

—La Grande Road  
Silver Spring, MD 20903-1322

Dear President Stewart and Members of the County Council,

The following is my full testimony on ZTA 25-11 and SRA 25-02, an excerpt of which constitutes my oral testimony to the Council at its September 16 hearings.

On the SRA 25-02, please reject this amendment. In areas zoned for detached housing, allowing three multiplexes to span across three small, adjacent lots amplifies the negative impacts of ZTA 25-02 – consequences that I warned about in previous correspondence to you, including detrimental impacts on County residents’ homes, financial security, environment, sense of community, and local infrastructure. In addition, this process of developing new housing on chained lots along residential corridors intensifies the threats of gentrification, with existing, naturally-occurring affordable housing likely to be eliminated and lower-income residents displaced.<sup>i</sup> Furthermore, a single driveway serving as many as twelve households functions as an uncontrolled street crossing, posing hazards to pedestrians and cyclists.

The overly broad scope, absence of reasonable standards, and lack of community safeguards in ZTA 25-11 raise serious concerns. Recognizing the Council’s significant investment of time and resources to expand housing availability, the provisions in ZTA 25-11 run counter to those efforts. Among the troubling consequences are provisions that incentivize deployments in inappropriate locations, which will threaten to depress nearby home sales and slow housing turnover — outcomes that are counterproductive to the Council’s housing objectives.<sup>ii</sup>

Please do not advance ZTA 25-11 without the substantial amendments that are outlined in my oral testimony, and which are detailed and attached herein.<sup>iii</sup> The justification for a Temporary Telecommunication Facility—or Temporary Tower— should be more targeted. A Temporary Tower should only be governed by 25-11’s weaker standards and reviews when:

- The unforeseen, abrupt displacement of an applicant’s antennas is due to the destruction or impairment of the antennas’ existing structure;
- No other existing structure can accommodate the antennas; and
- That destruction or impairment is the result of a disaster, other emergency, peril (such as a support structure fire or collapse), or another similar event.

Foreseeable industry needs and risks should not be grounds for bypassing telecom tower requirements. And, given recent unorthodox federal emergency declarations, the emergency should be declared by the County. Also, “increased-communications” for an emergency should be addressed through the County Emergency Operations Plan and Public Safety regulations—not zoning amendments — not through zoning amendments.<sup>iv, v</sup>

As introduced, this ZTA opens the door for wireless providers to game the system by including long-known and typically-planned business operations needs for new antenna locations, and by intentionally or negligently timing an application for a Temporary Tower so close to its date of need that no viable alternatives for co-location exist or so that the Tower Committee has insufficient time to verify the need for the Temporary Tower. For example, an application for a Temporary Tower to support antennas during a planned water tank refurbishment was submitted by AT&T. To demonstrate need for the tower, AT&T submitted a list of co-location sites that it had explored and ruled out. For all nine viable co-location sites on that list (i.e., those with adequate height and appropriate distance from other existing AT&T transmission facilities), AT&T reported that it could not negotiate agreement in time. The Tower Committee recommended this application for a Temporary Tower.<sup>vi</sup>

Another example involves an application for a Temporary Tower to support the Verizon Wireless antennas that were being displaced from a structure, an observation tower that was slated for demolition. The Tower Coordinator acquiesced to the applicant’s request for the Temporary Tower because there was inadequate time to explore viable co-location options, and the Tower Committee recommended the application. The Tower Coordinator’s Report to the Tower Committee stated the following:

“The applicant provided a short list of existing towers, all of which are too far away to provide coverage to this vicinity. We agree that antennas attached to one of those sites will likely not provide equivalent coverage to this vicinity as presently served by the antennas atop the PSTA observation tower.

That said, a review of the TFCG database indicates that there are a number of existing buildings within a mile of the PSTA to which other carriers have relocated their antennas from the observation tower. The database listing of sites within a mile of the PSTA and where other carriers relocated their antennas include the following locations:

- Shady Grove Medical Center, 9850 Key West Avenue
- The silos at 15021 Dufief Mill Road
- Scientific Hospital Supply, 9600 Medical Center Drive

At this point, however, given the unusual circumstances associated with this situation, (that is, the need to demolish the observation tower immediately, the

need for Verizon Wireless to maintain its services in this area, and the need for TFCG action on this application), there is no time to investigate those existing locations as options for a permanent solution for Verizon Wireless). We recommend Verizon Wireless investigate one or a combination of those options as part of its search for a permanent location for replacement antennas.”<sup>vii</sup>

Without significantly tighter restrictions on the eligibility for a Temporary Tower, the ZTA opens the door to manipulation and exploitation of 25-11’s stripped-down review processes and lax permitting provisions. Eligibility requirements for a Temporary Tower must be tightly circumscribed, as described above, and limited to disasters, emergencies, and other catastrophic circumstances, to avoid abuse and widespread adverse impacts.

