

*Clerk's note: A typographical error on page 11, line 165 has been corrected by removing the underline formatting from the period; the period was in the existing text. Also, in a second correction the list of amended sections on page 1 has been amended to remove references to Division 7.3 and Section 7.3.1, which were not changed in the adopted ordinance.*

**SECOND CORRECTED**

Ordinance No.: 19-17

Zoning Text Amendment No.: 19-07

Concerning: Telecommunications  
Towers – Limited Use

Draft No. & Date: 7 – 7/15/2021

Introduced: October 1, 2019

Public Hearing: November 19, 2019

Adopted: July 27, 2021

Effective: August 16, 2021

**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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Lead Sponsor: Councilmember Riemer  
Co-Sponsors: Councilmembers Albornoz and Rice

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

- allow certain telecommunications towers as a limited or conditional use in certain residential zones;
- revise the standards for telecommunications towers allowed as a limited or conditional use;
- revise the conditional use findings required for the replacement of a pre-existing pole; and
- generally amend use requirements to address certain telecommunications towers.

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

DIVISION 3.1.     “Use Table”  
Section 3.1.6.     “Use Table”  
DIVISION 3.5.     “Commercial Uses”  
Section 3.5.2.     “Communication Facility”

**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.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) 19-07, lead sponsor Councilmember Riemer, co-sponsors Councilmembers Albornoz and Rice, was introduced on October 1, 2019.

ZTA 19-07 will allow certain telecommunications towers as a limited or conditional use in certain residential zones; revise the standards for telecommunications towers allowed as a limited or conditional use; revise the conditional use findings required for the replacement of a pre-existing pole; and amend the use requirements to address certain telecommunications towers.

In its report to the Council, the Planning Board recommended approval of ZTA 19-07 with amendments to increase Planning staff involvement, clarification of volume and height measurements, and the timing of applications for consolidated processing.

The Council’s public hearing was on November 19, 2019. Most of the public testimony was in opposition and expressed concerns about RF emissions, Planning Staff involvement, lack of notice and public participation, post-construction inspection, the Tower Committee, an increase in energy use, a reduction in property values, and the effect on minority communities. Testimony in support refuted the claims about health effects and supported better broadband coverage in the County. Some testimony was generally in support but expressed concern that it was still too restrictive in light of the FCC Order. The Council also received significant written testimony in the years between introduction of ZTA 19-07 and its adoption.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held worksessions on January 23, 2020; February 10, 2021; and March 10, 2021. The PHED Committee recommended approval of ZTA 19-07 with several amendments. Those amendments were:

- Reduce the setback for a limited use from 60 feet to 30 feet (3-0);
- Modified conditional use process for all poles under the 30-foot setback (3-0);
- A “waiver and objection” process for a height up to 50 feet where other limited use setback requirements are met (3-0);
- A “waiver and objection” process for all new poles (2-1);

- Under the “waiver and objection” process, for notice to be sent to all property owners and civic associations within 300 feet; and for standing for objections to be limited to those within 300 feet (3-0); and
- Pole proliferation language—that a small wireless facility should not be located within 150 feet of a facility occupied or controlled by the same carrier (3-0).

The full Council had worksessions on June 29, 2021; July 13, 2021; and July 20, 2021. During the worksessions, the Council discussed but did not approve amendments proposed by Councilmember Katz and Council President Hucker that used a tier approach to setbacks based on speed limit and the type of road, respectively. The Council approved various amendments proposed by Councilmembers Friedson, Navarro, Reimer, and Rice. These amendments addressed tree loss minimization, pole proliferation, preferential placement, and height.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 19-07 will be approved as amended.

