

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 17-018

Introduced by Council Member Perrone

Legislative Day No. 17-025 Date October 3, 2017

AN ACT to repeal and reenact, with amendments, Section 267-95, Communications Towers; to repeal and reenact, with amendments, Section 267-97, Additional Special Exception Requirements; to repeal and reenact, with amendments, Section 267-98, Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, VR, VB, and B1 Districts; to repeal and reenact, with amendments, Section 267-99, Public Safety Uses; and to repeal and reenact with amendments the Permitted Use Chart for the Transportation, Communication & Utilities (TCU) Classification, all of Article XI, Telecommunications Facilities, of Part I, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to increase the number of districts where communication towers shall be allowed by special exception; to increase the number of districts where additional special exception requirements for a new communication tower apply; to increase the number of districts where additional provisions apply to proposed sitings of a new communication tower; and generally relating to zoning.

By the Council, October 3, 2017

Introduced, read first time, ordered posted and public hearing scheduled

on: November 7, 2017

at: 7:00 PM

By Order: *Mylia A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 267-
2 95, Communications Towers, be, and it is hereby, repealed and reenacted, with amendments; that
3 Section 267-97, Additional Special Exception Requirements, be, and it is hereby, repealed and
4 reenacted, with amendments; that Section 267-98, Additional Provisions Applicable to Proposed
5 Sitings in RR, R1, R2, VR, VB, and B1 Districts, be, and it is hereby, repealed and reenacted, with
6 amendments; that Section 267-99, Public Safety Uses, be, and it is hereby, repealed and reenacted,
7 with amendments; and that the Permitted Use Chart for Use Classification Transportation,
8 Communication & Utilities (TCU), be, and it is hereby, repealed and reenacted, with amendments,
9 all of Article XI, Telecommunications Facilities, of Part I, Standards, of Chapter 267, Zoning, of the
10 Harford County Code, as amended; all to read as follows:

11 **Chapter 267. Zoning**

12 **Part I. Standards**

13 **Article XI. Telecommunication Facilities**

14 **§ 267-95. Communications Towers.**

- 15 A. Communications towers shall be allowed by right, up to 199 feet, in the B3, CI, LI, GI and MO
16 Districts.
- 17 B. A communications tower shall be allowed by right within an existing overhead transmission
18 line right-of-way provided that the height of the communications tower does not exceed the
19 height of the existing structure by more than 20%.
- 20 C. Communications towers shall be allowed by special exception, up to 199 feet, in [the RR, R1,
21 R2, VR, VB, B1, B2, and AG] ALL OTHER Districts.

22 **§267-97. Additional Special Exception Requirements**

23 An applicant proposing a new communications tower in the [RR, R1, R2, VR, VB, B1, B2 OR
24 AG] RR, R1, R2, R3, R4, RO, VR, VB, B1, B2 or AG Districts shall demonstrate that the

1 request complies with the following conditions:

2 A. The placement of the communications tower, at the proposed location, will not have a material
3 negative impact on the value, use or enjoyment of any adjoining parcel.

4 B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower
5 or nonresidential building or structure.

6 C. The applicant shall provide the following additional information in support of its application:

7 (1) Photographs of existing site conditions;

8 (2) Photographs demonstrating that a balloon test has been conducted, or other evidence
9 depicting the visual impact of the proposed tower within a 1-mile radius of the tower;
10 and

11 (3) A map describing the topography of the site and the area within a 1-mile radius of the
12 proposed tower.

13 **§267-98. Additional Provisions Applicable to Proposed Sitings in [RR, R1, R2, VR, VB and B1]**
14 **RR, R1, R2, R3, R4, RO, VR, VB, B1 AND B2 Districts.**

15 Applications proposing new communications towers in the [RR, R1, R2, VR, VB and B1] RR, R1,
16 R2, R3, R4, RO, VR, VB, B1, AND B2 Districts shall be presumed not to be favored unless the
17 applicant can demonstrate that no suitable alternative site exists. In order to obtain a special exception
18 in one of these districts, the applicant must demonstrate, in addition to the requisites applicable to all
19 other tower requests, the following:

20 A. There exists no suitable alternative location in a [B2], B3, CI, GI, LI or AG District identifying
21 with particularity any other sites considered;

22 B. There is something unique about the proposed location, such as its size, the nature of
23 surrounding uses or other factors, that negates the presumption that such facilities are generally
24 incompatible with residential zoning; and

1 C. That due to the location, elevation, engineering, technical feasibility or inability to obtain a
2 lease or ownership of a location elsewhere, the construction of a tower at the proposed location
3 is warranted.

4 **§267-99. Public Safety Uses**

5 The construction of communications towers, determined to be necessary, in accordance with a
6 plan approved by the County Council, for government-sanctioned public safety use or the
7 mounting of communications antennas for government-sanctioned public safety use is exempt
8 from the provisions contained in § 267-97 (Additional special exception requirements) and
9 § 267-98 (Additional provisions applicable to proposed sitings in [RR, R1, R2, VR, VB and
10 B1] RR, R1, R2, R3, R4, RO, VR, VB, B1 AND B2 Districts) of this legislation. Public safety
11 use is defined as local and state law enforcement agencies and emergency operations center,
12 including the oversight of the fire companies and medical services, designed to protect the
13 health, safety and welfare of the public but does not include the operations of the Department
14 of Inspections, Licenses and Permits or the Humane Society.

15
16 Section 2. And Be It Further Enacted That this Act shall take effect 60 calendar days from the date
17 it becomes law.

EFFECTIVE:

The Council Administrator does hereby certify that fifteen (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator

USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)																
Aircraft landing and storage, private	SE												SE	SE	SE	
Airports, general aviation	SE												SE	SE	SE	
Ambulance services, commercial									P			P	P		P	
Bus depots												P	P			
Communication and broadcasting stations	SE								P		P	P	P	P		P
Communication and broadcasting towers	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	P	P	P	P	P
Freight terminals												P	P		P	
Helistops	P												P	P	P	
Highway maintenance facilities	P								P			P	P	P	P	
Limousine Services									P		P	P	P			
Power and regeneration plants															P	
Public utility facilities, sanitary landfills and sewage treatment plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rubble Landfills	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste transfer stations	P											P	P		P	
Taxi stands									P			P	P			
Train stations											P	P	P	P	P	
Truck stops or terminals												P	P		P	

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.
 (2) RO - maximum of 4 units.
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE**"	indicates permitted subject to special-exception regulations, pursuant to Article XI.