The ZTA permitting provisions that are weaker than regulations in the Buildings chapter of the Code should be deleted. For example, County Code – and State law – require any tower to satisfy structural standards, regardless of (im)permanence, height, or duration.<sup>viii, ix</sup> The County Code establishes that the more stringent requirements must apply.<sup>x</sup> But regulatory conflict invites confusion, creates permitting gaps, and threatens public safety.

It is unfortunate that the Tower Coordinator, in Reports to the Tower Committee concerning Temporary Tower applications under review, has repeatedly and incorrectly referred to Zoning Ordinance Section 3.5.15. (Temporary Commercial Uses) as governing proposed Temporary Towers.<sup>xi</sup> To set the record straight, two OZAH Hearing Examiners have issued recent reports in which they affirm that the section of the Zoning Ordinance that governs a telecom tower applies to a Temporary Tower as well.<sup>xii, xiii</sup> Setback standards in 25-11 should be revised to harmonize with those for a telecom tower – standards that are more compatible with surrounding properties and neighborhoods. Additionally, 25-11’s height standards should harmonize with the maximum heights for a telecom tower. Recall that ZTA 18-02 reduced tower height limits in response to FCC rules permitting 20-foot increases.<sup>xiv</sup> Towers exceeding 200 feet require FAA lighting, which can be disruptive to neighborhoods.

ZTA 25-11 designates a Temporary Tower as a limited use in all zones, but it also grants DPS discretionary approval authority. This “discretionary/by-right” status is contradictory and sets a troubling precedent. DPS is a ministerial agency and should not be tasked with discretionary approvals. These provisions must be removed.

This ZTA is also flawed because its introductory statement fails to articulate the problem that 25-11 addresses, reasons for the amendment, or anything about pertinent exigencies, as is required by Appendix B of the Zoning Ordinance.<sup>xv</sup> At the July 22 introduction, the sponsor asserted that this ZTA would expedite Tower Committee and DPS reviews, claiming that it can take almost a year before work for the tower can get underway.<sup>xvi</sup> However, County records show that the applicants themselves are responsible for the delays, not the agency reviews.

Over the past 16 years, nine applications for Temporary Towers have gone through the Tower Committee, and all of the agency reviews expeditiously greenlit the applications. No application was filed due to urgency, aside from urgency created by the applicants themselves. These applicants had significant advance notice – usually years – but failed to submit timely authorization requests. In addition, every building permit request submitted to DPS was delayed due to the applicant’s failure to meet structural standards.<sup>xvii</sup> Those agency reviews, which were authorized by the Council, protect us. Calling these processes “*rigmarole*” is dismissive and offensive!<sup>xviii</sup>

Please review the needed amendments that I have described and attached in further detail. If ZTA 25-11 is not amended accordingly, please vote NO. And please also vote NO on SRA 25-02. Thank you for considering this testimony.

Sincerely,

/s/ Sue Present

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<sup>i</sup> Letter from Sue Present to President Stewart, PHP Committee Chair Friedson, and Members of the Council, transmitted by e-mail, on March 23, 2025, Subject: “Say NOT Now to Housing N.O.W. Legislation.”

<sup>ii</sup> [New research: Cell towers near homes drop property values \(Jul 23, 2024\)](#)

<sup>iii</sup> See Appendix I for complete markup.

