



Planning Board Date
June 13, 2002
Agenda Item No. 6

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF
THE GENERAL COUNSEL

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MEMORANDUM

TO: Montgomery County Planning Board

FROM: Michele Rosenfeld, Associate General Counsel *MR*
Tariq El-Baba, Associate General Counsel *AB*

RE: Zoning Text Amendment No. 02-03 (Telecommunications Facilities)

Staff Recommendation: Transmit supplemental comments to Montgomery County Council on above-referenced text amendment as detailed below.

I. Introduction

This memorandum is in follow-up to the Planning Board's April 4, 2002 public hearing on the above-referenced text amendment. At the request of the Planning Board, legal staff has reviewed certain legal and policy issues that were raised during the course of the public hearing discussion, to determine if additional comments to the County Council would be appropriate. As a result of this review, legal staff recommends that the Board consider transmitting additional comments to the County Council as detailed below.

Specifically, the analysis below includes recommendations intended to clarify potential Zoning Ordinance ambiguities with respect to different types of transmission towers (*i.e.*, to clearly distinguish radio and television towers from telecommunications towers). The proposed amendments also more clearly grant to the Board of Appeals discretion in where to locate telecommunication towers. Finally, staff recommends that the County Council consider amendments to the Tower Committee's enabling legislation so that the Committee would be required to make more specific recommendations to the Planning Board and Board of Appeals with respect to the need for telecommunications facilities.

The PHED committee will take up this matter on July 8, and the full Council is expected to take action on the text amendments on July 23.¹

¹Legal staff advised all parties of record to the Board's first hearing, via telephone on June 4, 2002, that this item was scheduled on the Planning Board's agenda for June 13. Legal staff facsimiled a copy of this staff report to all parties of record on June 10, 2002.

II. Recommended Definitional Changes

Legal Staff recommends the following amendments to the Definitions Section of the Zoning Ordinance (Division 59-A-2), in order to clarify the difference between radio and television towers, and towers that support transmission equipment for personal wireless services.

The Zoning Ordinance currently defines a telecommunication facility, in part, as "Any facility established for the purpose of providing wireless voice, data and image transmission within a designated service area." See Section 59-A-2.1 (All proposed Zoning Ordinance amendments are included in Attachment One.) This definition creates potential ambiguity, as it could be read to include television and/or radio broadcast facilities, which also provide voice and image transmissions.² If television and/or radio broadcast towers are included for purposes of this definition, then those facilities will be subject to the height, spacing and other requirements imposed on telecommunication towers. This is not the intent of the Zoning Ordinance, and consequently should be clarified.

Staff recommends that the Definitions Section of the Zoning Ordinance (Section 59-A-2) be amended as follows:

- a) Add the following new Zoning Ordinance definition:

TELECOMMUNICATIONS TOWER: Any structure designed and constructed primarily for the purpose of providing personal wireless services (as defined under the Federal Telecommunications Act of 1996, as may be amended from time-to-time), which structure is capable of supporting one or more antennae, satellite or microwave dishes and includes, but is not limited to, self-supporting lattice towers, guyed towers, and monopoles.

Adding this definition will clearly distinguish towers supporting equipment for personal wireless services from towers supporting radio and television broadcast equipment. If the Council makes this change, all use tables referencing telecommunication facilities should be amended to include telecommunication towers.³

² The common reference to telecommunication facilities generally references those communication technologies governed by the Federal Telecommunications Act of 1996 ("TCA"), which only regulates personal wireless services ("PWS").

³ § 59-C-1.31 (Residential One-Family Zones); § 59-C-4.2 (Commercial Zones); § 59-C-5.2 (Industrial Zones); and § 59-C-9.3 (Agricultural Zones).

- b) Amend the definition of Monopole as follows:

A single, freestanding pole-type structure, tapering from base to top and supporting one or more antenna for wireless transmission. For purposes of this chapter, a monopole is [not]a telecommunications tower.

This amendment allows the existing use of the term Monopole in the Zoning Ordinance to remain, without amending those Zoning Ordinance provisions that currently use the term Monopole.⁴

- c) Amend the definition of Tower as follows:

Tower: A lattice-type structure, guyed or freestanding, supporting antennas used for radio, or television broadcasting, and wireless transmission not governed by the federal Telecommunications Act of 1996, as may be amended from time-to-time.⁵
Telecommunications towers are excluded from this definition.

