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# Municipal Law Update 2012 Public Act 143

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2012 PA 143 amends the Michigan Zoning Enabling Act, adding MCL 125.3514 to specify that wireless communications equipment, *i.e.* mobile phone towers, are permitted uses of property and therefore not subject to special land use approval by a local government if certain criteria are satisfied. If *all* of the following criteria are met, installation of wireless communication equipment on an *existing* tower would not require special land use approval:

- The equipment will be collocated on an existing wireless communications support structure or compound already in compliance with the local government's zoning scheme.
- The collocation won't increase the height of the structure by more than 10 percent; increase the width of the structure by more than necessary; or increase the area of the compound to more than 2,500 square feet.
- The collocation complies with the terms and conditions of any previous final approval of the structure or compound by the zoning body or official of the local government.

If only the first two criteria are met, PA 143 authorizes a local government to grant special land use approval upon application by a provider, accompanied by a fee not to exceed the costs of review and processing, or \$1,000, whichever is less. The zoning body has 60 days to approve or deny the application, or it is deemed approved. A body or official may condition approval on compliance with local ordinances and federal and state laws before equipment becomes operational.

If none of the criteria is satisfied, PA 143 permits a local government to issue special land use approval for the installation of updated wireless communications equipment.

If special use approval is required under a current local zoning ordinance, amendments may be necessary to comply with the PA 143.

Please contact your Clark Hill municipal attorney if you need assistance or have any questions regarding PA 143.