

March 14, 2007

**S 831. WIRELESS TELECOMMUNICATIONS FACILITIES.** Filed 3/14/07. *STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Hoyle.**

GS 62A

March 15, 2007

**S 831. WIRELESS TELECOMMUNICATIONS FACILITIES.** Filed 3/14/07. *STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES.*

Enacts new Article 3 of GS Chapter 62A, titled Wireless Telecommunications Facilities Advancement and Streamlining Act. Authorizes municipalities, counties, and regional planning commissions that have adopted land development regulations to plan for and regulate the siting of wireless support structures and wireless facilities in accordance with land development regulations and with the specific standards, procedures, and limitations set forth in the act.

**Intro. by Hoyle.**

GS 62A

June 5, 2007

**S 831. WIRELESS TELECOMMUNICATIONS FACILITIES.** Filed 3/14/07. Senate committee substitute makes the following changes to 1st edition. Modifies proposed GS 62A-41 to remove from the definition of *building permit* the provision that the issuance of a building permit is not a mechanism for the approval or denial of a zoning or land-use application. Modifies proposed GS 62A-42 as follows. Increases the amount of time within which the authority must issue a written decision concerning applications for collocation and modification applications from 30 days to 45 days and for other applications from 45 to 90. Removes the requirement that any decision denying an application (1) be supported by competent, material, and substantial evidence in the record and (2) set forth the reasons for the denial with sufficient particularity. Provides that nothing in the Article limits an authority from regulating applications to maintain wireless support structures, or construct, modify, or maintain wireless facilities; also adds state or local building code requirements to those considerations on which an authority may regulate applications. Deletes the provision prohibiting an authority from (1) instituting a moratorium on the construction or modification of wireless support structures lasting over 90 days or (2) instituting any moratorium within six months of the conclusion of a moratorium on the construction or modification of wireless support structures. Requires any charges or fees assessed by an authority on account of an outside consultant to be separately stated and disclosed to the applicant. Increases the cap on fees for the construction or modification of a wireless facility or wireless support structure from \$2,000 to \$3,000. Prohibits an authority, to the extent that zoning approval has been obtained or is not required under GS 62A-43(b), from imposing any additional requirements for the issuance of a building permit or a certificate of completion for a wireless support structure other than those imposed on similar structures (was, from utilizing the issuance of a building permit as a mechanism for the approval or denial of a zoning or land-use application to construct or modify a wireless facility or support structure). Adds the requirement that surety requirements be commensurate with similar tower structures that are in disuse for a period of one year. Removes the prohibition on an authority imposing surety requirements when the jurisdiction does not impose similar requirements on other permits for other types of commercial development or land uses. Provides that an authority is not precluded from granting a preference for siting wireless support structures or wireless facilities based on established zoning classifications. Provides that an authority is not prevented from conditioning a permit on a requirement to construct facilities within a reasonable period of time, which is no less than 24 months. Deletes the provision prohibiting an authority from requiring an ANSI inspection report. Deletes the provision governing records in the custody of authority personnel related to applications for siting or modifications of wireless support structures and wireless facilities. Deletes the provision allowing a party aggrieved by the authority's denial of an application to bring an action for review in any court of competent jurisdiction. Provides that the section does not limit

the provisions of any historic district or landmark ordinance or regulation. Modifies proposed GS 62A-43 to clarify that an authority may not deny an application to construct a new wireless communications support structure if there is evidence that collocation on an existing structure is infeasible, economically burdensome, or otherwise impracticable, as long as the new support structure meets applicable land use and zoning requirements. Requires that applications for collocation that are entitled to streamlined processing and applications to modify wireless support structures be reviewed for conformance with applicable site plan requirements. Amends the effective date to make the act effective October 1, 2007.

July 19, 2007

**S 831. WIRELESS TELECOMMUNICATIONS FACILITIES.** Filed 3/14/07. Senate committee substitute makes the following changes to 2nd edition. Removes the proposed Article in Section 1 from GS Chapter 62A and instead enacts the provisions as new Part 3E of Article 19 (planning and regulation of development) of GS Chapter 160A (cities and towns) and new Part 3B of Article 18 (planning and regulation of development) of GS Chapter 153A (counties), and makes the following changes. Requires the placement, construction, or modification of a wireless communications facility to conform with the Federal Communications Act and rules. Deletes the definitions of *authority* and *substantial modification* and amends the definitions of *building permit* and *land development regulation*. Provides that a city is not limited from regulating applications concerning wireless support structures based on land use, public safety, and zoning considerations. Establishes issues that may be considered by a local government when reviewing an application for the placement, construction, or modification of a wireless facility or wireless support structure. Modifies the time frames within which an application is deemed complete and within which the local government must issue a written decision approving or denying an application. Allows a local government to charge an application, consulting, or other fee for the submission, review, processing, and approval of an application to site or modify wireless support structures or facilities based on the costs of the services provided. Also provides that any charges for an outside consultant are based on the costs incurred by the local government (was, capped at \$1,000). Allows the local government to condition issuing a building permit, certificate of completion, or land use permit authorizing the construction of a new wireless support structure on providing documentation before construction or occupation establishing that there are one or more parties who intend to locate wireless facilities on the wireless support structure. Removes various proposed restrictions on local government regulation of wireless facilities. Modifies the requirements that must be met by applicants to be eligible for streamlined processing and removes applications to modify wireless support structures from those that are eligible. Changes the effective date from October 1, 2007, to December 1, 2007. Makes technical and conforming changes.

July 31, 2007

**S 831. WIRELESS TELECOMMUNICATIONS FACILITIES.** Filed 3/14/07. House amendment makes the following changes to 3rd edition. Modifies proposed new GS 160A-400.51 (definitions applying to a city's actions as a regulatory body), and proposed new GS 153A-349.51 (definitions applying to a county's actions as a regulatory body), regarding the placement, construction, or modification of a wireless communications facility to add a definition for the term *fall zone* (the area in which a wireless structure may be expected to fall in the event of a structural failure, as measured by engineering standards).

Modifies proposed new GS 160A-400.52 (construction of wireless facilities and wireless support structures in a city), GS 153A-349.52 (construction of wireless facilities and wireless support structures in a county) to provide additional guidelines regarding collocation (the installation of new wireless facilities on previously approved structures, including towers, buildings, utility poles, and water tanks), and criteria for deeming an application to construct a wireless facility and wireless support structures complete. Adds *fall zones* to the factors that a city or county may consider in reviewing an application for construction of wireless facilities and wireless support structures within its boundaries. Permits a city or county to impose additional reasonable and cost fees for costs incurred if an applicant amends its application. Directs that a

collocation application entitled to a streamlined process is to be considered complete unless the city or county to which the application was submitted provides a written notice to the applicant within 45 days after submission of the application. Provides that a city or county may condition its approval of an application for a new wireless support structure on documentation received before the issuance of a building permit establishing that existence of one or more parties who intend to locate wireless facilities on the wireless support structure. Provides that the streamlined process for a collocation application set forth in GS 160A-400.53(a) applies to all collocations.

Makes conforming and technical changes.

September 4, 2007

**SL 2007-526 (S 831). WIRELESS TELECOMMUNICATIONS FACILITIES. AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES.** Summarized in *Daily Bulletin* 3/15/07, 6/5/07, 7/19/07, and 7/31/07. Enacted August 31, 2007. Effective December 1, 2007.