

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

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

**Reference No.:** CB-102-1997

**Proposer:** Estep

**Draft No.:** 3

**Sponsors:** Estep

**Item Title:** An Ordinance prohibiting antennas, monopoles, and related equipment buildings in the C-A Zone under certain circumstances

**Drafter:** Jackie Brown  
PZ&ED Committee Director

**Resource Personnel:** Joyce Nichols  
Principal Counsel

**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: Amended on the floor

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

DATE: 10/21/97

Committee Vote: Favorable as amended, 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-102-1997 from the previous worksession of October 16, 1997.

Sonny Turlington, Dorothy Odell and David Joy spoke in support of the legislation. Len Lucchi, representing the County Executive's Office, indicated that the Executive Branch supports the legislation with an amendment. Mr. Lucchi offered a Draft-2 of the bill containing the amendment. At the end of Footnote 29, on page 3, the following language was added in Dr-2: "in order to ensure safety on contiguous parcels and to minimize negative aesthetic impact on neighboring areas."

The Committee voted a favorable recommendation on Draft-2 as presented in the worksession.

### **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-102-1997. 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 Estepp, the bill's sponsor, informed the Committee about his concerns and reasons for proposing this legislation. Mr. Estepp explained that CB-102-1997 was proposed as a result of a situation in Croom in which a 150-foot monopole was erected under the provisions of CB-123-1994. The property on which the monopole was erected also contains a country store; the zoning of the property was changed to C-A because the store was a non-conforming use. The surrounding properties are zoned residential and even though there was a great deal of community concern about the monopole, the public could not do anything because there was no opportunity for public input. This bill removes the potential for a one acre site with a residential setting to be the location of a tower or monopole. Mr. Estepp commented that a favorable vote for this bill will recognize the problem and prevent further destruction of residential communities.

Bill Henaghan, representing the Planning Board, spoke in support of the legislation and commented concerning the amortization period provided in the bill. Jim Michael, with the law firm of Jackson and Campbell, representing Cellular One, spoke in opposition to the bill and informed the Committee that the legislation will not affect the structure on the C-A site in Croom because once construction has begun, a structure is vested by Federal Communications Commission law.

Dan Foley, Vice President of Cellular One, spoke in opposition to the bill and showed a map depicting cell sites and areas covered by the sites in the Croom area. Mr. Foley indicated that the legislation will result in a proliferation of 100-foot towers, requiring more towers for more coverage and believes that carriers should be encouraged to share poles.

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)**

The Zoning Ordinance currently permits antennas, monopoles and related equipment buildings for mobile telephone or other telecommunications transmission in all commercial zones. This legislation will amend the Ordinance to permit this use in the C-A Zone only under certain circumstances.

**CODE INDEX TOPICS:**