<sup>iv</sup> [Montgomery County Emergency Operations Plan](#)

<sup>v</sup> [Montgomery County Code, Public Safety](#)

<sup>vi</sup> TFCG application [2024042254](#), PDF pg. 5

<sup>vii</sup> TFCG application [201705-02](#), PDF pp. 2- 3

<sup>viii</sup> [Montgomery County Code, Chapter 8 - Buildings](#)

<sup>ix</sup> [Maryland Building Performance Standards \(MBPS\), COMAR Title 09, Subtitle 12, Chapter 51 \(COMAR 09.12.51\)](#)

<sup>x</sup> [Montgomery County Code, Chapter 8, Sec. 8-1.\(f\) Zoning restrictions and referrals.](#)

(1) When the provisions specified in this Chapter for structural, fire, and sanitary safety are more restrictive than those in [Chapter 59](#), this Chapter controls the erection or alteration of buildings in respect to location, use, permissible area and height; but the more rigid requirements of either the building code or the zoning ordinance applies whenever they are in conflict.

<sup>xi</sup> For applications processed by the Tower Committee, see the attached spreadsheet (appendix II)

<sup>xii</sup> [OZAH Case No. CU 24-14](#)

<sup>xiii</sup> [OZAH Case No. CU 25-05](#)

<sup>xiv</sup> See [Staff Memorandum to the Council with ZTA 18-02](#)

<sup>xv</sup> [Montgomery County Zoning Ordinance, Appendix B](#)

<sup>xvi</sup> [Montgomery County Council Meeting, July 22, 2025, item #7A, ZTA 25-11](#), beginning at ~minute mark 1:25:35

<sup>xvii</sup> See Appendix II

<sup>xviii</sup> [Montgomery County Council Meeting, July 22, 2025, item #7A, ZTA 25-11](#), beginning at ~minute mark 1:26:35

**AN AMENDMENT TO ZTA 25-11 THAT HARMONIZES THE LIMITED USE STANDARDS FOR A TEMPORARY  
TELECOMMUNICATIONS FACILITY WITH EXISTING REGULATIONS, TO PROTECT RESIDENTS, NEIGHBORHOODS,  
AND THE COUNTY AT LARGE.**

### **SUMMARY**

The introductory text of ZTA 25-11 is amended to meet the Zoning Ordinance standards for a ZTA, and to generally describe the amendments. The following is a brief description of the amendments to the body of the ZTA:

**1. Targeted Qualifying Standards, Lines 42 - 74:**

Text is amended to target qualifying circumstances for a Temporary Telecommunications Facility to the unforeseen, abrupt displacement of an applicant's telecom antenna facilities, due to the destruction or impairment of the antennas' existing structure, if caused by a natural or manmade disasters, other County-declared emergency, peril, or similar event, when no other existing structure can accommodate the antennas. Circumstances that are foreseeable industry needs and risks are deleted, to not qualify. The reason is increasing communications for an emergency is also deleted, instead leaving the discretion for addressing this exigency to the County's established systems that prepare for and respond to disasters and other Public Emergencies, including an Emergency Operations Plan that recognizes needs to maintain and restore communications infrastructure, and Public Emergency laws, which empower effecting necessary communications when a County State of Emergency is declared.

**2. Harmonized Height and Setback Standards, Lines 111 – 112 and 121 - 128:**

For a Temporary Telecommunications Facility, Limited Use in all zones, the text is amended to harmonize setback standards with the standards established in 59-3.5.2.C for a Telecommunications Transmission Facility. And the text is likewise amended to harmonize the height standards, which the Council reduced through ZTA 18-02. Also, guided by the height and setback standards for a Telecommunications Tower, the text is amended to provide more relaxed provisions when the location of the Temporary Telecommunications Facility is on the same property as the structure from which the antenna facilities are displaced, which is to incentivize the use of that original location for the Temporary Telecommunications Facility.

**3. Eliminated Permitting Exemptions, Line 33 – 35 and 36 - 37:**

To comport with the building code and COMCOR 02.58E, text is amended to delete the exemptions for certain Telecommunications Transmission Facilities that are 80 feet or less in height. As amended herein, a Temporary Telecommunications Facility is required for an immediate need, therefore *any* building permit application for a Temporary Telecommunications Facility is required to include a Tower Committee recommendation to DPS that has been issued within the past 60 days.

**4. Protective, Clarifying Language:**

Lines 25 – 26 and 33 – 34: The definition of a Temporary Telecommunications Facility includes the attached antenna(s), and the standards for antenna dimensions are harmonized with those standards for a Telecommunications Tower.

