

**Excerpts from the Prince Georges County Zoning Code related to siting of
telecommunications facilities in the County.**

Sec. 27-416. Definitions

Tower, pole, monopole, or antenna.

(a) A tower, pole, or monopole for the support of an antenna (electronic, radio, television, transmitting, or receiving) may be permitted, subject to the following:

- (1) In the Commercial and Industrial Zones, and for land in a Residential Zone owned by a public entity, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (1/2) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County. In the Residential Zones, on privately owned land, the structure shall be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base);
- (2) On privately owned land, the structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes;
- (3) Any tower or monopole which was originally used, but is no longer used, for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower or monopole owner at the owner's expense; and
- (4) Any related telecommunication equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

Minor Antenna means a radio/antenna device no more than twenty-five (25) inches in length, fifteen (15) inches in width, and ten (10) inches in height (excluding mounting brackets, fasteners, cabling, and antenna), with five watts or less of transmitter output power, which is installed on streetlight arms or mast arms mounted on preexisting poles, or rooftops or other preexisting support structures.

Public Property means any real property owned or controlled by the County that is specifically identified in the franchise agreement, including buildings, and may include surplus property as defined in Section 2-111.01 of this Code. To the extent of any conflict with Section 2-111.01, this Division prevails.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

Telecommunications Services means the offering of telecommunications for a fee, by a person, which the person is authorized to provide under applicable Federal, State, and local law, regardless of the facilities used. It includes, without limitation, transmission by optical fiber, coaxial cable, wireless methods, or any other means, and includes, without limitation, voice, video, data, telephone service, cellular service, and personal communications services.

Telecommunications System means all or any part of a facility that occupies County property and/or public rights-of-way owned or controlled by the County and is used to provide one or more telecommunications services.

Telecommunications Transmission Facility means any antenna mounted on a structure which is used to transmit or retransmit wireless voice, data, or image information, but shall not mean or include a Minor Antenna.

Telecommunications Transmission Facility Coordinator means the person responsible for:

- (A) The preparation of a master plan for the erection of telecommunications transmission facilities;
- (B) The coordination of applications for the erection of telecommunications transmission facilities in the County; and
- (C) Such approval by the County as required by provisions of County law other than this definition.

Wireless communication system means all or any part of a facility that is licensed by the Federal Communications Commission under Title 47, Code of Federal Regulations, Parts 20, 22, 24, 90, or 101, and is located in whole or in part on public property and/or public rights-of-way and is used to provide one or more telecommunications services.

SUBDIVISION 2. HEIGHT.

Sec. 27-117. Structures excluded from height control.

The height limits set forth in this Subtitle shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, television antennas, spires, bulkheads, elevators, or similar structures.

RESIDENTIAL

Sec. 27-445.04. Antennas, monopoles, and related equipment buildings for wireless telecommunications.

(a) Antennas, monopoles, and related equipment buildings permitted (P) in the Table of Uses shall be subject to the following requirements:

(1) The antenna shall comply with the following standards:

(A) Unless otherwise prohibited below, it shall be concealed within the opaque exterior of a structure or be attached to a public utility, radio, television, or telecommunications broadcasting tower/monopole; a light pole; a multifamily dwelling at least five (5) stories in height; a structure owned by a municipality, the Board of Education for Prince George's County, or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(B) It shall not extend more than fifteen (15) feet above the height of the tower or structure to which it is attached;

(C) It shall not exceed the following dimensions:

(i) Twenty (20) feet in length and seven (7) inches in diameter for whips;

(ii) Ten (10) feet in length and two (2) feet in width for panels;

(iii) Seven (7) feet in length and one (1) foot in diameter for cylinders; or

(iv) Seven (7) feet in diameter for parabolic dishes; and

(D) On privately owned land, it shall not support lights or signs unless required for aircraft warning or other safety reasons.

(2) The related telecommunications equipment building or enclosure shall comply with the following standards:

(A) It shall not exceed five hundred sixty (560) square feet of gross floor area or twelve (12) feet in height;

(B) The building or enclosure shall be screened by means of landscaping or berming to one hundred percent (100%) opacity from any adjoining land in a Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);

(C) When attached to an existing building, it shall match the construction material and color(s) of that building;

(D) When constructed as a freestanding building, it shall be constructed of brick and its design shall coordinate with the design of any existing main building on the same lot or on an adjoining lot; and

(E) The building or enclosure shall be unmanned, with infrequent (four (4) or fewer per year) visits by maintenance personnel, and with access and parking for no more than one (1) vehicle.

