

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 6

Bill No. 15-10

Mr. T. Bryan McIntire, Councilman

By the County Council, March 15, 2010

A BILL
ENTITLED

AN ACT concerning

Wireless Telecommunications Towers

FOR the purpose of imposing certain requirements, limitations and restrictions on wireless telecommunications towers that are located in the R.C. Zones of the County; and generally relating to wireless telecommunications towers.

By repealing and re-enacting, with amendments

Sections 426.2, 426.4E., 426.5, 426.6 D. and E., 426.9.A. and 502.7A.
Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 426.2, 426.4E., 426.5, 426.6 D. and E., 426.9.A. and
3 502.7A. of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed
4 and re-enacted, with amendments, to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 426.2 Legislative policy for siting of wireless telecommunications antennas and towers. It is the
2 intent of Baltimore County that:

3 A. Antennas should be placed on existing towers, buildings and structures, including those of public
4 utilities, where feasible; and

5 B. If a new tower must be built, the tower should be:

6 1. [Constructed to accommodate at least 3 providers;] CO-LOCATED, PROVIDED THAT
7 THE TOWER OTHERWISE COMPLIES WITH THESE REGULATIONS;

8 2. Erected in a medium- or high-intensity commercial zone when available; and

9 3. Located and designed to minimize its visibility from residential and transitional zones.

10 C. IN RC ZONES, ANTENNAS AND TOWERS SHALL BE DESIGNED AND LOCATED TO
11 MINIMIZE THEIR VISUAL IMPACT ON THE LANDSCAPE.

12 D. FOR PROPOSED SITES ALONG DESIGNATED SCENIC ROUTES IN R.C. ZONES, THE
13 PROPOSED CELL TOWER DESIGN AND LOCATION MUST COMPLY WITH SCENIC
14 VIEWS POLICIES AS CONTAINED IN THE BALTIMORE COUNTY COMPREHENSIVE
15 DEVELOPMENT POLICIES MANUAL. GUIDANCE FOR CELL TOWER SITES SHALL
16 SPECIFICALLY MEET THE CRITERIA FOR “EXPANSIVE VIEWS”.

17 426.4 Tower Review Committee.

18 E. Committee review.

19 1. Prior to submitting a petition for a special exception or an application for a building
20 permit for a tower, a petitioner or an applicant shall meet with the Committee. The Committee shall
21 meet with the petitioner or the applicant within 45 days after a written request for a meeting is
22 submitted.

23 2. The petitioner or the applicant shall submit to the Committee:

1 a. Information detailing the maximum number of providers and antennas the
2 proposed tower can support.

3 B. SUFFICIENT INFORMATION TO ALLOW THE COMMITTEE TO
4 DETERMINE COMPLIANCE WITH THESE REGULATIONS, INCLUDING INFORMATION
5 REGARDING THE PROPOSED TOWER'S LOCATION AND HEIGHT, AND EFFORTS MADE
6 TO MINIMIZE ITS VISUAL IMPACT ON THE LANDSCAPE.

7 [b.] C. Any other relevant technical information requested by the Committee.

8 3. The Committee shall review the information submitted by the petitioner or the applicant
9 and evaluate the proposed tower with regard to the legislative policy under Section 426.2.

10 4. The Committee may provide advisory comments to the Zoning Commissioner or the Code
11 Official concerning the proposed tower.

12 426.5 Location and height restrictions for wireless telecommunications towers and antennas. In this
13 section, the following words have the meanings indicated:

14 A. "R" means by right.

15 B. "SE" means by special exception.

16 C. The column for antennas refers to antennas located on a tower, building or structure legally
17 existing prior to the installation of the antenna even if the tower, building or structure was approved
18 by special exception.

19 D. The height of a tower is measured from the base of the tower to the tip of the tower or the tip of
20 the highest antenna on the tower, whichever distance is greater.

