5 | | CBD-R1 | | CBD-1 | | CBD-2 | | CBD-3 | | CBD-R2 | |
|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | S | O | S | O | S | O | S | O | S | O | S | O |
| (c) Transportation, communication and utilities. | | | | | | | | | | | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | | | | | | | | |
| Public utility buildings and structures. | | SE | | SE | | SE | | SE | | SE | | SE |
| Radio and television broadcasting studio. | | | | | P | P | P | P | P | P | | |
| Radio and television stations and towers. | | | | SE | | SE | | SE | | SE | | SE |
| * * * | | | | | | | | | | | | |

125 * Must not exceed 100 feet in height; however, a special exception for additional height
 126 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 127 is needed to engage in amateur radio communications.

128
 129 **Sec. 8. Division 59-C-8 is amended as follows:**

130 **DIVISION 59-C-8. TRANSIT STATION DEVELOPMENT AREA**
 131 **ZONES.**

132 * * *

133 **59-C-8.3. Land uses.**

| | TS-R | TS-M |
|---|--------------|--------------|
| (b) Transportation, communication and utilities. | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | |
| Public utility buildings and structures. | | P |
| Radio and television broadcasting studios. | | SE |
| * * * | | |

134 * Must not exceed 100 feet in height; however, a special exception for additional height
 135 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 136 is needed to engage in amateur radio communications.

137

138 **Sec. 9. DIVISION 59-C-9 is amended as follows:**

139 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

140 * * *

141 **59-C-9.3. Land uses.**

142 * * *

| | Rural | RC | LDRC | RDT | RS | RNC |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------------------|
| (f) Transportation, Communication and Utilities: | | | | | | |
| Airstrip, associated with farm. | | SE ² | SE | SE | | |
| <u>Amateur radio facility.</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> | <u>P*/SE</u> |
| * * * | | | | | | |
| Public utility buildings [, public utility] and structures [and telecommunication facilities 33]. | SE | SE | SE | SE | [P ³² /] SE | SE ² |
| Radio or television broadcasting [station or tower] stations and towers. | SE | SE ² | SE ² | SE | SE | <u>SE</u> |
| <u>Telecommunication facility.</u> | <u>P³³/SE</u> | <u>P³³/SE</u> | <u>P³³/SE</u> | <u>P³³/SE</u> | <u>P³²/SE</u> | <u>SE²</u> |

143 2 This use or class o[[r]]f uses is not permitted in the portion of [a] any [rural] cluster
 144 development regulated by section 59-9.52 or in any [the] rural open space area [as]
 145 regulated by section 59-C-9.57[, except as noted in those sections].

146 32 A [freestanding monopole for a] telecommunication facility is a permitted use if the
 147 height does not exceed the building height of the zone and the monopole is [[setback]] set
 148 back one foot for every foot of height from the property line.

149 33 A [freestanding monopole for a] monopole or tower supporting antennas used for a
 150 telecommunications facility is a permitted use up to 199 feet in height within an overhead
 151 transmission line right-of-way but must not be any closer than 300 feet to any residence .

152 * Must not exceed 100 feet in height; however, a special exception for additional height
 153 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 154 is needed to engage in amateur radio communications.

155

156 **Sec. 10. DIVISION 59-C-10. RMX ZONES—RESIDENTIAL MIXED**
 157 **USE DEVELOPMENT.**

158 * * *

159 **59-C-10.3.2. Land uses.**

| | RMX-1 RMX-1/TDR | RMX-2 RMX-2/TDR | RMX-2C | RMX-3 RMX-3/TDR | RMX-3C |
|--|--------------------|--------------------|--------|--------------------|--------|
| (b) Transportation, Communication, and Utilities: | | | | | |
| Amateur radio facility. | P*/SE | P*/SE | P*/SE | P*/SE | P*/SE |
| * * * | | | | | |
| Public utility buildings and structures. | SE | SE | SE | SE | SE |
| Radio and television broadcasting studio. | P | P | P | P | P |
| * * * | | | | | |

160 * Must not exceed 100 feet in height; however, a special exception for additional height
 161 may be granted, by the Board of Appeals if it can be demonstrated that additional height
 162 is needed to engage in amateur radio communications.

