

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

1997 Legislative Session

Bill No.	<u>CB-103-1997</u>
Chapter No.	<u>72</u>
Proposed and Presented by	<u>Council Member Estep</u>
Introduced by	<u>Council Member Estep</u>
Co-Sponsors	
Date of Introduction	<u>October 28, 1997</u>

ZONING BILL

AN ORDINANCE concerning

Towers, Antennas and Monopoles

For the purpose of amending the regulations for towers, antennas and monopoles.

BY repealing and reenacting with amendments:

Sections 27-416, 27-445.04,
27-464.03, 27-473, 27-475.06.02,
27-515, 27-539, and 27-547

The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-416, 27-445.04, 27-464.03, 27-473, 27-475.06.02, 27-515, 27-539, and 27-547 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-416. Tower, pole, monopole, or antenna.

(a) A tower, pole, monopole, or antenna (electronic, radio, television, transmitting, or receiving) may be permitted, subject to the following:

(1) In the Commercial and Industrial Zones, and for land in a Residential Zone owned by a public entity, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (1/2) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County. In the Residential Zones, on privately owned land, the structure shall be set back from all property lines and dwelling units a distance equal to the height of the structure, (measured from its base);

(2) The structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes;

[(3) The structure shall be designed to accommodate at least one (1) other telecommunications provider;

(4) Unless otherwise governed by State or Federal requirements, the structure shall be a galvanized finish or painted gray; and]

[(5)] (3) Any tower or monopole which was originally used, but is no longer used, for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower or monopole owner at the owner's expense[.]; and

(4) Any related telecommunication equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Sec. 27-445.04. Antennas, monopoles, and related equipment buildings for mobile

telephone transmission or other telecommunications.

(a) Antennas, monopoles, and related equipment buildings permitted (P) in the Table of Uses shall be subject to the following:

(1) Requirements

(A) The antenna shall comply with the following standards:

(i) Unless otherwise prohibited below, it shall be attached to a public utility, radio, television, or telecommunications broadcasting tower/monopole; a light pole; a multifamily dwelling at least five (5) stories in height; a structure owned by a municipality or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(ii) It shall not be attached to a public school or library;

(iii) It shall not extend more than fifteen (15) feet above the height of the tower or structure to which it is attached; and

(iv) It shall not support lights or signs unless required for aircraft warning or other safety reasons.

(B) The related telecommunications equipment building shall comply with the following standards:

(i) It shall not exceed five hundred sixty (560) square feet of gross floor area or twelve (12) feet in height;

(ii) The building shall be screened by means of landscaping or berming [which is deemed by the Planning Board (or its authorized representative) to be adequate to screen fifty percent (50%) of the building] to one hundred percent (100%) opacity from any adjoining land in a Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);

(iii) When attached to an existing building, it shall match the construction material and color(s) of that building; and

(iv) When constructed as a freestanding building, it shall be constructed

of brick and its design shall coordinate with the design of any existing main building on the same lot or on an adjoining lot.

(C) The monopole shall comply with the following standards:

(i) The maximum height shall be one hundred ninety-nine (199) feet when located on public property or one hundred (100) feet when located on all other properties;

[(ii)] (ii) The structure shall be designed to accommodate at least one (1) other telecommunications provider;]

[(iii)] (ii) For privately owned land, the minimum setback from all adjoining land and dwelling units shall be equal to the height of the structure measured from its base; for publicly owned land, the minimum setback shall be one-half (1/2) of the height of the structure measured from the base to the adjoining property lines;

[(iv)] (iii) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons;

[(v)] (iv) The structure shall be designed, [a] galvanized [finish] and/or painted [gray] in a manner which is harmonious with surrounding properties;

[(vi)] (v) The applicant shall provide certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County; and

[(vii)] (vi) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-464.03 Mobile telephone and other telecommunications facilities.

(a) Monopoles, antennas, and related equipment buildings for mobile telephone and other telecommunications facilities permitted (P) in the Table of Uses shall be subject to the following:

(1) Requirements.

(A) The antenna shall comply with the following standards:

(i) Unless otherwise prohibited below, it shall be attached to a public utility, radio, television, telecommunications, or broadcasting tower/monopole; a light pole; an existing building; a structure owned by a municipality or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(ii) It shall not be attached to a public school or library building; and

(iii) It shall not support lights or signs unless required for aircraft warning or other safety reasons.

(B) In order to minimize potential safety problems and to reduce any negative aesthetic impact on nearby properties, [T]the monopole shall comply with the following standards:

(i) The maximum height shall be one hundred fifty [ninety-nine (199)] (150) feet.

[(ii)] The structure shall be designed to accommodate at least one (1) other telecommunications provider.]

[(iii)] (ii) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to [one-half (1/2) of] the height of the structure measured from the base to the property lines of such residentially zoned property or dwelling unit; otherwise, it shall be setback a minimum of forty (40) feet from any street and twenty (20) feet from any property line.

[(iv)] (iii) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

[(v)] (iv) The structure shall be designed, [a] galvanized [finish] and/or painted [gray] in a manner which is harmonious with surrounding properties;

[(vi)] (v) The applicant shall provide a certification from a registered

engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

[(vii)] (vi) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

(C) The related telecommunications equipment building shall comply with the following standards:

(i) The building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

PART 7. INDUSTRIAL ZONES.

DIVISION 3. USES PERMITTED

Sec. 27-473. Uses permitted.