- d) Amend the definition of Telecommunication Facility as follows:

Telecommunication Facility: Any facility established for the purpose of providing [wireless voice, data and image transmission] personal wireless service (as defined under the Federal Telecommunications Act of 1996, as may be amended from time-to-time) 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 any related equipment, including any accessory structures such as pads or frames necessary to house or support such equipment. Antennas are limited to the following types and dimensions: omnidirectional (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

⁴ Section 59-A-6.14(b) (Antenna for a private telecommunication facility mounted on a rooftop or structure located on privately owned land); 59-C-9.3 (Land Use Table – Rural, fns. 32 and 33); 59-A-6.12 (c)(ii) (Private telecommunication facility attached to a publicly owned structure or located on publicly owned land); 2-58E (b)(1) (Telecommunications facility coordination); 59-C-5.21 (Land Use Table – Industrial, fn. 4); 59-C-402 (Land Use Table – Commercial, fn. 8).

⁵ Staff recommends leaving a generic reference to wireless transmissions, as there are wireless communications such as police and emergency radio transmissions, HAM radio operators, which may qualify as wireless transmissions but not be considered personal wireless services for purposes of federal law.

antennas not exceeding 6 feet in diameter. An antenna may be mounted to a structure, a building rooftop or a [freestanding monopole] telecommunications tower in accordance with Section 59-A-6.12, 59-A-6.14, and 59-G-2.43. Equipment may be located within a building, and 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. A telecommunications facility does not include a telecommunications tower.

In the substantive discussion below, staff uses the defined terms outlined in this Section II.

III. SUBSTANTIVE CHANGES

A. 1,500 FOOT SEPARATION BETWEEN TELECOMMUNICATIONS TOWERS (Section 59-G-2.43(j)(1))

Staff recommends that the Zoning Ordinance be amended to authorize the Board of Appeals to waive the currently recommended 1,500-foot minimum distance between telecommunications towers if an applicant can demonstrate that the denial of a tower at a particular location would result in creating a significant gap in service. For example, there may be locations in the County where a rigid separation of 1,500 feet—depending on topography, vegetation, and height of the telecommunication structures—would effect a prohibition of service under federal law. Staff believes the likelihood of this result is quite limited, however in the interest of avoiding a federal preemption challenge under the federal Telecommunications Act, legal staff recommends that this provision be added.

In addition, staff agrees with the concept in the current draft that gives the Board of Appeals authority to approve telecommunications towers at a distance of less than 1,500 feet if evidence of record would lead the Board of Appeals to find that compatibility would justify locating the towers closer than 1,500 feet apart. Staff recommends to the Board, however, that this standard be amended (1) to require a more stringent finding by the Board of Appeals to justify the reduction in distance; and (2) to add as an element of justification environmental considerations. For example, in some locations the Board of Appeals may conclude that the community impact would be less if two or more towers are concentrated in a "tower farm," rather than locating them farther apart. Under another scenario, where community impacts are the same but location in one area offers a higher level of protection of environmental resources, the Board of Appeals may wish to have the discretion to reduce the distance requirement.

Staff also notes that in its earlier transmittal to the Council, the Planning Board expressed a desire to require a 1,500-foot distance between telecommunication towers, and not all telecommunication facilities (e.g., rooftop antennae). The definitional changes recommended above will address this issue by calling for the separation only between telecommunication towers, and not telecommunication facilities. Incorporating the amended definitions above, staff recommends that Section 59-G-2.43(j) of the Special Exception Standards and Requirements, governing public utility buildings, public utility structures and telecommunication facilities be amended as follows:

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

[text deleted]

[(2)(1) A telecommunications tower ~~[[[facility,]]] [[including support structure and antenna]] ~~[[[excluding antenna and related unmanned equipment buildings installed on a rooftop,]]] must not be located within 1,500 feet of another telecommunications ~~[[[facility]]] tower [, unless a closer proximity is required for service.]]. The Board of Appeals may reduce ~~[[[the location requirement]]] this minimum distance if an applicant ~~[[[requests a reduction and evidence indicates that a support structure]]] demonstrates that this requirement would result in a significant gap in service. The Board of Appeals also may reduce the location requirement if the applicant requests a reduction and compelling evidence indicates that a telecommunications tower can be located on the property in a less visually obtrusive location or a more environmentally appropriate location after considering the height of the structure, topography, existing vegetation and environmental features, adjoining and nearby residential properties, if any, other nearby towers and ~~[[[monopoles]]] telecommunication towers and visibility from the street.~~~~~~~~~~~~⁶

