

ZTA 22-01 – ANTENNA ON EXISTING STRUCTURE

Description

ZTA 22-01 reduces the setback required for an antenna mounted on existing structures from 60 feet to 30 feet, consistent with the standards allowed for new structures recently adopted by ZTA 19-07.

ZTA 22-01

COMPLETED: 7-7-2022

MCPB

Item No. 06

7-14-2022

2425 Reedie Drive

Floor 14

Wheaton, MD 20902

BB

Benjamin Berbert, Planner III, Countywide Planning and Policy
Benjamin.Berbert@montgomeryplanning.org, 301-495-4644

JS

Jason Sartori, Chief, Countywide Planning and Policy
Jason.Sartori@montgomeryplanning.org, 301-495-2172



Summary

- ZTA 19-07, Telecommunications Towers, for small cell antennas was adopted on July 27, 2021, creating new setback standards that antennas located on new structures be set back a minimum of 30 feet from residential dwellings in residential zones.
- The standards for antennas located on existing structures was not updated at that time, and still requires a 60-foot minimum setback from residential properties.
- The county has long prioritized co-location of cell antennas on existing structures and towers, therefore ZTA 22-01 would adjust the standards for antennas on existing structures to match that of new structures to not disadvantage co-location.
- Planning staff has no comments and recommends the Planning Board transmit a memo to the District Council in support of the ZTA.

LEAD SPONSORS

Councilmember Reimer

INTRODUCTION DATE:

February 15, 2022

REVIEW BASIS:

Chapter 59

SECTION ONE

BACKGROUND

Rationale for ZTA 22-01

ZTA 22-01 was introduced by Councilmember Reimer on February 15, 2022. The public hearing for this ZTA has been delayed several times and is currently scheduled for September 13, 2022. This ZTA would amend code in Section 3.5.14.C “Antenna on Existing Structure” which is a sub-section of the section titled “Accessory Commercial Uses.” This section of code regulates the mounting of antennas, including cellular, on existing structures such as street or parking lot lights, utility poles, or water towers. When ZTA 19-07 (Ordinance 19-17) for small cell antennas was adopted on July 27, 2021, the updated provisions permitted a minimum setback from residential structures of 30 feet for antennas on new structures. Section 3.5.14.C for antennas on existing structures, however, was not updated and still requires a minimum 60-foot setback, double what is allowed for new structures. The county has a longstanding interest in encouraging co-location of new infrastructure onto existing structures where possible, so ZTA 22-01 was introduced to allow the setback standards for antennas on existing structures to match the standards of antennas on new structures.

SECTION TWO

ANALYSIS

ZTA 22-01 as introduced

ZTA 22-01 makes minor text modifications to Section 3.5.14.C.2.e.iii of the Zoning Code, replacing the word structure with antenna, and the setback requirement of 60’ with 30’ (Attachment A). No other standards regulating the placement of antennas on existing structures is modified by this ZTA. This is the minimum modification that meets the ZTA’s intent of having the setback standard for antennas on existing structures match the standard for new structures. Planning staff has no comment on this ZTA and recommends the Planning Board transmit a memo in support of the ZTA.

Conclusion

Staff supports the changes as introduced for ZTA 22-01 and recommends the Planning Board transmit comments in support of the ZTA to the District Council. The code change brings parity to the placement of antennas on both new and existing structures, which was the intent of the original ZTA 19-07 for small cell antennas.

Attachment A – ZTA 22-01 introduction packet



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

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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

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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.