21 **Antennas**

Towers

| 1 | | | Maximum | | |
|----|---------------------------|-----------|--------------------------------------|---------------|------------------------------|
| 2 | | | Antenna | | |
| 3 | | | Height and | | |
| 4 | | How | Antenna | <200 ft. High | >=200 ft. High |
| 5 | | Permitted | Diameter | | |
| 6 | Residential Zones | R | 15 feet high, | SE | SE |
| 7 | [R.C.,] R.C.C., C.R. | | diameter 3 feet | | |
| 8 | District, D.R., R-O-A | | | | |
| 9 | | | | | R if in an R.C. Zone |
| 10 | | | | | within the rights-of- |
| 11 | | | | | way of public utility |
| 12 | | | | | overhead electrical |
| 13 | | | | | transmission lines |
| 14 | | | | | carrying more than |
| 15 | | | | | 69,000 volts, provided that |
| 16 | | | | | the height of the tower does |
| 17 | | | | | not exceed 250 feet |
| 18 | Transitional Zones | R | 15 feet high, | SE | SE |
| 19 | S-E, R-O, OR-1, | | diameter 3 feet | | |
| 20 | B.M.M., B.M.Y.C, | | | | |
| 21 | B.M.B., C.B. | | | | |
| 22 | Medium Intensity | R | Not regulated | R | SE |
| 23 | Commercial | | | | |
| 24 | OR-2, B.L.R., B.L., | | | | |
| 25 | B.M., B.R., M.R., | | | | |
| 26 | M.L., M.L.R. | | | | |
| 27 | High Intensity | R | Not regulated | R | SE |
| 28 | Commercial | | | | |
| 29 | O-3, O.T., M.H. | | | | |
| 30 | Section 1A01 | | | | |
| 31 | RC | SE | 7 FEET FROM THE CROWN OF THE TALLEST | | |
| 32 | | | TREE LOCATED WITHIN 25 FEET OF THE | | |
| 33 | | | ANTENNA OR TOWER | | |

34 426.6 Setback AND OTHER requirements for wireless telecommunications towers.

35 D. IN RC ZONES A TOWER SHALL BE OF THE STEALTH VARIETY, SUCH AS A FLAG

1 POLE, OR MONOPOLE THAT IS FLUSH-MOUNTED, SET INTO A WOODED HILLSIDE, OR
2 PAINTED TO BLEND INTO TREES OR FOREST.

3 [D.] E. Upon completion of a tower and every five years after the date of completion, the owner of
4 the tower shall submit to the Code Official written certification from a professional engineer
5 verifying that the tower and any structure housing equipment for the tower meets all applicable
6 Building Code and safety requirements.

7 [E.] F. The owner of a tower shall submit annually to the Tower Coordinator written certification
8 of the number of providers and antennas on the tower.

9 426.9 Additional conditions for towers permitted by exception. Towers permitted by special
10 exception shall meet the requirements of this section.

11 A. A petitioner shall have the burden of demonstrating that:

12 1. The petitioner has made a diligent attempt to locate the antenna on an existing tower or
13 nonresidential building or structure;

14 2. Due to the location, elevation, engineering, technical feasibility or inability to obtain a
15 lease or ownership of a location elsewhere, the construction of a tower at the proposed location is
16 warranted;

17 3. To the extent technically feasible, the tower has been designed to accommodate antennas
18 of at least two other providers; and

19 4. THE TOWER IS DESIGNED AND LOCATED TO SUBSTANTIALLY MINIMIZE ITS
20 VISUAL IMPACT ON THE LANDSCAPE.

21 [4.] 5. The height of the tower is no higher than what is required to enable present and future
22 co-location of other providers.

23 502.7 Wireless telecommunications towers.

1 A. [A] SUBJECT TO THE HEIGHT LIMITATIONS IN RC ZONES, A special exception may not
2 be granted for any wireless telecommunications tower over 200 feet in height which is within 1 ½
3 miles of an existing district on the Baltimore County Final Historic Landmarks list or any of the
4 following historical districts on the National Register of Historic Places, namely, Oella, My Lady's
5 Manor, Western Run, Worthington Valley, Greenspring Valley, Corbett and Long Green Valley,
6 unless the Zoning Commissioner or the Board of Appeals, upon appeal, finds that the proposed use
7 will not be detrimental to or materially detract from the documented values of any such district due
8 to the height of the proposed tower and its placement and visibility relative to such district.

9 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
10 days after its enactment.

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