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Senate Bill 1064 (as introduced 4-17-12)
Sponsor: Senator Mike Kowall
Committee: Economic Development

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CONTENT

The bill would amend the Michigan Zoning Enabling Act to do the following:

- **Provide that wireless communications equipment that met certain conditions would be a permitted use of property and would not be subject to special land use approval or any other approval under the Act.**
- **Provide that equipment that did not meet all of the conditions would be a permitted use if it received special land use approval.**
- **Require a zoning body or local official to grant or deny special land use approval within 60 days after receiving an administratively complete application, or 90 days under certain circumstances; 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.**
- **Limit the conditions that could be imposed on special land use approval.**
- **Allow a local unit to authorize wireless communications equipment as a permitted use not subject to special land use approval.**

Specifically, 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 of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit.
- 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.

In addition, the proposed collocation could not do any of the following:

- Increase the overall height of the support structure by more than 10% of its original height.
- Increase the width of the support structure by more than the minimum necessary to permit collocation.
- Increase the area of the existing compound to greater than 2,500 square feet.

("Wireless communications equipment" would mean the set of equipment and network components used in the provision of wireless communications services, including antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables. The term would exclude wireless communications support structures.

"Wireless communications support structure" would mean a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. "Equipment compound" would mean an area surrounding or adjacent to the base of a wireless communications support structure and within which the equipment is located.)

Wireless communications equipment that would be collocated on an existing support structure or in an existing compound that was in compliance with the zoning ordinance or properly approved, but would not meet the requirements regarding compliance with previous final approval or an increase in size, would be a permitted use of property if it received special land use approval.

An application for special land use approval for the equipment would have to include both of the following:

- A site plan, including a map of the property and existing and proposed buildings and other facilities.
- Any additional relevant information that was required specifically by a zoning ordinance provision regarding special land uses.

After an application was filed with the body or official responsible for approving special land uses, the body or official would have to determine whether the application was administratively complete. Unless the body or official proceeded as described below, the application would have to be considered administratively complete when the determination was made or 14 days after the application was received, whichever was first.

If the body or official notified the applicant before the 14-day period expired that the application was not administratively complete, specifying the information necessary to make it complete, or notified the applicant that a required application fee had not been paid, specifying the amount due, the running of the 14-day period would be tolled until the applicant submitted the specified information or fee amount due. The notice would have to be given in writing or electronically. A fee required to accompany the application could not exceed the local unit's actual, reasonable costs to review and process the application or \$250, whichever was less.

The body or official responsible for approving special land uses would have to approve or deny the application within 60 days after it was considered to be administratively complete. If the body or official failed to approve or deny the application in a timely manner, it would have to be considered approved and the body or official would have to be considered to have made any determination required for approval.

If a local unit required special land use approval for a wireless communications support structure, or for equipment that did not meet the requirement of collocation on an existing support structure or in an existing compound, the period for approval or denial would be 90 days.

Special land use approval of wireless communications equipment 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.

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.

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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.