163

164 **Sec. 11. DIVISION 59-G-2 is amended as follows:**

165 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
 166 **REQUIREMENTS.**

167 * * *

168 **Sec. 59-G-2.43. Public utility buildings[, public utility] and structures [and**
 169 **telecommunication facility].**

170 (a) A public utility building or public utility structure, not otherwise
 171 permitted, may be allowed by special exception. The findings of this
 172 subsection (a) do not apply to electric power transmission or
 173 distribution lines carrying in excess of 69,000 volts. For other
 174 buildings or structures regulated by this section, the Board must make
 175 the following findings:

- 176 (1) The proposed building or structure at the location selected is
177 necessary for public convenience and service.
- 178 (2) The proposed building or structure at the location selected will
179 not endanger the health and safety of workers and residents in
180 the community and will not substantially impair or prove
181 detrimental to neighboring properties.
- 182 (b) A public utility building allowed in any residential zone, must,
183 whenever practicable, have the exterior appearance of a residential
184 building[s] and must have suitable landscaping, screen planting and
185 fencing, wherever deemed necessary by the Board.
- 186 (c) The Board may approve a public utility building and public utility
187 structure exceeding the height limits of the applicable zone if, in the
188 opinion of the Board, adjacent residential developments and uses will
189 not be adversely affected by the proposed use.
- 190 [(d) Any proposed broadcasting tower must have a setback of one foot
191 from all property lines for every foot of height of the tower; provided,
192 that any broadcasting tower lawfully existing on September 1, 1970, is
193 exempt from the setback limitations imposed by this subsection, and
194 may be continued, structurally altered, reconstructed or enlarged;
195 provided further, that any structural change, repair, addition, alteration
196 or reconstruction must not result in increasing the height of such
197 tower above the then existing structurally designed height.]
- 198 [(e)] (d) Examples of public utility buildings and structures for which
199 special exceptions are required under this section are buildings and
200 structures for the occupancy, use, support or housing of switching
201 equipment, regulators, stationary transformers and other such devices
202 for supplying electric service; telephone offices; railroad, bus, trolley,

203 air and boat passengers stations; [radio or television transmitter towers
204 and stations; telecommunication facilities;] above ground pipelines.

205 [Additional standards for telecommunication facilities are found in
206 subsection (j).]

207 [(f)] (~~e~~)Reserved.

208 [(g)](~~f~~)In addition to the authority granted by Section 59-G-1.22, the Board
209 may attach to any grant of a special exception under this section other
210 conditions that it may deem necessary to protect the public health,
211 safety or general welfare.

212 [(h)](~~g~~) Petitions for special exception under this section may be filed on
213 project basis.

214 [(i)](~~h~~)A petitioner under this section is considered an interested person for
215 purposes of filing a request for a special exception if the petitioner
216 states in writing under oath that a bona fide effort has been made to
217 obtain a contractual interest in the subject property for a valid
218 consideration without success, and that there is an intent to continue
219 negotiations to obtain the required interest or in the alternative to file
220 condemnation proceedings should the special exception be granted.

221 [(j)] Any telecommunication facility must satisfy the following standards:

222 (1) A support structure must be set back from the property line as
223 follows:

224 a. In agricultural and residential zones, a distance of one foot
225 from the property line for every foot of height of the support
226 structure.

227 b. In commercial and industrial zones, a distance of one-half
228 foot from property line for every foot of height of the
229 support structure from a property line separating the subject

230 site from commercial or industrial zoned properties, and one
231 foot for every foot of height of the support structure from
232 residential or agricultural zoned properties.

233 c. The setback from a property line is measured from the base
234 of the support structure to the perimeter property line.

235 d. The Board of Appeals may reduce the setback requirement
236 to not less than the building setback of the applicable zone if
237 the applicant requests a reduction and evidence indicates
238 that a support structure can be located on the property in a
239 less visually obtrusive location after considering the height
240 of the structure, topography, existing vegetation, adjoining
241 and nearby residential properties, if any, and visibility from
242 the street.]

243 [(2) A support structure must be set back from any off-site dwelling
244 as follows:

245 a. In agricultural and residential zones, a distance of 300
246 feet.

