Exhibit J

Wireless Telecommunications Consultant Report

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October 30, 2013

Mr. Damian Newell, Associate Planner
Village of Wellington
12300 Forest Hill Boulevard
Wellington, FL 33414

RE: RF Evaluation of proposed Clearview Tower, Wellington Marketplace shopping center

Dear Mr. Newell:

Per your request, I have evaluated the application of Clearview Tower Company, LLC for a conditional use permit and variance to construct a 120-ft. stealth flagpole communications tower and related equipment compound, at 13933 Wellington Trace (at the intersection of Greenview Shores Boulevard) in the parking lot of the Wellington Marketplace shopping center (Figure 1). AT&T and Verizon Wireless would be the initial users of the tower. Its coordinates are 26-deg., 39' 46.932"N; 80-deg., 16' 02.994"W, and it would be located in the midst of a 36.8-ft. by 47-ft. fenced leased compound just north of the KFC restaurant. The host property carries a PUD classification.

You provided a link to an ftp server with many application documents. As your consultant retained to examine the supporting RF documents from the wireless carriers that will use the tower, I have evaluated some of those documents and have made the comments below. On October 15 I visited the proposed location, examined some potential alternatives and considered the impact the proposed construction would have on the surrounding neighborhood. I also saw evidence of a community distributed antenna system (DAS) installed along area roadways from ExteNet Systems, which utilizes a technology that could eliminate the need for a tall tower.

Contained within the on-line materials are a few site plan pages describing the proposed construction. There is RF information from Mr. Donald Pittman of AT&T and information from Verizon Wireless, as well as "search areas" from these companies. An FAA "Determination of No Hazard" indicates that the proposed tower would not require painting or lighting. There are

no environmental ("NEPA") studies, generally required for such a project, indicating site freedom from hazardous materials or impact on historic structures.

Photo simulations depict the tower from various points of view around the area. The proposed monopole tower and compound is designed to accommodate five carriers or technologies. Details within site plan pages call for an approximately 15-ft. by 20-ft. pre-fabricated equipment shelter to be used by AT&T and open areas to accommodate other tenants. There is a natural gas electrical generator for power back-up. Utilities will enter through an easement running north from Wellington Trace. The site plan excerpts I saw on-line do not include visual representations of the outside of the compound, construction details, or a tower profile.

Considering existing towers, the nearest existing AT&T site is approximately 1.8 mi from the proposed location. It is just north of Southern Blvd. (Figure 2). Another AT&T site is located at the "flagpole" on the polo grounds about 1.8 mi south of the proposed location. AT&T and Verizon Wireless have indicated that there is a coverage deficiency in the area of the proposed construction, and no existing site is close enough to be modified to fill in the gap. A check of the FCC database found four registered tower within 3 km. Two of these are already AT&T sites; Verizon sites share those or are nearby, and none is close enough to provide relief.

It is my opinion that:

1. **The applicant has adequately described a coverage problem in the area, through submissions from AT&T and Verizon Wireless.**
2. **The applicant has not adequately demonstrated that the proposed height of the monopole tower (120-ft.) is necessary and the minimum required. Although the proposed tower is non-compliant with the Village's zoning ordinance which, for a 120-ft. tower, requires a 600-ft. setback from the nearest residential property, a variance has been approved. The applicant should show numerically the increase in predicted coverage area or predicted reduction in dropped calls that requires the full 120-ft. This could be accomplished with a grid pattern clearly showing significant improvement with the 120-ft. tower that cannot be achieved with a lower tower or other technology, or a dropped call or other statistic analysis, clearly showing a potential reduction in complaints not possible without the full 120-ft. tower or alternative technology.**
3. **The applicant has not adequately demonstrated that there are no alternative suitable locations for the proposed tower or a structure to substitute for the proposed tower.**
4. **The applicant has not submitted evidence of compliance with FCC requirements on NEPA regulations and historic structure protection. This requirement should be satisfied if the project is given approval.**
5. **The applicant has not demonstrated that any other alternative technologies could eliminate the need for this site. In particular, the applicant should state why carriage on the existing community DAS network is not a viable solution.**

Details follow.

I have used AT&T information in my analysis as the location is contained within AT&T's search area. Verizon Wireless' submitted information actually shows the proposed construction to be east of that company's prime coverage concern, but its existing sites are the same or close to AT&T's, and thus similar coverage analysis criteria should apply. The latest site plan excerpts don't even show Verizon Wireless' equipment footprint in the compound, so it's possible they may have pulled out.

In an April 1 memo, AT&T RF Engineer Donald Pittman states, "At this time there is not another antenna structure or building within the search area that will meet the design parameters to provide the coverage/capacity for this area of Wellington." The "search area" is a map region that indicates the allowable area for tower deployment that should "fix" deficient coverage areas. AT&T's search area is indicated in Figure 3. Typically the search area is equal to about one-quarter the radius of the proposed coverage footprint. Based on predictive coverage maps, and a good fit with existing cells to the north and south, the coverage footprint appears to be about one mile in radius, bounded again by the cells to the north and south. Thus the search area provided by AT&T is somewhat "generous" but does allow for a lot of territory to be considered.

In these analyses we try to determine the degree to which a new tower addresses the engineer's statement of the problem. The search ring as stated in this case extends west to the end of development, and in fact the submitted propagation predictions made from the proposed location do not cover out that far. Thus it is my opinion that placing the cell to the western side of the search ring would address a different problem than the one around the Wellington Marketplace shopping center. Given height and zoning restrictions, it appears to me that the chosen location does address an area of lower signal to the eastern edge of the search area. With this construction, there would apparently remain a signal deficit to the west, however.

During the site visit, it was my experience that outdoor coverage at the proposed tower site registered "three out of five bars" on an iPhone. In the Publix to the south, the signal dropped to one bar. In my experience, the one-bar level is inadequate to support reliable calls.

RF propagation predictive plots were submitted (Figures 4 and 5). These show the predicted coverage with antennas at 120-ft. and 60-ft. The 60-ft. coverage footprint would provide improvement over much of the area that AT&T has identified as having low signal. It fills the gap between cells to the north and south, although it leaves area shown as deficient to the east and west.

