

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY,  
MARYLAND

Legislative Session 2002, Legislative Day No. 29

Bill No. 64-02

Introduced by Mr. Burlison, Chairman  
(by request of the County Executive)

By the County Council, July 15, 2002

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Introduced and first read on July 15, 2002  
Public Hearing set for August 5, 2002 and held on August 19, 2002

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Zoning - Commercial  
2 Telecommunication Facilities

3  
4 FOR the purpose of amending Bill No. 93-01; adding requirements for  
5 the application for a certificate of use; clarifying that only the  
6 principal structure of a facility is required to be a monopole in certain  
7 districts; adding conditions for co-location on transmission line poles or towers;  
8 allowing co-location on facilities existing prior to December 31,  
9 2001, that do not comply with setbacks effective after December 31,  
10 2001; allowing co-location on nonresidential structures that are not commercial  
11 telecommunication facilities and on multi-family dwelling units with more than ten units  
12 under certain circumstances; allowing accessory structures within 50 feet of  
13 principal structures existing prior to December 31, 2001, even though  
14 the accessory structures do not comply with setbacks effective after  
15 December 31, 2001; requiring screening and buffering from all residentially zoned  
16 or used properties; not permitting co-location of a facility that is located on a property  
17 with a water tower that is adjacent to a public park ; and generally relating to  
18 commercial telecommunication facilities.

19  
20 BY repealing and reenacting, with amendments: Bill No. 93-01, Section  
21 2

22 Laws of Anne Arundel County, Maryland

23  
24 BY adding: Article 28, §§1-128(f) and 10-125(l), ~~and~~ (m), (n), (o), and (p) (as  
25 amended by Bill 93-01)

1 Anne Arundel County Code (1985, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

1 BY repealing and reenacting, with amendments: Article 28, §§ 1-128(a)(as amended  
2 by Bill 93-01); 2-204(b)(8); and 12-215.1(a)(1) (as amended by Bill 93-01)  
3 Anne Arundel County Code (1985, as amended)  
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
6 *Maryland, That Bill No. 93-01, Section 2, Laws of Anne Arundel County,*  
7 *Maryland be amended to read as follows:*  
8

9 SECTION 2. *And be it further enacted,* That all owners and users of  
10 commercial telecommunication facilities shall comply with Article  
11 28, § 1-128(a) and (c) and [~~§ 10-125(i), (k), and (l)~~] § 10-125(J) AND  
12 (K) within 180 days of the date this Ordinance takes effect.  
13

14 SECTION 2. *And be it further enacted,* That Section(s) of the Anne  
15 Arundel County Code (1985, as amended) read as follows:  
16

## 17 ARTICLE 28

### 18 Title 1. General Provisions

19  
20 1-128. Zoning certificate of use.  
21

22 (a) Except for a single-family residence, no premises or structure,  
23 including a commercial telecommunication facility and a nonconforming  
24 use, may be used or altered until a zoning certificate of use is issued by  
25 the Department of Inspections and Permits. [Alteration of a commercial  
26 communication facility includes any change in configuration, transmit  
27 frequency, or power level.]  
28

29 (F) (1) APPLICATION FOR A CERTIFICATE OF USE OF A  
30 COMMERCIAL TELECOMMUNICATION FACILITY SHALL INCLUDE THE  
31 CONFIGURATION, TRANSMIT FREQUENCY RANGE, AND MAXIMUM  
32 POWER RANGE AT WHICH THE FACILITY IS EXPECTED TO OPERATE.  
33

34 (2) ALTERATION OF A COMMERCIAL COMMUNICATION FACILITY  
35 INCLUDES ANY CHANGE IN CONFIGURATION, TRANSMIT FREQUENCY  
36 RANGE, OR MAXIMUM POWER LEVEL.  
37

### 38 Title 2. Residential Districts

39  
40 2-204. Permitted uses; conditional uses.  
41

42 (b) The following uses are permitted as conditional uses in an RA-  
43 Agricultural Residential District:

1 (8) commercial telecommunication facilities:

2  
3 (i) on land owned by a governmental entity or a volunteer fire  
4 company, in accordance with the provisions of § [12-215A] 12-215.1 of  
5 this article; or

6  
7 (ii) located within a transmission line right-of-way AND NOT  
8 ATTACHED TO A TRANSMISSION LINE POLE OR TOWER or within 100 feet of a  
9 transmission line right-of-way if [the facility]:

10  
11 1. THE PRINCIPAL STRUCTURE OF THE FACILITY is set back at least  
12 500 feet from any offsite dwelling;

13  
14 2. THE FACILITY does not exceed 199 feet in height; [and]

15  
16 ~~3. THE PRINCIPAL STRUCTURE OF A FACILITY THAT IS~~  
17 ~~PERMANENTLY LOCATED ON THE GROUND is a monopole, provided~~  
18 ~~that, if the connecting transmission line structures are lattice-type, the~~  
19 ~~PRINCIPAL STRUCTURE OF A FACILITY THAT IS PERMANENTLY LOCATED~~  
20 ~~ON THE GROUND may be lattice-type;~~

21  
22 3. THE PRINCIPAL STRUCTURE OF A FACILITY THAT IS PERMANENTLY  
23 LOCATED ON THE GROUND is a monopole[, provided that, if the connecting transmission line  
24 structures are lattice-type, the facility may be lattice-type];

25  
26 4. ACCESSORY STRUCTURES ARE EITHER LOCATED WITHIN 50 FEET OF THE  
27 PRINCIPAL STRUCTURE OR ARE SETBACK 500 FEET FROM ANY OFF-SITE DWELLING; AND