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Lines 94 - 110: Regarding the information that the applicant must submit, the term “description of the proposed use” is amended to “description of the operational features of the proposed use;” a requirement is added to demonstrate compliance with Chapter 22A (Forest Conservation); the requirement for “property lines of the proposed site and abutting and confronting properties” is added to facilitate for the efficacy of the DPS review of setback requirements; and the requirement for “evidence sufficient to demonstrate the need for the proposed facility” is added, which aligns with the terminology in Section 59-3.5.2.C. and the purpose of the ZTA.

Lines 115 - 116: To avoid a loophole, the requirement for compliance with the noise ordinance is amended to not be waivable.

Line 44: Circumstances such as relevant effects of accidents and natural disasters are subsumed in the qualifying reasons for a Temporary Telecommunications Facility, but the amended language uses the term “peril” to be more specific than “accidents;” the amendment recognizes that a disaster may be natural or manmade; and, in light of the recent unorthodox use by the federal government of orders declaring emergencies, text is amended to only recognize emergencies that are declared by the County.

**AN AMENDMENT TO ZTA 25-11 THAT HARMONIZES THE LIMITED USE STANDARDS FOR A TEMPORARY TELECOMMUNICATIONS FACILITY WITH EXISTING REGULATIONS, TO PROTECT RESIDENTS, NEIGHBORHOODS, AND THE COUNTY AT LARGE.**

**Committee:** PHP

**Committee Review:** At a future date

**Staff:** Livhu Ndou, Senior Legislative Attorney

**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #7A

July 22, 2025

**Introduction**

Montgomery  
County Council

## **SUBJECT**

Zoning Text Amendment (ZTA) 25-11, Temporary Commercial Uses – Temporary Telecommunications Facility

Lead Sponsor: Councilmember Luedtke

## **EXPECTED ATTENDEES**

None

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

To introduce agenda item – no vote expected

## **DESCRIPTION/ISSUE**

ZTA 25-11 will create a Temporary Telecommunications Facility limited use and create an approval process for that new use.

## **SUMMARY OF KEY DISCUSSION POINTS**

- To minimize the lag time for permitting and prevent communications disruptions when, in rare circumstances, there is a short-term, unexpected, and urgent need for deployment that is beyond the applicant's control, ZTA 25-11 will create a Temporary Telecommunications Facility limited use in all zones, defined as a monopole or portable wireless communications facility, including one or more antennas attached thereto, [[and]] that does not have a permanent location on the ground.
- This new use will be permitted for 180 days, or up to 2 years with extensions. Timely [[R]] review by the Transmission Facility Coordinating group (TFCG) will be required [[for certain facilities]].
- Applicants will be required to demonstrate that the facility is needed for [[a]] all qualifying reasons: [[, including a]] the unforeseen and abrupt displacement of the applicant's antennas; the displacement is due to the destruction or impairment of the permanent structure caused by a natural or manmade disaster, County government-declared emergency [[declared by the government, and]] peril, or other similar [[ reasons]] event; and the affected antennas are unable to collocate on an alternative existing structure.
- A public hearing is scheduled for September 16, 2025.

## **This report contains:**

ZTA 25-11

© 1

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**AN AMENDMENT TO ZTA 25-11 THAT HARMONIZES THE LIMITED USE STANDARDS FOR A TEMPORARY TELECOMMUNICATIONS FACILITY WITH EXISTING REGULATIONS, TO PROTECT RESIDENTS, NEIGHBORHOODS, AND THE COUNTY AT LARGE.**

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-11  
Concerning: Temporary Commercial  
Uses – Temporary  
Telecommunications  
Facility  
Revised: 7/15/2025 Draft No.: 1  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

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

Lead Sponsor: Councilmember Luedtke

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

- (1) create a Temporary Telecommunications Facility use;
- (2) create a by-right approval process for Temporary Telecommunications Facilities in all zones, which has no discretionary reviews; [[and]]
- (3) establish standards and provisions for a Temporary Telecommunications Facility that are in harmony with relevant standards and provisions in the Montgomery County Code, including those for a telecommunications tower; and
- (4) generally amend the provisions for telecommunications towers and temporary commercial uses.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.5.	“Commercial Uses”
Section 3.5.15.	“Temporary Commercial Uses”



AN AMENDMENT TO ZTA 25-11 THAT HARMONIZES THE LIMITED USE STANDARDS FOR A TEMPORARY TELECOMMUNICATIONS FACILITY WITH EXISTING REGULATIONS, TO PROTECT RESIDENTS, NEIGHBORHOODS, AND THE COUNTY AT LARGE.

