

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 36

Bill No. 76-19

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

By the County Council, September 16, 2019

Introduced and first read on September 16, 2019
Public Hearing set for and held on October 21, 2019
Bill VOTED on November 4, 2019
Bill Expires December 20, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – County Rights-of-way – Zoning – Small
2 Cell Systems

3
4 FOR the purpose of defining a “small cell system” for County right-of-way permits;
5 establishing additional requirements for small cell systems locating in County rights-
6 of-way; modifying when permits for work in County rights-of-way are not needed;
7 modifying the scope of permits for maintenance work in County rights-of-way;
8 amending the zoning definition of “commercial telecommunication facility” to exclude
9 small cell systems; adding a zoning definition of “small cell system”; requiring
10 certificates of use for small cell systems; establishing fees for permits for small cell
11 systems in County rights-of-way; adding small cell systems as a conditional use in
12 certain zoning districts; establishing the conditional use requirements for a small cell
13 system; and generally relating to public works and zoning.

14
15 BY renumbering: §§ 13-3-101(5) to be 13-3-101(6); 18-1-101(121) through (154) to be
16 18-1-101(122) through (155); 18-10-146 through 18-10-157 to be 18-10-147 through
17 18-10-158; and 18-13-206(36) through (45) to be 18-13-206(37) through (46)
18 Anne Arundel County Code (2005, as amended)

19
20 BY adding: §§ 13-3-101(5); 13-3-106; 13-3-304(c); 18-1-101(121); 18-10-146; and 18-13-
21 206(36)
22 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY repealing and reenacting, with amendments: §§ 13-3-201(b); 13-3-205(b)(2)(i) and
2 (iii); 18-1-101(30); 18-2-202(b); 18-4-106; 18-5-102; 18-6-103; 18-7-107; and 18-8-
3 301(b)

4 Anne Arundel County Code (2005, as amended)

5
6 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
7 That §§ 13-3-101(5), 18-1-101(121) through (154), 18-10-146 through 18-10-157, and 18-
8 13-206(36) through (45), respectively, of the Anne Arundel County Code (2005, as
9 amended) are hereby renumbered to be §§ 13-3-101(6), 18-1-101(122) through (155), 18-
10 10-147 through 18-10-158, and 18-13-206(37) through (46), respectively.

11
12 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
13 Code (2005, as amended) read as follows:

14
15 **ARTICLE 13. PUBLIC WORKS**

16
17 **TITLE 3. PERMITS FOR USE OF COUNTY RIGHTS-OF-WAY**

18
19 **13-3-101. Definitions.**

20
21 In this title, the following words have the meanings indicated.

22
23 ***

24
25 (5) "SMALL CELL SYSTEM" HAS THE MEANING SET FORTH IN § 18-1-101 OF THIS
26 CODE.

27
28 ***

29
30 **13-3-106. Small cell systems.**

31
32 IN ADDITION TO THE OTHER REQUIREMENTS OF THIS TITLE, ANY SMALL CELL SYSTEM,
33 AS DEFINED IN § 18-1-101 OF THIS CODE, LOCATING IN COUNTY RIGHTS-OF-WAY OR
34 ATTACHING TO COUNTY ASSETS SHALL ENTER INTO A LEASE OR LICENSE AGREEMENT
35 WITH THE COUNTY IN A FORM PROVIDED BY THE COUNTY, THE TERMS OF WHICH WILL
36 INCLUDE:

37
38 (1) COMPLIANCE WITH ALL REQUIREMENTS OF THIS TITLE;

39
40 (2) COMPLIANCE WITH ALL REQUIREMENTS OF § 18-10-146 OF THIS CODE;

41
42 (3) REQUIREMENTS TO REMOVE A SMALL CELL SYSTEM AT THE OWNER'S EXPENSE
43 IF THE SYSTEM IS NO LONGER NEEDED;

44
45 (4) PROVISIONS RELATING TO THE COUNTY'S RIGHTS AND OWNER'S OBLIGATIONS
46 IF A SMALL CELL SYSTEM IS ABANDONED;

47
48 (5) THE FEES FOR THE USE OF THE COUNTY RIGHTS-OF-WAY AND ATTACHING TO
49 COUNTY ASSETS;

50
51 (6) REQUIREMENTS FOR INSURANCE RELATED TO THE SMALL CELL SYSTEM AND
52 INDEMNIFICATION OF THE COUNTY; AND

1 (7) BONDING REQUIREMENTS, INCLUDING BONDING AGAINST THE FAILURE TO
2 REMOVE ANY ABANDONED OR IMPROPERLY PLACED SMALL CELL SYSTEM AND FAILURE
3 OF THE OWNER OF THE SMALL CELL SYSTEM TO PAY ANY OUTSTANDING AMOUNTS DUE
4 TO THE COUNTY.

