

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 37

Bill No. 78-13

Introduced by Mr. Benoit

By The County Council, September 16, 2013

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Introduced and first read on September 16, 2013  
Public Hearing set for and held on October 21, 2013  
Public Hearing on AMENDED BILL set for and held on November 4, 2013  
Public Hearing on SECOND AMENDED BILL set for November 18, 2013  
Bill Expires December 20, 2013

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

AN ORDINANCE concerning: Zoning – Commercial Telecommunications Facilities

FOR the purpose of amending the conditional and special exception use requirements for commercial telecommunications facilities to ~~prohibit~~ add certain requirements to new commercial telecommunications facilities ~~being~~ located on a lot containing a school except for Anne Arundel Community College; providing for the applicability of this Ordinance; and generally relating to commercial telecommunications facilities.

BY repealing and reenacting with amendments: §§ 18-10-109(8) and 18-11-117(2)  
Anne Arundel County Code (2005, as amended)

BY renumbering: §18-11-117(3) through (5) and (8) to be § 18-11-117(4) through (6)  
and (9), respectively  
Anne Arundel County Code (2005, as amended)

BY adding: §18-11-117(3)  
Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments and renumbering: §18-11-117(6) and (7)  
Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §18-11-117(3) through (5) and (8) of the Anne Arundel County Code (2005, as amended) is hereby renumbered to be § 18-11-117(4) through (6) and (9), respectively

SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

## **ARTICLE 18. ZONING**

### **TITLE 11. CONDITIONAL USES**

#### **18-10-109. Commercial telecommunication facilities.**

A commercial telecommunication facility shall comply with all of the following requirements.

(8) For a facility not attached to a transmission line pole or tower that is located within 100 feet of a transmission line right-of-way:

(i) the principal structure shall be located at least 500 feet from any offsite dwelling ~~AND MAY NOT BE LOCATED ON A LOT CONTAINING A SCHOOL AND, ON A LOT CONTAINING A SCHOOL EXCEPT FOR ANNE ARUNDEL COMMUNITY COLLEGE, AT LEAST 300 FEET FROM ANY STRUCTURES THE PRINCIPAL STRUCTURE OR ANY RELOCATABLE CLASSROOM ON THE LOT;~~

(ii) the facility may not exceed 199 feet in height;

(iii) the principal structure of a facility that is permanently located on the ground shall be a monopole; and

(iv) accessory structures shall be located within 50 feet of the principal structure and located AT LEAST 500 feet from any offsite dwelling ~~OR SCHOOL AND, ON A LOT CONTAINING A SCHOOL EXCEPT FOR ANNE ARUNDEL COMMUNITY COLLEGE, AT LEAST 300 FEET FROM ANY STRUCTURES THE PRINCIPAL STRUCTURE OR ANY RELOCATABLE CLASSROOM ON THE LOT.~~

### **TITLE 11. SPECIAL EXCEPTION USES**

#### **18-11-117. Commercial telecommunication facilities.**

A commercial telecommunication facility shall comply with all of the following requirements.

(2) A structure permanently located on the ground shall be located at least 200 feet or one foot for each foot of height, whichever is greater, from the lot line of a:

(i) property located in a residential district;

(ii) residentially occupied property;

(iii) school;

(iv) public park; or

(v) platted open space[;].

(3) A PRINCIPAL STRUCTURE PERMANENTLY LOCATED ON THE GROUND ~~MAY NOT BE LOCATED~~ ON A LOT CONTAINING A SCHOOL EXCEPT FOR ANNE ARUNDEL COMMUNITY COLLEGE, SHALL BE LOCATED AT LEAST 300 FEET FROM ANY STRUCTURES THE PRINCIPAL STRUCTURE OR ANY RELOCATABLE CLASSROOM ON THE LOT.

[(6)] (7) In addition to meeting the requirements of subsections (2), [(3) and (5)] (4) AND (6), the height of a commercial telecommunication facility that is permanently located on the ground in MB, MC, and OS Districts may not exceed:

(i) for one provider, 130 feet, or 160 feet for a private facility located on government-owned land;

(ii) for two providers, 170 feet, or 200 feet for a private facility located on government-owned land;

(iii) for three providers, 210 feet, or 240 feet for a private facility located on government-owned land; and

(iv) for four or more providers, 250 feet.

[(7)] (8) In addition to meeting the requirements of subsections (2), [(3), (5), and (6)] (4), (6), AND (7), a commercial telecommunication facility that is permanently located on the ground in an OS District may not:

(i) exceed one facility for each 20 acres of land; and

(ii) be constructed to hold less than three providers.

SECTION 3. *And be it further enacted* that the provisions of this Ordinance shall apply to any commercial telecommunications facility not in existence as of September 16, 2013.

SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.