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Senate Bill 1064 (Substitute S-1 as reported)
Sponsor: Senator Mike Kowall
Committee: Economic Development

CONTENT

The bill would amend the Michigan Zoning Enabling Act to provide that wireless communications equipment would be a permitted use of property and would not be subject to special land use approval or any other approval under the Act if all of the following requirements were met:

- The equipment would be collocated on an existing wireless communications support structure or in an existing equipment compound.
- The existing structure or compound was in compliance with the local unit's zoning ordinance or was approved by the appropriate zoning body or local official.
- The proposed collocation would not increase the overall height and width of the support structure and area of the existing compound in excess of limits prescribed in the bill.
- The proposed collocation complied with the terms and conditions of any previous final approval of the structure or compound by the appropriate zoning body or official.

The bill also would do the following:

- Provide that equipment that did not meet all of the conditions would be a permitted use if it received special land use approval.
- Set deadlines for a zoning body or local official to grant or deny special land use approval; and provide that an application would be considered approved if the zoning body or official did not act within the prescribed time period.
- Limit a special land use application fee to \$250 or the local unit's administrative costs, whichever was less.
- Provide that special land use approval could be made expressly conditional only on the equipment's meeting the requirements of Federal, State, and other local laws before the equipment began operation.
- Allow a local unit to authorize wireless communications equipment as a permitted use not subject to special land use approval.

Proposed MCL 125.3514

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would increase both revenue and expenses for local units by an unknown amount, depending on the number of entities that filed applications and the fees charged for applications. Because the bill would limit fees to the lesser of \$250 or the local unit's actual costs, the bill potentially could increase costs by more than it increased revenue, although any differences likely would be minimal.

Date Completed: 4-19-12

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.