However, the 60-ft. coverage footprint in Figure 5 leaves key areas, such as a stretch of Big Blue Trace, outside of the improvement area. In my opinion, the choice of a 60-ft. tower would provide a considerable coverage improvement to AT&T's network. That tower height could be accommodated without a "distance to residential property" variance. However, that variance has been approved and I believe AT&T has shown that 60-ft. height to be inadequate to cover its key objective areas from the current location.

In consideration of the tower height, I applied the typically used "COST-231-Hata" path loss formula. A simple statement of that formula is:

$A = 46.3 + 33.9 \log F - 13.82 \log H + (44.9 - 6.55 \log H) \log D + C,$

Where:

A = path loss in dB,
F = frequency in MHz,
H= tower height in meters,
D= distance in km, and
C= a correction figure (-11 dB used for suburban areas).

Based on the above-stated coverage distance assumption of 1.0 mi, COST-231 can be solved to determine the approximate height for the tower, for an estimated system gain of 135.0 dB:

$135.0 = 46.3 + 33.9 \log (1900) - 13.82 \log (H) + (44.9 - 6.55 \log (H)) * \log 1.6 - 11,$
$H = 22.9$ m (75 ft.)

These figures were derived based on theory without full consideration for terrain clutter and vegetation conditions present in the land areas surrounding the Wellington Marketplace location. However, the answer indicates that 60-ft. is not enough fill a coverage zone of a mile's radius.

AT&T also provided a coverage map using an antenna height of 80-ft. In this case, the coverage barely extends out to Big Blue Trace, and has, in my opinion, insufficient resolution to determine whether that important road would receive the coverage desired from the Marketplace location.

Thus, although is my opinion that AT&T has failed to support the 120-ft. height as fully necessary, its submitted information and my calculations show that 60-ft. would miss key assumed coverage objectives in the area.

In order to justify a 120-ft. tower, AT&T could provide a higher-resolution analysis that shows numerically, with grid squares or square miles, the additional coverage gained by the 120-ft. that could not be achieved with a lower tower, and the importance of that coverage. Another approach could be to quantify the improvement in dropped calls or other complaints possible with a 120-ft. tower that is not possible with a lower tower. Specifically, this could be accomplished with a grid pattern that demonstrates significant improvement with the 120-ft. tower that cannot be achieved with a lower tower or other technology, or a dropped call (or other statistical) analysis, clearly showing a potential reduction in complaints not possible without the full 120-ft. tower or alternative technology.

Figures 6 and 7 depict the current state of the proposed location. Figure 8 is a portion of the applicant's site plan. This is in a currently open parking lot in the midst of the shopping center. On a Tuesday afternoon, there were no cars using the two aisles near the proposed tower base. However, as the photos show, a location of a base station compound and its "flagpole" tower in this parking lot will be conspicuous and, in my opinion, unusual. Cellular base station equipment compounds are usually surrounded by buffer vegetation and placed behind existing structures or other barriers to conceal them. In fact I cannot recall a site location in well over 10 years of conducting these evaluations that is as exposed as this one.

The issue would have been compounded by the fact that if the tower is built to greater than 60-ft., which in my opinion would be required in accordance with usual cellular design behavior, the tower is non-compliant with respect to the nearest residential property. A variance for the height separation requirement has, however, been approved, by the village Planning, Zoning and Adjustment Board for 482-ft.

There are some design changes within the realm of possibility that could mitigate the visual impact. First, the equipment compound could be remotely located within the shopping center, leaving only the pole in the parking lot, without the base station equipment and its surrounding fence. The pole could be protected by a barrier.

Some antenna height greater than 60-ft. might be accommodated with a decorative carillon or bell tower construction at the shopping center. The pole could be relocated to the back of the existing stores to the west, although that would again require a variance for setback to residential property.

Figures 9 and 10 suggest some other alternatives. There is a grove of cypress trees just south of the proposed location in the Courtyard Shops center. A stealth pole could be erected in the midst of this grove that could blend well with the trees. Remoting the base station equipment within the shopping center could result in an inconspicuous installation, although the residential distance separation would still be an issue. The Publix has a façade that extends to perhaps 50-ft. or so. Antennas erected here would provide some coverage relief, but not as much as AT&T has indicated it wants in its submitted information.

I have also been informed that the applicant told the Planning, Zoning and Adjustment Board that the Courtyard Shops has a height restriction that would preclude a tower construction. No documentation was provided.

In his memo, AT&T Engineer Pittman states, "… (T)here is currently not an alternative technology that can accommodate the current wireless services facility that AT&T supports…".

During the site visit, I encountered a community distributed antenna system identified as belonging to ExteNet Systems. There are visible antenna nodes along Greenview Shores Blvd. and other roads (see Figures 10 and 11).

In my opinion, community DAS systems are a mature, deployed technology that can in certain circumstances reduce or eliminate the requirement for traditional base stations with tall towers. At least one is already deployed within the Village of Wellington.

Apparently AT&T agrees with my DAS assessment, as an October 7 press release on the Florida Atlantic University website touts AT&T's deployment of a DAS network on the FAU campus, not far from Wellington. The release, entitled, "AT&T and Florida Atlantic University Team Up to Enhance Wireless Service on Boca Raton Campus," and subtitled, "New Distributed Antenna Systems Will Provide Additional Wireless Capacity and Coverage on FAU campus; Project Part of AT&T's Project VIP Investment Plan," says that the new DAS will distribute AT&T's signal

throughout the FAU campus, to more than 30,000 students and faculty. It also says AT&T will open the DAS up to other wireless providers.

In researching the Wellington DAS, I was supplied a map of the DAS nodes by Mr. Dave Schneider of ExteNet Systems (Figure 13). The DAS has extensive deployment over town and is of the neutral host variety, meaning that provisions could be made for other companies to utilize its infrastructure to distribute their signal by attaching base stations to the network.

