

Testimony submitted by MC4T

Re: ZTA 25-11

September 16, 2025

Dear Montgomery County Council,

We write to urge you to oppose Zoning Text Amendment (ZTA) [25-11](#). This ZTA is a solution looking for a problem. It would allow for cell towers up to 200 feet in height anywhere in the county – including in residential zones, near schools, and apartments – with no due process and no minimum setback. Rather than complying with the existing zoning code, the industry is asking for a giant loophole: the ability to put cell towers anywhere in the county, and in many cases without even obtaining a building permit – bypassing decades of precedent in local zoning.

Alternatives

We prefer the Council to oppose this unneeded ZTA. If the ZTA continues to move forward, at a minimum, we urge you to support the [attached amendments](#) put forward by Montgomery County resident Sue Present, with the following two alterations:

- 1) paragraph 2.j should be replaced with the following:

When its location is on a property that is zoned Agricultural or Rural Residential, a Temporary Telecommunications Facility must be in an overhead transmission line right of way and set back at least 300 feet from any dwelling; and When its location is on a property in a Commercial/Residential, Employment, or Industrial zone, a Temporary Telecommunications Facility must be set back a distance of one foot for every foot of tower height from abutting property lines; 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 prior facility, as measured 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.

- 2) In the use table (section 3.1.6), remove the “L” for Limited Use” from Temporary Telecommunications Facilities in Residential zones.

Rationale

1. **Not necessary.** Over the past 15 years, the County has reviewed only nine applications for temporary towers. When approval delays have occurred for temporary towers, the delays have primarily been because the applicant failed to provide complete application materials or failed to timely apply for a building permit.
2. **Circumvents all zoning.** We have a zoning code for a reason. Unsightly infrastructure can reduce property values and disrupt communities. The current zoning code makes it easier to put large cell towers in commercial and industrial zones and somewhat easier in rural areas of the county. However, in residential areas, large cell towers must go through an approval process that requires notice to the public and a hearing. This ZTA overturns decades of precedent.
3. **Allowable reasons are way too broad and give carriers free reign.** The sponsor may believe that this ZTA is targeted for emergencies, however the actual text is far broader. It allows carriers to self-declare whenever and wherever they need to deploy a cell tower. And as we have learned from similar situations, carriers claim that the evidence to support the need for a tower is a confidential business secret and will not share this evidence. In effect, carriers would be able to put cell towers anywhere any time in the county.
4. **Emergency powers have a history of abuse.** As we have seen in recent times, emergency declarations can be used to circumvent the process for routine matters. For example, the ZTA allows for “temporary” towers not only during emergencies but also during routine maintenance or events. These kinds of maintenance and events are known typically a year or more ahead of time,

allowing infrastructure providers ample time to plan ahead and avoid emergencies.

5. **Emergency powers already exist.** In the event of a true emergency, such as a natural disaster, the County already has emergency powers under the County code, making this ZTA even more unnecessary.
6. **Troubled track record of temporary towers.** When constructing a cell tower, the applicant must obtain a building permit, which requires demonstrating that the tower meets certain structural standards, i.e. so it will not fall over during inclement weather. Every one of the 9 temporary towers reviewed in recent years failed structural review at least once during its application process. The solution for this is for applicants to construct towers that are structurally safe for surrounding communities. Instead, the ZTA simply exempts many temporary towers from needing to obtain a building permit. Why would the council reward dangerous construction with exemptions?
7. **False premise.** The sponsor referred to a recent situation as motivating this ZTA. As part of routine maintenance, a wireless facility on top of a water tower needed to be temporarily relocated. The first application submitted proposed to put the temporary facility on a nearby school campus, rather than at one of the many commercial properties nearby. After parents objected, the tower was instead put up next to the Beltway and next to a more commercial area. The sponsor referred to this process as “rigmarole” to be eliminated.

Instead of this ill-conceived 25-11, the Council should repeal ZTA’s 22-01 and 19-07, the wildly unpopular zoning changes that allow cell towers just 30 feet from homes. Our extended coalition has collected nearly 1,000 signatures urging their repeal.

Thank you for your consideration.

Respectfully submitted,

Montgomery County Coalition for the Control of Cell Towers (MC4T)

mc4t.org

**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.

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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

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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.

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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	CRN	CRT	CR	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	L				
Transitory Use	[3.5.15.C] <u>3.5.15.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	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, all 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