

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

**Meeting Date:** 10/28/97

**Reference No.:** CB-103-1997

**Proposer:** Estep

**Draft No.:** 3

**Sponsors:** Estep

**Item Title:** An Ordinance concerning Towers, Antennas and Monopoles, for the purpose of amending the regulations for towers, antennas and monopoles

**Drafter:** Joyce B. Nichols  
Principal Counsel to the  
District Council

**Resource Personnel:** Gailyn Gwin  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 9/30/97

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

**Committee Referral:** 9/30/97 PZED

**Effective Date:** 1/12/98

**Committee Action:** 10/16/97 HELD

**Committee Action:** 10/21/97 FAV(A)

**Date Introduced:** 10/28/97

**Pub. Hearing Date:** 11/25/97 1:30 PM

**Council Action:** 11/25/97 ENACTED

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

**Pass/Fail:** P

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

11/25/97 - Amendment No. 1 adopted.

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

DATE: 10/21/97

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Del Giudice, Hendershot, Maloney, Russell and Wilson).

Council Member Del Giudice explained that the Committee was continuing discussions on CB-103-1997 from the previous worksession of October 16, 1997.

Sonny Turlington, Dorothy Odell and David Joy spoke in support of the legislation. Sean Hughes, Nextel Communications, spoke regarding concerns that the 100-foot height limitation (as contained in CB-103-1997) is not the direction to take especially in the commercial and industrial zones. Gregg Diamond, representing Bell Atlantic Mobile, presented a proposal in the form of a letter dated October 21, 1997 to Council Member Estepp recommending amendments to CB-103-1997 to permit the height of monopoles to be up to 150 feet and 175 feet, in commercial and industrial zones, respectively, and to permit towers up to 175 feet in industrial zones. The proposal also recommended a 1:1 setback to adjoining residential property line. If adjoining residentially zoned property contains high power transmission line right-of-way, the 1:1 setback can be reduced up to the width of the power line right-of-way; otherwise, setback 40 feet from street.

Len Lucchi, representing the County Executive's Office, indicated that the Executive Branch supports the legislation with amendments. Mr. Lucchi offered a Draft-2 of the bill with amendments as follows. At the beginning of line 1, page 5, the following language was added: "In order to minimize potential safety problems and to reduce any negative aesthetic impact on nearby properties..." In addition, lines 17-19, page 5, lines 28 and 29, page 7 and lines 18 and 19, page 8 regarding the finish and color of the structure were amended to read: "The structure shall be designed, galvanized and/or painted in a manner which is harmonious with surrounding properties."

Vernell Arrington, representing AT&T Wireless, spoke in support of the amendments proposed by Mr. Diamond. Ms. Arrington suggested that the Committee look at the existing provision prohibiting antennas from being attached to a public school since other jurisdictions allow antennas on lighting structures for football fields. Chris Dougherty, AT&T Wireless, also indicated that it is prevalent around the country to locate structures on school property.

Jim Michael, representing Cellular One and American Personal Communications (APC), informed the Committee that APC would like to become actively involved with the public school system to allow school properties to become eligible for siting antennas. Mr. Michael also spoke regarding the proposed height limitations of CB-103-1997 indicating that the general rule for monopoles is 150-199 feet in commercial zones and 199-250 feet in industrial zones and that lowering the height will require more monopoles.

Council Member Estepp stated that he understands that 100 feet may be too low and that he has no problem with increasing the height to 150 feet if concerns associated with location within residential areas is addressed.

Council Member Hendershot suggested that the issue regarding locating antennas on public school property be addressed at a later time, possibly during the comprehensive review, in order to allow the Board of Education an opportunity to comment on any interest the Board may have.

The Committee voted a favorable recommendation on Draft-2 with amendments as offered by Gregg Diamond in the October 21, 1997 letter as follows: 150-foot height limit in commercial zones, 175-foot height limit in industrial zones and a 1:1 setback to adjoining residential property lines.