In their submitted information, neither AT&T nor the applicant explains to what extent it has gone to, to fill the coverage issues in this area with any alternative technology. No comment on DAS deployment was made, and in my opinion, AT&T should comment on why such a choice couldn't be made. In particular, the distribution of antennas around Wellington could make the new tower at the Wellington Marketplace unnecessary, or, working in combination, could allow for the new tower to be shorter.

Also in the realm of new technology, AT&T offers a residential "femto-cell" solution consisting of a small, router-sized personal base station that plugs into the customer's existing home network. The extent to which these so-called "3G microcells" have been used in Wellington, and could be expanded to reduce or eliminate the coverage issues in the area, was not discussed in AT&T's supporting information.

Potential AT&T objections to these alternatives will likely include DAS cost-of-equipment and rights-of-way acquisition costs, both of which would be considerably more that for the single proposed base station. Installation time, maintenance retraining, and, in the case of the femto-cells, inability to cover along the roads, are other potential detractors.

However, in my opinion, alternative technologies are available to eliminate the need for this proposed construction, or to allow its minimization, and have not been convincingly dispatched in the applicant's or AT&T's information. The public is well aware of these alternatives and I believe will question why their use was not considered if the project as proposed goes forward.

The joint AT&T/FAU press release goes on to say, "AT&T plans to add more than 1,000 DAS nationwide by year-end 2015…" Why can't one be used in Wellington?

The FCC requires applicants for new communications facilities to satisfy requirements of the National Environmental Protection Act and to insure compatibility with historic structures. Typically applicants satisfy these requirements by commissioning a Phase I environmental assessment and a Section 106 historic structure review. I did not see evidence of those studies in the on-line application information. However, the studies are expensive and wasted if the project does not get approval, so it's not unusual for tower builders to supply this information after approval is received.

Summary. In my opinion, the AT&T supporting information does not justify the 120-ft. required height, although height greater than 60-ft. is supported in the application.

Photo simulations and a site visit confirm that the monopole and its equipment compound will be conspicuously deployed without any visual buffering in the Wellington Marketplace parking lot. Alternatives include building a decorative tower at the shopping center, moving the compound into the shopping center, and moving the pole to a location behind the shopping center buildings.

The Courtyard Shops shopping center across the street might be able to accommodate the construction with a "more-stealth" design, either in a grove of trees (with remote compound) or on top of the Publix.

AT&T has not adequately addressed why alternative technologies, such as DAS deployment and small residential "femto-cells," could not solve its coverage issues in this area. In my opinion, such deployments use mature technologies that are available to AT&T, albeit at greater cost than a single tower deployment.

An Appendix to this report addresses compliance with selected portions of the Village's tower ordinance.

If you have any questions, please call.

Respectfully submitted,

David Snavely

David Snavely, PE

954-644-2953

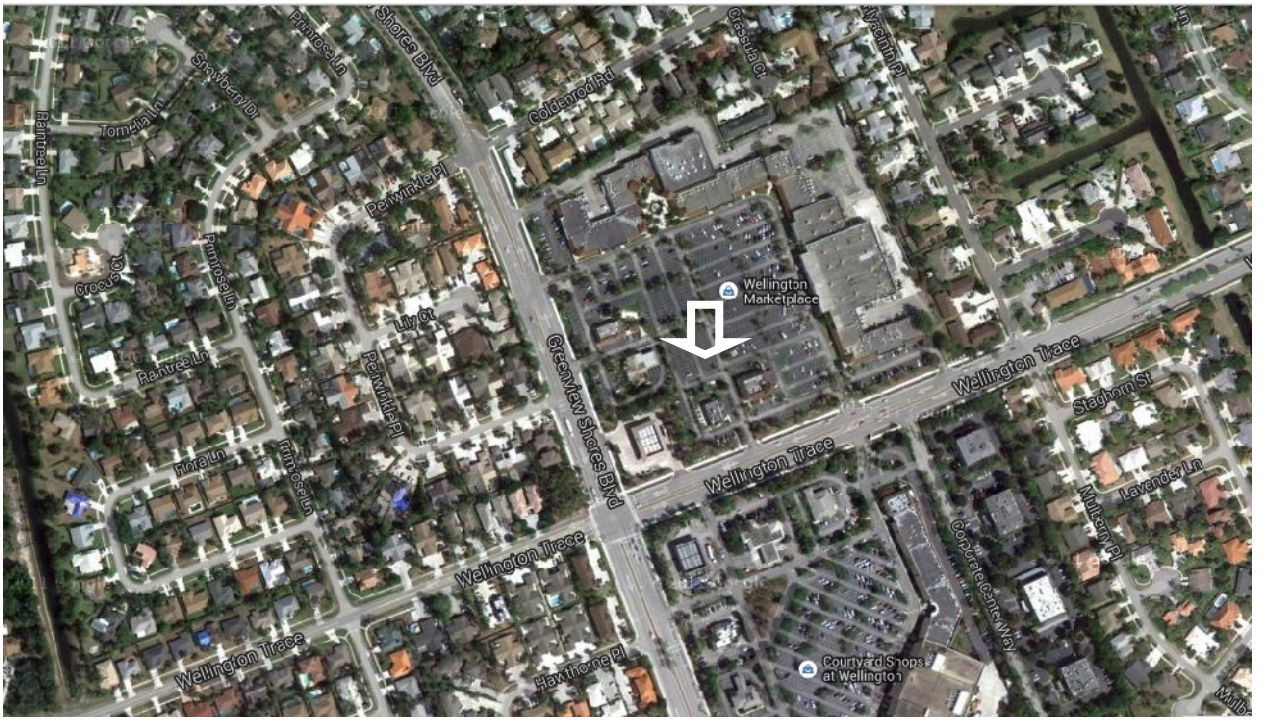

Figure 1: The proposed tower location is indicated by the arrow. It is within the parking lot of the Wellington Marketplace shopping center and will replace several parking places.

