

Ordinance No.: 17-49
Zoning Text Amendment No.: 14-04
Concerning: Accessory Commercial
Uses – Antennas
Draft No. & Date: 3 - 7/14/2014
Introduced: April 22, 2014
Public Hearing: July 8, 2014
Adopted: July 22, 2014
Effective: October 30, 2014

**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 Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow small cell antennas under certain circumstances; and
- generally amend the provisions for antennas on existing structures

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

DIVISION 59.3.5. “Commercial Uses”
Section 59.3.5.14. “Accessory 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.*

OPINION

Zoning Text Amendment (ZTA) No. 14-04 was introduced on April 22, 2014. The ZTA would define small cell antennas and allow them under certain circumstances.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with amendments.

The County Council held a public hearing on July 8, 2014 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 14, 2014 to review the amendment. The Committee considered the testimony received and recommended amending ZTA 14-04 to prohibit small cell antennas on and within 60 feet of duplexes (in addition to one-family detached houses) and require a minimum height of 15 feet for all small cell antennas.

The District Council reviewed Zoning Text Amendment No. 14-04 at a worksession held on July 22, 2014 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 14-04 will be approved as amended.

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 59.3.5 is amended as follows:**

2 **DIVISION 59.3.5. Commercial Uses**

3 * * *

4 **Section 59.3.5.14 Accessory Commercial Uses**

5 * * *

6 **C. Antenna on Existing Structure**

7 **1. Defined**

8 Antenna on Existing Structure means one or more antennas attached to an existing
9 support structure, such as a building, a transmission tower, a monopole, a light
10 pole, a water tank, a silo, a barn, or an overhead transmission line support
11 structure. Antenna on Existing Structure includes related equipment.

12 **2. Use Standards**

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

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

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

18 ii. directional or panel antennas with a maximum height of 8 feet and a
19 maximum width of 2 feet; [and]

20 iii. satellite or microwave dish antennas with a maximum diameter of 8
21 feet[.] ; and

22 iv. small cell antennas with a maximum height of 3 feet and a maximum
23 width of 2 feet.

24 b. Signs or illumination on the antennas or support structure are prohibited
25 unless required by the Federal Communications Commission, the Federal
26 Aviation Administration, or the County.

- 27 c. Associated equipment must be located in an unmanned building, equipment
 28 cabinet, or equipment room in an existing building. An equipment building
 29 must satisfy the following standards:
- 30 i. It is a maximum of 560 square feet in area; however, a single
 31 equipment building in excess of 560 square feet, located at ground
 32 level, may be used if:
- 33 (a) the overall maximum square footage is 1,500 square feet and
 34 the maximum height is 12 feet;
- 35 (b) the building is used for more than one [[telecommunication]]
 36 telecommunications provider operating from the same
 37 monopole or tower; and
- 38 (c) the building is reviewed by the Telecommunications
 39 Transmission Facility Coordinating Group under Chapter 2
 40 (Section 2-58E).
- 41 ii. It is a maximum of [12 feet in height if located on the ground or] 14
 42 feet in height [for a rooftop structure], including the support structure
 43 for the equipment building.
- 44 iii. If the equipment building or cabinet is at ground level in a Residential
 45 zone or the nearest abutting property is in a Residential zone, and the
 46 equipment building or cabinet is more than 4 feet in height, including
 47 the support structure, the building or cabinet must be faced with brick
 48 or other [[compatible]] material compatible with the surrounding
 49 neighborhood on all sides and the equipment must be surrounded by
 50 landscaping [[providing a screen of]] at least 3 feet in height.
- 51 d. [When] Except for a small cell antenna that satisfies Subsection
 52 3.5.14.C.2.a. [[vi]] iv., when mounted on a rooftop or structure located on
 53 privately owned land, the antenna must meet the following standards:

- 54 i. An antenna is prohibited:
- 55 (a) on any detached house or duplex building type or an accessory
- 56 structure associated with either building type; and
- 57 (b) in any scenic setback indicated in a master plan.
- 58 ii. An antenna and a related unmanned equipment building or cabinet
- 59 may be installed on a rooftop if a building is a minimum height of:
- 60 (a) 50 feet in any Residential Detached zone; or
- 61 (b) 30 feet in any Residential Multi-Unit, Commercial/Residential,
- 62 Employment, or Industrial zone.
- 63 iii. An antenna may be mounted on the facade of a building at a minimum
- 64 height of:
- 65 (a) 50 feet in a Residential Detached zone; or
- 66 (b) 30 feet in any Residential Multi-Unit, Commercial/Residential,
- 67 Employment, and Industrial zone.
- 68 iv. The antenna must not be attached to the support structure for:
- 69 (a) an antenna that is part of an Amateur Radio Facility licensed by
- 70 the Federal Communications Commission; or
- 71 (b) an antenna to receive television imaging in the home.
- 72 e. When located at least 60 feet from a Detached Residential dwelling or a
- 73 duplex building type, a small cell antenna that satisfies Subsection
- 74 3.5.14.C.2.a. [[vi]] iv may be installed on any existing structure, at [[any]] a
- 75 minimum height of 15 feet, in any zone where an antenna on an existing
- 76 structure is allowed.
- 77

78 **Sec. 2. Effective date.** This ordinance becomes effective on October 30,
79 2014.

80

81 This is a correct copy of Council action.

82

83 *Linda M. Lauer*

84 Linda M. Lauer, Clerk of the Council