

ZONING

335 Attachment 2

Schedule 1 AESTHETIC STANDARDS [Added 10-28-2019; amended 12-16-2019]

LOCATION WITHIN DISTRICTS

The most desirable location for new telephone wireless telecommunications facilities is co-location on existing facilities. All wireless telecommunications facilities shall be sited to avoid or minimize land use conflicts in compliance with the following standards:

1. **Preferred Locations.** The following list of preferred locations for wireless telecommunications facilities is in order of preference from most to least preferred: industrial, public or quasi-public, commercial and office zoning districts.
2. **Less Preferred Locations.** The following less-preferred locations are listed in order of preference from most to least preferred: parks or open space and residential zoning districts.
3. **Avoid Residential and Open Space Areas.** New support structures, towers, and utility poles shall not be located within residential, designated open space or conservation areas unless sufficient technical and other information is provided to demonstrate to the satisfaction of the Planning Commission that location in such areas is appropriate, subject to the following findings:
 - a. The location of the proposed facility site is essential to meet the service demands of the carrier and no other alternative co-location, existing development or utility facility site, or type of support structure is feasible. This shall be documented by the applicant providing a list of the locations of preferred technically feasible sites, the good faith efforts and measures taken by the applicant to secure these preferred sites, and the specific reasons why these efforts and measures were unsuccessful.
 - b. The use of a new support structure, tower, or utility pole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources, and public safety.
4. **Avoid Significant Buildings and View Sheds.** Wireless communications facilities shall not be located on architecturally significant structures unless visually and architecturally integrated with the structure and shall not interfere with prominent vistas or significant public view corridors.

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CO-LOCATION

(a) **Co-location Generally.** Subject to the provisions of this section, co-location of facilities is generally preferred over new support structures if it can be accomplished in a way that better complements the character of the surrounding area.

(b) **Co-location With Nonmunicipal Facilities.** Co-location on facilities or support structures owned by parties other than the Village is subject to the following:

(1) Where an existing facility or support structure can potentially accommodate co-location of a new wireless facility, co-location will be required unless:

(A) The applicant submits substantial evidence supporting the unsuitability of the co-location;

(B) The owner of the existing facility or support structure is unwilling to accommodate the applicant's equipment and cannot be required to cooperate; or

(C) The Village Manager determines that installing a new support structure or co-location within or on a Village facility is preferable to co-location with another facility or support structure.

(2) Authorization for co-location on a facility or support structure owned by a party other than the Village shall be voided if the facility or support structure is destroyed, removed, relocated, or replaced, unless:

(A) The owner of the co-located facility obtains a new right-of-way use permit; or

(B) The facility or support structure accommodating the co-location is replaced with a facility or support structure comparable in size, mass, appearance and placement, as determined by the Village Manager.

GENERAL LOCATION RESTRICTIONS

- **Obstruction of Traffic.**

(a) Facilities and support structures, towers, and utility poles must not obstruct, impede, or hinder vehicular, pedestrian, or bicycle travel or public safety within the right-of-way, except for authorized temporary lane or pathway closures.

(b) Facilities and support structures, towers, and utility poles must not be located within sight triangles at street intersections.

(c) Facilities and support structures, towers, and utility poles must not be located within any area that will create traffic visibility loss to drivers, pedestrians, or bicyclists.

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- (d) To the extent possible, a facility, support structure, tower, or utility pole should be located and designed so as to avoid interference with right-of-way maintenance activities, such as:
- (1) Grass mowing, brush collection, tree trimming, and landscaping maintenance;
 - (2) Maintenance of streets, pavements, pathways, and bicycle lanes; and
 - (3) Maintenance of other facilities in the rights-of-way.
- **ADA.** Facilities and support structures, towers, and utility poles at all times must comply with the requirements of the Americans with Disabilities Act of 1990.¹
 - **Alignment.** Facilities and support structures, towers, and utility poles must be located in alignment with existing trees, facilities, support structures, towers, utility poles, and streetlights.
 - **Spacing.** Facilities and support structures, towers, and utility poles must be located equal distance between trees when possible, and no closer than twenty-four (24) inches in radius for every tree inch diameter at chest height (DBH) in order to avoid working under the drip line of a tree or its perimeter critical root zone. **[12-16-2019]**
 - **Frontage.** To the extent possible, new facilities and support structures, towers, and utility poles must be located in line with existing lot lines, but in areas where multiple structures abut each other or where no side lot setback requirement exists, structures must not be located directly in front of an entrance or window of any existing structure.