#### *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 59-3.1 is amended as follows:**

2 **DIVISION 3.1. Use Table**

3 \* \* \*

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under

6 Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential															Commercial/ Residential			Employment				Industrial		
					Residential Detached								Residential Townhouse			Residential Multi-Unit													
					AR	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
* * *																													
COMMERCIAL																													
* * *																													
Communication Facility	3.5.2																												
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	
Media Broadcast Tower	3.5.2.B	C	C	C		C	C	C	C	C	C				C	C	C				C		L	C	C	C	P		
Telecommunications Tower	3.5.2.C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L	L	L	L/C	L/C	L	L/C	L	L	L		

7 **Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

8           **Sec. 2. DIVISION 59-3.5 is amended as follows:**

9   **DIVISION 3.5. Commercial Uses**

10 \* \* \*

11   **Section 3.5.2. Communication Facility**

12 \* \* \*

13   **C. Telecommunications Tower**

14 \* \* \*

15           **2. Use Standards**

16 \* \* \*

17           b.    [In the Commercial/Residential, Industrial, and Employment  
18                   zones, where] Where a Telecommunications Tower is allowed  
19                   as a limited use and the tower would replace a pre-existing  
20                   utility pole, streetlight pole, or site plan approved parking lot  
21                   light pole, the tower is allowed if it satisfies the following  
22                   standards:

23           i.    Any building permit application to the Department of  
24                   Permitting Services [[concerning]] for the construction of  
25                   a Telecommunications Tower must include a  
26                   recommendation from the Transmission Facility  
27                   Coordinating group issued within 90 days of the  
28                   submission of the building permit application.

29           ii. In the Commercial/Residential, Industrial, and  
30                   Employment zones, the pre-existing pole and the  
31                   replacement tower must be at least 10 feet from an  
32                   existing building, excluding any setback encroachments  
33                   allowed under Section 4.1.7.B.5.

- 34                    iii. In the Agricultural, Rural Residential, and Residential  
35                    zones, the pre-existing pole and the replacement tower  
36                    must be at least ~~[[60]] 30 feet from any building intended~~  
37                    for human occupation, excluding any setback  
38                    encroachments allowed under Section 4.1.7.B.5.
- 39                    [i]iv. Antennas must comply with the Antenna Classification  
40                    Standard A under Section 59.3.5.2.C.1.b, be concealed  
41                    within an enclosure the same color as the pole, be  
42                    installed at a minimum height of 15 feet, and be installed  
43                    parallel with the tower.
- 44                    [ii]v. A replacement ~~[[The]]~~ tower must be located:
- 45                    (a) within 2 feet of the base of a pre-existing pole and  
46                    at the same distance from the curb line, or edge of  
47                    travel lane in an open section, as the pre-existing  
48                    pole in a public right-of-way;
- 49                    [(b) at least 10 feet from an existing building;]
- 50                    [(c)](b) outside of the roadway clear zone as  
51                    determined by the Department of Permitting  
52                    Services;
- 53                    [(d)](c) in a manner that allows for adequate sight  
54                    distances as determined by the Department of  
55                    Permitting Services; ~~[[and]]~~
- 56                    [(e)](d) in a manner that complies with streetlight  
57                    maintenance requirements as determined by the  
58                    Department of Transportation~~[[.]]~~;
- 59                    (e) at least 150 feet from the nearest antenna occupied  
60                    or controlled by the same carrier; and

61 (f) whenever it is legally and technically feasible,  
62 replacement poles should replace pre-existing poles  
63 that are located closest to intersections, closest to  
64 property lines between dwellings, along the non-  
65 front-facing side of residential properties, or along  
66 abutting properties used for a non-residential  
67 purpose. In addition, the replacement towers must  
68 be at least 5 feet from the area between two parallel  
69 lines extending from the sides of a residential front  
70 door. If the applicant cannot meet the foregoing  
71 standards, the applicant must include in their  
72 application an affidavit proving that either  
73 permission from the pole owner cannot be obtained  
74 or service cannot be provided using a pole at an  
75 alternate location.

76 [iii]vi. A pre-existing streetlight or parking lot light pole must be  
77 removed within 10 business days after power is activated  
78 to the replacement tower, and a pre-existing utility pole  
79 must be removed within 180 days after a replacement  
80 utility pole is installed.

