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

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

By: Councilmembers Praisner and Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:
- defining amateur radio facility and allowing an amateur radio facility as a permitted use in certain zones;
- defining radio and television stations and towers and establishing special exception standards for radio and television broadcasting station and tower; and generally amending the telecommunication facility zoning regulations.

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

DIVISION 59-A-2  "DEFINITIONS AND INTERPRETATION"
Section 59-A.2.1  "Definitions"
DIVISION 59-B-1  "EXEMPTIONS FROM HEIGHT CONTROLS"
Section 59-B.1.1  "Belfries, chimneys, etc."
DIVISION 59-C-1  "RESIDENTIAL ZONES, ONE-FAMILY"
Section 59-C-1.31  "Land uses"
Section 59-C-1.71  "Land uses"
DIVISION 59-C-2  "RESIDENTIAL ZONES, MULTIPLE-FAMILY"
Section 59-C-2.3  "Land uses"
DIVISION 59-C-4  "COMMERCIAL ZONES"
Section 59-C-4.2  "Land uses"
DIVISION 59-C-5  "INDUSTRIAL ZONES"
Section 59-C-5.21  "Allowable uses"
DIVISION 59-C-6  "CENTRAL BUSINESS DISTRICT ZONES"
Section 59-C-6.22  "Land uses"
DIVISION 59-C-8  "TRANSIT STATION DEVELOPMENT AREA"
Section 59-C-8.3  "Land uses"
DIVISION 59-C-9  "AGRICULTURAL ZONES"
Section 59-C-9.3  "Land uses"
DIVISION 59-C-10  “RMX ZONES—RESIDENTIAL MIXED USE DEVELOPMENT”
Section 59-C-10.3.2  “Land uses”
DIVISION 59-G-2  “SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”
Section 59-G-2.43  “Public utility buildings, public utility structures and telecommunication facility”
Section 59-G-2.44  “Radio and television broadcasting stations and towers”

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

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:
Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.


* * *

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

* * *

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

* * *

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

* * *

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

* * *

**Telecommunication facility:** Any facility established for the purpose of providing wireless voice, data or [and] image transmission within a designated service area. A telecommunication facility must not be staffed. A telecommunication facility
consists of one or more antennas attached to a support structure and related
equipment. Antennas are limited to the following types and dimensions: omni-
directional (whip) antennas not exceeding 15 feet in height and 3 inches in
diameter; directional or panel antennas not exceeding 6 feet in height and 2 feet in
width; and satellite or microwave dish antennas not exceeding 6 feet in diameter.
An antenna may be mounted to a structure, a building rooftop or a freestanding
Equipment may be located within a building, an equipment cabinet, or an
equipment room within an existing building. No lights or signs are permitted on an
antenna or support structure unless required by the Federal Communications
Commission, the Federal Aviation Administration, or the County.

* * *

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

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

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

Sec. 59-B-1.1. Belfries, chimneys, etc.
The building height limits [set forth in this] under this chapter [shall] do not apply
to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, [radio towers,]
television antennae or aerials, spires, tanks, water towers, water tanks, air
conditioning units or similar roof structures, and mechanical appurtenances, or, if
associated with an optional method development project and where recommended
in an approved urban renewal plan, rooftop architectural features, except:

(a) Where such structures are located within an airport approach area, as
designated on the zoning map; or
In the case of air conditioning units or similar roof structures and mechanical appurtenances located on buildings in the RT-6.0, RT-8.0, RT-10.0, RT-12.5 and R-30 Zones or constructed under the standard method of development procedures in the CBD-0.5, CBD-R, and CBD-1 Zones, this exemption is limited to 8 feet.

[No such roof structures, however, may] **A roof structure must not** have a total area greater than 25 percent of the roof area except that a larger area may be approved for buildings approved by the Planning Board under the Central Business District optional method of development procedure[s in the central business district zones].

A roof structure must not be used for any purpose other than a use incidental to the main use of the building. Exempt space [may] **must not** be used for retail, general and professional offices, or similar uses.

