MICHIGAN ZONING ENABLING ACT ALTERS SPECIAL LAND USE APPROVAL OF WIRELESS COMMUNICATIONS EQUIPMENT
Explanation and Implementation

Amendments to the Michigan Zoning Enabling Act (Public Law 143), effective when signed into law on May 24, eliminate the challenges associated with seeking approval each time wireless antennas and equipment are added to an already approved structure, cap fees for zoning review of wireless infrastructure and shorten the zoning review process for new builds, modifications and collocations.¹

**WIRELESS COMMUNICATIONS EQUIPMENT IS EXEMPT FROM SPECIAL LAND USE OR ANY OTHER APPROVAL IF:**

- The wireless communications equipment² will be collocated³ on any structure that is designed to or capable of supporting wireless communications equipment,⁴ or in an existing equipment compound⁵ that is 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 of government.⁶
- The proposed collocation will not increase:
  - the overall height of the wireless support structure by more than twenty feet or 10% of its original height, whichever is greater;
  - the width of the structure by more than the minimum necessary to permit collocation;
  or
  - the area of the equipment compound to greater than 2,500 sq. ft.⁷
- The proposed collocation complies with the terms and conditions of any previous final approval of the support structure or compound.⁸

**SPECIAL LAND USE PERMIT APPLICATIONS UNDER THE MICHIGAN ZONING ENABLING ACT:**

- May not require a fee that exceeds the local unit of government’s actual, reasonable costs to review and process the application or $1,000, whichever is less.⁹
- Shall be considered administratively complete upon determination or within fourteen days of submission or within tolled time period for completion of the application, whichever is sooner.
- May not be required for wireless communications equipment if deemed so by local government.

*Special land use permit applications for collocations that do not qualify for exemption:*¹⁰

- Must include a site plan as required under section 125.3501 and any other relevant information required under section 125.3502(1) or 125.3504.¹¹
- Must be approved or denied within 60 days after the application is deemed administratively complete or else deemed approved at that time.¹²
- May be approved upon express conditions only on the grounds that the equipment meet the requirements of other local ordinances and of federal and state laws before the equipment begins operation.¹³

*Special use permit applications for all other wireless communications equipment or support structures:*¹⁴

- Must be approved or denied within 90 days after the application is deemed administratively complete or else deemed approved at that time.¹⁵
Wireless communications equipment means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. Mich. Comp. Laws Serv. § 125.3514(2012).

Collocation means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. Mich. Comp. Laws Serv. § 125.3514(9)(a)(2012).

Wireless communications support structure means 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. Mich. Comp. Laws Serv. § 125.3514(9)(d)(2012).

Equipment compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located. Mich. Comp. Laws Serv. § 125.3514(9)(b)(2012).

Collocations do not qualify for exemption when the wireless communications equipment will be collocated on a wireless communications support structure or in an existing equipment compound in accordance with the definitions located at Mich. Comp. Laws Serv. § 125.3514(9)(a)-(d) and is 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 of government under Mich. Comp. Laws Serv. § 125.3514(1)(a)-(b), but does not comply with Mich. Comp. Laws Serv. § 125.3514(1)(c) or (d).

This provision only applies if a local unit of government requires special land use approval for such equipment or support structure. Mich. Comp. Laws Serv. § 125.3514(8)(2012).