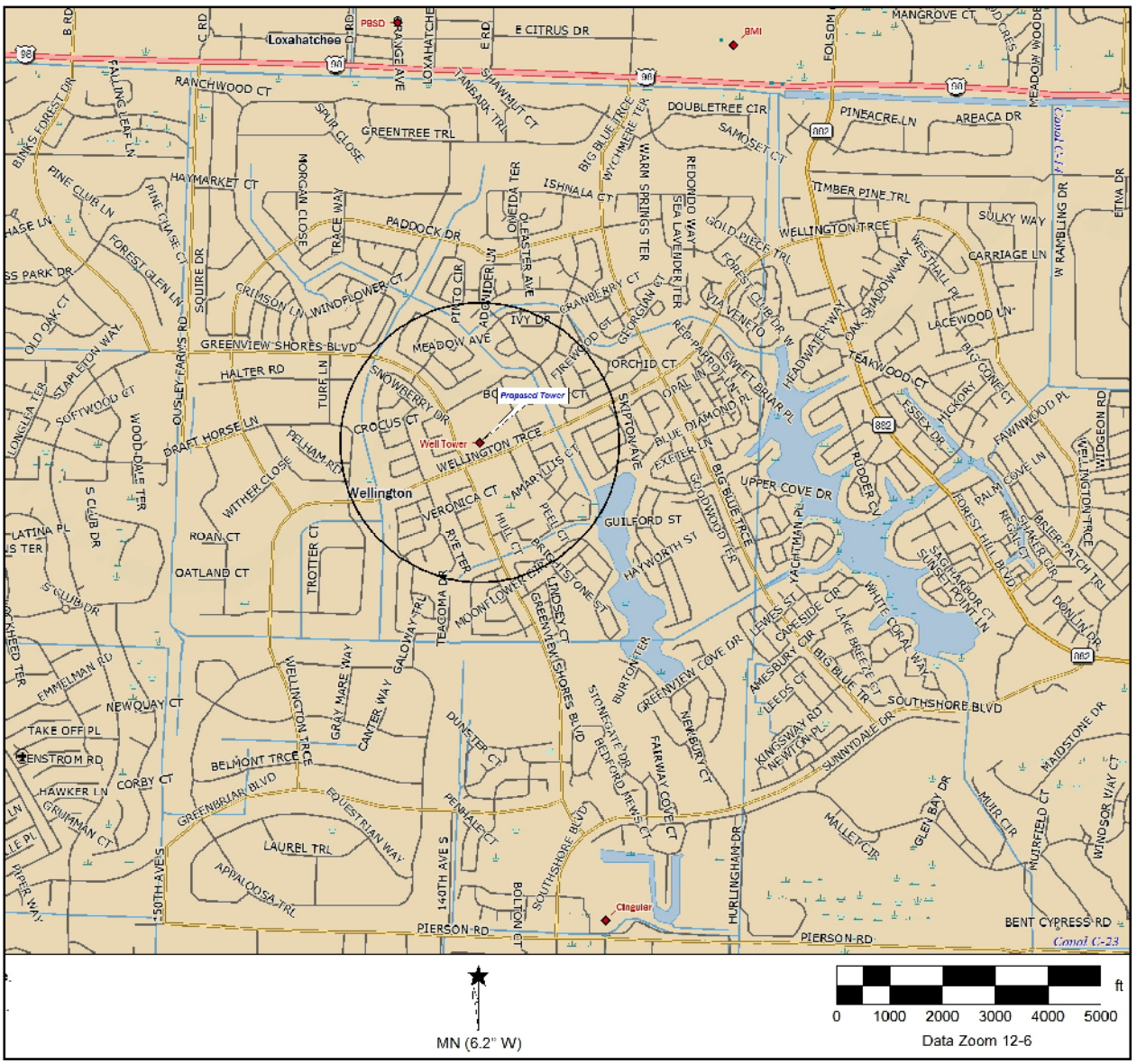

Figure 2: Map showing proposed tower location with respect to other surrounding sites. The circle is a half-mile radius around the proposed site and approximates a "search ring." In the case of AT&T, nearby sites are located to the north ("BMI") and the south ("Cingular") and each is about 1.8 mi from the proposed location.