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

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

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<th>RE-2</th>
<th>RE-2C</th>
<th>RE-1</th>
<th>R-200</th>
<th>R-150</th>
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<th>R-60</th>
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Radio and television broadcasting stations and towers. | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
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* * *

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

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

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

59-C-1.71. Land uses.

* * *

| (b) Transportation, communication and utilities. | R-T 6.0 | R-T 8.0 | R-T 10.0 | R-T 12.5 | R-T 15.0 |
| | | | | | |
| Amateur radio facility. | P*/SE | P*/SE | P*/SE | P*/SE | P*/SE |

* * *

Public utility buildings and structures.

* * *

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

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

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

* * *

59-C-2.3. Land uses.

* * *

(b) Transportation, communication and utilities.

Amateur radio facility. | P*/SE | P*/SE | P*/SE | P*/SE |
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<tr>
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<td>Radio and television broadcasting stations and towers.</td>
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[^4]: Not including above ground transmission lines nor radio and television broadcasting stations and towers.

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

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

DIVISION 59-C-4. COMMERCIAL ZONES.

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59-C-4.2. Land uses.

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<td>Radio and television broadcasting stations and towers.</td>
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<td>Radio and television broadcasting studios.</td>
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99  Must not exceed 100 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that additional height is needed to engage in amateur radio communications.

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

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

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

DIVISION 59-C-5. INDUSTRIAL ZONES.

59-C-5.21. Allowable uses.

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

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

*  Must not exceed 100 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that additional height is needed to engage in amateur radio communications.
Sec. 7. DIVISION 59-C-6 is amended as follows:

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

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59-C-6.22. Land uses.

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<td>Public utility buildings and structures.</td>
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Must not exceed 100 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that additional height is needed to engage in amateur radio communications.

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

DIVISION 59-C-8. TRANSIT STATION DEVELOPMENT AREA ZONES.

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59-C-8.3. Land uses.

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<tr>
<td>Public utility buildings and structures.</td>
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<td>Radio and television broadcasting studios.</td>
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Must not exceed 100 feet in height; however, a special exception for additional height
may be granted, by the Board of Appeals if it can be demonstrated that additional height
is needed to engage in amateur radio communications.

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

DIVISION 59-C-9. AGRICULTURAL ZONES.

59-C-9.3. Land uses.

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

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

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

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

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<th>(f) Transportation, Communication and Utilities:</th>
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<td>Airstrip, associated with farm.</td>
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<td>Public utility buildings [and public utility] and structures [and telecommunication facilities 33].</td>
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<td>Radio or television broadcasting [station or tower] stations and towers.</td>
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<td>P/33SE</td>
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Sec. 10. DIVISION 59-C-10. RMX ZONES—RESIDENTIAL MIXED

USE DEVELOPMENT.

* * *

59-C-10.3.2. Land uses.

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<tr>
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<th>RMX-1 RMX-1/TDR</th>
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<td>broadcasting studio.</td>
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Must not exceed 100 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that additional height is needed to engage in amateur radio communications.

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

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

* * *

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

(a) A public utility building or public utility structure, not otherwise permitted, may be allowed by special exception. The findings of this subsection (a) do not apply to electric power transmission or distribution lines carrying in excess of 69,000 volts. For other buildings or structures regulated by this section, the Board must make the following findings:
(1) The proposed building or structure at the location selected is necessary for public convenience and service.

(2) The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

(b) A public utility building allowed in any residential zone, must, whenever practicable, have the exterior appearance of a residential building[s] and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board.

(c) The Board may approve a public utility building and public utility structure exceeding the height limits of the applicable zone if, in the opinion of the Board, adjacent residential developments and uses will not be adversely affected by the proposed use.

[(d) Any proposed broadcasting tower must have a setback of one foot from all property lines for every foot of height of the tower; provided, that any broadcasting tower lawfully existing on September 1, 1970, is exempt from the setback limitations imposed by this subsection, and may be continued, structurally altered, reconstructed or enlarged; provided further, that any structural change, repair, addition, alteration or reconstruction must not result in increasing the height of such tower above the then existing structurally designed height.]