247 b. In all other zones, one foot for every foot in height.

248 c. The setback is measured from the base of the support
249 structure to the base of the nearest off-site dwelling.

250 d. The Board of Appeals may reduce the setback
251 requirement in the agricultural and residential zones to a
252 distance of one foot from an off-site residential building
253 for every foot of height of the support structure if the
254 applicant requests a reduction and evidence indicates that
255 a support structure can be located in a less visually
256 obtrusive location after considering the height of the

257 structure, topography, existing vegetation, adjoining and
258 nearby residential properties, and visibility from the
259 street.]

260 [(3) The support structure and antenna must not exceed 155 feet in
261 height, unless it can be demonstrated that additional height up
262 to 199 feet is needed for service, collocation, or public safety
263 communication purposes. At the completion of construction
264 and before the final inspection of the building permit, the
265 applicant must submit documentation to the Department of
266 Permitting Services as to the height and location of the support
267 structure.]

268 [(4) The support structure must be sited to minimize its visual
269 impact. The Board may require the support structure to be less
270 visually obtrusive by use of screening, coloring, stealth design,
271 or other visual mitigation options, after considering the height
272 of the structure, topography, existing vegetation and
273 environmental features, and adjoining and nearby residential
274 properties. The support structure and any related equipment]
275 [buildings or cabinets must be surrounded by landscaping or
276 other screening options that provide a screen of at least 6 feet in
277 height.]

278 [(5) The property owner must be an applicant for the special
279 exception for each support structure. A modification of a
280 telecommunication facility special exception is not required for
281 a change to any use within the special exception area not
282 directly related to the special exception grant. A support
283 structure must be constructed to hold no less than 3

284 telecommunication carriers. The Board may approve a support
285 structure holding less than 3 telecommunication carriers if: 1)
286 requested by the applicant and a determination is made that
287 collocation at the site is not essential to the public interest; and
288 2) the Board decides that construction of a lower support
289 structure with fewer telecommunication carriers will promote
290 community compatibility. The equipment compound must
291 have sufficient area to accommodate equipment sheds or
292 cabinets associated with the telecommunication facility for all
293 the carriers.]

294 [(6) No signs or illumination are permitted on the antennas or
295 support structure unless required by the Federal
296 Communications Commission, the Federal Aviation
297 Administration, or the County.]

298 [(7) Every freestanding support structure must be removed at the
299 cost of the owner of the telecommunication facility when the
300 telecommunication facility is no longer in use by any
301 telecommunication carrier for more than 12 months.]

302 [(8) All support structures must be identified by a sign no larger
303 than 2 square feet affixed to the support structure or any
304 equipment building. The sign must identify the owner and the
305 maintenance service provider of the support structure or any
306 attached antenna and provide the telephone number of a person
307 to contact regarding the structure. The sign must be updated
308 and the Board of Appeals notified within 10 days of any change
309 in ownership.]

310 [(9) Outdoor storage of equipment or other items is prohibited.]

311 [(10) Each owner of the telecommunication facility is responsible for
312 maintaining the telecommunication facility, in a safe condition.]

313 [(11) The applicants for the special exception must file with the
314 Board of Appeals a recommendation from the
315 Telecommunications Transmission Facility Coordinating Group
316 regarding the telecommunication facility. The recommendation
317 must be no more than one year old.]

318 [(12) Prior to the Board granting any special exception for a
319 telecommunication facility, the proposed facility must be
320 reviewed by the County Telecommunication Transmission
321 Facility Coordinating Group. The Board and Planning Board
322 must make a separate, independent finding as to need and
323 location of the facility.]

324 [(k) Any telecommunication facility special exception application for
325 which a public hearing was held before November 18, 2002 must be
326 decided based on the standards in effect when the application was
327 filed.]

328 [(l) Any telecommunication facility constructed as of November 18, 2002
329 may continue as a conforming use.]

330

331 **59-G-2.44. Radio and television broadcasting stations and towers.**

332 [See section 59-G-2.43.]

333 Any Radio and television broadcasting station ~~[[or]]~~ and tower must satisfy
334 the following standards:

335 (1) A ~~[[support]]~~ structure supporting antennas used for radio and
336 television broadcasting must be set back from the property line
337 as follows:

338 a. In agricultural and residential zones, a distance of one foot
339 from the property line for every foot of height of the
340 [[support]] tower or other antenna-supporting structure.

