



Committee: PHED
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #SmallCell #TelecommunicationsTowers
#UtilityPoles #5G

AGENDA ITEM #3C
February 15, 2022
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 22-01, Antenna on Existing Structure – Use Standards

Lead Sponsor: Councilmember Riemer

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 22-01 will reduce the setback for Antenna on Existing Structure to 30 feet.

SUMMARY OF KEY DISCUSSION POINTS

- The District Council adopted ZTA 19-07 on July 27, 2021, which made the setback for a limited use Telecommunications Tower in the Agricultural, Rural Residential, and Residential zones 30 feet.
- Under the current Zoning Ordinance, the setback for an Antenna on Existing Structure is 60 feet.
- ZTA 22-01 will reduce the setback for Antenna on Existing Structure to 30 feet so that those antennas are treated similarly to telecommunications towers.

This report contains:

Staff memo

ZTA 22-01

Page 1

© 1

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

MEMORANDUM

February 10, 2022

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 22-01, Antenna on Existing Structure – Use Standards

PURPOSE: Introduction

Zoning Text Amendment (ZTA) 22-01, Antenna on Existing Structure – Use Standards, lead sponsor Councilmember Riemer, is scheduled for introduction on February 8, 2022.

In July 2021, the County Council adopted ZTA 19-07, Telecommunications Towers – Limited Use. ZTA 19-07 revised the standards for telecommunications towers allowed as a limited or conditional use and generally amended the use requirements. ZTA 19-07 did not make any changes to Antenna on Existing Structure, a different use in the Zoning Ordinance with separate provisions. Relevant to ZTA 22-01, the setback for a Telecommunications Tower in the Agricultural, Rural Residential, and Residential zones was reduced to 30 feet.

Under section 3.5.14.C. of the Zoning Ordinance, an “Antenna on Existing Structure” is defined as “one or more antennas attached to an existing support structure, including a building, a transmission tower, a monopole, a light pole, a utility pole, a water tank, a silo, a barn, a sign, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.” Currently, the setback for an Antenna on Existing Structure is 60 feet. ZTA 22-01 will reduce that setback to 30 feet, so that these antennas are treated similarly to telecommunications towers.

A public hearing is tentatively scheduled for March 15, 2022 at 1:30 p.m.

This packet contains:
ZTA 22-01

©1

Zoning Text Amendment No.: 22-01
Concerning: Antenna on Existing
Structure – Use Standards
Draft No. & Date: 1 – 1/20/2022
Introduced: February 8, 2022
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

Lead Sponsor: Councilmember Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- reduce the setback for antennas on existing structures; and
- generally amend the antenna on existing structures provisions.

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

Division 3.5. “Commercial Uses”

Section 3.5.14. “Accessory Commercial Uses”

Section 3.5.14.C. “Antenna on Existing Structure”

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

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 59-3.5 is amended as follows:

Division 3.5 Commercial Uses

* * *

Section 3.5.14. Accessory Commercial Uses

* * *

C. Antenna on Existing Structure

* * *

2. Use Standards

* * *

- e. An antenna classified as Standard A under Section 3.5.2.C.1.b may be installed on any existing structure located in the right-of-way in any zone where an antenna on an existing structure is allowed, if:
 - i. the antenna is in an enclosure and the enclosure is the same color or pattern as the existing structure;
 - ii. the antenna and the antenna enclosure is installed at a minimum height of 15 feet; and
 - iii. the [structure]antenna is at least [60]30 feet from a dwelling in a Rural Residential, Residential, or Planned Unit Development zone, and at least 10 feet from any structure in any Commercial/Residential, Employment, or Industrial zone.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.