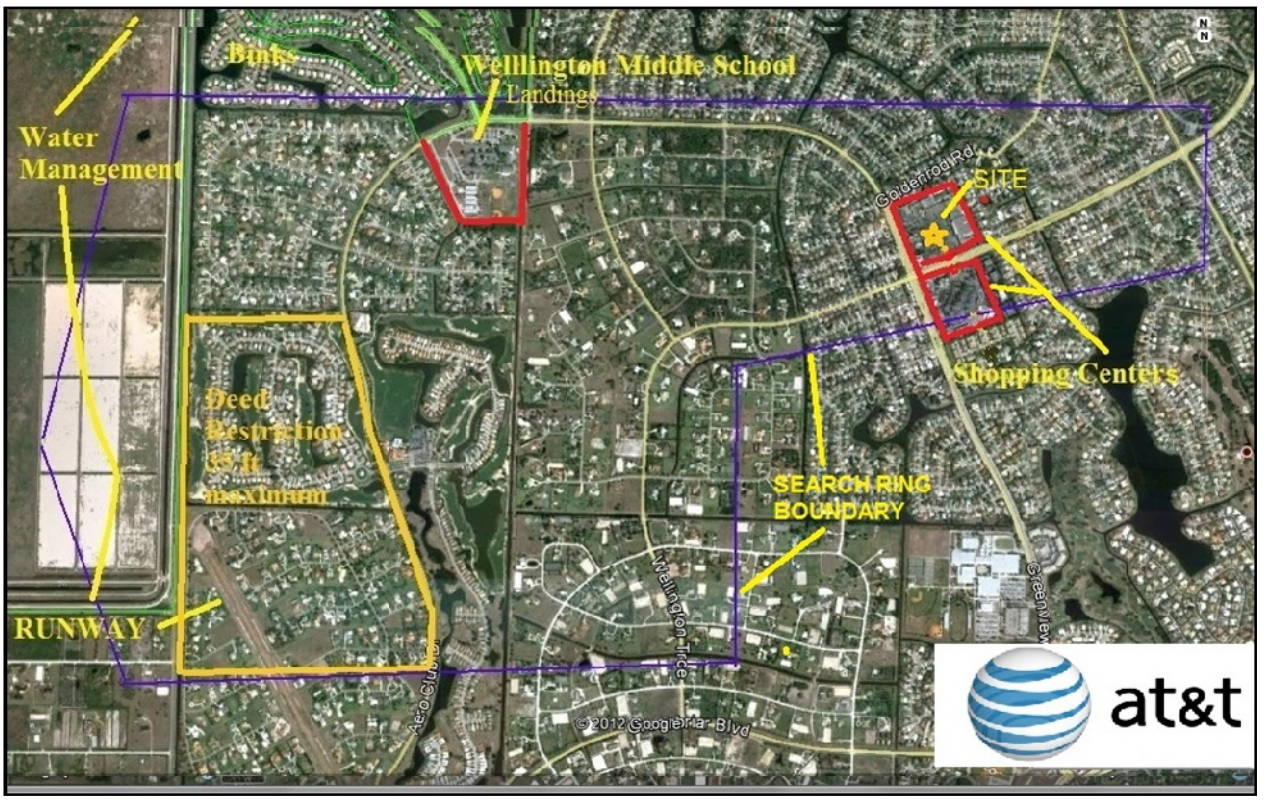

Figure 3: AT&T's submitted "search ring." AT&T RF Engineer Donald Pittman stated in an April 1 memo, "At this time there is not another antenna structure or building within the search area that will meet the design parameters to provide the coverage/capacity for this area of Wellington." Mr. Pittman further states, "…(T)here is currently not an alternative technology that can accommodate the current wireless services facility that AT&T supports…".

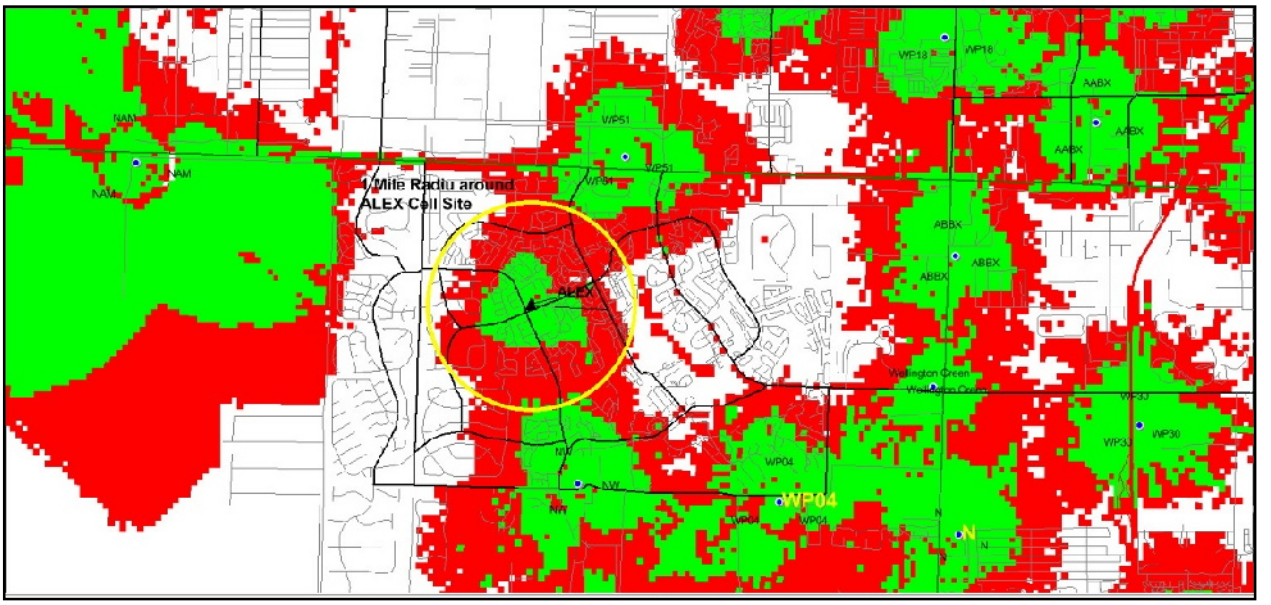

Figure 4 (T), Figure 5. AT&T's predictive propagation maps showing coverage with antennas at 120-ft. (top) and 60-ft. Note the coverage connects existing footprints from towers to the north and south. The 1-mi circle provides a reference for the relative coverage. The 60-ft. coverage is extensive but falls short of key locations such as along Big Blue Trace and the intersection at Paddock Dr.