⁶ A clean version of the text amendment proposed would read:

(1) A telecommunications tower must not be located within 1,500 feet of another telecommunications tower. The Board of Appeals may reduce this minimum distance if an applicant demonstrates that this requirement would result in a significant gap in service. The Board of Appeals also may reduce the location requirement if the applicant requests a reduction and compelling evidence indicates that a telecommunications tower can be located on the property in a less visually obtrusive location or a more environmentally appropriate location after considering the height of the structure, topography, existing vegetation and environmental features, adjoining and nearby residential properties, if any, other nearby towers and telecommunication towers and visibility from the street.

C. REQUIRED SETBACK FROM DWELLING UNITS (Section 59-G-2.43(2))

The current amendment provides for a 300-foot setback from dwelling units, intended to establish a minimum standard for compatibility. (59-G-2.43(2)(c)). Staff recommends that this requirement be broadened to include all habitable structures that fall within the Ordinance's definition of dwelling units, such as multi-family and single family residences, dormitories, hotels, nursing homes, etc. "Dwelling Unit" does not include, within its definition, other types of structures associated with human habitation such as dormitories, hotels, nursing homes, etc. Staff would recommend that "dwelling unit" be replaced with "habitable structure." See Attachment One at 59-G-2.43(j)(2).

Staff also recommends that Section 59-G-2.43(j)(1) be amended to state that telecommunication towers should be set back from "any" property line (instead of the current text, which requires that a tower be set back a minimum distance from "the" property line).

B. REMOVAL OF TELECOMMUNICATIONS FACILITIES AND TELECOMMUNICATION TOWERS (Section 59-G-2.43(7))

Staff further recommends that applicants be required to post a bond prior to construction of a telecommunications tower, which bond shall cover the cost of removal of the telecommunications tower in the event that the applicant abandons the tower in the future. This will permit the County to avoid incurring potential costs for removing the tower, antennae, associated equipment and fencing, among others as well as costs of attempting to recover such monies from such applicant. The Board should note that the Tower Coordinating Group, pursuant to County Code Section 2-58E(c)(3) contains a provision for the Coordinating Group to recommend to the Planning Board that a removal bond be posted. See Attachment One at 59-G-2.43(j)(7).

C. REVISIONS TO THE EXECUTIVE REGULATIONS AND/OR TOWER COMMITTEE ENABLING LEGISLATION

Staff recommends that the enabling legislation for the Tower Committee be amended to include requirements that the Tower Committee make specific findings as follows:

1. A specific finding that denial of a tower would or would not result in a significant gap in service, and a geographic description of the extent and nature of such a gap.
2. Specific recommendations as to most appropriate style of tower and any recommended stealth technology that the Committee would recommend to minimize community impact.
3. The deletion of any requirement that the Tower Committee advise the Planning Board and Board of Appeals on land use issues.

If the Planning Board agrees with this approach, Staff will prepare and submit to Council appropriate text amendment language.

II. CONCLUSION

Staff recommends that the Planning Board transmit these supplemental comments to the County Council for review and consideration, along with a revised text amendment incorporating these recommended changes. Staff would recommend that the Planning Board submit the revised text amendment (Attachment One) as a replacement to the previous submittal, as Attachment One incorporates the Planning Board's previous recommendations, along with the currently proposed changes.

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Zoning Text Amendment No: 02-03
Concerning: Telecommunications Facilities
Special Exceptions
Draft No. & Date: 2 – 3/28/02
Introduced: March 5, 2002
Public Hearing: April 9, 2002; 1:30 PM
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: Councilmember Praisner

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- (1) revising the standards for the grant of a telecommunication facility special exception, and
- (2) generally amending the standards for the grant of a telecommunication facility special exception.

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

Division 59-A-6	“USES PERMITTED IN MORE THAN ONE CLASS OF ZONE”
Section 59-A-6.14	“Antenna for a private telecommunication facility mounted on a rooftop or structure located on privately owned land”
DIVISION 59-G-2	“SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”

EXPLANATION: **Boldface** indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single 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.

Shaded text indicates text deleted or added following transmission of Planning Board comments to County Council following the April 4, 2002 public hearing.