28  
29 5. THE APPLICANT HAS NOTIFIED THE UTILITY THAT OWNS THE RIGHT-OF-  
30 WAY AND HAS RECEIVED DESIGN INPUT FROM THE UTILITY; OR

31  
32 (III) ATTACHED TO A TRANSMISSION LINE POLE OR TOWER, PROVIDED THAT:

33  
34 1. THE FACILITY DOES NOT LATERALLY PROJECT MORE THAN 15 FEET  
35 BEYOND THE CROSSARMS OR OTHER SUPPORT EXTENSIONS AFFIXED TO THE POLE OR  
36 TOWER;

37  
38 2. THE FACILITY DOES NOT PROJECT ABOVE THE TOP OF THE POLE OR TOWER  
39 BY MORE THAN 15 FEET IF THE POLE OR TOWER WILL SUPPORT ONE PROVIDER OR 25 FEET  
40 IF THE POLE OR TOWER WILL SUPPORT MORE THAN ONE PROVIDER;

41  
42 3. THE POLE OR TOWER, INCLUDING ALL PROJECTIONS, DOES NOT EXCEED  
43 199 FEET IN HEIGHT; AND

44  
45 4. ALL ACCESSORY STRUCTURES ARE MAINTAINED UNDERNEATH OF THE  
46 TRANSMISSION LINE WITHIN THE DRIP LINE OF THE OUTERMOST LINES OR ARE SET BACK  
47 FROM THE EDGE OF THE TRANSMISSION LINE RIGHT-OF-WAY A DISTANCE EQUAL TO AT  
48 LEAST THE MINIMUM SETBACK REQUIRED FOR ACCESSORY STRUCTURES IN THE ZONING  
49 DISTRICT.

1  
2 10-125. Commercial telecommunication facilities.

3  
4 (L) A COMMERCIAL TELECOMMUNICATION FACILITY MAY CO-LOCATE ON A  
5 COMMERCIAL TELECOMMUNICATION FACILITY EXISTING AS OF DECEMBER 31, 2001,  
6 WITHOUT MEETING SETBACK REQUIREMENTS THAT BECAME EFFECTIVE AFTER  
7 DECEMBER 31, 2001.

8  
9 (M) A COMMERCIAL TELECOMMUNICATION FACILITY MAY CO-LOCATE ON EXISTING  
10 NONRESIDENTIAL STRUCTURES OTHER THAN COMMERCIAL TELECOMMUNICATION  
11 FACILITIES AND ON MULTI-FAMILY DWELLINGS WITH MORE THAN TEN UNITS WITHOUT  
12 MEETING THE SETBACK REQUIREMENTS APPLICABLE TO COMMERCIAL  
13 TELECOMMUNICATION FACILITIES PROVIDED THAT, FOR ROOFTOP INSTALLATIONS, THE  
14 PRINCIPAL STRUCTURE IS AT LEAST 50 FEET IN HEIGHT ABOVE GRADE LEVEL AND THE  
15 COMMERCIAL TELECOMMUNICATION FACILITY SHALL NOT EXTEND ABOVE THE EXISTING  
16 ROOF HEIGHT MORE THAN 15 FEET.

17  
18 ~~(M)~~(N) IF THE PRINCIPAL STRUCTURE OF A COMMERCIAL TELECOMMUNICATION  
19 SYSTEM EXISTED AS OF DECEMBER 31, 2001, ACCESSORY STRUCTURES ARE  
20 PERMITTED WITHIN 50 FEET OF THE PRINCIPAL STRUCTURE WITHOUT MEETING  
21 APPLICABLE SETBACK REQUIREMENTS THAT BECAME EFFECTIVE AFTER DECEMBER  
22 31, 2001.

23  
24 (O) SCREENING AND BUFFERING SHALL BE PROVIDED AT EACH COMMERCIAL  
25 TELECOMMUNICATIONS FACILITY SO THAT THE ACCESSORY STRUCTURES MAY NOT BE  
26 SEEN FROM ABUTTING RESIDENTIAL PROPERTIES.

27  
28 (P) A COMMERCIAL TELECOMMUNICATIONS FACILITY MAY NOT CO-LOCATE ON AN  
29 EXISTING WATER TOWER THAT IS LOCATED ON A PROPERTY THAT IS CONTIGUOUS TO A  
30 PUBLIC PARK.

31  
32 Title 12. Additional Requirements For Special Exceptions

33  
34 12-215.1. Commercial telecommunication facilities.

35  
36 (a) A commercial telecommunication facility is permitted in any residential or  
37 deferred development district, provided that:

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39 (1) each PRINCIPAL structure permanently located on the ground is a  
40 monopole;

41  
42 SECTION 3. *And be it further enacted,* That this Ordinance is hereby  
43 declared to be an emergency ordinance and necessary for the immediate  
44 preservation of the public peace, health, safety, welfare, and property,  
45 and being passed by the affirmative vote of five members of the County  
46 Council, the same shall take effect on the date it becomes law.

AMENDMENTS ADOPTED: August 19, 2002

READ AND PASSED this 19th day of August, 2002

By Order:

Judy C. Holmes  
Administrative Officer

PRESENTED to the County Executive for her approval this 20th day of August, 2002

Judy C. Holmes  
Administrative Officer

APPROVED AND ENACTED this \_\_\_\_\_ day of August, 2002

Janet S. Owens  
County Executive