

**MEMORANDUM**

January 26, 2012

TO: Planning, Housing, and Economic Development Committee  
FROM: Jeff Zyontz, <sup>82</sup>Legislative Attorney  
SUBJECT: Zoning Text Amendment 11-07, Telecommunications Facilities – Antenna Height

Zoning Text Amendment (ZTA) 11-07, sponsored by Councilmember Floreen, was introduced on November 8, 2011.

ZTA 11-07 would allow for an increased size of allowable antennas. Currently, antennas 6 feet high or a disk with diameter of 6 feet across are allowed for telecommunications facilities. ZTA 11-07 would change 6 feet to 8 feet for both the antenna height and the diameter of a disk.

The Planning Board recommended the approval of ZTA 11-07. In their opinion, the proposed increase in antenna size will have no impact on existing procedures and little or no visual impact. The Council held a public hearing on January 17, 2012. No speaker testified at the public hearing.

**Issues**

*Why increase the height allowed for antennas?*

Cell phone providers are in the process of improving their networks for better coverage of 4G service. A new antenna is now commercially available that can handle an increased volume of calls with increased reliability. This new antenna is more than 6 feet in length. The wireless telecommunications needs of the County can be better served by the larger antenna, which would allow for higher capacity and fewer dropped calls, according to industry experts. The approval of this ZTA would avoid an issue with the Federal Communication Act and burdens of requiring variances to use the new antenna.

*Why have a limit on antenna size?*

Telecommunications Towers are limited in height. Antennas are always located on towers. Antennas are allowed in addition to the height of the cell tower. Regulating antenna height allows for an absolute height limit on telecommunications facilities.

Some antennas are located on the roofs of buildings. These antennas would also be subject to height limits. The absence of a height limit creates the potential for a visual barrier and a potential safety concern. Staff recommends approval of ZTA 11-07 as introduced.

This Packet Contains

ZTA 11-07

Planning Board Recommendation

Planning Staff Recommendation

© number

1 – 2

3 – 4

5 – 6

Zoning Text Amendment No.: 11-07  
Concerning: Telecommunications  
Facilities – Antenna Height  
Draft No. & Date: 1 – 10/18/11  
Introduced:  
Public Hearing:  
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**

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By: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- increase the allowable antenna height for telecommunications facilities; and
- generally amend the definition of telecommunications facility

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

Division 59-A-2      Definitions and Interpretations  
Section 59-A-2.1    Definitions

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.  
Underlining indicates text that is added to existing law by the original text amendment.  
[Single boldface brackets] indicate that text is deleted from existing law by 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. Section 59-A-2.1 is amended as follows:**

2  
3 \* \* \*

4 **Telecommunications facility:** Any facility established for the purpose of  
5 providing wireless voice, data or image transmission within a designated service  
6 area. A [telecommunication] telecommunications facility must not be staffed. A  
7 telecommunications facility consists of one or more antennas attached to a support  
8 structure and related equipment. Antennas are limited to the following types and  
9 dimensions: omni-directional (whip) antennas not exceeding 15 feet in height and  
10 3 inches in diameter; directional or panel antennas not exceeding [6] 8 feet in  
11 height and 2 feet in width; and satellite or microwave dish antennas not exceeding  
12 [6] 8 feet in diameter. An antenna may be mounted to a structure, a building  
13 rooftop, or a freestanding monopole [in accordance with] under Sections 59-A-  
14 6.12, 59-A-6.14, and 59-G-2.43. Equipment may be located [within] in a building,  
15 an equipment cabinet, or an equipment room [within] in an existing building. No  
16 lights or signs are permitted on an antenna or support structure unless required by  
17 the Federal Communications Commission, the Federal Aviation Administration, or  
18 the County.

19  
20 **Sec. 3. Effective date.** This ordinance takes effect one day after the  
21 Council's adoption.

22  
23 This is a correct copy of Council action.

