

## **Zoning Provisions in Introduced SB 1282 That Are Not in Enrolled Bill:**

### **§ 15.2-2316.5. Zoning; construction or placing of other new wireless infrastructure.**

A.1. A locality shall approve or disapprove of a zoning application for the **construction of a new wireless support structure** within 150 days. Such application shall be deemed approved if the locality fails to act within 150 days.

2. A locality shall approve or disapprove of a zoning application for the **collocation of any wireless facility that is not a small cell facility** within 60 days. Such application shall be deemed approved if the locality fails to act within 60 days.

B. Any disapproval of an application under this section must be (i) in writing, (ii) supported by substantial record evidence contained in a written record publicly released contemporaneously with the denial, (iii) accompanied by an explanation for the disapproval and an explanation of what the applicant must do to cure the disapproval, and (iv) nondiscriminatory.

C. A locality may charge a reasonable fee for each application submitted pursuant to this chapter; such fee shall not exceed \$500 or the costs of processing and reviewing an application, whichever is less.

### **§ 15.2-2316.6. Zoning approval process.**

When considering a zoning permit application under § 15.2-2316.5, a locality shall not:

1. Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;

2. Require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. A locality may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunications traffic studies;

3. Dictate the type of wireless facilities, infrastructure, or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system\* or small cell facility in lieu of constructing a new wireless support structure; provided that an authority may consider the height of the wireless support structure or wireless facilities in its zoning review, if the height of the structure, facilities or structure with attached facilities exceeds 50 feet above ground level, so long as the authority does not unreasonably discriminate between the applicant and other wireless service providers, providers of telecommunications services and nonpublic providers of cable television and electric services.

4. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. This section shall not preclude a locality from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;

5. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the locality imposes similar requirements on other permits for other types of commercial development or land uses and any such instrument cannot exceed a reasonable estimate of the direct cost of the removal of the facility;
6. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station or wireless support structure when promulgating rules or procedures for siting wireless facilities or for evaluating applications;
7. Impose any unreasonable requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to any kinds of materials used and those relating to arranging, screening, or landscaping of facilities;
8. Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;
9. Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or collocated with the applicant's wireless support structure;
10. Impose a setback or fall zone requirement for a wireless support structure that is larger than a setback or fall zone area that is imposed on other types of commercial structures of a similar size;
11. Limit the duration of the approval of an application, except that construction of the approved structure or facilities shall commence within two years of final approval, and diligently pursued to completion; or
12. Require an applicant to perform services unrelated to an application, including restoration work on any surface not disturbed by the applicant.

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\* "Distributed antenna system" was defined in § 15.2-2316.3 of the introduced bill as

[A] network that distributes radio frequency (RF) signals and consisting of (i) remote communications or antenna nodes deployed throughout a desired coverage area, each including at least one antenna for transmissions and receptions; (ii) a high capacity signal transport medium that is connected to a central communications hub site; and, (iii) radio transceivers located at the hub site to process or control the communications signals transmitted and received through the antennas to provide wireless or mobile service within a geographic area or structure.