

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

Meeting Date: 11/14/2000

Reference No.: CB-65-2000

Proposer: Estep

Draft No.: 3

Sponsors: Estep

Item Title: An Ordinance establishing dimensional and locational standards for wireless telecommunications antenna and deleting obsolete technical language

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 6/6/2000

Executive Action: __/__/____

Committee Referral: 6/6/2000 PZED

Effective Date: 1/2/2001

Committee Action: 10/4/2000 FAV(A)

Date Introduced: 10/17/2000

Public Hearing: 11/14/2000 1:45 P.M.

Council Action: 11/14/2000 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: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/4/2000

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

This legislation amends the Zoning Ordinance concerning wireless telecommunications to remove towers, monopoles and antennas from the public utility category where these uses are currently classified and makes them a separate category. CB-65-2000 also provides standards for the design of antennas. Because wireless telecommunications has expanded from just cellular phones, all wireless communications should be handled the same in terms of what is reviewed at the time of a permit for these uses. CB-65-2000 amends the Zoning Ordinance to provide this consistency.

The Planning Board supports the legislation with amendments. The Planning Board staff indicated that wireless antennae and their support systems (towers and monopoles) are essentially a different type of land use from the continuous ground-based network of pipes, wires and cables traditionally associated with public utilities. Furthermore, there are many types of wireless communications in addition to cellular telephone service, such as mobile radios and personal communications services, that either currently or in the near future will provide services such as two-way mobile voice communication, paging, voicemail, dispatching, conference calling, facsimile, video telecommunications, e-mail and internet access that will use the same towers, monopoles and antennae as the telecommunications companies, but cannot readily be classified as public utilities. The Planning Board recommends that CB-65-2000 be amended to assure that towers, monopoles and antennae, when removed from the public utility category, will still be permitted in exactly the same zones with the same processes that currently exist.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The County Executive takes no position on the legislation. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-65-2000.

Charles Ryan, LCC International agent for XM Satellite Radio, spoke in support of the legislation.

The Committee voted favorably on the legislation including the amendments recommended by the Planning Board. In consultation with Planning Board staff, staff prepared Draft-2 which incorporates the Table of Uses from the Zoning Ordinance with technical amendments to ensure that towers, monopoles and antennas continue as permitted uses in certain zones with the same processes even though they are being removed from the public utility category by adoption of CB-65-2000.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The currently regulations provide different restrictions on similar telecommunications facilities. The proposed ordinance removes distinctions relating to the type of telecommunications service provided and addresses antenna issues and tower issues individually. Small antennae, as defined, located on permitted support structures and antennae located within the exterior shell of existing structures are also permitted.

CODE INDEX TOPICS: