

TALL STRUCTURE ACT (EXCERPT)
Act 259 of 1959

259.482a Issuance of permit allowing construction, replacement, or increase in height of certain structures; conditions.

Sec. 2a. (1) The commission shall not issue a permit allowing construction, replacement, or an increase in height of a structure that violates the requirements of an applicable zoning ordinance adopted by a political subdivision under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, unless the applicant has obtained the approval of a variance from the ordinance and an airspace study has been conducted by the commission resulting in a finding of noninterference to air navigation.

(2) Unless an airspace study has been made by the commission resulting in a finding of noninterference to air navigation, the commission shall not issue a permit allowing construction of any of the following structures, or replacement of or an increase in the height of a structure that creates any of the following structures:

(a) A structure that is over 500 feet above ground elevation at the structure's site and that is within 2 miles of a well-defined natural landmark such as a shoreline or river; a manmade landmark such as a railroad, canal, or road; or a low altitude airway.

(b) A structure of a height that would increase the minimum obstruction clearance altitude, the minimum safe altitude prescribed by the FAA, or the minimum altitude required for a safe instrument approach.

(c) A structure that would encroach into a runway's primary surface.

(d) A structure of a height that would penetrate a runway's approach surface.

(e) A structure of a height that would penetrate a runway's transitional surface.

(f) A structure of a height that would penetrate a runway's horizontal surface.

(g) A structure of a height that would penetrate a runway's conical surface.

(h) A structure that would encroach into a heliport primary surface.

(i) A structure of a height that would penetrate a heliport approach surface.

History: Add. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.