81 [iv]vii. The height of the tower, including any attached  
82 antennas and equipment, must not exceed:

83 (a) in the Commercial/Residential, Industrial, and  
84 Employment zones, for streetlights, the height of  
85 the pole that is being replaced or the height of the  
86 tallest streetlight pole within 50 feet, whichever is  
87 greater:

- 88 (1) plus 6 feet when abutting a right-of-way  
89 with a paved section width of 65 feet or less;  
90 or  
91 (2) plus 15 feet when abutting a right-of-way  
92 with a paved section width greater than 65  
93 feet[[.]];

94 (b) in the Agricultural, Rural Residential, and  
95 Residential zones, for streetlights, the height of the  
96 pole that is being replaced:

- 97 (1) plus 6 feet when abutting a right-of-way  
98 with a paved section width of 65 feet or less,  
99 or up to 25 feet where the height of the pole  
100 being replaced is less than 20 feet tall,  
101 whichever is greater; or

- 102 (2) plus 15 feet when abutting a right-of-way  
103 with a paved section width greater than 65  
104 feet; and

105 ~~[(b)]~~(c) for utility poles and parking lot lights, the  
106 height of the pre-existing utility or parking lot light  
107 pole plus 10 feet.

108 [v]viii. The tower must be the same color as the pre-  
109 existing pole.

110 [vi.]ix. The tower must have no exterior wiring, except  
111 that exterior wiring may be enclosed in shielded conduit  
112 on wooden or utility poles.

113 [vii]x. Any equipment cabinet:



- 114 (a) must not exceed a maximum volume of 12 cubic  
115 feet;
- 116 (b) if used to support antennas on a replacement  
117 streetlight pole, must be installed in the  
118 Telecommunications Tower base or at ground  
119 level, unless this requirement is waived by the  
120 Department of Transportation;
- 121 (c) must be the same color or pattern as the pre-  
122 existing tower[, except as provided in Section  
123 59.3.5.2.C.2.b.vii(d)] , except as provided in  
124 Section 3.5.2.C.b.x(d); and
- 125 (d) may be a stealth design approved for safety by the  
126 Department of Transportation.
- 127 [viii]xi. The tower must include a replacement streetlight,  
128 if a streetlight existed on the pre-existing pole.
- 129 [ix]xii. The design of a replacement tower located in a  
130 public right-of-way, including the footer and the  
131 replacement streetlight, must be approved by the  
132 Department of Transportation.
- 133 [x]xiii. The noise level of any [fans] equipment must  
134 comply with Chapter 31B.
- 135 [xi]xiv. Signs or illumination [on the antennas or support  
136 structure], except a streetlight, on the antennas or support  
137 structure are prohibited unless required by the Federal  
138 Communications Commission or the County.
- 139 [xii]xv. The owner of the tower [or the antenna attached to  
140 the tower] must maintain [[their]] the tower[,]. The

141 owner of the antenna must maintain the [antennas,]  
142 antenna and equipment in a safe condition[,]. Both  
143 owners must remove graffiti[,] and repair damage [[from  
144 their]] to the facility.

145 [xiii] xvi. If a tower does not have a streetlight, the tower  
146 must be removed at the [cost] expense of the owner of  
147 the tower when the tower is no longer in use for more  
148 than 12 months. Any antenna and equipment must be  
149 removed at the [cost] expense of the owner of the  
150 antenna and equipment when the [antennas] antenna and  
151 equipment are no longer in use for more than 12 months.  
152 The [Telecommunications] Transmission [Facilities]  
153 Facility Coordinating Group must be notified within 30  
154 days of the removal.

155 c. Where a Telecommunications Tower is allowed as a conditional  
156 use, it may be permitted by the Hearing Examiner under  
157 [Section 3.5.2.C.2.a, limited use standards, Section 7.3.1,  
158 Conditional Use,] either [[Subsection]] Section 3.5.2.C.2.d or  
159 [[Subsection]] Section 3.5.2.C.2.a, limited use standards. In  
160 addition, Section 7.3.1 and the following procedures and  
161 standards must be satisfied:

162 i. Before the Hearing Examiner approves any conditional  
163 use for a Telecommunications Tower, the proposed  
164 facility must be reviewed by the [County] Transmission  
165 Facility Coordinating Group. The applicant for a  
166 conditional use must file a recommendation from the  
167 Transmission Facility Coordinating Group with the  
168 Hearing Examiner at least 5 days before the date set for  
169 the public hearing. The recommendation must be no  
170 more than 90 days old when the conditional use  
171 application is accepted.