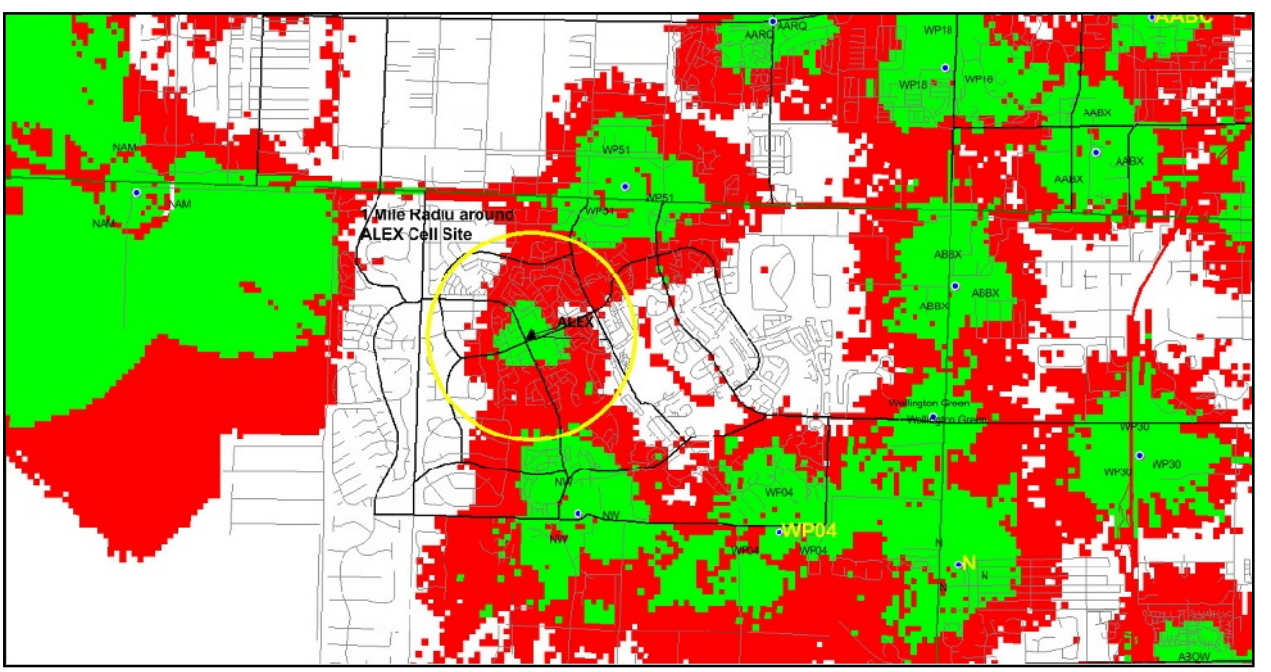

Figure 6. This is the location of the proposed compound. The fenced approximately 40-ft. by 50-ft. equipment compound will occupy several parking places against the traffic island. This is behind the KFC drive-through restaurant.

Figure 7 (below). View to the east from the site.

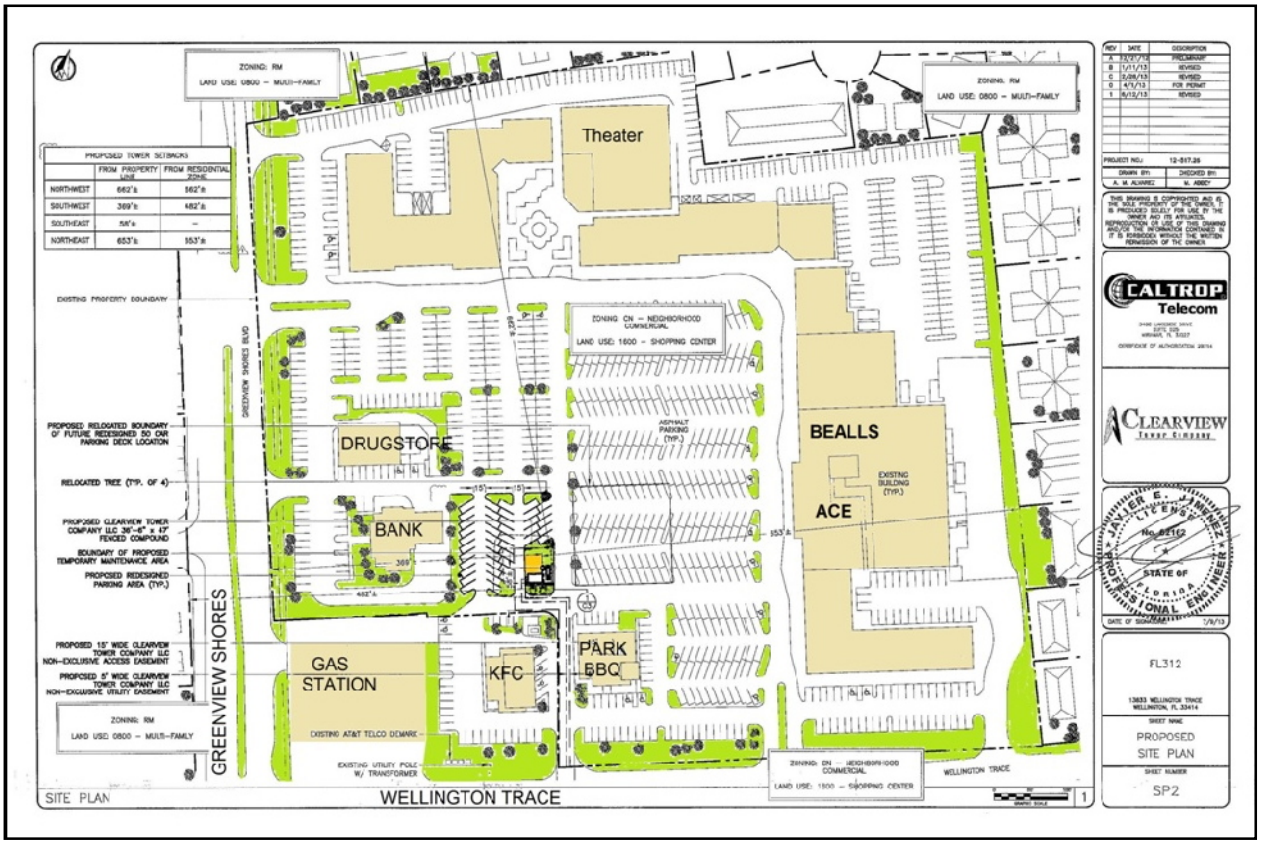

Figure 8. A portion of the "site plan." The parking area would be redesigned in the vicinity of the compound to provide for angle spaces. Interestingly neither the site plan nor the survey picked up the replacement of the building marked "drugstore," which was actually a fast-food restaurant, with a real drugstore. Its footprint is considerably larger than the former building.

As designed, the base of the tower is fewer than 500-ft. from the residential property on the west side of Greenview Shores, just north of the intersection with Wellington Trace. For a 120-ft. monopole tower, the required minimum is 600-ft. Accommodation of a 120-ft. pole within this shopping center, maintaining the setbacks required, might not be possible due to residential properties on all sides. Reduction of the height to 60-ft. would reduce the setback requirement to 400-ft., but would limit coverage in some key areas.

However, the Planning, Zoning and Adjustment Board has approved a resolution allowing a 482-ft. setback to accommodate the proposed location.

