

AESTHETIC STANDARDS FOR SMALL CELL WIRELESS AND OTHER PRIVATE UTILITIES IN PUBLIC RIGHTS-OF-WAY

The purpose of these standards is to ensure that any new electrical or telecommunication facilities placed in the public right-of-way adhere to the overall requirements and standards set forth in Section 16-141 of the City of Appleton Municipal Code. Primary objectives of these standards are to ensure the health, safety and welfare of the community while maintaining the integrity and character of existing neighborhoods.

A. Location within Zoning Districts

All new wireless telecommunications facilities, towers, support structures or utility poles shall be sited to avoid or minimize land use conflicts in compliance with the following standards:

1. **Preferred Locations:** Industrial, Commercial, Parking, Central Business District, Office or Public-Institutional zoning districts.
2. **Locations to Avoid:** New facilities should not be located within Residential zoning districts, parks, open space, conservation areas or on historically or architecturally significant structures unless sufficient technical and other information is provided to demonstrate 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.
 - c. For proposed new facilities on historically or architecturally significant structures, the installation shall be visually and architecturally integrated with the structure and shall not interfere with significant public view corridors.

B. Collocation

Collocation of facilities is generally preferred over new support structures if the collocation satisfies applicable aesthetic and structural requirements and can be accomplished in a manner that better compliments the character of the surrounding area.

1. **Collocation on Municipal facilities:** Collocation on facilities or support structures owned by The City of Appleton shall not diminish the aesthetic appearance of decorative structures or result in an overly bulky appearance and shall not have an adverse effect related to public safety.

2. **Collocation on non-Municipal facilities.** Collocation on facilities or support structures owned by parties other than the City of Appleton is subject to the following:

a. Where an existing facility or support structure can potentially accommodate collocation of a new wireless facility, collocation will be required unless:

(1) The applicant submits substantial evidence supporting the unsuitability of the collocation;

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

(3) The Department of Public Works determines that installing a new support structure or collocation with a City of Appleton facility is preferable to collocation with another facility or support structure.

b. Authorization for collocation on a facility or support structure owned by a party other than the City of Appleton will be voided if the facility or support structure is destroyed, removed, relocated, or replaced, unless:

(1) The owner of the collocated facility obtains a new right-of-way occupancy permit;
or

(2) The facility or support structure accommodating the collocation is replaced with a facility or support structure comparable in size, appearance, and placement, as determined by the Department of Public Works.

C. **General Location Restrictions**

1. **Obstruction of Traffic.** 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.

2. **Obstruction of Vision.** 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.

3. **Obstruction of Maintenance.** Any 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:
 - a. Grass mowing, brush collection, tree trimming, and landscaping maintenance;
 - b. Trash collection;
 - c. Maintenance of streets, pavement, sidewalks, and bicycle lanes; and
 - d. Maintenance of other facilities in the rights-of-way.
3. **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.
4. **Frontage.** 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.

D. General Aesthetic Standards

Permits for wireless telecommunications facilities shall incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

1. New wireless telecommunications facilities must be constructed 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.
2. 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.
3. Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.
4. 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.

5. 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.
6. 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. Nothing in this subsection is intended to require the applicant to install any electric meter required by the applicant's electrical service provider underground.
7. No wireless telecommunications facility is permitted in any local historic district without the approval of the Department of Public Works.
8. 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 Department of Public Works 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 approval authority deems necessary or appropriate to ensure compliance with the applicable ambient noise limit.
9. Lighting: Facilities must not be illuminated, except in accordance with state or federal regulations or if incorporated as part of a street light pole.
10. Signage: The owner and/or operator must post an identification sign at each facility, including owner/operator emergency telephone numbers. The design, materials, colors, and location of the identification signs shall be subject to review and approval by the Department of Public Works. No sign shall be greater than two square feet in size. No other signage is permitted except to comply with FCC or Wisconsin regulations to provide safety warnings. If at any time a new owner or operator provider takes over operation of an existing personal wireless service facility, the new owner/operator shall notify the Department of Public Works of the change in operation within 30 days. Identification signs shall be updated within 30 days to reflect the name and phone number of the new owner/operator. The colors, materials and design of the updated signs shall match those of the required and approved signs.
11. 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 Department of Public Works.