

Zoning Text Amendment No.: 16-05  
Concerning: Telecommunications  
Towers – Limited Use  
Draft No. & Date: 3 – 6/8/16  
Introduced: June 14, 2016  
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**

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Lead Sponsor: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow short telecommunications towers as a limited use under certain circumstance;
- revise the use standards for small cell antennas;
- allow short telecommunications towers in public rights-of-way in the RNC, TS, and residential detached zones as a limited use; and
- generally amend telecommunications tower and small cell antenna provisions.

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

DIVISION 59-3.1. “Use Table”  
Section 3.1.6. “Use Table”  
DIVISION 59-3.5. “Commercial Uses”  
Section 3.5.2. “Communication Facility”  
Section 3.5.14 “Accessory Commercial Uses”  
DIVISION 59-8.3 “Planned Unit Development Zones”  
Section 59-8.3.3. “T-S Zone”

**EXPLANATION:** **Boldface** indicates a Heading or a defined term.  
Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.  
[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 or text added by this amendment in addition to ZTA 14-09.  
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.  
\* \* \* 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 59-3.1 is amended as follows:**

2 **DIVISION 59-3.1. Use Table**

3 \* \* \*

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under  
 6 Division [4.9](#).

USE OR USE GROUP	Definitions and Standards	Residential																
		Ag	Rural Residential				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
* * *																		
<b>COMMERCIAL</b>																		
Animal Services	3.5.1																	
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C									
Veterinary Office/Hospital	3.5.1.C	C	C	C	C	C	C	C	C	C	C							
Communication Facility	3.5.2																	
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Media Broadcast Tower	3.5.2.B	C	C	C		C	C	C	C	C	C	C				C	C	C
Telecommunications Tower	3.5.2.C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L	L	L	L	L	L
* * *																		

7 **Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

**Sec. 2. DIVISION 59-3.5 is amended as follows:**

**DIVISION 3.5 Commercial Uses**

\* \* \*

**Section 3.5.2. Communication Facility**

\* \* \*

**C. Telecommunications Tower**

**1. Defined**

Telecommunications Tower means any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Telecommunications Tower consists of one or more antennas attached to a support structure and related equipment, but does not include amateur radio antenna (see Section 3.5.14.A and Section 3.5.14.B, Amateur Radio Facility), radio or TV tower (see Section 3.5.2.B, Media Broadcast Tower), or an antenna on an existing structure (See Section 3.5.14.C, Antenna on Existing Structure).

**2. Use Standards**

a. Where a Telecommunications Tower is allowed as a limited use and the tower is taller than 30 feet in height as measured from the base to the highest point on the tower, including the antenna, it must satisfy the following standards:

i. It must not be staffed.

ii. Antennas are limited to the following types and dimensions:

(a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches;

- 35 (b) directional or panel antennas with a maximum
- 36 height of 8 feet and a maximum width of 2 feet;
- 37 and
- 38 (c) satellite or microwave dish antennas with a
- 39 maximum diameter of 8 feet.
- 40 iii. Signs or illumination on the antennas or support structure
- 41 are prohibited unless required by the Federal
- 42 Communications Commission, the Federal Aviation
- 43 Administration, or the County.
- 44 iv. In the AR, R, and RC zones, the tower must be located
- 45 within an overhead transmission line right-of-way and is
- 46 a maximum height of 199 feet. The tower must be a
- 47 minimum of 300 feet from any residence. A
- 48 Telecommunications Tower conditional use application
- 49 may be filed with the Hearing Examiner to deviate from
- 50 this standard.
- 51 v. In the LSC, IL, IM, and IH zones, the tower is a
- 52 maximum height of 199 feet with a setback of one foot
- 53 for every foot of height from all properties zoned
- 54 Agricultural, Rural Residential, or Residential.
- 55 vi. In the GR and EOF zones, the tower is a maximum
- 56 height of 150 feet with a setback of one foot for every
- 57 foot of height from all properties zoned Agricultural,
- 58 Rural Residential, or Residential. A Telecommunications
- 59 Tower conditional use application may be filed with the
- 60 Hearing Examiner to deviate from this standard.