The visual impact could be minimized by moving the equipment compound into the shopping center, eliminating the fenced 40-ft. square impact on the parking lot. The monopole tower could then simply be protected by barriers with a much smaller footprint. Architecturally, the shopping center could be modified to accommodate a carillon or clock tower, providing relief from a random fat "flagpole" but potentially not providing the height required by the carriers. The pole and compound could be moved behind the main shopping center construction, becoming less obvious but violating the setback requirement to residential property.

Figure 9. Some alternative locations. This grove of trees is in the parking lot of the Courtyard Shops across the street from the proposed location. A stealth pole could be located in these trees and the equipment compound could be remotely located within the developed shopping center, providing a less conspicuous design. However, the residential spacing variance would still be required. Applicant mentioned a height restriction.

Figure 10 (below). The Publix façade could provide an antenna mounting height close to 60-ft and would satisfy separation requirements. However, the height would limit the coverage range.

Figure 11. Distributed Antenna System (DAS) node location near the intersection of Carlton St. and Greenview Shores Blvd. This technology allows the "head-end" base station compound to be located at an inconspicuous place up to several miles from the neighborhood. The radio signals between antenna location and base station are transmitted as light along fiber optic cable to small cell installations such as this one. This is a mature technology and is available to all carriers.

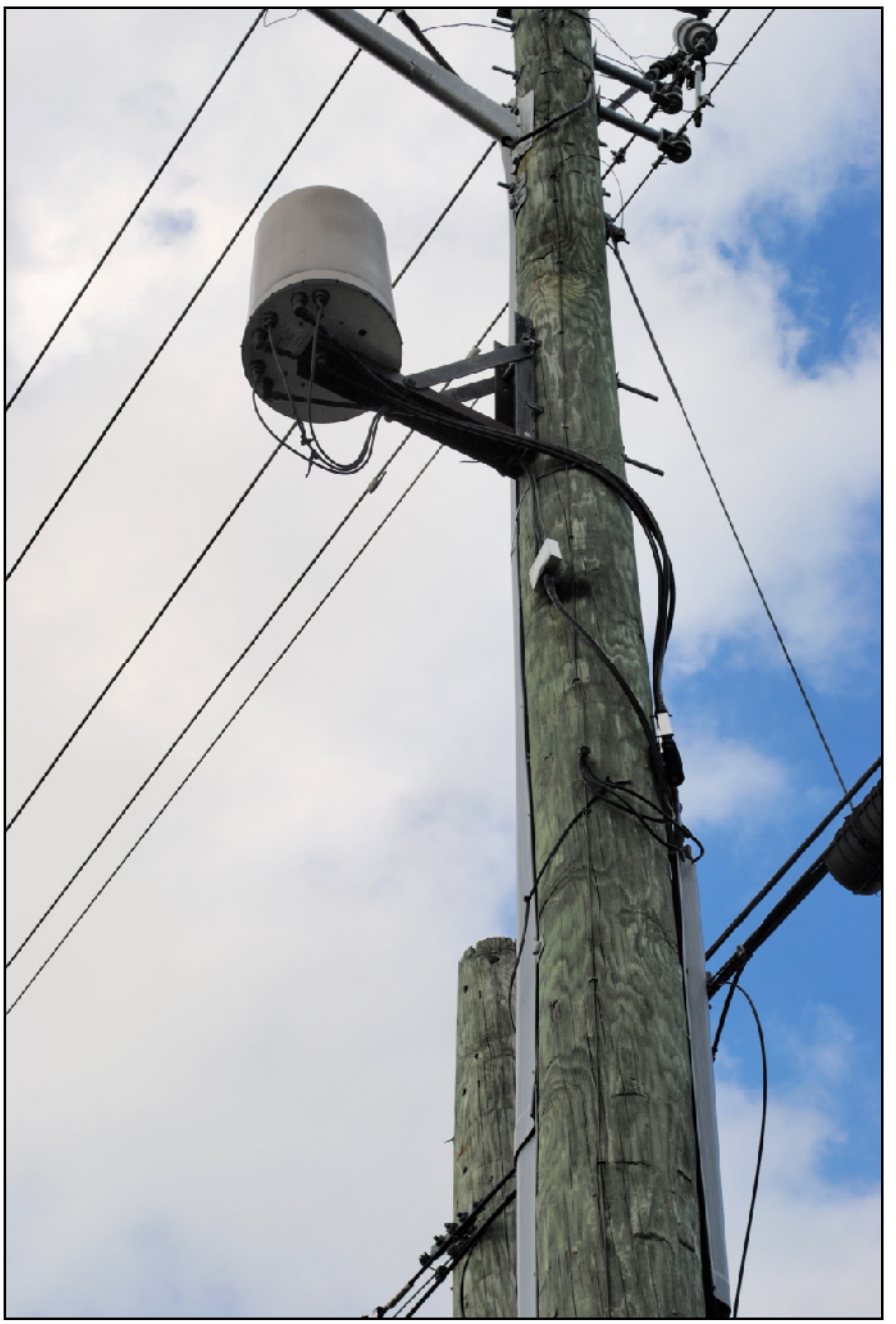

Figure 12. A close-up of one of the DAS antennas. Carrier objections to using this technology might include additional expense of obtaining rights-of-way, equipment costs, installation complexity and maintenance retraining.