**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 text that is deleted from existing law by original text amendment.

*Double underlining* indicates text that is added to the text amendment by amendment (and has been **highlighted in yellow** for emphasis).

*[[Double boldface brackets]]* indicate text that is deleted from the text amendment by amendment (and has been **highlighted in gray** for emphasis).

*\* \* \** indicates existing law unaffected by the text amendment.

**AN AMENDMENT TO ZTA 25-11 THAT HARMONIZES THE LIMITED USE STANDARDS FOR A TEMPORARY TELECOMMUNICATIONS FACILITY WITH EXISTING REGULATIONS, TO PROTECT RESIDENTS, NEIGHBORHOODS, AND THE COUNTY AT LARGE.**

*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 59-1.4 is amended as follows:**

## 2 Division 1.4. Defined Terms

3 \* \* \*

#### 4 Section 1.4.2. Specific Terms and Phrases Defined

5 \* \* \*

6 **Transitory Use:** See Section [3.5.15.C.1] 3.5.15.D.1.

7

8 \* \* \*

9       **Sec. 2. DIVISION 59-3.1 is amended as follows:**

## 10 Division 3.1. Use Table

11 \* \* \*

## 12 Section 3.1.6. Use Table

13 The following Use Table identifies uses allowed in each zone. Uses may be  
14 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definition s and Standards	Ag  AR	Rural Residential				Residential												Commercial / Residential			Employment				Industrial		
							Residential Detached							Residential Townhouse			Residential Multi-Unit											
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	GR	NR	LSC	EOF	IL	IM	IH			
* * *																												
COMMERCIAL																												
* * *																												
TEMPORARY COMMERCIAL USES	3.5.15																											
* * *																												
Temporary Telecommunications Facility	<u>3.5.15.C</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Transitory Use	<u>[3.5.15.C] 3.5.1.15.D</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
* * *																												

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\* \* \*

**Sec. 3. DIVISION 59-3.5 is amended as follows:**

**Division 3.5. Commercial Uses**

\* \* \*

**Section 3.5.15. Temporary Commercial Uses**

\* \* \*

**22 C. Temporary Telecommunications Facility**

**1. Defined**

Temporary Telecommunications Facility means a monopole or portable wireless communications facility, including one or more antennas attached thereto, used to provide wireless voice, data, or image transmission within a designated area. A Temporary Telecommunications Facility does not have permanent location on the ground, including the pouring of a concrete footing or the laying of a permanent foundation.

**2. Use Standards**

Where a Temporary Telecommunications Facility is allowed as a limited use, it must satisfy the following standards:

[[a. A Temporary Telecommunications Facility that is 80 feet or less in height, on wheels, and erected for less than 30 days is not required to obtain a building permit.]]

a. Antennas are limited to the standards that are specified in 59-3.5.2.C.2.a.i.(a) and (b).

b. [[For a Temporary Telecommunications Facility over 80 feet in height, a]] A building permit application to DPS for the construction of a Temporary Telecommunications Facility must include a recommendation from the Transmission Facility Coordinating group issued within 60 days of the submission of the building permit application.

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- c. An application for a Temporary Telecommunications Facility must demonstrate that it is necessary for ~~[[one]]~~ all of the following reasons:
- i. the unforeseen and abrupt displacement of the applicant's antennas;
  - ii. the cause of the antenna displacement is the destruction or impairment of the affected antennas' existing structure, resulting from a natural or manmade disaster, other County government-declared emergency, peril, or similar event; and
  - iii. the affected antennas cannot be collocated on another existing structure.
- [[i] administering limited frequency and modulation testing to evaluate system performance and the need for additional wireless communications facility sites;
- ii. supplementing communications coverage when a previously permitted wireless communications facility has become involuntarily non-operational through an accident or natural disaster;
  - iii. a substantial increase in the communications needs of the County due to an emergency declared by the County, State, or federal government;
  - iv. a substantial increase in the communications needs of the businesses, residents, or visitors of the County for a limited period of time due to a large conference or special event held within the County;
  - v. substantial maintenance undertaken or caused by the County that requires maintaining uninterrupted wireless communication service with temporary wireless facilities;
  - vi. a capital project undertaken or caused by the County that requires maintaining uninterrupted wireless communication service with temporary wireless facilities;
  - vii. relocation from a building owned by a bicounty agency or a utility company, where the building the wireless

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communications facility was located on is under repair or  
renovation; or  
viii. unforeseen circumstances that DPS determines  
require temporary alternative wireless communication  
facilities to maintain uninterrupted wireless  
communication service.]]