(3) The monopole shall comply with the following standards:

(A) The maximum height shall be one hundred ninety-nine (199) feet when located on public property or one hundred (100) feet when located on all other properties;

(B) For privately owned land, the minimum setback from all adjoining land and dwelling units shall be equal to the height of the structure measured from its base; for publicly owned land, the minimum setback shall be one-half (1/2) of the height of the structure measured from the base to the adjoining property lines;

(C) On privately owned land, the structure shall not support lights or signs unless required for aircraft warning or other safety reasons;

(D) The structure shall be designed, galvanized, and/or painted in a manner which is harmonious with surrounding properties;

(E) The applicant shall provide certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County; and

(F) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense. (CB-61-1988; CB-81-1993; CB-123-1994; CB-103-1997; CB-13-1998; CB-65-2000)

COMMERCIAL

Sec. 27-464.03. Wireless telecommunications facilities.

(a) Monopoles, antennas, and related equipment buildings for wireless telecommunications facilities permitted (P) in the Table of Uses shall be subject to the following requirements:

(1) The antenna shall comply with the following standards:

(A) Unless otherwise prohibited below, it shall be concealed within the opaque exterior of a structure or be attached to a public utility, radio, television, telecommunications, or broadcasting tower/monopole; a light pole; an existing building; a structure owned by a municipality, the Board of Education for Prince George's County, or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(B) On privately owned land, it shall not support lights or signs unless required for aircraft warning or other safety reasons; and

(C) It shall not exceed the following dimensions:

- (i) Twenty (20) feet in length and seven (7) inches in diameter for whips;
- (ii) Ten (10) feet in length and two (2) feet in width for panels;
- (iii) Seven (7) feet in length and one (1) foot in diameter for cylinders; or
- (iv) Seven (7) feet in diameter for parabolic dishes.

(2) In order to minimize potential safety problems and to reduce any negative aesthetic impact on nearby properties, the monopole shall comply with the following standards:

(A) The maximum height shall be one hundred fifty (150) feet.

(B) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to the height of the structure measured from the base to the property lines of such residentially zoned property or dwelling unit; otherwise, it shall be setback a minimum of forty (40) feet from any street and twenty (20) feet from any property line.

(C) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

(D) The structure shall be designed, galvanized, and/or painted in a manner which is harmonious with surrounding properties.

(E) The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

(F) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

(3) To ensure that the structures do not become a safety hazard once they are no longer in active use, any monopole which is no longer used for a continuous period of six (6) months shall be removed by the monopole owner at owner's expense.

(4) The related telecommunications equipment building or enclosure shall comply with the following standards:

(A) It shall not be more than five hundred sixty (560) square feet in gross floor area or twelve (12) feet in height.

(B) The building or enclosure shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

(CB-123-1994; CB-102-1997; CB-103-1997; CB-13-1998; CB-65-2000)

INDUSTRIAL

Sec. 27-475.06.02. Wireless telecommunications facilities.

(a) Antennas, monopoles, and related equipment buildings for wireless telecommunications facilities permitted (P) in the Table of Uses shall be subject to the following requirements:

(1) The antenna shall comply with the following standards:

(A) It shall be attached to a public utility, radio, television, telecommunications, or broadcasting tower/monopole; a light pole; an existing building; a structure owned by a municipality, the Board of Education for Prince George's County, or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(B) On privately owned land, it shall not support lights or signs unless required for aircraft warning or other safety reasons;

(C) It shall not exceed the following dimensions:

- (i) Twenty (20) feet in length and seven (7) inches in diameter for whips;
- (ii) Ten (10) feet in length and two (2) feet in width for panels;
- (iii) Seven (7) feet in length and one (1) foot in diameter for cylinders; or
- (iv) Seven (7) feet in diameter for parabolic dishes.

(2) The monopole shall comply with the following standards:

(A) The maximum height shall be one hundred seventy-five (175) feet.

(B) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan, or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to the height of the structure measured from the base to the property lines of such residentially zoned property or dwelling unit; otherwise, it shall be set back a minimum of forty (40) feet from any street and twenty (20) feet from any yard.

(C) On privately owned land, the structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

(D) The structure shall be designed, galvanized, and/or painted in a manner which is harmonious with surrounding properties.

(E) The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

(F) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

(3) The tower shall comply with the following standards:

(A) The maximum height shall be one hundred seventy-five (175) feet.

(B) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan, or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to the height of the structure measured from the base to the property lines of such residentially zoned property; otherwise, it shall be set back to a minimum of forty (40) feet from any street and twenty (20) feet from any yard.

(C) On privately owned land, the structure shall not support lights or signs unless required for aircraft warning or other safety reasons.

(D) The structure shall be designed, galvanized, and/or painted in a manner which is harmonious with surrounding properties.

(E) The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County.

(F) Any structure which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower owner at owner's expense.

