

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 9/26/2000

**Reference No.:** CB-62-2000

**Proposer:** Scott

**Draft No.:** 2

**Sponsors:** Scott

**Item Title:** An Ordinance requiring telecommunication towers and related facilities to meet the same requirements as television and radio facilities in Comprehensive Design Zones

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**Drafter:** Steven Gilbert  
Principal Counsel to the District  
Council

**Resource** James F. Burton  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 6/6/2000

**Executive Action:** \_\_/\_\_/\_\_\_\_ \_\_

**Committee Referral:** 6/6/2000 PZED

**Effective Date:** 11/13/2000

**Committee Action:** 6/19/2000 FAV(A)

**Date Introduced:** 6/27/2000

**Public Hearing:** 7/25/2000 11:00 A.M.

**Council Action:** 9/26/2000 ENACTED

**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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7/25/2000: Council deferred action to 9/19/2000.

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

**DATE:** 6/19/2000

**Committee Vote:** Favorable with amendments, 3-0 (In favor: Council Members Scott, Maloney and Wilson).

Staff summarized the legislation indicating that it amends the Comprehensive Design Zones (CDZ) Use Tables in the Zoning Ordinance to provide regulations for towers, monopoles and antennas in these zones. The bill also inserts Footnote 32, an existing footnote in the Code, to the public utility use allowed in the Ordinance, requiring that any related telecommunications equipment building

associated with this use must be screened by means of landscaping or berming to 100% opacity.

Staff presented a Proposed Draft-2 (DR-2) of the legislation to the Committee that provides a distinction between public utility “or wireless telecommunications” use or structure in the CDZ Use Tables. The additional language on page 2 also provides subcategories for antennas, poles, towers and related buildings consistent with the residential, commercial, and industrial zones use tables. Council Member Scott, the bill’s sponsor, explained that this legislation is intended to prevent cellular towers from locating in inappropriate locations such as the Village Zones, V-L and V- M, which are intended to be developed with a neo-traditional design. Mrs. Scott indicated that she is aware of a proposed tower that will be located near the Longleaf Subdivision in Bowie. She also indicated that location of these uses is an important concern and that previous legislation concerning cellular towers has encouraged co-location so that additional towers are not necessary.

Lawrence Taub, representing Telecom Consulting, spoke in opposition to the legislation. Mr. Taub explained that his client has applications, consisting of a Basic Plan, Comprehensive Design Plan and Specific Design Plan, pending for a tower on property zoned V-L located near Routes 50 and 301 for the purpose of providing cellular coverage in the Bowie area. He questioned whether it is equitable for this legislation to apply to his application since it has been accepted. Mr. Taub suggested an amendment that would allow the review process to continue for this use if the Specific Design Plan had already been submitted.

Mark Fisher, Telecom Consulting, addressed the Committee explaining that the location proposed for the tower is closer to Route 50, near a heavily traveled road and a commercial area. Mr. Fisher also explained that it is not possible to co-locate on existing towers in the surrounding area because Bell Atlantic does not allow co-location on its towers and another tower at the Prince George’s Stadium is not at an elevation that would allow the signal strength necessary to provide coverage to the Bowie area.

The Planning Board supports the bill and provided comments indicating that the concept of more carefully regulating telecommunications uses and structures in the Comprehensive Design Zones is not objectionable. However, the restrictions should be more comparable to the restrictions currently in place for similar types of residential, commercial and industrial uses. The legislation proposes to prohibit antennas, monopoles and towers from all Comprehensive Design Zones with the exception of the M-A-C, L-A-C and E-I-A Zones. Currently, antennas, monopoles, and towers are permitted in all Comprehensive Design Zones. It is recommended that CB-62-2000 be modified so as to permit antennas and monopoles in the R-U, R-M, R-S and R-L Zones, in conformance with Section 27-445.04. This is the section in the Residential Zones that regulates design standards for monopoles and antennas. It makes sense to prohibit both monopoles and antennas in the Village Zones, since these zones are intended to be neotraditional in design. It is also recommended that towers be allowed in the R-U, R-M, R-S and R-L Zones, subject to a Special Exception, and prohibited in the Village Zones, for the reasons stated above. These modifications would better reflect current policy as it is applied to other residential zones. The recommendations to the bill proposed by the Planning Board are incorporated in Proposed DR-2 as discussed above.

The Legislative Officer and the Office of Law determined that the bill is in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the

County as a result of enacting CB-62-2000. The County Executive takes no position on the bill. The

City of Bowie supports the legislation. Mari Murphy, Secretary, Longleaf Action Workforce, submitted a letter dated June 19, 2000 to Council Member Scott in support of the legislation.

The Committee voted favorably on CB-62-2000 including amendments in Proposed DR-2.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

This legislation amends the use table regulations for Comprehensive Design Zones to require telecommunication facilities to meet the same requirements as radio and television facilities.

**CODE INDEX TOPICS:**