5
6 **13-3-201. Permit.**

7
8 (b) **When not required.** No permit is required for a work activity that makes no
9 material change to the footprint of a facility or to the AIRSPACE, surface, or subsurface of
10 a right-of-way if the activity does not disrupt or impede traffic in the traveled portion of a
11 right-of-way.

12
13 **13-3-205. Maintenance permits.**

14
15 (b) **Scope of permit.** A maintenance permit covers:

16
17 (2) those non-emergency activities, excluding excavations in or under the paved
18 rights-of-way, that are specified in the permit, including:

19
20 (i) an activity that makes no material change to the footprint of the facility or to
21 the AIRSPACE, surface, or subsurface of a right-of-way but disturbs or impedes traffic on a
22 local road;

23
24 ***

25
26 (iii) replacing overhead poles IN KIND;

27
28 ***

29
30 **13-3-304. Additional fees.**

31
32 (C) **Small cell systems.**

33
34 (1) IN ADDITION TO THOSE AMOUNTS PROVIDED UNDER §§ 13-3-302, 13-3-303, AND
35 13-3-304(A), AN APPLICANT FOR A PERMIT TO LOCATE OR MAINTAIN A SMALL CELL
36 SYSTEM IN THE COUNTY RIGHT-OF-WAY SHALL PAY AN APPLICATION FEE AS FOLLOWS:

37
38 (I) FOR INSTALLATION OF A STRUCTURE AND ATTACHMENT OF A SMALL CELL
39 SYSTEM WHERE NO STRUCTURE CURRENTLY EXISTS, \$4,000;

40
41 (II) FOR REPLACEMENT OF AN EXISTING STRUCTURE AND ATTACHMENT OF A
42 SMALL CELL SYSTEM ON THE REPLACEMENT STRUCTURE, \$2,100;

43
44 (III) FOR PLACEMENT OF A SMALL CELL SYSTEM ON AN EXISTING STRUCTURE
45 OR MODIFICATION OF AN EXISTING SMALL CELL SYSTEM THAT CHANGES THE SIZE OR
46 CONFIGURATION OF THE STRUCTURE OR THE SMALL CELL SYSTEM, \$2,000; AND

47
48 (IV) FOR MODIFICATION OF AN EXISTING SMALL CELL SYSTEM ON AN EXISTING
49 STRUCTURE THAT DOES NOT CHANGE THE SIZE OR CONFIGURATION OF THE STRUCTURE
50 OR THE SMALL CELL SYSTEM, \$1,475.

1 (2) THE FEES SET FORTH IN PARAGRAPH (1) SHALL INCREASE EACH JULY FIRST
2 BASED ON THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (“CPI-U”) FOR THE
3 PREVIOUS JANUARY.

4
5 **ARTICLE 18. ZONING**

6
7 **TITLE 1. DEFINITIONS**

8
9 **18-1-101. Definitions**

10
11 Unless defined in this article, the Natural Resources Article of the State Code, or
12 COMAR, words defined elsewhere in this Code apply in this article. The following words
13 have the meanings indicated:

14
15 ***

16
17 (30) “Commercial telecommunication facility” means a structure, such as a tower,
18 antenna, monopole, panel, microwave dish, or in-building wireless communication
19 enhancement system, including accessory structures, used for the wireless electromagnetic
20 transmission of information, but the term does not include a satellite earth station, a
21 structure used for amateur or recreational purposes such as a ham radio or citizens band
22 radio, A SMALL CELL SYSTEM, or a facility owned by a public utility that is used to control
23 the utility’s distribution systems.