172 \* \* \*

173 d. In the Agricultural, Rural Residential, and Residential zones,  
174 where a Telecommunications Tower [[that is proposed to be  
175 less than 50 feet in height does not meet the limited use  
176 standards under Subsection 3.5.2.C.2.a]] is proposed to be less  
177 than 30 feet from any building intended for human occupation,  
178 excluding any setback encroachments allowed under Section  
179 4.1.7.B.5, it may be permitted by the Hearing Examiner as a  
180 conditional use without regard to Section 7.3.1 only if the  
181 following procedures and standards are satisfied:

182 i. An application must include:  
183 (a) the subject property's ownership and, if the  
184 applicant is not the owner, authorization by the  
185 owner to file the application;  
186 (b) fees as approved by the District Council;  
187 (c) a statement of how the proposed development  
188 satisfies the criteria to grant the application;

- 189                    (d)    a certified copy of the official zoning vicinity map
- 190                                    showing the area within at least 1,000 feet
- 191                                    surrounding the subject property;
- 192                    (e)    a written description of operational features of the
- 193                                    proposed use;
- 194                    (f)    plans showing existing buildings, structures,
- 195                                    rights-of-way, tree coverage, vegetation, historic
- 196                                    resources, and the location and design of
- 197                                    streetlights, utilities, or parking lot poles within
- 198                                    300 feet of the proposed location;
- 199                    (g)    a list of all property owners, homeowners
- 200                                    associations, civic associations, condominium
- 201                                    associations, and renter associations within 300
- 202                                    feet of the proposed tower;
- 203                    (h)    plans showing height and architectural design of
- 204                                    the tower and cabinets, including color materials,
- 205                                    and any proposed landscaping and lighting;
- 206                    (i)    photograph simulations with a direct view of the
- 207                                    tower and site from at least 3 directions;
- 208                    (j)    at least one alternative site that maximizes the
- 209                                    setback from any building intended for human
- 210                                    occupation or reduces the height of the proposed
- 211                                    tower.
- 212                    ii.    Before the Hearing Examiner reviews any conditional
- 213                                    use for a Telecommunications Tower, the proposed
- 214                                    facility must be reviewed by the Transmission Facility
- 215                                    Coordinating Group. The Transmission Facility

216 Coordinating Group must [[declare whether the  
 217 application is complete,]] verify the information in the  
 218 draft application[[,]] and must issue a recommendation  
 219 within 20 days of accepting a complete  
 220 Telecommunications Tower application. The applicant  
 221 for a conditional use must file a complete copy of the  
 222 recommendation from the Transmission Facility  
 223 Coordinating Group with the Hearing Examiner at least  
 224 [[30]] 5 days before the date set for the public hearing.  
 225 The Transmission Facility Coordinating Group  
 226 recommendation must have been made within 90 days of  
 227 its submission to the Hearing Examiner.

228 iii. Upon receipt of the Transmission Facility Coordinating  
 229 Group recommendation, the applicant must submit an  
 230 initial application to the Planning Director for approval  
 231 of completeness, under Section 7.3.1.B.3. The Planning  
 232 Director must review the application for completeness  
 233 within 10 days after receipt.

234 [[iii]]iv. The Hearing Examiner must schedule a public  
 235 hearing to begin within 30 days after the date a complete  
 236 application is accepted by the Hearing Examiner.

237 (a) Within 10 days of when an application is accepted,  
 238 the Office of Zoning and Administrative Hearings  
 239 must notify the municipality where the proposed  
 240 tower will be located, as well as all property  
 241 owners, homeowners associations, civic  
 242 associations, condominium associations, and renter

243 associations within 300 feet of the [[application]]  
244 proposed tower of:

- 245 (1) the filed application;  
246 (2) the hearing date; and  
247 (3) information on changes to the hearing date  
248 or the consolidation found on the Office of  
249 Zoning and Administrative Hearing’s  
250 website.