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

DATE: 10/16/97

Staff gave an overview of the legislation and informed the Committee of comments which had been received concerning the bill. The Planning Board and the City of Bowie support CB-103-1997. The County Executive's Office recommended that the bill be held in Committee since the subject matter of this legislation is "intricately related to other areas of telecommunications law on which the Executive Branch is composing a comprehensive bill and has engaged the services of a national expert."

Council Member Estep, the bill's sponsor, informed the Committee about his concerns and reasons for proposing this legislation. Mr. Estep indicated that this legislation provides an opportunity to bring the County's telecommunications policy in line with other jurisdictions. CB-103-1997 is a bill that addresses public safety and aesthetic concerns in that it increases existing setback requirements, requires a Special Exception for towers or monopoles exceeding 100 feet in height and amends the existing requirements for material and color.

Council Member Maloney inquired as to the effect of the legislation on existing towers, antennas and monopoles. Mr. Estep indicated that the legislation will not affect existing sites. Council Member Hendershot expressed a concern that limiting the height to 100 feet may result in a proliferation of 100-foot towers. Council Member Estep informed the Committee that different carriers have various state of the art equipment and some carriers do not have towers at all. Mr. Estep believes that the carriers place a burden on communities because they do not have the latest equipment.

Council Member Del Giudice expressed concerns that requiring a Special Exception in some instances and limiting the height to 100 feet would put the County at a competitive disadvantage with other jurisdictions. Mr. Del Giudice suggested looking at other jurisdictions to determine how they handle towers. Mr. Estep indicated that it is not his intention to deny anyone a cellular phone and the industry cannot be denied access. He feels that the legislation will require the industry to be placed in a position to have to respond to the community.

Council Member Scott suggested that a Task Force be formed to review certain issues associated with this legislation. Mrs. Scott is concerned with co-location and believes that the County should encourage co-location on towers. Council Member Estep indicated that co-locating sometimes makes the pole look worse and aesthetically displeasing. He stated that the legislation allows co-locating, and at the same time allows carriers not to co-locate.

Stephen Paul, representing the County Executive's Office, requested that the Committee hold the legislation until January. Mr. Paul indicated that the Executive's Office has been working on telecommunications issues for one year and that any legislation relating to this subject matter be held due to the pending legislation from the Executive's Office. Council Member Estep believes that something needs to be done now since Prince George's County is the least regulated jurisdiction in the Washington-Metropolitan area and that the County Executive's bills may be designed more to

create revenue and does not affect the bills currently before the Committee.

William Aleshire, Councilman, City of Bowie and Joe Meinert, Assistant Planning Director, City of Bowie, spoke in support of the legislation. Mr. Meinert suggested that CB-103-1997 contain language that the design of the structure be such that would allow for accommodation of other carriers in the future. Bill Henaghan, representing the Planning Board, spoke in support of the legislation.

Jim Michael, with the law firm of Jackson and Campbell, representing Cellular One, spoke in opposition to the bill in its current form. Mr. Michael believes that CB-103-1997 goes in the opposite direction of the legislation adopted in 1994. He indicated that other counties have adopted legislation similar to the bill enacted in 1994 and that these counties have changed their co-location requirements to different height limits based on a set number of carriers. Mr. Michael stated that 100-foot towers are not high enough to co-locate; the towers need to be 150 feet. He feels that public safety needs to be considered, but at the same time, towers need to be installed in locations in order to receive good reception especially for emergency calls. He stated that he believes the industry would agree to further residential notification.

Vernell Arrington, representing AT&T Wireless, spoke concerning this legislation. Ms. Arrington indicated that her client has met with Council members and civic associations in areas where they were considering erecting towers prior to doing so and believes this is an adequate approach in addressing concerns as opposed to adopting legislation.

The bill was held in Committee for continuation of the discussions at the next worksession.

#### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

This legislation amends certain regulations for towers, antennas and monopoles. These amendments include the requirement for a special exception for any of these uses exceeding 100 feet in height, preclude dwelling units from being within the setbacks, and deleting the requirement that these uses be galvanized or partial grey and be constructed so as to support additional such uses.

#### **CODE INDEX TOPICS:**