- d. The initial approval of a Temporary Telecommunications Facility is permitted for up to 180 days. DPS may approve extensions if:
- i. the requests are made in writing prior to the expiration of the initial approval period or current extended approval period;
  - ii. the extensions are reasonably necessary to resolve or accommodate the reasons for the initial approval; and
  - iii. the total time approved for extensions, including the initial 180 day period, does not exceed 2 years.
- e. A Temporary Telecommunications Facility must be removed, at the cost of the owner, and the site restored to its previous condition within 48 hours of the end of the approval period.
- f. Unless approved due to an emergency declared by the County, State, or federal government, a] An application for a Temporary Telecommunications Facility must include:
- i. the subject property's ownership and, if the applicant is not the owner, authorization by the owner to file the application;

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- ii. a description of the proposed use and all associated equipment, including the operational features, structural design, proposed height, color, location, fencing or screening, and setbacks;
- iii. plans showing height and architectural design of the Temporary Telecommunications Facility, including color, materials, and any proposed landscaping and lighting;
- iv. a certified copy of the official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
- v. plans showing existing buildings, structures, property lines of the proposed site and abutting and confronting properties, rights-of-way, tree coverage, vegetation, and historic resources, and the location and design of streetlights, utilities, or parking lot poles within 300 feet of the proposed location; [[and]]
- vi. an approved Forest Conservation Plan or a letter from the Planning Department confirming that a Forest Conservation Plan is not required under Chapter 22A; [[and]]
- vii. photograph simulations with a direct view of the Temporary Telecommunications Facility from at least 3 directions[.]; and
- viii. evidence sufficient to demonstrate the need for the proposed facility.
- g. The maximum height for a Temporary Telecommunications Facility is [[200 feet]] 179 feet when located in the LSC, IL, IM, and IH zones, when located within an overhead transmission line right-of-way in the AR, R, and RC zones, or when located on the property of the affected antennas' prior permanent structure; otherwise, the maximum height for a Temporary Telecommunications facility is 135 feet.
- h. A Temporary Telecommunications Facility must not use an electric, gas, or other type of generator that violates the maximum allowable noise levels in Chapter 31B, Noise Control, and a Noise Waiver must not be granted.
- i. A Temporary Telecommunications Facility must not be illuminated unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration.



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j.

When its location is on a property that is zoned Agricultural, Rural Residential, or Residential, a Temporary Telecommunications Facility must be set back 300 feet from any existing dwelling; and,

When its location is on a property in any zone, a Temporary Telecommunications Facility must be set back a distance of one-half foot for every foot of height from the property lines of abutting Commercial/Residential, Planned Development, Employment, or Industrial zoned properties, and one foot for every foot of height from the property lines of abutting Agricultural, Rural Residential, or Residential zoned properties; however,

When its location is on the same property as the prior support structure from which the subject antennas are displaced, a Temporary Telecommunications Facility must satisfy the foregoing building and property-line setback standards unless its location is no greater than one-half foot for every foot of height of the Temporary Telecommunication Facility from the perimeter of the prior support structure and it is setback from the property lines a distance that is no less than the required minimum accessory structure setbacks for the zone.

[[A Temporary Telecommunications Facility must be at least 100 feet from any abutting property line. DPS may approve a reduced setback if recommended by the Transmission Facility Coordinating group. The Transmission Facility Coordinating group may recommend a reduced setback if the location is required for the function of the Temporary Telecommunications Facility and no other reasonable alternative location exists.]]

k. Unless approved due to an emergency declared by the County,

[[State, or federal government,]] an applicant for a building permit for a Temporary Telecommunications Facility must notify by mail the municipality where the proposed tower will be located, as well as all property owners, homeowners associations, civic associations, condominium associations, and renter associations within 300 feet of the proposed tower. Notice must include a description of the proposed use, including height and setbacks, as well as the anticipated dates of operation.