251 A sign that satisfies Section 59.7.5 must also be  
252 posted at the site of the application at the same  
253 time.

254 (b) The Hearing Examiner may postpone the public  
255 hearing for up to 30 days at the request of the  
256 applicant and must post notice on the website of  
257 the Office of Zoning and Administrative Hearings  
258 of any changes to the application, the application  
259 schedule, or consolidation of multiple applications.

260 (c) The Hearing Examiner may request information  
261 from Planning Department Staff.

262 ~~[[iv]]~~v. ~~[[A]]~~ The setback for a Telecommunications  
263 Tower must be [[set back, as]] measured from the base of  
264 the support structure.

265 ~~[[v]]~~vi. ~~[[a)]~~ The Telecommunications Tower must be at  
266 least 60 feet from any building intended for human  
267 occupation, excluding encroachments that are  
268 allowed under Section 4.1.7.B.5 and no taller than  
269 30 feet; or]]

270 [[b) if]] If the Hearing Examiner determines that  
271 additional height and reduced setback are needed  
272 to provide service or a reduced setback or  
273 increased height will allow the support structure to  
274 be located on the property in a less visually  
275 obtrusive location, the Hearing Examiner may  
276 reduce the setback requirement [[to at least 30  
277 feet]] or increase the height up to 50 feet. In  
278 making this determination, the Hearing Examiner  
279 must consider the height of the structure,  
280 topography, existing tree coverage and vegetation,  
281 proximity to nearby residential properties, and  
282 visibility from the street.

283 [[vi]]vii. The Hearing Examiner may not approve a  
284 conditional use if the use abuts or confronts an individual  
285 resource or is in a historic district in the Master Plan for  
286 Historic Preservation.

287 [[vii]]viii. The tower must be located to minimize its visual  
288 impact as compared to any alternative location where the  
289 tower could be located to provide service. Neither  
290 screening under Division 6.5 nor the procedures and  
291 standards under Section 7.3.1 are required. The Hearing  
292 Examiner may require the tower to be less visually  
293 obtrusive by use of screen, coloring, or other visual  
294 mitigation options, [[after the character of residential  
295 properties within 400 feet,]] based on existing tree

296 coverage and vegetation[[,]] and design and presence of  
297 streetlight, utility, or parking lot poles.

298 e. When multiple applications for Telecommunications Towers  
299 raise common questions of law or fact, the Hearing Examiner  
300 may order a joint hearing or consolidation of any or all of the  
301 claims, issues, or actions. Any such order may be prompted by  
302 a motion from any party or at the Examiner's own initiative.  
303 The Hearing Examiner may enter an order regulating the  
304 proceeding to avoid unnecessary costs or delay. The following  
305 procedures for consolidated hearings govern:

306 i. All applications must be filed within 30 days of [[each  
307 other]] the initial application to be consolidated and be  
308 accompanied by a motion for consolidation.

309 ii. The proposed sites, starting at a chosen site, must be  
310 located such that no site is further than 3,000 feet from  
311 the chosen site in the application.

312 iii. The proposed sites must be located in the same zone,  
313 within the same Master Plan area, and in a neighborhood  
314 with similar building heights and setbacks.

315 iv. Each tower must be of the same or similar proposed  
316 height, structure, and characteristics.

317 v. A motion to consolidate must include a statement  
318 specifying the common issues of law and fact.

319 vi. The Hearing Examiner may order a consolidated hearing  
320 if the Examiner finds that a consolidated hearing will  
321 more fairly and efficiently resolve the matters at issue.