341 b. In commercial and industrial zones, a distance of one-half
342 foot from property line for every foot of height of the
343 support structure from a property line separating the subject
344 site from commercial or industrial zoned properties, and one
345 foot for every foot of height of the [[support]] tower or other
346 antenna-supporting structure from residential or agricultural
347 zoned properties.

348 c. The setback from a property line is measured from the base
349 of the [[support]] tower or other antenna-supporting
350 structure to the perimeter property line.

351 d. The Board of Appeals may reduce the setback requirement
352 to not less than the building setback of the applicable zone if
353 the applicant requests a reduction and evidence indicates
354 that a [[support]] tower or other antenna-supporting structure
355 can be located on the property in a less visually obtrusive
356 location after considering the height of the structure,
357 topography, existing vegetation, adjoining and nearby
358 residential properties, if any, and visibility from the street.

359 (2) A [[support]] structure supporting antennas used for radio and
360 television broadcasting must be set back from any off-site
361 dwelling as follows:

362 a. In agricultural and residential zones, a minimum distance
363 of 300 feet, but in no case less than one foot for every
364 foot in height.

- 365 b. In all other zones, one foot for every foot in height.
- 366 c. The setback is measured from the base of the [[support]]
- 367 tower or other antenna-supporting structure to the base of
- 368 the nearest off-site dwelling.
- 369 d. The Board of Appeals may reduce the setback
- 370 requirement in the agricultural an residential zones to a
- 371 distance of one foot from an off-site residential building
- 372 for every foot of height of the [[support]] tower or other
- 373 antenna-supporting structure if the applicant requests a
- 374 reduction and evidence indicates that a [[support]] tower
- 375 or other antenna-supporting structure can be located in a
- 376 less visually obtrusive location after considering the
- 377 height of the structure, topography, existing vegetation,
- 378 adjoining and nearby residential properties, and visibility
- 379 from the street.
- 380 (3) The [[support]] structure supporting antennas used for radio and
- 381 television broadcasting must not exceed 300 feet in height,
- 382 unless it can be demonstrated that additional height up to 450
- 383 feet is needed for service, collocation, or public safety
- 384 communication purposes. At the completion of construction
- 385 and before the final inspection of the building permit, the
- 386 applicant must submit documentation to the Department of
- 387 Permitting Services as to the height and location of the
- 388 [[support]] tower or other antenna-supporting structure.
- 389 (4) The [[support]] structure supporting antennas used for radio and
- 390 television broadcasting must be sited to minimize its visual
- 391 impact. The Board may require the [[support]] tower or other

392 antenna-supporting structure to be less visually obtrusive by use
393 of screening, coloring, stealth design, or other visual mitigation
394 options, after considering the height of the structure,
395 topography, existing vegetation and environmental features,
396 and adjoining and nearby residential properties. The [[support]]
397 tower or other antenna-supporting structure and any related
398 equipment buildings or cabinets must be surrounded by
399 landscaping or other screening options that provide a screen of
400 at least 6 feet in height.

401 (5) The property owner must be an applicant for the special
402 exception for each [[support]] structure supporting antennas
403 used for radio and television broadcasting. A modification of a
404 radio and television station or tower special exception is not
405 required for a change to any use within the special exception
406 area not directly related to the special exception grant. The
407 equipment compound must have sufficient area to
408 accommodate equipment sheds or cabinets associated with a
409 station or tower.

410 (6) No signs or illumination are permitted on the antennas or
411 [[support]] structure supporting antennas used for radio and
412 television broadcasting unless required by the Federal
413 Communications Commission, the Federal Aviation
414 Administration, or the County.

415 (7) Every freestanding radio and television broadcasting tower
416 must be removed at the cost of the owner when no longer in use
417 for more than 12 months.