** * * 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:

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

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **Sec. 59-A-2.1. Definitions.**

4
5 * * *

6 **Monopole:** A single, freestanding pole-type structure, tapering from base to top
7 and supporting one or more antenna for wireless transmission. For purposes of this
8 chapter, a monopole is ~~[[not]]~~ a telecommunications tower.

9 * * *

10 **Telecommunication facility:** Any facility established for the purpose of
11 providing ~~[[wireless voice, data and image transmission]]~~ personal wireless service
12 (as defined under the Federal Telecommunications Act of 1996, as may be
13 amended from time-to-time) within a designated service area. A
14 telecommunication facility must not be staffed. A telecommunication facility
15 consists of one or more antennas attached to a support structure, and any related
16 equipment, including any accessory structures such as pads or frames necessary to
17 house or support such equipment. Antennas are limited to the following types and
18 dimensions: omni-directional (whip) antennas not exceeding 15 feet in height and
19 3 inches in diameter; directional or panel antennas not exceeding 6 feet in height
20 and 2 feet in width; and satellite or microwave dish antennas not exceeding 6 feet
21 in diameter. An antenna may be mounted to a structure, a building rooftop or a
22 ~~[[freestanding monopole]]~~ telecommunications tower in accordance with Section
23 59-A-6.12, 59-A-6.14, and 59-G-2.43. Equipment may be located within a
24 building, and equipment cabinet, or an equipment room within an existing
25 building. No lights or signs are permitted on an antenna or support structure unless
26 required by the Federal Communications Commission, the Federal Aviation
27 Administration, or the County. A telecommunications facility does not include a
28 telecommunications tower.

29 * * *

1 **Telecommunications tower:** Any structure designed and constructed primarily
2 for the purpose of providing personal wireless services (as defined under the
3 Federal Telecommunications Act of 1996, as may be amended from time-to-time),
4 which structure is capable of supporting one or more antennae, satellite or
5 microwave dishes and includes, but is not limited to, self-supporting lattice towers,
6 guyed towers, and monopoles.

7 * * *

8 **Tower:** A lattice-type structure, guyed or freestanding, supporting antennas used
9 for radio, television broadcasting, and wireless transmissions not governed by the
10 Federal Telecommunications Act of 1996, as may be amended from time-to-time.
11 Telecommunication towers are excluded from this definition.

12
13 **Sec. 2. Division 59-A-6 is amended as follows:**
14 **DIVISION 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS OF**
15 **ZONE.**

16 * * *

17 **Sec. 59-A-6.14. Antenna for a private telecommunication facility mounted on**
18 **a rooftop or structure located on privately owned land.**

19 (a) An antenna and a related unmanned equipment building or cabinet
20 may be installed on a rooftop as a matter of right if [[it meets]] the
21 following standards are met.

- 22 (1) The building must be at least 30 feet in height in any multi-
23 family, commercial or industrial zone.
- 24 (2) The building must be greater than 50 feet in height in any one-
25 family residential zone. However, a rooftop telecommunication
26 antenna is not permitted on a one-family residence or a building
27 or structure accessory to a one-family residence.

1 (3) An antenna may be mounted on the facade of the building at a
2 height of at least 30 feet in a multi-family, commercial, or
3 industrial zone, and at a height greater than 50 feet in a one-
4 family residential zone. However, a telecommunication antenna
5 must not be mounted on the facade of a one-family residence or
6 a building or structure accessory to a one-family residence.

7 (4) An unmanned equipment building or cabinet must not exceed
8 560 square feet and 12 feet in height (14 feet in height for
9 rooftop structures), except that a single equipment building in
10 excess of 560 square feet, located at ground level, may be used
11 for more than one telecommunication provider, if:

- 12 (i) the overall square footage does not exceed 1500 square
13 feet and 12 feet in height,
- 14 (ii) the building is used for more than one telecommunication
15 provider operating from the same monopole or tower,
16 and
- 17 (iii) the building is reviewed by the Telecommunications
18 Transmission Facility Coordinating Group in accordance
19 with Sec. 2-58E of the County Code.

20 If the equipment building or cabinet is at ground level in a
21 residential zone, the building or cabinet must be faced with
22 brick or other suitable material on all sides and surrounded by
23 landscaping providing a screen of at least ~~[[3]]~~ 6 feet in height
24 at the time of planting, and must conform to the ~~[[applicable]]~~
25 setback standards of the applicable zone.