HEIGHT RESTRICTIONS AND REQUIREMENTS

- (a) **Minimum Height of Wireless Communications Equipment.** Equipment mounted to support structures must not interfere with or create a hazard to pedestrian or vehicular traffic and must be a minimum of 10 feet above any pedestrian or bicycle thoroughfare and a minimum of 18 feet above any traffic lane. **[12-16-2019]**

UNDERGROUNDING

- (a) **Undergrounded Equipment.** To conceal the nonantenna equipment, applicants shall install all nonantenna equipment underground when proposed in an area where utilities or other equipment in the right-of-way is primarily located underground. In all other areas, applicants shall underground their nonantenna equipment to the extent technically feasible. Additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement, except where the applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services. Nothing in this subsection is intended to require the applicant to install any electric meter required by the applicant's electrical service provider underground.

¹ Editor's Note: See 42 U.S.C. § 12101 et seq.

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(a) **Ground-Mounted Equipment.** To the extent that the equipment cannot be placed underground as required, applicants shall install ground-mounted equipment in the location so that it does not obstruct pedestrian or vehicular traffic. The Village may require landscaping as a condition of approval to conceal ground-mounted equipment. Ground-mounted equipment shall not be permitted in connection with a street light, traffic signal, utility pole or other similar infrastructure in the public right-of-way. In the event that the Village approves ground-mounted equipment, the applicant shall conform to the following requirements:

(1) **Self-Contained Cabinet or Enclosure.** The equipment enclosure or cabinet, which should be of a color tone compatible with the area surrounding its placement, shall contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment shall be concealed from view.

(2) **Concealment.** The Village may require the applicant to incorporate concealment elements into the proposed design, including but not limited to public art displayed on the cabinet and strategic placement in less-obtrusive locations.

GENERAL AESTHETIC STANDARDS

Permits for wireless telecommunications facilities shall incorporate specific concealment elements to minimize visual impacts. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

(1) Antennas located at the top of support structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure;

(2) Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.

(4) Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent possible.

(5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be underground or otherwise shielded. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic.

- **Color and Materials.** A new wireless telecommunications facility must be constructed

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with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

- **Colors and Materials.** All facilities shall have subdued colors and nonreflective materials that blend with the materials and colors of the surrounding area and structures.
- **Dimensions.** Small wireless facilities shall not exceed the width of an existing structure.
- **Visual Impact.** Wireless communications facilities must be designed to minimize visual impacts. When feasible, the facilities must be concealed or camouflaged. The facilities must have a nonreflective finish and be painted or otherwise treated to minimize visibility and the obstruction of views.
- **Definitions as Used in Aesthetic Standards.**

CAMOUFLAGED OR CONCEALED — Designed to mask or blend with the surrounding environment in such a manner to render it generally unnoticeable to the casual observer. By way of example, a wireless communications facility may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.

STEALTH — Concealment techniques that completely screen all associated equipment from public view and are so integrated into the surrounding natural or man-made environment that the observer does not recognize the structure as a wireless facility.

- Examples include, but are not limited to: (1) wireless equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure; (2) new architectural features that match the underlying structure in architectural style, physical proportion and construction-materials quality; (3) flush-to-grade underground equipment vaults with flush-to-grade entry hatches, with wireless equipment placed completely within.
- **Noise.** A wireless facility and all equipment associated with a wireless facility shall not generate noise that exceeds the applicable ambient noise limit in the zone where the wireless facility is located. The Village may require the applicant to install noise-attenuating or -baffling materials and/or other measures, including but not limited to walls or landscape features, as the Village Manager concludes is necessary or appropriate to ensure compliance with the applicable ambient noise limit.
- **Lighting Prohibited.** All wireless facilities must not be illuminated, except in accordance with state or federal regulations or if incorporated as part of a streetlight pole.

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- **Signage Prohibited.** Signage on any wireless facility is not permitted except to comply with FCC or Wisconsin regulations to provide safety warnings.
- **Trees.** Tree topping or the improper pruning of trees is prohibited. Any proposed pruning of trees, shrubs, or other landscaping already existing in the right-of-way must be noted in the application and approved by the Village.