(b) TABLE OF USES

USE	ZONE				
	<i>I-1</i> ³³	<i>I-2</i> ³³	<i>I-3</i>	<i>I-4</i>	<i>U-L-I</i>
* * * *	*	*	*	*	*
(9) TRANSPORTATION/PARKING/COMMUNICATIONS/ UTILITIES:					
* * * *	*	*	*	*	*
Satellite dish antenna, in accordance with Section 27-468.01:					
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P	P	P
(B) Over 10 feet in diameter, to serve only 1 dwelling unit	SE	SE	SE	SE	SE
(C) All others	P	P	P	P	P
Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where specifically allowed ⁸	X	X	X	X	X
Taxicab dispatching station:					
(A) Without cab storage repair, or servicing	P	P	P	P	P
(B) With cab storage	P	P	X	X	SP
(C) With cab repair or servicing within a wholly enclosed building	P	P	X	X	SP
Taxicab stand	P	P	P	P	P
Telegraph or messenger service	P ³⁴	P ³⁴	P	P	P
Tower, monopole, or antenna (electronic, radio, or television, transmitting or receiving), except a satellite dish antenna in accordance with Section 27-475.06.02:					
(A) Nonprofit, noncommercial purposes, with no height restrictions	P	P	P	P	P
(B) Freestanding, for commercial purposes, up to [250] <u>175</u> feet above ground level	P	P	P	P	P
(C) Attached to a roof, for commercial purposes, with the total combined height of the building, tower, or monopole and antenna not exceeding 250 feet above ground level	P	P	P	P	P
(D) All others	SE	SE	SE	SE	SE

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DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-475.06.02. Mobile telephone and other telecommunications facilities.

(a) Antennas, monopoles, and related equipment buildings for mobile telephone and other telecommunications facilities permitted (P) in the Table of Uses shall be subject to the following:

(1) Requirements:

(A) The antenna shall comply with the following standards:

(i) It shall be attached to a public utility, radio, television, telecommunications, or broadcasting tower/monopole; a light pole; an existing building; a structure owned by a municipality or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle.

(ii) It shall not be attached to a public school or library building.

(iii) It shall not support lights or signs unless required for aircraft warning or other safety reasons.

(B) The monopole shall comply with the following standards:

(i) The maximum height shall be [two hundred fifty (250)] one hundred seventy five (175) feet.

[(ii) The structure shall be designed to accommodate at least one (1) other telecommunications provider.]

[(iii)] (ii) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan, or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to [one-half (1/2) of] the height of the structure measured from the base to the property lines of such residentially zoned property or dwelling unit; otherwise, it shall be set back a minimum of forty (40) feet from any street and twenty (20) feet from any yard.

[(iv)] (iii) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

[(v)] (iv) The structure shall be designed, [a] galvanized [finish] and/or painted [gray] in a manner which is harmonious with surrounding properties;

[(vi)] (v) The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

[(vii)] (vi) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

(C) The tower shall comply with the following standards:

(i) The maximum height shall be [two hundred and fifty (250)] one hundred seventy five (175) feet.

[(ii)] The structure shall be designed to accommodate at least three (3) other telecommunications providers.]

[(iii)] (ii) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan, or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to [one-half (1/2) of] the height of the structure measured from the base to the property lines of such residentially zoned property; otherwise, it shall be set back a minimum of forty (40) feet from any street and twenty (20) feet from any yard.

[(iv)] (iii) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

[(v)] (iv) The structure shall be designed, [a] galvanized [finish] and/or painted [gray] in a manner which is harmonious with surrounding properties;

[(vi)] (v) The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

[(vii)] (vi) Any structure which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower owner at owner's expense.

(D) The related telecommunications equipment building shall comply with the following standards:

(i) The building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-515. Uses permitted.

(b) TABLE OF USES

USE	ZONE									
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M	
	*	*	*	*	*	*	*	*	*	
9) TRANSPORTATION/PARKING/ COMMUNICATIONS/UTILITIES:										
	*	*	*	*	*	*	*	*	*	
Trucking or motor freight station	X	X	P	X	X	X	X	X	X	
Tower, pole, or antenna (electronic, radio or television, transmitting or receiving) except a public utility structure or satellite dish antenna: ³²										
(A) Commercial purposes:										
(i) <u>Maximum of 150 feet</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
(ii) <u>Exceeding 150 feet</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
(B) Nonprofit, noncommercial purposes	P	P	P	P	P	P	P	P	P	
	*	*	*	*	*	*	*	*	*	

32 Any related telecommunications equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

PART 9. PLANNED COMMUNITY ZONES**DIVISION 3. USES PERMITTED****Sec. 27-539. Uses permitted.**

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(b) TABLE OF USES

<i>USE</i>	<i>ZONE R-M-H</i>
* * * *	
(8) TRANSPORTATION/PARKING/COMMUNICATIONS/ UTILITIES:	
* * * *	
Tower, pole, whip, or antenna (electronic, radio, television transmitting or receiving), except a public utility structure or satellite dish antenna for nonprofit, noncommercial purposes, only	P
Tower, pole, or antenna for commercial purposes: ¹⁰	[P]
(i) <u>Maximum of 150 feet</u>	<u>P</u>
(ii) <u>Exceeding 150 feet</u>	<u>SE</u>
* * * *	

¹⁰ Any related telecommunications equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

PART 10. MIXED USED ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-547. Uses permitted.**

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(b) TABLE OF USES

<i>USE</i>	<i>ZONE</i>	
	<i>M-X-T</i>	<i>M-X-C</i>
	*	*
(8) TRANSPORTATION/PARKING/ COMMUNICATIONS/UTILITIES:		
	*	*
Tower, pole, or antenna (electronic, radio, or television, transmitting or receiving), except a public utility structure or a satellite dish antenna: ⁸	[P]	[P]
(i) <u>Maximum of 150 feet</u>	<u>P</u>	<u>P</u>
(ii) <u>Exceeding 150 feet</u>	<u>SE</u>	<u>SE</u>
	*	*

8 Any related telecommunications equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 25th day of November , 1997.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
OF THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.