(4) The related telecommunications equipment building or enclosure shall comply with the following standards:

(A) It shall not be more than five hundred sixty (560) square feet in gross floor area or twelve (12) feet in height.

(B) The building or enclosure shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

(CB-123-1994; CB-103-1997; CB-13-198; CB-65-2000)

PLANNED COMMUNITY ZONES

Sec. 27-541.01.02. Wireless telecommunications facilities.

(a) Antennas and related equipment building permitted (P) in the Table of Uses shall be subject to the following requirements:

(1) The antenna shall comply with the following standards:

(A) It shall be concealed within the opaque exterior of a structure or be attached to a public utility tower, a multifamily dwelling at least five (5) stories in height, a structure owned by Prince George's County, or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;

(B) It shall not be attached to a public school or library;

(C) It shall not exceed the following dimensions:

(i) Twenty (20) feet in length and seven (7) inches in diameter for whips;

(ii) Ten (10) feet in length and two (2) feet in width for panels;

(iii) Seven (7) feet in length and one (1) foot in diameter for cylinders; or

(iv) Seven (7) feet in diameter for parabolic dishes;

(D) It shall not extend more than fifteen (15) feet above the height of the tower or structure to which it is attached; and

(E) It shall not support lights or signs unless required for aircraft warning or other safety reasons.

(2) The related telecommunications equipment building or enclosure shall comply with the following standards:

(A) It shall not exceed five hundred sixty (560) square feet of gross floor area or twelve (12) feet in height;

(B) The building or enclosure shall be screened by means of landscaping or berming which is deemed by the Planning Board (or its authorized representative) to be adequate to screen fifty percent (50%) of the building from any adjoining land in a Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);

(C) When attached to an existing building, it shall match the construction material and color(s) of that building; and

(D) When constructed as a freestanding building, it shall be constructed of brick and its design shall coordinate with the design of any existing main building on the same lot or on an adjoining lot.

(CB-61-1988; CB-81-1993; CB-65-2000)

Mixed Use

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

(a) No use shall be allowed in the Mixed Use Zones, except as provided for in the Table of Uses. In the table, the following applies:

- (1) The letter "P" indicates that the use is permitted in the zone indicated.
- (2) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.
- (3) The letters "PA" indicate that the use is permitted, subject to the following:
 - (A) There shall be no entrances to the use directly from outside the building;
 - (B) No signs or other evidence indicating the existence of the use shall be visible from the outside of the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
 - (C) The use is secondary to the primary use of the building;
- (4) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a principal use on the premises;
 - (B) The use shall be located on the same record lot as the principal use;
 - (C) The use shall not be located within a building not occupied by the principal use; and
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.
- (5) The letters "SP" indicate that the use is permitted subject to the approval of a Special Permit, in accordance with Section 27-239.02.
- (6) The letter "X" or a blank (unless otherwise clear from the context) indicates that the use is prohibited.
- (7) All uses not listed are prohibited.
- (8) Whenever the table refers to an allowed use, that use is either permitted (P), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.
(CB-23-1988; CB-2-1994)

Use for M-U-TC zone

Tower, pole, or antenna (electronic, radio, or television, transmitting or receiving), except a satellite dish antenna:	
(A) Freestanding for commercial or noncommercial purposes, not exceeding 100 feet above ground level	P
(B) Freestanding for commercial or noncommercial purposes, exceeding 100 feet above ground level	SE
(C) Attached to a roof for commercial purposes, not exceeding 40 feet above the height of the building	P
(D) Attached to a roof for commercial purposes, exceeding 40 feet above the height of the building (CB-123-1994)	SP

Sec. 27-524. Amendments.

(a) All amendments of approved Comprehensive Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.

(b) A minor amendment to a Comprehensive Design Plan for the purpose of making home improvements that are not in conformance with the approved plan may be requested by a homeowner (or authorized representative) and shall be approved by the Planning Board, in accordance with the following procedures:

(1) Filing. The applicant shall submit a site plan and any other material deemed necessary to properly detail the requested modifications.

(2) Fee. At the time the application is filed, the applicant shall pay a fee to cover the costs of processing the request. The amount of the fee shall be established by the Planning Board. In cases of financial hardship, the fee may be waived by the Board.

(3) Public Hearing.

(A) The Planning Board shall conduct a public hearing on the requested amendments.

(B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.

(C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.

(4) Appeal of Planning Board Decision.

(A) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(B) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the file on the proposed revisions, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the minor amendment, and any additional information or explanatory material deemed appropriate.

(C) The District Council shall schedule a public hearing on the appeal or review. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

(D) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the modification request to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a minor amendment, it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

(E) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the Planning Board.

(CB-36-1989; CB-1-2004)