26 (5) If the equipment building is located on the roof of a building,
27 the equipment building or cabinet and other structure, in

1 combination with any other equipment building and structure,
2 must not occupy more than 25% of the roof area.

- 3 (b) In addition to a rooftop, an antenna may be attached as a matter of
4 right to an existing structure on privately owned land, including but
5 not limited to a radio, television, or telephone transmission tower, a
6 monopole, a light pole, a water tank, or an overhead transmission line
7 support structure. An equipment building located on such a structure
8 is subject to the requirements of subsection (a)(4). A structure
9 constructed for the support of: (1) an antenna that is part of an
10 amateur radio station licensed by the Federal Communications
11 Commission, or (2) an antenna to receive television imaging in the
12 home, may not be used as a support structure for any other antenna.
13

14 **Sec. 3. Division 59-G-2 is amended as follows:**

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

17 * * *

18 **59-G-2.43. Public utility buildings, public utility structures and**
19 **telecommunication facilities.**

20 * * *

- 21 (j) Any telecommunications [[facility]] tower must satisfy the following
22 standards:

- 23 [(1) The minimum parcel or lot area must be sufficient to accommodate
24 the location requirements for the support structure under paragraph
25 (2), excluding the antenna(s), but not less than the lot area required in
26 the zone. The location requirement is measured from the base of the
27 support structure to the property line. The Board of Appeals may

1 reduce the location requirement to not less than the building setback
2 of the applicable zone if the applicant requests a reduction and
3 evidence indicates that a support structure can be located on the
4 property in a less visually unobtrusive location after considering the
5 height of the structure, topography, existing vegetation, adjoining and
6 nearby residential properties, if any, and visibility from the street.]

7 [(2)](1)A telecommunications ~~[[facility]] tower~~[[,including support structure
8 and antenna]] ~~[[excluding antenna and related unmanned equipment~~
9 buildings installed on a rooftop,]] must not be located within 1,500 feet of
10 another telecommunications ~~[[facility]] tower~~ [[, unless a closer proximity is
11 required for service]]. The Board of Appeals may reduce ~~[[the location~~
12 requirement]] this minimum distance if the applicant ~~[[requests a reduction~~
13 and evidence indicates that a support structure]] demonstrates that this
14 requirement would result in a significant gap in service. The Board of
15 Appeals also may reduce the location requirement if the applicant requests a
16 reduction and compelling evidence indicates that a telecommunications
17 tower can be located on the property in a less visually obtrusive or a more
18 environmentally appropriate location after considering the height of the
19 structure, topography, existing vegetation and environmental features,
20 adjoining and nearby residential properties, if any, other nearby towers and
21 [[monopoles]] telecommunications towers and visibility from the street. A
22 [[support structure]] telecommunications tower must be [located] set back
23 from ~~[[the]] any property line as follows:~~

- 24 a. In agricultural and residential zones, a distance of one foot from
25 [[the]] any property line for every foot of height of the ~~[[support~~
26 structure]] telecommunications tower.

1 b. In commercial and industrial zones, a distance of one-half foot
2 from property line for every foot of height of the support
3 structure from a property line separating the subject site from
4 commercial or industrial zoned properties, and one foot for
5 every foot of height of the [[support structure]]
6 telecommunications tower from residential or agricultural
7 zoned properties.

8 c. [These location requirements apply to perimeter lot lines and
9 not to interior lot lines.] The setback from a property line is
10 measured from the base of the [[support structure]]
11 telecommunications tower to perimeter property lines and not
12 to interior lot lines. [[the property line.]]

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

21 (2) A [[support structure]] telecommunications tower must be set back
22 from any [[residential building or structure]] [[dwelling unit]]
23 habitable structure as follows:

- 24 a. In agricultural and residential zones, a distance of 300 feet.
25 b. In all other zones, one foot for every foot in height.

1 c. The setback is measured from the base of the ~~[[support~~
2 structure]] telecommunications tower to the base of the
3 [[residential building or structure]] habitable structure.

4 (3) The ~~[[support structure]] telecommunications tower, [[and antenna]]~~
5 including any components of a telecommunication facility, must not
6 exceed 155 feet in height, unless additional height up to 199 feet is
7 needed to accommodate collocation or service.