- 61                    vii. In the RNC and all residential zones, all towers taller  
62                    than 30 feet as measured from the base of the structure to  
63                    the highest point are only allowed as a conditional use  
64                    under subsection c.
- 65                    b. Where a Telecommunications Tower is allowed as a limited use  
66                    and the tower is 30 feet in height or shorter as measured from  
67                    the base to the highest point on the tower, including the  
68                    antenna, it must satisfy the following standards:
- 69                    i. The tower must be located in a public right-of-way.
- 70                    ii The height of the structure, including the antenna, must  
71                    not exceed the height of the nearest pre-existing street  
72                    light or utility pole, plus the greater of:  
73                    (A) 20 percent of the height of the existing pole; or  
74                    (B) 10 feet.
- 75                    iii. The tower must be set back a distance of one foot for  
76                    every foot in height, including the antenna, from any off-  
77                    site dwelling unit.
- 78                    iv. The tower must not be more than 8 inches in diameter.
- 79                    v. Any equipment cabinet at the base of the tower must not  
80                    exceed 25 cubic feet of volume.
- 81                    vi. The tower must not be staffed.
- 82                    vii. Signs or illumination on the antennas or support  
83                    structure, with the exception of a street light, are  
84                    prohibited unless required the County.
- 85                    viii. Each owner of the tower must accept responsibility for  
86                    maintaining the tower in a safe condition.

87                    ix. The tower must be removed at the cost of the owner of  
88                    the tower when the tower is no longer in use by any  
89                    wireless communication carrier for more than 12 months.

90                    [b]c. Where a Telecommunications Tower is allowed as a conditional  
91                    use, it may be permitted by the Hearing Examiner under all  
92                    applicable limited use standards, Section 7.3.1, Conditional  
93                    Use, and the following standards:

94                    \*   \*   \*

95                    **Section 3.5.14. Accessory Commercial Uses**

96                    \*   \*   \*

97                    C.    Antenna on Existing Structure

98                    1.    Defined

99                    Antenna on Existing Structure means one or more antennas attached to an  
100                    existing support structure, such as a building, a transmission tower, a  
101                    monopole, a light pole, a water tank, a silo, a barn, or an overhead  
102                    transmission line support structure. Antenna on Existing Structure includes  
103                    related equipment.

104                    2.    Use Standards

105                    Where an Antenna on Existing Structure is allowed as a limited use, it must  
106                    satisfy the following standards:

107                    a.    Antennas are limited to the following types and dimensions:

- 108                    i.    omni-directional (whip) antennas with a maximum height of 15  
109                    feet and a maximum diameter of 3 inches ;
- 110                    ii.    directional or panel antennas with a maximum height of 8 feet  
111                    and a maximum width of 2 feet;
- 112                    iii.    satellite or microwave dish antennas with a maximum diameter  
113                    of 8 feet; and



141 4. No use may occupy a location other than indicated on the approved  
142 site plan.

143 \* \* \*

144 6. An Antenna on an Existing Structure that satisfies the limited use  
145 standards in Section. 3.5.14.C is allowed.

146 7. If the provisions of Section 3.5.2.C.2.b are satisfied, a  
147 telecommunications tower that is 30 foot tall or shorter, including the  
148 antenna, is allowed and a site plan amendment is not required.

149 8. Privately owned roads and community open spaces may be held in  
150 perpetuity by the developer or by an approved home owners  
151 association with substantial membership and duration if the Planning  
152 Board approves easements for such uses granted to the County and  
153 recorded in the land records of the County.

154 [8]9. All utility lines in the T-S zone must be placed underground. The  
155 developer or subdivider must ensure final and proper completion and  
156 installation of utility lines under Section 50-40(c). The developer must  
157 provide street lighting satisfying the standards contained in the  
158 approved site plan. A use-and-occupancy permit must not be issued  
159 for any building [which is] not served by an approved sewer and water  
160 supply.

161

162 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after  
163 approval.

164

165 This is a correct copy of Council action.

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168 Linda M. Lauer, Clerk of the Council