24
25 ***

26
27 (121) “SMALL CELL SYSTEM” MEANS ANY SHORT RANGE EQUIPMENT INSTALLED
28 FOR THE PURPOSE OF SUPPLEMENTING OR EXTENDING WIRELESS COMMUNICATIONS
29 COVERAGE IN A LOCALIZED AREA. “SMALL CELL SYSTEM” INCLUDES:

30
31 (I) ANY POLE, STRAND, OR OTHER STRUCTURE USED TO SUPPORT A SYSTEM OR
32 TO WHICH A SYSTEM IS ATTACHED;

33
34 (II) ANY RADIO TRANSCEIVER, ANTENNA, COAXIAL OR FIBER-OPTIC CABLE,
35 REGULAR OR BACK-UP POWER SUPPLY, AND COMPARABLE EQUIPMENT, REGARDLESS OF
36 TECHNOLOGICAL CONFIGURATION; AND

37
38 (III) ANY ANCILLARY OR ACCESSORY STRUCTURE OR EQUIPMENT TO HOUSE
39 ANY PART OF THE SYSTEM.

40
41 ***

42
43 **TITLE 2. GENERAL PROVISIONS**

44
45 **18-2-202. Zoning certificate of use.**

46
47 (b) **Acquisition of certificate required.** A zoning certificate of use is required for all
48 uses except single-family dwellings and accessory dwelling units. A person may not initiate
49 or change a use that will exist for a period exceeding 60 days without obtaining a zoning
50 certificate of use. For a commercial telecommunication facility OR A SMALL CELL SYSTEM,
51 “person” includes the owner and each user of the facility OR SYSTEM and “alter” includes

any change in configuration, transmit frequency range, or maximum power level from that shown on the application for the zoning certificate of use.

TITLE 4. RESIDENTIAL DISTRICTS

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Schools, public charter and private academic, with 125 or more onsite parking spaces	SE	C	C	C	C	C	P	P
SMALL CELL SYSTEM	C	C	C	C	C	C	C	C

TITLE 5. COMMERCIAL DISTRICTS

18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Sign shops, including painting and fabrication				P
SMALL CELL SYSTEM	C	C	C	C

TITLE 6. INDUSTRIAL DISTRICTS

18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	W1	W2	W3

Sign shops, including painting and fabrication	P	P	P
SMALL CELL SYSTEM	C	C	C

TITLE 7. MARITIME DISTRICTS

18-7-107. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the Maritime group districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE=special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	MA 1	MA 2	MA 3	MB	MC

Sale of watercraft, marine engines, and watercraft trailers		P		P	P
SMALL CELL SYSTEM	C	C	C	C	C

TITLE 8. MIXED USE DISTRICTS

18-8-301. Permitted uses; conditional uses.

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

1

	MXD- R	MXD- C	MXD- E	MXD- T
Other				

Permitted and conditional uses allowed in W1 Districts in accordance with the requirements of subsection (c)	P	P	P	P
SMALL CELL SYSTEM	C	C	C	C

2

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

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4

18-10-146. Small cell systems.

5

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(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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8

(1) "ANTENNA" MEANS AN APPARATUS DESIGNED TO EMIT RADIOFREQUENCY RADIATION AND OPERATE FROM A FIXED LOCATION TO PROVIDE WIRELESS SERVICES, AND INCLUDES MATERIALS USED FOR ARRANGING, SCREENING, AND CAMOUFLAGING ANTENNA EQUIPMENT.

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(2) "ANTENNA EQUIPMENT" MEANS EQUIPMENT, SWITCHES, WIRING, CABLING, POWER SOURCES, SHELTERS, OR CABINETS ASSOCIATED WITH AN ANTENNA AND LOCATED AT THE SAME FIXED LOCATION AS THE ANTENNA.

14

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(3) "APPLICABLE STANDARDS" MEANS ENGINEERING AND SAFETY STANDARDS, INCLUDING BUILDING, FIRE, SAFETY, ELECTRICAL, PLUMBING, AND MECHANICAL CODES THAT REGULATE OR OTHERWISE AFFECT THE INSTALLATION, MAINTENANCE, AND OPERATION OF THE SYSTEMS AUTHORIZED OR AFFECTED BY THIS SECTION, AND INCLUDES THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.

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(4) "COLLOCATE" MEANS TO INSTALL OR MOUNT A SYSTEM ON A POLE.