[(e)] [(d) Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers and other such devices for supplying electric service; telephone offices; railroad, bus, trolley,
air and boat passengers stations; [radio or television transmitter towers and stations; telecommunication facilities;] above ground pipelines.

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

[(f)] Reserved.

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

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

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

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

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

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

b. In commercial and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject
site from commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.

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

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

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

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

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

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

d. The Board of Appeals may reduce the setback requirement in the agricultural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the applicant requests a reduction and evidence indicates that a support structure can be located in a less visually obtrusive location after considering the height of the
structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.]

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

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

[(5) The property owner must be an applicant for the special exception for each support structure. A modification of a telecommunication facility special exception is not required for a change to any use within the special exception area not directly related to the special exception grant. A support structure must be constructed to hold no less than 3
telecommunication carriers. The Board may approve a support structure holding less than 3 telecommunication carriers if: 1) requested by the applicant and a determination is made that collocation at the site is not essential to the public interest; and 2) the Board decides that construction of a lower support structure with fewer telecommunication carriers will promote community compatibility. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with the telecommunication facility for all the carriers.]

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

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

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

[(9) Outdoor storage of equipment or other items is prohibited.]
[(10) Each owner of the telecommunication facility is responsible for maintaining the telecommunication facility, in a safe condition.]

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

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

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

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

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

[See section 59-G-2.43.]

Any Radio and television broadcasting station or tower must satisfy the following standards:

(1) A support structure must be set back from the property line as follows:
a. In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.

b. In commercial and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject site from commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.

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

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

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

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

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

c. The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.
d. The Board of Appeals may reduce the setback requirement in the agricultural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the applicant requests a reduction and evidence indicates that a support structure can be located in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.

(3) The support structure must not exceed 300 feet in height, unless it can be demonstrated that additional height up to 450 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction and before the final inspection of the building permit, the applicant must submit documentation to the Department of Permitting Services as to the height and location of the support structure.

(4) The support structure must be sited to minimize its visual impact. The Board may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties. The support structure and any related equipment buildings or cabinets must be surrounded by landscaping or other screening options that provide a screen of at least 6 feet in height.
(5) The property owner must be an applicant for the special exception for each support structure. A modification of a radio and television station or tower special exception is not required for a change to any use within the special exception area not directly related to the special exception grant. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with a station or tower.

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

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

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

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

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

(11) The applicants for the special exception must file with the Board of Appeals a recommendation from the Transmission
Facility Coordinating Group regarding the tower. The recommendation must be no more than one year old.

(12) Prior to the Board granting any special exception for a radio and television broadcasting [station or] tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group.

(b) Any radio and television broadcasting station or tower special exception application for which a public hearing was held before (ZTA Effective Date) must be decided based on the standards in effect when the application was filed.

(c) Any radio and television broadcasting station or tower existing as (ZTA Effective Date) is exempt from the setback and height limitations imposed by this section, and may be continued, structurally altered, reconstructed or enlarged. However any structural change, repair, addition, alteration or reconstruction of a tower existing before (ZTA Effective Date) must not result in a increase in the height of the tower above the height of the tower as it existed before (ZTA Effective Date).


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

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

a. In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.
b. In commercial and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject site from commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.

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

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

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

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

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

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

d. The Board of Appeals may reduce the setback requirement in the agricultural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the
applicant requests a reduction and evidence indicates that a support structure can be located in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street.

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

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

(5) The property owner must be an applicant for the special exception for each support structure. A modification of a telecommunication facility special exception is not required for
a change to any use within the special exception area not
directly related to the special exception grant. A support
structure must be constructed to hold no less than 3
telecommunication carriers. The Board may approve a support
structure holding less than 3 telecommunication carriers if: 1)
requested by the applicant and a determination is made that
collocation at the site is not essential to the public interest; and
2) the Board decides that construction of a lower support
structure with fewer telecommunication carriers will promote
community compatibility. The equipment compound must
have sufficient area to accommodate equipment sheds or
cabinets associated with the telecommunication facility for all
the carriers.

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

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

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

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

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

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

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

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

(c) Any telecommunications facility constructed as of November 18, 2002 may continue as a conforming use.
Sec. 12. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council