- 418 (8) All [[support]] structures supporting antennas used for radio
419 and television broadcasting must be identified by a sign no
420 larger than 2 square feet affixed to the [[support]] tower or
421 other antenna-supporting structure or any equipment building.
422 The sign must identify the owner and the maintenance service
423 provider of the [[support]] tower or other antenna-supporting
424 structure or any attached antenna and provide the telephone
425 number of a person to contact regarding the structure. The sign
426 must be updated and the Board of Appeals notified within 10
427 days of any change in ownership.
- 428 (9) Outdoor storage of equipment or other items is prohibited.
- 429 (10) Each owner of the facility is responsible for maintaining the
430 facility, in a safe condition.
- 431 (11) The applicants for the special exception must file with the
432 Board of Appeals a recommendation from the Transmission
433 Facility Coordinating Group regarding the tower. The
434 recommendation must be no more than one year old.
- 435 (12) Prior to the Board granting any special exception for a radio
436 and television broadcasting [station or] tower, the proposed
437 facility must be reviewed by the County Transmission Facility
438 Coordinating Group.
- 439 (b) Any radio and television broadcasting station or tower special
440 exception application for which a public hearing was held before
441 (ZTA Effective Date) must be decided based on the standards in effect
442 when the application was filed.
- 443 (c) Any radio and television broadcasting station or tower existing as
444 (ZTA Effective Date) is exempt from the setback and height

445 limitations imposed by this section, and may be continued,
446 structurally altered, reconstructed or enlarged. However any
447 structural change, repair, addition, alteration or reconstruction of a
448 tower existing before (ZTA Effective Date) must not result in a
449 increase in the height of the tower above the height of the tower as it
450 existed before (ZTA Effective Date).

451
452 **59-G-2.58. [Reserved] Telecommunications facility.**

453 (a) Any telecommunications facility must satisfy the following standards:

454 (1) A ~~[[support]]~~ structure supporting antennas used for
455 telecommunication or wireless transmissions must be set back
456 from the property line as follows:

457 a. In agricultural and residential zones, a distance of one foot
458 from the property line for every foot of height of the
459 ~~[[support]]~~ monopole, tower or other antenna-supporting
460 structure.

461 b. In commercial and industrial zones, a distance of one-half
462 foot from property line for every foot of height of the
463 ~~[[support]]~~ monopole, tower or other antenna-supporting
464 structure from a property line separating the subject site
465 from commercial or industrial zoned properties, and one foot
466 for every foot of height of the ~~[[support]]~~ monopole, tower
467 or other antenna-supporting structure from residential or
468 agricultural zoned properties.

469 c. The setback from a property line is measured from the base
470 of the ~~[[support]]~~ monopole, tower or other antenna-
471 supporting structure to the perimeter property line.

472 d. The Board of Appeals may reduce the setback requirement
473 to not less than the building setback of the applicable zone if
474 the applicant requests a reduction and evidence indicates
475 that a ~~[[support]]~~ monopole, tower or other antenna-
476 supporting structure can be located on the property in a less
477 visually obtrusive location after considering the height of the
478 structure, topography, existing vegetation, adjoining and
479 nearby residential properties, if any, and visibility from the
480 street.

481 (2) A ~~[[support]]~~ structure supporting antennas used for
482 telecommunication or wireless transmissions must be set back
483 from any off-site dwelling as follows:

484 a. In agricultural and residential zones, a distance of 300
485 feet.

486 b. In all other zones, one foot for every foot in height.

487 c. The setback is measured from the base of the ~~[[support]]~~
488 monopole, tower or other s antenna-supporting structure
489 to the base of the nearest off-site dwelling.

490 d. The Board of Appeals may reduce the setback
491 requirement in the agricultural and residential zones to a
492 distance of one foot from an off-site ~~[[residential~~
493 building]] dwelling for every foot of height of the
494 ~~[[support]]~~ monopole, tower or other antenna-supporting
495 structure if the applicant requests a reduction and
496 evidence indicates that a ~~[[support]]~~ monopole, tower or
497 other antenna-supporting structure can be located in a
498 less visually obtrusive location after considering the

499 height of the structure, topography, existing vegetation,
500 adjoining and nearby residential properties, and visibility
501 from the street.