24  
25 \_\_\_\_\_  
26 Linda M. Lauer, Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

**MONTGOMERY COUNTY PLANNING BOARD**

The Maryland-National Capital Park and Planning Commission

January 13, 2012

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 11-07

**BOARD RECOMMENDATION**

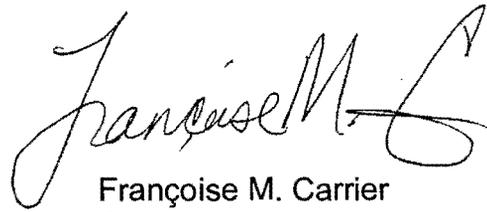
The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 11-07 at its regular meeting on January 12, 2012. By a vote of 5:0, the Board recommends approval of the text amendment, as introduced, to increase the allowable antenna height for telecommunications facilities.

ZTA 11-07 proposes to increase the maximum size of an antenna for a directional or panel antenna from 6 feet to 8 feet in height, with the maximum width remaining at 2 feet. The maximum size of satellite or microwave dish antennas would increase from 6 feet to 8 feet in diameter. The telecommunications service providers have indicated to the County that the increase in antenna size is needed to provide up-to-date service.

An antenna may be mounted to a structure, a building rooftop, or a freestanding monopole in accordance with Sections 59-A-6.12, 59-A-6.14, and 59-G-2.43. These provisions depict the means by which an antenna may be located by-right or by special exception approval. In either case, the Board believes that the proposed increase in antenna size will not impact the existing procedures and will have little or no visual impact. Further, the general and specific provisions and conditions of the Zoning Ordinance as well as the public hearing process provide additional protections to neighborhoods when considering a special exception application.

## CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, January 12, 2012.



Françoise M. Carrier  
Chair

FC: GR



**Zoning Text Amendment (ZTA) No. 11-07, Telecommunications Facilities – Antenna Height**

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Completed 1/5/12

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**Description**

ZTA No. 11-07 proposes to increase the allowable antenna height for telecommunications facilities; and to generally amend the definition of telecommunications facility. Specifically, the maximum size of an antenna for a directional or panel antenna would increase from 6 feet to 8 feet in height, with the maximum width remaining at 2 feet. The maximum size of satellite or microwave dish antennas would increase from 6 feet to 8 feet in diameter. The telecommunications service providers have indicated to the County that the increase in antenna size is needed to provide up-to-date service.

**Summary**

**Staff recommends approval of ZTA 11-02, as introduced, to increase the allowable antenna height for telecommunications facilities as outlined above.**

The Montgomery County Zoning Ordinance, Chapter 59 of the County Code, specifies the various antenna sizes as part of the definition of a telecommunications facility. An antenna may be mounted to a structure, a building rooftop, or a freestanding monopole in accordance with Sections 59-A-6.12, 59-A-6.14, and 59-G-2.43. These provisions depict the means by which an antenna may be located by-right or by special exception approval. In either case, the proposed increase in antenna size will not impact the existing procedures. In the case of special exceptions for telecommunication facilities, any impacts to surrounding properties will continue to be addressed at the time of technical staff review.

**Requirements for Location of Private Antennas**

Under the provisions of Section 59-A-6.12, an antenna may be attached as a matter of right to an existing structure owned or operated by a County, bi-county, state or federal agency. Under the provisions of Section 59-A-6.14, an antenna may be installed on a rooftop or structure as a matter of right if: a) the building is at least 30 feet in height in any multi-family, commercial or industrial zone; (b) the building is greater than 50 feet in height in any one-family residential zone and the structure is not a one-family residence or a building or structure accessory to a one-family residence; or (c) the antenna is mounted on the facade of the building at a height of at least 30 feet in a multi-family, commercial, or industrial zone, and at a height greater than 50 feet in a one-family residential zone where the building or structure is not a one-family

residence or a building or structure accessory to a one-family residence. Where a proposed antenna location cannot meet these provisions special exception approval is required by the Board of Appeals.

The special exception requirements for locating telecommunication facilities (including support structures and antennae) are located under Section 59-G-2.58. Any proposal must satisfy a number of provisions including: setbacks from property lines and adjacent off-site dwellings; maximum antenna and support structure height; and minimizing potential visual impacts. Staff believes that these and other general and specific special exception standards and requirements will continue to address any issues pertaining to a telecommunication facility.

Staff recommends approval of ZTA 11-07 given the existing protections in place and the minimal size increase requested for a directional or panel antenna.

#### ATTACHMENTS

1. ZTA 11-07 as introduced