8 (4) The antenna and ~~[[support structure]] telecommunications tower~~ must
9 be designed ~~[[and sited]]~~ to minimize the visual impact on the
10 community. The antenna and ~~[[support structure]]~~
11 telecommunications tower should be designed to blend into the
12 surrounding environment by use of available camouflaging, stealth
13 design technology, or other means. ~~[[If [[T]]the support structure and~~
14 any related equipment buildings or cabinets are]] Any
15 telecommunications facility components at ground level[[, they]] must
16 be surrounded by landscaping that provides a screen of at least ~~[[3]] 6~~
17 feet in height at the time of planting.

18 ~~[(3)](5)~~The property owner must be an applicant for the special exception
19 for each ~~[[support structure]] telecommunications tower.~~ A
20 [freestanding] ~~[[support structure]] telecommunications tower~~ must be
21 constructed to hold no less than 3 telecommunication carriers. The
22 Board may approve a support structure holding less than 3
23 telecommunication carriers if: 1) requested by the applicant and a
24 determination is made that collocation at the site is not essential to the
25 public interest; and 2) the Board decides that construction of a lower
26 ~~[[support structure]] telecommunications tower~~ with fewer
27 telecommunication carriers will promote community compatibility.

1 The equipment compound must have sufficient area to accommodate
2 equipment sheds or cabinets associated with the telecommunication
3 facility for all the carriers.

4 ~~[(4)]~~(6) No signs or illumination are permitted on the antennas or ~~[[support~~
5 ~~structure]]~~ telecommunications tower unless required by the Federal
6 Communications Commission, the Federal Aviation Administration,
7 or the County.

8 ~~[(5)]~~(7) Every ~~[[freestanding]]~~ ~~[[support structure]]~~ telecommunications
9 tower and telecommunications facility must be removed at the cost of
10 the applicant when the telecommunications ~~[[facility]]~~ tower is no
11 longer in use by any telecommunication carrier for more than 12
12 months. Every telecommunications facility must be removed at the
13 cost of the applicant when the telecommunications facility is no
14 longer in use by any telecommunication carrier for more than 12
15 months. The Board of Appeals may require the applicant to post a
16 bond to cover the cost of removal of a telecommunications tower
17 and/or a telecommunications facility.

18 (8) All ~~[[support structures]]~~ telecommunications towers must be
19 identified by a sign no larger than 2 square feet affixed to the
20 ~~[[support structure]]~~ telecommunications tower or any equipment
21 building. The sign must identify the owner and the maintenance
22 service provider of the support structure or any attached antenna and
23 provide the telephone number of a person to contact regarding the
24 ~~[[structure]]~~ telecommunications tower.

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

26 (10) Each applicant for the special exception is responsible for maintaining
27 the telecommunication tower and facility~~[[,]]~~ in a safe condition.

1 (11) The applicants for the special exception must file with the Board of
2 Appeals a recommendation from the Telecommunications
3 Transmission Facility Coordinating Group regarding the
4 telecommunication facility. The recommendation must be no more
5 than one year old and must be filed with the Board no later than two
6 months prior to the Board of Appeals Public Hearing.

7 (12) Prior to the Board granting any special exception for a
8 telecommunication tower and/or telecommunication facility, the
9 proposed telecommunication tower and/or telecommunication facility
10 must be reviewed by the County Telecommunication Transmission
11 Facility Coordinating Group. The Board and Planning Board must
12 make a separate, independent finding as to need for and location of
13 the telecommunications facility.

14
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16
17
18 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
19 date of Council adoption.

20
21 This is a correct copy of Council action.

22
23
24
25 _____
26 Mary A. Edgar, CMC
27 Clerk of the Council

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ABSTRACT

TITLE: Planning Board Draft of the Potomac Subregion Master Plan

AUTHOR: The Maryland-National Capital Park and Planning Commission

SUBJECT: Master Plan for the Potomac Subregion

DATE: October 2001

PLANNING AGENCY: The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

SOURCE OF COPIES: The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

NUMBER OF PAGES: 141

ABSTRACT: This document contains the text, with supporting maps and tables, for the Planning Board Draft for the Potomac Subregion. This Plan will amend the 1980 *Master Plan for the Potomac Subregion*, as amended; the *Gaithersburg Vicinity Master Plan*, January 1985, as amended; the *Master Plan of Bikeways*, May 1978, as amended; and the Master Plan of Highways within Montgomery County.