\* \* \*

[C]D. Transitory Use

\* \* \*

**Sec. 4. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

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This is a correct copy of Council action.

Sara R. Tenenbaum  
Clerk of the Council

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
TEMP SITE NAME	NEED	TEMP REQUEST	TFCG APPLICATION# AND LINK	TFCG APPLICATION DATE	APPLICANT TIME TO COMPLETE TFCG APPLICATION, AFTER FILING	TFCG RECOMMENDATION DATE	TFCG PROCESSING TIME (COMPLETE APPLICATION TO TFCG RECOMMENDATION)	BLDG PERMIT #	BLDG PERMIT APPLICATION DATE	BUILDING PERMIT ISSUANCE DATE	PROCESS TIME: BUILDING PERMIT APPLICATION TO ISSUANCE	OZAH/BOA APPLICATION	OZAH/BOA REVIEW DATE	OZAH/BOA DATE GRANTED	OZAH/BOA PROCESSING TIME: APPLICATION TO DECISION	ADDITIONAL NOTES
WOODSIDE TEMPORARY MONOPOLE	Temporary Facilities Relocation during Construction	153-foot temporary monopole	<a href="#">2024082314</a>	filed 08/14/2024, but complete information was not submitted until 09/24/2024	41 DAYS	10/2/2024	8 DAYS	Tower has been deployed. Governed by SHA, not DPS, for permitting.				CU 25-05: 1/15/2025	2/14/2025	3/18/2025	63 DAYS	Applicant waited almost 3 months after the TFCG review to file an application with OZAH.
Yeshiva Temporary Monopole	Temporary Facilities Relocation during Construction	122-foot temporary monopole	<a href="#">2023072184</a>	filed 07/14/2023, but complete information was not submitted until 09/22/2023	71 DAYS	10/4/2023	12 DAYS	No building permit application submitted.				CU24-14: 02/22/24	4/18/2024	5/8/2024	77 DAYS	The landowner (Montgomery County) was listed as a co-applicant - owner. OZAH reports that the landowner cancelled the lease for the temp tower after OZAH granted approval. TFCG recommended on 10/02/24, but no OZAH application filed until 02/22/24.
WELL LANE WATERTANK TEMP TOWER	Temporary Facilities Relocation during Construction	122-foot temporary monopole	<a href="#">2024042254</a>	04/18/2024, but complete information was not submitted until 10/29/2024	195 DAYS	11/6/2024	8 DAYS	No building permit application submitted.								
7100 CONNECTICUT TEMPORARY TOWER	Temporary Facilities Relocation during Construction	93-foot temporary monopole	<a href="#">2023112226</a>	11/10/2023; but complete information was not submitted until 01/30/2024	82 DAYS	2/7/2024	8 DAYS	1062465	3/14/2024	5/22/2024	Failed 3 structural reviews.					December 2021, the 4-H Property was sold to the developers for their senior housing project. 03/09/23 County approved map/zoning changes for the redevelopment of the 4-H site, which would require razing the building upon which the antennas were mounted on.
PEPCO SUBSTATION 118 TEMPORARY TOWER	Temporary Facilities Relocation during Construction		<a href="#">2023012076</a>	01/10/2023; but complete information was not submitted until 03/15/2023	65 DAYS	4/5/2023	21 DAYS	1093355	11/4/2024	6/6/2025	Failed 2 structural reviews.	12/27/24: request for administrative modification of special exception S-260	BOA Worksessions: 01/15/25-deferred; 01/29/25 granted	1/29/2025	64 days	Information disclosed in TFCG application# 2022101992 affirms that the applicant was apprised of the need to temporarily relocate antennas prior to 10/10/22, which was approximately 1 year prior to the dislocation. Applicant reports duration of temp use unknown.
TILDEN MS 2	Temporary Facility Site while Procuring Permanent Site	75-foot temporary monopole	<a href="#">2021021391</a>	02/12/2021; but complete information was not submitted until 06/09/2021	118 DAYS	7/7/2021; then, at the 11/03/21 TFCG meeting, the MCPS Committee representative said that the temporary tower was no longer needed (see minutes).	28 DVS	No building permit application submitted.								A BOE letter to OZAH evidences that ~9 mos elapsed before the request was filed. In May 2020, MCPS Dept of Facilities Management notified the tower owner (SBA) and T-Mobile that the existing monopole site and utility easements that served the site were in the path of planned construction for the school.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Clarkburg Outlets 14 Temporary	Temporary Facility Site while Procuring Permanent Site		<a href="#">2021101579</a>	10/20/2021; but complete information was not submitted until 10/27/2021	8 DAYS	11/3/2021	6 DAYS		No building permit application submitted.							One month before filing the application for a temporary monopole, applicant had filed an application to install its antenna facilities on the adjacent water tank. The request for the temporary facility was filed when negotiations to collocate on the water tank had stalled. While negotiations progressed, the collocation application was processed and DPS issued permits for the collocation, which were evidently successful and eliminated the need to pursue a temporary monopole at the site.
16 Damascus COW 17	Temporary Facilities Relocation during Construction	152-foot COW (cell on wheels)	<a href="#">2019101017</a>	10/09/2019; but complete information was not submitted until 10/24/2019	12 DAYS	11/6/2019	13 DAYS	895276	11/4/2019	12/11/2019	Failed initial structural review					Tower owner, Montgomery County, received a failed structural engineering analysis, the tower evaluated to be 144% of capacity, dated 11/02/2017. Presuming the County apprised its attachers of the need for the tower's replacement, and did so on a timely basis, the applicant waited almost 2 years before filing its application for a temporary COW.
18 West Rockville Rele-Temp 19	Temporary Facility Site while Procuring Permanent Site	120-foot temporary monopole	<a href="#">201705-02</a>	3/17/2017	0 DAYS	4/5/2017	19 DAYS	795431	4/10/2017	5/2/2017	Failed initial structural review					Applicant waited over 5 years after notice of the need to temporarily relocate, and almost a year after its lease had expired, before filing an application for a temporary monopole. Only when the need became urgent, did the applicant seek authorization for a temporary monopole.