25

26

(5) (I) "MAKE-READY WORK" MEANS WORK THAT THE COUNTY REASONABLY DETERMINES TO BE REQUIRED TO ACCOMMODATE THE INSTALLATION OF A SYSTEM AND TO COMPLY WITH ALL APPLICABLE STANDARDS;

27

28

29

30

(II) "MAKE-READY WORK" INCLUDES REPAIR, REARRANGEMENT, REPLACEMENT, AND CONSTRUCTION OF A POLE; INSPECTIONS; ENGINEERING WORK AND CERTIFICATION; PERMITTING WORK; TREE TRIMMING OTHER THAN TRIMMING PERFORMED FOR NORMAL MAINTENANCE PURPOSES; SITE PREPARATION; AND ELECTRICAL POWER CONFIGURATION; AND

31

32

33

34

35

(III) "MAKE-READY WORK" DOES NOT INCLUDE ROUTINE MAINTENANCE.

36

37

38

(6) "POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED OR IS CAPABLE OF BEING USED WHOLLY OR PARTLY FOR THE COLLOCATION OF A SYSTEM.

39

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41

(7) "PRECONSTRUCTION SURVEY" MEANS ALL WORK OR OPERATIONS REQUIRED TO DETERMINE THE MAKE-READY WORK NECESSARY TO ACCOMMODATE A WIRELESS PROVIDER'S FACILITIES, INCLUDING FIELD INSPECTION AND ADMINISTRATIVE PROCESSING.

42

43

44

1 (8) "WIRELESS PROVIDER'S FACILITY" MEANS ALL APPURTENANCES OR TANGIBLE
2 THINGS RELATED TO A SMALL CELL SYSTEM OWNED, LEASED, OPERATED, OR LICENSED
3 BY A UTILITY OR WIRELESS PROVIDER THAT ARE OR ARE PROPOSED TO BE LOCATED IN A
4 COUNTY RIGHT-OF-WAY.

5
6 (B) A SMALL CELL SYSTEM ON PRIVATE PROPERTY SHALL COMPLY WITH ALL OF THE
7 FOLLOWING REQUIREMENTS.

8
9 (1) THE DEVELOPER OF A SYSTEM SHALL:

10
11 (I) GIVE NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, NOT MORE
12 THAN 60 DAYS BEFORE FILING AN APPLICATION FOR A BUILDING PERMIT, TO ALL OWNERS
13 OF PROPERTY LOCATED WITH A LOT LINE WITHIN 250 FEET OF THE PROPOSED SYSTEM, AS
14 LISTED ON THE TAX ROLLS OF THE COUNTY, INCLUDING THE STATE, THE COUNTY, AND
15 THE BOARD OF EDUCATION; AND

16
17 (II) FILE WITH THE APPLICATION FOR A BUILDING PERMIT A LIST OF THE NAMES
18 AND ADDRESSES OF ALL PROPERTY OWNERS WHO WERE NOTIFIED; A COPY OF THE
19 NOTICE THAT WAS SENT; COPIES OF ALL RETURN RECEIPTS; COPIES OF THE ENVELOPES
20 OF ANY NOTICES THAT WERE RETURNED AS UNDELIVERED; AND AN AFFIDAVIT THAT
21 NOTICE WAS GIVEN AS REQUIRED.

22
23 (2) (I) THE DEVELOPER OF A SYSTEM SHALL OBTAIN REQUIRED APPROVALS,
24 INCLUDING FRANCHISES AND PERMITS, BEFORE:

- 25
26 1. THE INITIAL INSTALLATION OR COLLOCATION OF A SYSTEM;
27
28 2. THE INSTALLATION OF A POLE; OR
29
30 3. THE MODIFICATION OF A SYSTEM OR A POLE.

31
32 (II) AS PART OF THE APPLICATION PROCESS, THE DEVELOPER OF A SYSTEM
33 SHALL PROVIDE:

34
35 1. DETAILED PLANS DESCRIBING THE INSTALLATION, COLLOCATION,
36 MODIFICATION, OR ATTACHMENT, INCLUDING ANY CERTIFICATIONS THAT MAY BE
37 REQUIRED;

38
39 2. A PRECONSTRUCTION SURVEY;

40
41 3. A DESCRIPTION OF ANY NECESSARY MAKE-READY WORK BEING
42 PERFORMED BY THE DEVELOPER;

43
44 4. A PROPOSED SCHEDULE FOR COMPLETION, CERTIFIED BY A LICENSED
45 PROFESSIONAL ENGINEER; AND

46
47 5. ANY OTHER INFORMATION REQUIRED BY THE COUNTY THAT WILL
48 ALLOW THE COUNTY TO PROPERLY EVALUATE:

