



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

Attachment A

AGENDA ITEM #7A
July 22, 2025
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 25-11, Temporary Commercial Uses – Temporary Telecommunications Facility

Lead Sponsor: Councilmember Luedtke

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

ZTA 25-11 will create a Temporary Telecommunications Facility limited use and create an approval process for that new use.

SUMMARY OF KEY DISCUSSION POINTS

- ZTA 25-11 will create a Temporary Telecommunications Facility limited use in all zones, defined as a monopole or portable wireless communications facility that does not have a permanent location on the ground.
- This new use will be permitted for 180 days, or up to 2 years with extensions. Review by the Transmission Facility Coordinating group will be required for certain facilities.
- Applicants will be required to demonstrate that the facility is needed for a qualifying reason, including natural disasters, an emergency declared by the government, a large conference or special event, a substantial maintenance project, and other similar reasons.
- A public hearing is scheduled for September 16, 2025.

This report contains:

ZTA 25-11

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Ordinance No.: _____
Zoning Text Amendment No.: 25-11
Concerning: Temporary Commercial
Uses – Temporary
Telecommunications
Facility
Revised: 7/15/2025 Draft No.: 1
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**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 Luedtke

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) create a Temporary Telecommunications Facility use;
- (2) create an approval process for Temporary Telecommunications Facilities; and
- (3) generally amend the provisions for telecommunications towers and temporary commercial uses.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.5.	“Commercial Uses”
Section 3.5.15.	“Temporary Commercial Uses”

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.

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 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

Transitory Use: See Section [3.5.15.C.1] 3.5.15.D.1.

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

15

USE OR USE GROUP	Definition s 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	IM
* * *																											
COMMERCIAL																											
* * *																											
TEMPORARY COMMERCIAL USES	3.5.15																										
* * *																											
<u>Temporary Telecommunications Facility</u>	<u>3.5.15.C</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Transitory Use	[3.5.15.C] <u>3.5.1.15.D</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
* * *																											

* * *

Sec. 3. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.15. Temporary Commercial Uses

* * *

C. Temporary Telecommunications Facility

1. Defined

Temporary Telecommunications Facility means a monopole or portable wireless communications facility used to provide wireless voice, data, or image transmission within a designated area. A Temporary Telecommunications Facility does not have permanent location on the ground, including the pouring of a concrete footing or the laying of a permanent foundation.

2. Use Standards

Where a Temporary Telecommunications Facility is allowed as a limited use, it must satisfy the following standards:

- a. A Temporary Telecommunications Facility that is 80 feet or less in height, on wheels, and erected for less than 30 days is not required to obtain a building permit.
- b. For a Temporary Telecommunications Facility over 80 feet in height, a building permit application to DPS for the construction of a Temporary Telecommunications Facility must include a recommendation from the Transmission Facility Coordinating group issued within 60 days of the submission of the building permit application.

- c. An application for a Temporary Telecommunications Facility must demonstrate that it is necessary for one of the following reasons:
- i. administering limited frequency and modulation testing to evaluate system performance and the need for additional wireless communications facility sites;
 - ii. supplementing communications coverage when a previously permitted wireless communications facility has become involuntarily non-operational through an accident or natural disaster;
 - iii. a substantial increase in the communications needs of the County due to an emergency declared by the County, State, or federal government;
 - iv. a substantial increase in the communications needs of the businesses, residents, or visitors of the County for a limited period of time due to a large conference or special event held within the County;
 - v. substantial maintenance undertaken or caused by the County that requires maintaining uninterrupted wireless communication service with temporary wireless facilities;
 - vi. a capital project undertaken or caused by the County that requires maintaining uninterrupted wireless communication service with temporary wireless facilities;
 - vii. relocation from a building owned by a bicounty agency or a utility company, where the building the wireless

communications facility was located on is under repair or renovation; or

viii. unforeseen circumstances that DPS determines require temporary alternative wireless communication facilities to maintain uninterrupted wireless communication service.

d. The initial approval of a Temporary Telecommunications Facility is permitted for up to 180 days. DPS may approve extensions if:

i. the requests are made in writing prior to the expiration of the initial approval period or current extended approval period;

ii. the extensions are reasonably necessary to resolve or accommodate the reasons for the initial approval; and

iii. the total time approved for extensions, including the initial 180 day period, does not exceed 2 years.

e. A Temporary Telecommunications Facility must be removed, at the cost of the owner, and the site restored to its previous condition within 48 hours of the end of the approval period.

f. Unless approved due to an emergency declared by the County, State, or federal government, an application for a Temporary Telecommunications Facility must include:

i. the subject property's ownership and, if the applicant is not the owner, authorization by the owner to file the application;

- ii. a description of the proposed use and all associated equipment, including structural design, proposed height, color, location, fencing or screening, and setbacks;
- iii. plans showing height and architectural design of the Temporary Telecommunications Facility, including color, materials, and any proposed landscaping and lighting;
- iv. a certified copy of the official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
- v. plans showing existing buildings, structures, rights-of-way, tree coverage, vegetation, historic resources, and the location and design of streetlights, utilities, or parking lot poles within 300 feet of the proposed location; and
- vi. photograph simulations with a direct view of the Temporary Telecommunications Facility from at least 3 directions.
- g. The maximum height for a Temporary Telecommunications Facility is 200 feet.
- h. A Temporary Telecommunications Facility must not use an electric, gas, or other type of generator that violates the maximum allowable noise levels in Chapter 31B, Noise Control.
- i. A Temporary Telecommunications Facility must not be illuminated unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration.

- j. A Temporary Telecommunications Facility must be at least 100 feet from any abutting property line. DPS may approve a reduced setback if recommended by the Transmission Facility Coordinating group. The Transmission Facility Coordinating group may recommend a reduced setback if the location is required for the function of the Temporary Telecommunications Facility and no other reasonable alternative location exists.
- k. Unless approved due to an emergency declared by the County, State, or federal government, an applicant for a building permit for a Temporary Telecommunications Facility must notify by mail the municipality where the proposed tower will be located, as well as all property owners, homeowners associations, civic associations, condominium associations, and renter associations within 300 feet of the proposed tower. Notice must include a description of the proposed use, including height and setbacks, as well as the anticipated dates of operation.

* * *

[C]D. Transitory Use

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Sec. 4. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council