La Grande Road  
Silver Spring, MD 20903-1322

September 26, 2025

Dear President Stewart and Members of the County Council,

With this letter, I am providing clarifications and elaborations on my testimony concerning SRA 25-02: both the excerpts delivered at the Hearing on September 16, 2025, and my broader written testimony submitted to the Council.

Please amend SRA 25-02 prior to its passage. As adopted, ZTA 25-02 allows the development of more intense residential uses—duplexes, triplexes, or 4-unit multiplex housing—in detached residential zones along major corridors. The SRA should be amended to confine eligibility for these more intense residential uses to properties that directly and fully front the major corridor. Flag lots and through lots should not be eligible.

Furthermore, regardless of the size of a lot fronting a major corridor—or whether the lot was established during the original subdivision or created through a more recent consolidation—the opportunity to develop a more intense residential use should be limited to no more than one duplex, triplex, or 4-unit multiplex. This amendment would align with and reinforce the Council’s stated commitment to “small scale” developments. Without these amendments, the provisions in ZTA 25-02 to “small scale” may be exploited, leaving neighborhoods more vulnerable to adverse impacts on County residents’ homes, financial security, environment, sense of community, local infrastructure, and other concerns I raised in my March 23, 2025 correspondence to the Council.

Additionally, a single driveway serving a multiplex development with up to twelve housing units will function as an uncontrolled street crossing, posing hazards to pedestrians and cyclists. And without the proposed amendments, the threats of gentrification associated with ZTA 25-02 will be amplified, increasing the likelihood of eliminating existing naturally occurring affordable housing and displacing lower-income residents.

In my March 23, 2025 correspondence, I also expressed concern that ZTA 25-02 was “ill-timed, with so many factors currently in flux. The havoc imposed by the federal government’s RIFs, contract cancellations, agency downsizings and closures, etc., is certain to have dramatic and traumatic repercussions upon Montgomery County households, and effects are bound to upset the County’s housing market, business climate, public school enrollments, and tax revenue projections.” Much of what was speculative in March has begun to transpire, as confirmed in the September 25, 2025 Brookings Report, [\*Early warning signs for the DC region’s economy amid federal downsizing.\*](#)

Under the circumstances, the scope of SRA 25-02 should be as narrowly tailored as possible. I urge the Council to incorporate the amendments I’ve proposed before voting on its passage.

Regards,

Sue Present