49
50 A. THE SAFETY OF THE INSTALLATION, COLLOCATION, MODIFICATION,
51 OR ATTACHMENT; AND

52
53 B. THE COMPATIBILITY OF THE INSTALLATION IN THE NEIGHBORHOOD
54 IN WHICH THE INSTALLATION IS TO BE LOCATED, AS SET FORTH IN THE AESTHETIC
55 STANDARDS PROMULGATED BY THE COUNTY, WHICH WILL INCLUDE SCREENING,
56 SPACING, HEIGHT, AND DESIGN OF SYSTEM AND POLES, AND UNDERGROUND
57 INSTALLATION OF WIRING.

1 (III) DEVELOPER OF A SYSTEM MAY FILE A CONSOLIDATED APPLICATION FOR
2 WIRELESS PROVIDER'S FACILITIES TO BE COLLOCATED WITHIN THE COUNTY PURSUANT
3 TO GUIDELINES ESTABLISHED BY THE COUNTY.
4

5 (IV) A SYSTEM SHALL BE FULLY OPERATIONAL WITHIN 180 DAYS AFTER THE
6 DATE THE LAST OR FINAL PERMIT IS ISSUED, UNLESS, DUE TO CIRCUMSTANCES OUTSIDE
7 OF THE CONTROL OF THE DEVELOPER, THE COUNTY AND THE DEVELOPER OF THE SYSTEM
8 AGREE TO EXTEND THE PERIOD. IF NOT, THE COUNTY MAY CANCEL THE APPROVAL OF
9 THE SYSTEM AND REQUIRE THE REMOVAL OF THE SYSTEM BY THE DEVELOPER OF THE
10 SYSTEM AT THE WIRELESS PROVIDER'S SOLE EXPENSE AND IN A REASONABLE TIME
11 SPECIFIED BY THE COUNTY.
12

13 (3) THE DEVELOPER OF A SYSTEM SHALL PROVIDE A CERTIFICATION FROM A
14 REGISTERED ENGINEER THAT THE SYSTEM, INCLUDING ANY POLE, WILL MEET THE
15 APPLICABLE DESIGN STANDARDS OF ARTICLE 15 OF THIS CODE FOR WIND LOADS.
16

17 (4) THE DEVELOPER OF A SYSTEM AND EACH APPLICANT FOR A ZONING
18 CERTIFICATE OF USE SHALL SUBMIT A CERTIFICATION FROM A CONSULTANT
19 ACCEPTABLE TO THE INFORMATION TECHNOLOGY OFFICER THAT THE SYSTEM OR THE
20 USE OF THE FACILITY WILL NOT DEGRADE OR INTERFERE WITH THE COUNTY'S PUBLIC
21 SAFETY COMMUNICATION SYSTEMS.
22

23 (5) WITHIN 30 DAYS AFTER THE ISSUANCE OF A ZONING CERTIFICATE OF USE FOR
24 A SYSTEM AND BY SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE HOLDER OF THE
25 CERTIFICATE OF USE SHALL SUBMIT A CERTIFICATION FROM AN ENGINEER THAT THE
26 RADIO FREQUENCY RADIATION FROM THE FACILITY MEETS THE APPLICABLE FEDERAL
27 COMMUNICATIONS COMMISSION STANDARDS AND GUIDELINES FOR THOSE EMISSIONS
28 AND SHALL INCLUDE ALL DATA IN SUPPORT OF THE CERTIFICATION. IF AT ANY TIME THE
29 OWNER OR A USER OF THE SYSTEM CANNOT PROVIDE THE CERTIFICATION REQUIRED BY
30 THIS SUBSECTION FOR ANY SYSTEM, THE SYSTEM SHALL BE DISABLED BY THE OWNER OR
31 USER UNTIL SUCH TIME AS THE OWNER OR USER CAN PROVIDE THE REQUIRED
32 CERTIFICATION, AND ANY CERTIFICATE OF USE MAY BE REVOKED. BEFORE THE SYSTEM
33 MAY BE RE-ENABLED OR THE CERTIFICATE OF USE REISSUED, THE OWNER OR USER SHALL
34 SUBMIT A CERTIFICATION FROM AN ENGINEER ACCEPTABLE TO THE COUNTY THAT THE
35 ENGINEER HAS VISITED AND INSPECTED THE SYSTEM AND THAT THE RADIO FREQUENCY
36 RADIATION FROM THE FACILITY MEETS THE APPLICABLE FEDERAL COMMUNICATIONS
37 COMMISSION STANDARDS AND GUIDELINES FOR THOSE EMISSIONS.
38