- 322                    vii. If the motion to consolidate is granted, the applicant and  
323                    opposition must include all proposed hearing exhibits  
324                    with their pre-hearing statements.
- 325                    viii. The Hearing Examiner has the discretion to require the  
326                    designation of specific persons to conduct cross-  
327                    examination on behalf of other individuals and to limit  
328                    the amount of time given for each party's case in chief.  
329                    Each side must be allowed equal time.
- 330                    f. Where a proposed Telecommunications Tower does not meet  
331                    the limited use standards because it is taller than allowed under  
332                    Section 3.5.2.C.2.b.vii or where there is no pre-existing or  
333                    replacement pole so a new pole must be constructed, but  
334                    otherwise meets the limited use standards under Section  
335                    3.5.2.C.2.b, the applicant may request a waiver from the Office  
336                    of Zoning and Administrative Hearings. The application must  
337                    meet the requirements of Sections 3.5.2.c.2.d.1 and  
338                    3.5.2.c.2.d.3.
- 339                    i. A new pole may only be constructed if there is no utility  
340                    pole or streetlight pole within 150 feet of the proposed  
341                    location that could be used as a pre-existing pole or  
342                    replacement tower.
- 343                    ii. The applicant must notify by mail the municipality where  
344                    the proposed tower will be located, as well as all property  
345                    owners, homeowners associations, civic associations,  
346                    condominium associations, and renter associations within  
347                    300 feet of the proposed tower. Proof of when notice was  
348                    mailed must be submitted to the Office of Zoning and

349 Administrative Hearings. A sign that satisfies Section  
350 59.7.5 must also be posted at the site of the application at  
351 the same time.

352 iii. Upon receipt of notice of a waiver, the municipality, a  
353 property owner, homeowners association, civic  
354 association, condominium association, or renter  
355 association within 300 feet of the proposed tower may  
356 file an objection and request a hearing with the Office of  
357 Zoning and Administrative Hearings. An objection must  
358 be filed within 20 days of when notice was mailed.

359 iv. If an objection is received, the Hearing Examiner must  
360 send notice of an adjudicatory hearing to the applicant  
361 and any aggrieved person who filed an objection within  
362 10 days after the objection is received and conduct any  
363 such hearing within 30 days of the date the objection is  
364 received. Waivers and objections may be consolidated  
365 under Section 3.5.2.c.2.e.5.

366 v. The Hearing Examiner may only decide the issues raised  
367 by the waiver or objection. The Hearing Examiner will  
368 determine whether the proposed location minimizes  
369 visual impact as compared to any alternative location  
370 where the new tower could be located to provide service,  
371 and consistent with the Hearing Examiner's authority  
372 under Section 3.5.2.c.2.d. The maximum height allowed  
373 is 50 feet.

374 vi. The Hearing Examiner must issue a decision within 10  
375 days of the hearing. If no objection is filed, the Hearing  
376 Examiner may issue a decision without a public hearing.

377 vii. The height of a new pole, including any attached  
378 antennas and equipment, must not be taller than the  
379 height of the nearest pre-existing streetlight or utility  
380 pole:

381 (a) plus 6 feet when abutting a right-of-way with a  
382 paved section width of 65 feet or less, or up to 25  
383 feet where the height of the pole being replaced is  
384 less than 20 feet tall, whichever is greater; or

385 (b) plus 15 feet when abutting a right-of-way with a  
386 paved section width greater than 65 feet.

387 [[f]]g. Any party aggrieved by the Hearing Examiner's decision may  
388 file a petition for judicial review under the Maryland rules  
389 within 15 days of the publication of the decision.

390 \* \* \*

391 **Sec. 3. Tree Loss Minimization.** The County Executive must include tree  
392 loss minimization language in all franchise and license agreements signed after the  
393 effective date of ZTA 19-07. Critical damage to the root zones of trees as well as  
394 excessive pruning should be avoided in the installation of telecommunications  
395 towers, regardless of whether they are installed on a new, pre-existing, or  
396 replacement pole.

397 \* \* \*

398           **Sec. [[3]]4. Effective date.** This ordinance becomes effective 20 days after  
399 the date of Council adoption.

400

401 This is a correct copy of Council action.

402

403  \_\_\_\_\_

404 Selena Mendy Singleton, Esq.

405 Clerk of the Council