

SENATE BILL No. 1064

April 17, 2012, Introduced by Senator KOWALL and referred to the Committee on Economic Development.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 3514.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3514. (1) WIRELESS COMMUNICATIONS EQUIPMENT IS A
2 PERMITTED USE OF PROPERTY AND IS NOT SUBJECT TO SPECIAL LAND USE
3 APPROVAL OR ANY OTHER APPROVAL UNDER THIS ACT IF ALL OF THE
4 FOLLOWING REQUIREMENTS ARE MET:

5 (A) THE WIRELESS COMMUNICATIONS EQUIPMENT WILL BE COLLOCATED
6 ON AN EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR IN AN
7 EXISTING EQUIPMENT COMPOUND.

8 (B) THE EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR
9 EXISTING EQUIPMENT COMPOUND IS IN COMPLIANCE WITH THE LOCAL UNIT OF
10 GOVERNMENT'S ZONING ORDINANCE OR WAS APPROVED BY THE APPROPRIATE
11 ZONING BODY OR OFFICIAL FOR THE LOCAL UNIT OF GOVERNMENT.

1 (C) THE PROPOSED COLLOCATION WILL NOT DO ANY OF THE FOLLOWING:

2 (i) INCREASE THE OVERALL HEIGHT OF THE WIRELESS COMMUNICATIONS
3 SUPPORT STRUCTURE BY MORE THAN 10% OF ITS ORIGINAL HEIGHT.

4 (ii) INCREASE THE WIDTH OF THE WIRELESS COMMUNICATIONS SUPPORT
5 STRUCTURE BY MORE THAN THE MINIMUM NECESSARY TO PERMIT COLLOCATION.

6 (iii) INCREASE THE AREA OF THE EXISTING EQUIPMENT COMPOUND TO
7 GREATER THAN 2,500 SQUARE FEET.

8 (D) THE PROPOSED COLLOCATION COMPLIES WITH THE TERMS AND
9 CONDITIONS OF ANY PREVIOUS FINAL APPROVAL OF THE WIRELESS
10 COMMUNICATIONS SUPPORT STRUCTURE OR EQUIPMENT COMPOUND BY THE
11 APPROPRIATE ZONING BODY OR OFFICIAL OF THE LOCAL UNIT OF
12 GOVERNMENT.

13 (2) WIRELESS COMMUNICATIONS EQUIPMENT THAT MEETS THE
14 REQUIREMENTS OF SUBSECTION (1) (A) AND (B) BUT DOES NOT MEET THE
15 REQUIREMENTS OF SUBSECTION (1) (C) OR (D) IS A PERMITTED USE OF
16 PROPERTY IF IT RECEIVES SPECIAL LAND USE APPROVAL UNDER SUBSECTIONS
17 (3) TO (6).

18 (3) AN APPLICATION FOR SPECIAL LAND USE APPROVAL OF WIRELESS
19 COMMUNICATIONS EQUIPMENT DESCRIBED IN SUBSECTION (2) SHALL INCLUDE
20 ALL OF THE FOLLOWING:

21 (A) A SITE PLAN AS REQUIRED UNDER SECTION 501, INCLUDING A MAP
22 OF THE PROPERTY AND EXISTING AND PROPOSED BUILDINGS AND OTHER
23 FACILITIES.

24 (B) ANY ADDITIONAL RELEVANT INFORMATION THAT IS SPECIFICALLY
25 REQUIRED BY A ZONING ORDINANCE PROVISION DESCRIBED IN SECTION
26 502(1) OR 504.

27 (4) AFTER AN APPLICATION FOR A SPECIAL LAND USE APPROVAL IS

1 FILED WITH THE BODY OR OFFICIAL RESPONSIBLE FOR APPROVING SPECIAL
2 LAND USES, THE BODY OR OFFICIAL SHALL DETERMINE WHETHER THE
3 APPLICATION IS ADMINISTRATIVELY COMPLETE. UNLESS THE BODY OR
4 OFFICIAL PROCEEDS AS PROVIDED UNDER SUBSECTION (5), THE APPLICATION
5 SHALL BE CONSIDERED TO BE ADMINISTRATIVELY COMPLETE WHEN THE BODY
6 OR OFFICIAL MAKES THAT DETERMINATION OR 14 DAYS AFTER THE BODY OR
7 OFFICIAL RECEIVES THE APPLICATION, WHICHEVER IS FIRST.