502 (3) The [[support]] structure supporting antennas used for
503 telecommunication or wireless transmissions and antenna must
504 not exceed 155 feet in height, unless it can be demonstrated that
505 additional height up to 199 feet is needed for service,
506 collocation, or public safety communication purposes. At the
507 completion of construction and before the final inspection of
508 the building permit, the applicant must submit documentation to
509 the Department of Permitting Services as to the height and
510 location of the [[support]] monopole, tower or other antenna-
511 supporting structure.

512 (4) The [[support]] structure supporting antennas used for
513 telecommunication or wireless transmissions must be sited to
514 minimize its visual impact. The Board may require the
515 [[support]] monopole, tower or other antenna-supporting
516 structure to be less visually obtrusive by use of screening,
517 coloring, stealth design, or other visual mitigation options, after
518 considering the height of the structure, topography, existing
519 vegetation and environmental features, and adjoining and
520 nearby residential properties. The [[support]] monopole, tower
521 or other antenna-supporting structure and any related equipment
522 buildings or cabinets must be surrounded by landscaping or
523 other screening options that provide a screen of at least 6 feet in
524 height.

525 (5) The property owner must be an applicant for the special
526 exception for each [[support]] structure supporting antennas
527 used for telecommunication or wireless transmissions. A
528 modification of a telecommunication facility special exception
529 is not required for a change to any use within the special
530 exception area not directly related to the special exception
531 grant. A [[support]] monopole, tower or other antenna-
532 supporting structure must be constructed to hold no less than 3
533 telecommunication carriers. The Board may approve a
534 [[support]] monopole, tower or other antenna-supporting
535 structure holding less than 3 telecommunication carriers if: 1)
536 requested by the applicant and a determination is made that
537 collocation at the site is not essential to the public interest; and
538 2) the Board decides that construction of a lower [[support]]
539 monopole, tower or other antenna-supporting structure with
540 fewer telecommunication carriers will promote community
541 compatibility. The equipment compound must have sufficient
542 area to accommodate equipment sheds or cabinets associated
543 with the telecommunication facility for all the carriers.

544 (6) No signs or illumination are permitted on the antennas or
545 [[support]] structure supporting antennas used for
546 telecommunication or wireless transmissions unless required by
547 the Federal Communications Commission, the Federal Aviation
548 Administration, or the County.

549 (7) Every freestanding [[support]] structure supporting antennas
550 used for telecommunication or wireless transmissions must be
551 removed at the cost of the owner of the telecommunication

552 facility when the telecommunication facility is no longer in use
553 by any telecommunication carrier for more than 12 months.

554 (8) All ~~[[support]]~~ structures supporting antennas used for
555 telecommunication or wireless transmissions must be identified
556 by a sign no larger than 2 square feet affixed to the ~~[[support]]~~
557 monopole, tower or other antenna-supporting structure or any
558 equipment building. The sign must identify the owner and the
559 maintenance service provider of the ~~[[support]]~~ monopole,
560 tower or other antenna-supporting structure or any attached
561 antenna and provide the telephone number of a person to
562 contact regarding the structure. The sign must be updated and
563 the Board of Appeals notified within 10 days of any change in
564 ownership.

565 (9) Outdoor storage of equipment or other items is prohibited.

566 (10) Each owner of the telecommunication facility is responsible for
567 maintaining the telecommunication facility, in a safe condition.

568 (11) The applicants for the special exception must file with the
569 Board of Appeals a recommendation from the
570 Telecommunications Transmission Facility Coordinating Group
571 regarding the telecommunication facility. The recommendation
572 must be no more than one year old.

573 (12) Prior to the Board granting any special exception for a
574 telecommunication facility, the proposed facility must be
575 reviewed by the County Telecommunication Transmission
576 Facility Coordinating Group. The Board and Planning Board
577 must make a separate, independent finding as to need and
578 location of the facility.

579 **(b)** Any telecommunication facility special exception application for
580 which a public hearing was held before November 18, 2002 must be
581 decided based on the standards in effect when the application was
582 filed.

583 **(c)** Any telecommunications facility constructed as of November 18,
584 2002 may continue as a conforming use.

585

586

587

588 **Sec. 12. Effective date.** This ordinance becomes effective 20 days after the
589 date of Council adoption.

590

591 This is a correct copy of Council action.

592

593

594 _____
Linda M. Lauer, Clerk of the Council