39 (6) THE OWNER OR USER OF A SYSTEM SHALL SUBMIT COPIES OF ALL
40 NOTIFICATIONS FROM OR TO THE FEDERAL COMMUNICATIONS COMMISSION AND
41 REPORTING TO THE FEDERAL COMMUNICATIONS COMMISSION FOR ANY SYSTEM.
42

43 (7) A SYSTEM, INCLUDING ANY POLE AND ACCESSORY STRUCTURES, SHALL BE OF
44 A COLOR AND DESIGN THAT IS COMPATIBLE WITH THE NEIGHBORHOOD IN WHICH THE
45 SYSTEM IS INSTALLED. A SYSTEM TO BE CONSTRUCTED WITHIN SIGHT OF A PROPERTY
46 LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES SHALL MITIGATE ANY
47 ADVERSE VISUAL IMPACT OF THE SYSTEM IN THE MANNER DETERMINED BY THE OFFICE
48 OF PLANNING AND ZONING. ADVERTISING ON A SYSTEM IS PROHIBITED.
49

50 (8) A SYSTEM MAY BE LOCATED ON THE ROOFTOP OF AN EXISTING
51 NONRESIDENTIAL STRUCTURE OR OF MULTIFAMILY DWELLINGS WITH MORE THAN 10
52 UNITS, BUT THE SYSTEM MAY NOT EXTEND ABOVE THE EXISTING ROOF HEIGHT BY MORE
53 THAN 15 FEET.
54

55 (9) A SYSTEM ATTACHED TO A TRANSMISSION LINE POLE OR TOWER MAY NOT
56 Laterally project more than 15 feet beyond the cross arms or other support
57 extensions affixed to the pole or tower and may not project above the top
58 of the pole or tower by more than 15 feet if the pole or tower will support
59 one provider or 25 feet if the pole or tower will support more than one

1 PROVIDER. THE POLE OR TOWER, INCLUDING ALL PROJECTIONS, MAY NOT EXCEED 199
2 FEET IN HEIGHT. ALL ACCESSORY STRUCTURES SHALL BE UNDERNEATH THE
3 TRANSMISSION LINE WITHIN THE DRIP LINE OF THE OUTERMOST LINES OR BE LOCATED
4 FROM THE EDGE OF THE TRANSMISSION LINE RIGHT-OF-WAY BY A DISTANCE EQUAL TO
5 AT LEAST THE MINIMUM SETBACK REQUIRED FOR ACCESSORY STRUCTURES IN THE
6 ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED.

7
8 (10) A SYSTEM THAT CEASES OPERATION FOR A PERIOD OF 12 CONSECUTIVE
9 MONTHS SHALL BE CONSIDERED AS TERMINATED AND SHALL BE REMOVED WITHIN 90
10 DAYS OF TERMINATION AT THE SYSTEM OWNER'S EXPENSE.

11
12 **TITLE 13. CRITICAL AREA OVERLAY**

13
14 **18-13-206. RCA uses.**

15
16 The following uses are the only uses allowed in the RCA and, to be allowed, the use
17 must be allowed in and meet all requirements of the underlying zoning district and, for a
18 residential use, the density allowed is one dwelling unit per 20 acres:

19
20 ***

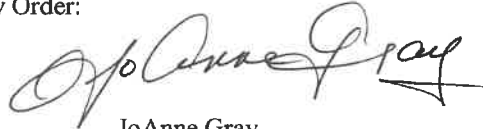
21
22 (36) SMALL CELL SYSTEMS;

23
24 ***

25
26 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
27 from the date it becomes law.

READ AND PASSED this 4th day of November, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of November, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 12th day of November, 2019



Stuart Pittman
County Executive

EFFECTIVE DATE:

DEC 2 7 2019

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
76-19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in cursive script, reading "JoAnne Gray". The signature is written in black ink and is positioned above the printed name and title.

JoAnne Gray
Administrative Officer