8 (5) IF, BEFORE THE EXPIRATION OF THE 14-DAY PERIOD UNDER
9 SUBSECTION (4), THE BODY OR OFFICIAL RESPONSIBLE FOR APPROVING
10 SPECIAL LAND USES NOTIFIES THE APPLICANT THAT THE APPLICATION IS
11 NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE INFORMATION NECESSARY
12 TO MAKE THE APPLICATION ADMINISTRATIVELY COMPLETE, OR NOTIFIES THE
13 APPLICANT THAT A FEE REQUIRED TO ACCOMPANY THE APPLICATION HAS NOT
14 BEEN PAID, SPECIFYING THE AMOUNT DUE, THE RUNNING OF THE 14-DAY
15 PERIOD UNDER SUBSECTION (4) IS TOLLED UNTIL THE APPLICANT SUBMITS
16 TO THE BODY OR OFFICIAL THE SPECIFIED INFORMATION OR FEE AMOUNT
17 DUE. THE NOTICE SHALL BE GIVEN IN WRITING OR BY ELECTRONIC
18 NOTIFICATION. A FEE REQUIRED TO ACCOMPANY THE APPLICATION SHALL NOT
19 EXCEED THE LOCAL UNIT OF GOVERNMENT'S ACTUAL, REASONABLE COSTS TO
20 REVIEW AND PROCESS THE APPLICATION OR \$250.00, WHICHEVER IS LESS.

21 (6) THE BODY OR OFFICIAL RESPONSIBLE FOR APPROVING SPECIAL
22 LAND USES SHALL APPROVE OR DENY THE APPLICATION NOT MORE THAN 60
23 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE ADMINISTRATIVELY
24 COMPLETE. IF THE BODY OR OFFICIAL FAILS TO TIMELY APPROVE OR DENY
25 THE APPLICATION, THE APPLICATION SHALL BE CONSIDERED APPROVED AND
26 THE BODY OR OFFICIAL SHALL BE CONSIDERED TO HAVE MADE ANY
27 DETERMINATION REQUIRED FOR APPROVAL.

1 (7) SPECIAL LAND USE APPROVAL OF WIRELESS COMMUNICATIONS
2 EQUIPMENT DESCRIBED IN SUBSECTION (2) MAY BE MADE EXPRESSLY
3 CONDITIONAL ONLY ON THE WIRELESS COMMUNICATIONS EQUIPMENT'S MEETING
4 THE REQUIREMENTS OF FEDERAL, STATE, AND OTHER LOCAL LAWS BEFORE THE
5 WIRELESS COMMUNICATIONS EQUIPMENT BEGINS OPERATION.

6 (8) IF A LOCAL UNIT OF GOVERNMENT REQUIRES SPECIAL LAND USE
7 APPROVAL FOR WIRELESS COMMUNICATIONS EQUIPMENT THAT DOES NOT MEET
8 THE REQUIREMENTS OF SUBSECTION (1) (A) OR FOR A WIRELESS
9 COMMUNICATIONS SUPPORT STRUCTURE, SUBSECTIONS (4) TO (6) APPLY TO
10 THE SPECIAL LAND USE APPROVAL PROCESS, EXCEPT THAT THE PERIOD FOR
11 APPROVAL OR DENIAL UNDER SUBSECTION (6) IS 90 DAYS.

12 (9) A LOCAL UNIT OF GOVERNMENT MAY AUTHORIZE WIRELESS
13 COMMUNICATIONS EQUIPMENT AS A PERMITTED USE OF PROPERTY NOT SUBJECT
14 TO A SPECIAL LAND USE APPROVAL.

15 (10) AS USED IN THIS SECTION:

16 (A) "COLLOCATE" MEANS TO PLACE OR INSTALL WIRELESS
17 COMMUNICATIONS EQUIPMENT ON A AN EXISTING WIRELESS COMMUNICATIONS
18 SUPPORT STRUCTURE OR IN AN EXISTING EQUIPMENT COMPOUND.

19 "COLLOCATION" HAS A CORRESPONDING MEANING.

20 (B) "EQUIPMENT COMPOUND" MEANS AN AREA SURROUNDING OR ADJACENT
21 TO THE BASE OF A WIRELESS COMMUNICATIONS SUPPORT STRUCTURE AND
22 WITHIN WHICH WIRELESS COMMUNICATIONS EQUIPMENT IS LOCATED.

23 (C) "WIRELESS COMMUNICATIONS EQUIPMENT" MEANS THE SET OF
24 EQUIPMENT AND NETWORK COMPONENTS USED IN THE PROVISION OF WIRELESS
25 COMMUNICATIONS SERVICES, INCLUDING, BUT NOT LIMITED TO, ANTENNAS,
26 TRANSMITTERS, RECEIVERS, BASE STATIONS, EQUIPMENT SHELTERS,
27 CABINETS, EMERGENCY GENERATORS, POWER SUPPLY CABLES, AND COAXIAL

1 AND FIBER OPTIC CABLES, BUT EXCLUDING WIRELESS COMMUNICATIONS
2 SUPPORT STRUCTURES.

3 (D) "WIRELESS COMMUNICATIONS SUPPORT STRUCTURE" MEANS A
4 STRUCTURE THAT IS DESIGNED TO SUPPORT, OR IS CAPABLE OF SUPPORTING,
5 WIRELESS COMMUNICATIONS EQUIPMENT, INCLUDING A MONOPOLE, SELF-
6 SUPPORTING LATTICE TOWER, GUYED TOWER, WATER TOWER, UTILITY POLE,
7 OR BUILDING.