

Township of Mentor
Ordinance No. 2025-1
Wireless Telecommunication Ordinance

Section I. TITLE

This ordinance shall be known and cited as the Mentor Township Wireless Telecommunication Ordinance.

Section II. PURPOSE AND INTENT

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the Township to provide for such authorization in a manner which will protect the public health, safety, and welfare, and retain the integrity of neighborhoods and the character and aesthetic quality of the community at large. This policy is consistent with the Federal Telecommunication Act of 1996 and PA 110 of 2006, as amended (MCL 125.351).

Section III. AUTHORIZATION.

Wireless telecommunication facilities may be permitted within Township of Mentor RECREATION AND AGRICULTURE ZONE on parcel with minimum of ten (10) acres, as either a *permitted use subject to administrative review*, *permitted use subject to site plan approval*, or as *Zoning Compliance Permit use* according to the following regulations:

- A. As a permitted use subject to administrative review. Wireless communication equipment as a permitted use subject to administrative review. A proposal for attached wireless communication facilities that satisfies the following criteria does not require site plan approval or Zoning Compliance Permit. Confirmation that these criteria are satisfied shall be determined by an administrative review by the Mentor Township Zoning Administrator and Oscoda County Building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in Section III. GENERAL REGULATIONS with the certification to identify any items of noncompliance.

The wireless facility shall also comply with the following:

1. The existing wireless communication support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
 2. The proposal will not increase the height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height (as first erected without any later additions), whichever is greater.
 3. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
 4. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.
- B. *As a permitted use subject to site plan approval.* A wireless communication facility shall be a permitted use subject to standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:
1. A proposed collection upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under Section III.
 2. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, Where there will be no substantial change in physical dimensions of the existing pole.
- C. *As a Zoning Compliance Permit use.*
1. A collection on an existing structure which does any of the following: increase the height of the support structure by more than twenty (20) feet or ten (10) percent of its original height, increase the width of the support structure or increase the area of the equipment compound greater 2,500 square feet.
 2. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of R-A Zone district and that existing structures are not available for collocation in other parts of the Township, such wireless communication facilities shall be considered elsewhere in the Township as a Zoning Compliance Permit use, subject to the following:
 - a. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or capacity needs of the applicant.

- b. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
- c. Locations outside of the R-A Zone may only be considered at the following locations, subject to application of all other standards contained in this section:
 - 1) Township-owned sites.
 - 2) Other governmentally owned sites.
 - 3) Religious or other institutional sites.
 - 4) Public or private school sites.
 - 5) Public utility sites.
- d. If sites are not available in the R-A district, or on parcels identified above in Section III. C. 2. c, Other locations where there is a demonstrated need for service can be considered.
- e. All other criteria and standards set forth below in Section IV. GENERAL REGULATIONS and Section V. APPLICATION REQUIREMENTS are met.

Section IV. GENERAL REGULATIONS.

A. *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and if approved, shall be constructed and maintained in accordance with such standards and conditions.

- 1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety welfare.
- 2. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
- 3. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- 4. The following additional standards shall be met:
 - a. The maximum height of the new or modified support structure and antenna shall not exceed the height limit of two-hundred (200) feet, and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure.
 - b. Additional height over the two-hundred (200) feet which is permitted, in the sole discretion of the Mentor Township Board of Trustees, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided

by the applicant if additional height over that which is provided is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

- B. The setback of the support structure and accessory structures shall be two-hundred (200) feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be one-hundred (100) feet or a distance equal to one-hundred (100) and one-hundred-twenty-five (125) percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.
- C. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
- D. Mentor Township Planning Commission shall review and approved the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.
- E. The support system shall be constructed in accordance with all applicable building codes and shall Include the submission of a soils report from a Geotechnical Engineer, licensed in the State of Michigan. This soil report shall include soil borings and statements indicating the suitability of soil Conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system, that the support system has been evaluated by a registered professional engineer, and that the support system can safely accommodate attached antennas under expected weather conditions.
- F. *Standards and conditions applicable to Zoning Compliance Permit use facilities.*

Applications for wireless communication facilities which shall be approved as permitted land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:

 - 1. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:

- a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of the trees, or other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate capacity to accommodate call volume. The Township may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.
2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

Section V. APPLICATION REQUIREMENTS.

A. Application.

1. Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review, permitted use subject to site plan review and Zoning Compliance Permit application.
2. A site plan, permitted use and Zoning Compliance permit application shall be required for wireless facilities proposed as a Zoning Compliance Permit use.
3. For wireless facilities subject to Zoning Compliance Permit application, a site plan shall also include a detailed landscape. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of eight (8) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
4. A application shall include a description of security to be posted at the time of receiving a zoning permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section VI. REMOVAL. In the regard, the security shall be posted and maintained in the form of : 1) cash; 2) irrevocable letter of credit; or, 3) other security arrangement found acceptable by the Township Supervisor.
5. Underground and overhead infrastructure should follow utility right-a-ways.

B. *Procedures.*

1. *Review and administrative actions on permitted use subject to administrative review, permitted use subject to site plan approval and Zoning Compliance Permit use applications.*
 - a. The Zoning Administrator shall promptly review permitted land use subject to administrative review and site plan approval applications to determine if they are administratively complete by inclusion of all information required in Section V. if the application is not complete, no later than thirty (30) calendar days after receiving it the Zoning Administrator shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the commission for permitted land use and site plan approvals.
 - b. The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.
 - c. An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of thirty (30) calendar days from receipt of the application without a notice to the applicant of deficiencies.
 - d. Upon a permitted use subject to administrative review or site plan approval and/or Zoning Compliance Permit application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a planning commission site plan decision or permitted land use decision after the required public hearing within the time periods in Section VI. B. 2.
 - e. If the applicant has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by written notice from the Zoning Administrator as a professional review cost to be paid in accordance with the notice.
2. *Decisions on permitted use subject to administrative review and site plan approval applications.*
 - a. For all permitted land use, site plan application, and application subject to administrative review, other than new wireless communications support structures, the Mentor Township Board if Trustee shall approve or deny the application not more than ninety (90) days after it is administratively complete.

- b. The Mentor Township Board of Trustees shall approve or deny a permitted land use subject to site plan review application for a new wireless communication support structure not more than ninety (90) days after it is administratively complete.
- 3. *Post-approval costs, fees, and administrative actions.* Zoning permits to implement and grant the authority allowed by a permitted land use subject administrative review, permitted land use subject to site plan approval for wireless communication facilities, and Zoning Compliance Permit use for such facilities, shall be issued subject to and conditioned on all of the following:
 - a. Any conditions of the permitted land use subject to site approval.
 - b. Payment of any outstanding professional review costs as described in Section V. A. 4.
 - c. Payment of permit fees in an amount established by or in accordance with a Resolution of Mentor Township Board of Trustees.

Section VI. REMOVAL.

- A. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- B. A condition of every approval of a wireless communication facility shall be adequate provision for removal of al or part of the facility by users and owners upon cessation of operation.

The above ordinance was adopted at the regular meeting on March 18, 2024 held at Mentor Township Hall. Present Trustee Matte, present. Clerk Hall, present. Supervisor Stenzel, present. Trustee Marble, present. Treasurer Trim, present.

Marble/Fehler Motion to adopt telecommunications ordinance as presented to the Mentor Township Board in March 18, 2024 with the number changed to 2025-1.

Roll call Lawrence, yes, Trim, yes, Fehler, yes, Marble, yes, Hall yes. **None opposed.**
Ordinance amended.

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Stephanie Hall, Mentor Township Clerk June 18, 2025