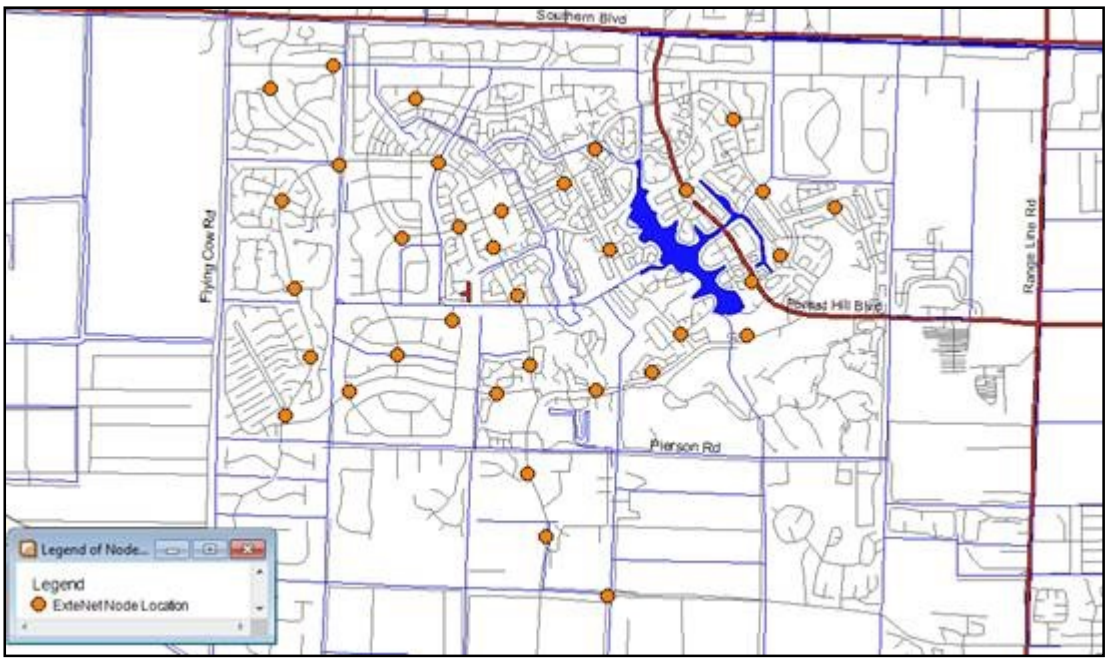

Figure 13. Existing DAS network deployed within Wellington. Antennas are dispersed throughout the community. Could AT&T not join this DAS as a carried client and eliminate the need for the tower—and achieve even better coverage?

APPENDIX TO REPORT OF OCTOBER 30, 2013 RE: PROPOSED CLEARVIEW TOWER

BY RF Consultant David Snavely

CHAPTER 4. USE REGULATIONS AND DEFINITIONS

27. **Wireless Communications Towers and Antennas.**

a. Intent. The regulations and requirements of this section are intended to regulate the placement, construction and modification of wireless communications towers and related wireless communications facilities in order to protect the health safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the Village of Wellington; and

i. to minimize the total number of towers throughout the community;

ii. to encourage the location of towers in non-residential areas and compatible uses;

iii. to provide for the appropriate location and development of wireless communications antennas within the Village, to the extent possible, to minimize potential adverse impacts on the community;

iv. to minimize adverse visual impacts of wireless communications towers and related wireless communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques utilizing current and future technologies;

v. to promote and encourage shared use/co-location of towers and antenna support structures;

vi. to maintain and preserve the existing residential character of the Village of Wellington and its neighborhoods and to preserve property values therein;

vii. to promote the public safety and to avoid risk of damage to adjacent properties by ensuring that wireless communications towers and related wireless communications facilities are properly designed, constructed, modified, maintained and removed;

viii. to ensure that wireless communications towers and related wireless communications facilities are compatible with surrounding land uses;

ix. to ensure that wireless communications facilities comply with radio frequency emissions standards as promulgated by the Federal Communications Commission.

b. Definitions. For the purposes of this Section the following definitions shall apply:

Accessory use means a permitted use that is customarily associated with the principle use and clearly incidental to the principle use and is subordinate in area, extent or purpose to and serves only the principle use.

Antenna means device for transmitting, receiving or transmitting and receiving signals.

Antenna support structure means any building or structure used or useable for one or more antennae. The term support structure does not include towers.

Co-location means the use of a single support structure and/or site by more than one wireless communications provider.

Conditional Use means those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location pursuant to Articles 5 and 6 of the Village of Wellington Land Development Regulations.

Conditional Use A means those uses that are authorized as Class "A" conditional uses in Table 6.4-1, Use Regulations Schedule. Each proposed Class "A" conditional use shall be evaluated by the Development Review Committee, Planning, Zoning and Adjustment Board and Village Council for compliance with the applicable standards set forth in the Village of Wellington Land Development Regulations.

Equipment cabinet or shelter means a structure located near a wireless communications facility that contains electronics, back-up power generators and/or other on-site supporting equipment necessary for the operation of the facility.

FPL corridor means a dedicated Florida Power & Light Co. power transmission line easement or right-of-way no less than two hundred (200) feet wide in total.

Guyed tower means a wireless communications tower that is supported, in whole or in part, by guy wires and ground anchors.

Land use designation means as adopted on the Village's interim future Land Use map or future Land Use map when adopted. Future land use designation shall be controlling for the application of all regulations contained herein.

Microwave dish antenna means a disk-like antenna used to send or receive wireless communications signals between terminal locations.

Monopole tower means a wireless communications tower consisting of a single pole or spire supported by a permanent foundation, constructed without guy wires and ground anchors.

Panel antenna means an array of antennas designed to direct, transmit or receive radio signals from a particular direction.

Pico cell means a low-power cell whose coverage area extends three hundred (300) to five hundred (500) yards.

Provider, when used with reference to a system means a person or entity that provides service over a wireless communications facility, whether or not the provider owns the facility. A person that leases a portion of a wireless communications facility shall be treated as a provider to purposes of this ordinance.

Self-support/lattice tower means a structure requiring no guy wires for support.

Special Permit Use means those uses that are generally compatible with other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, building and structures and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location. A Special Permit requires Development Review Committee approval as per Section 5.5 of the Village of Wellington Land Development Regulations.

Stealth or camouflaged tower or facility means any wireless communications tower or facility that is designed to incorporate into and be compatible with existing or proposed uses of the site. Examples of stealth facilities include, but are not limited to: architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and wireless communications towers designed to look like light poles, power poles, trees, flag poles, clocks, steeples or bell towers and of the same height and the same nature emulated.

Utility pole-mounted facility means a wireless communications antenna facility comprised of pico cell(s) attached to or upon an electric transmission or distribution pole, street light, traffic signal, or similar facility located within a public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

Village means the Village of Wellington and any and all departments, agencies and divisions thereof.

Village Council means the duly elected Mayor and Council members of the Village of Wellington.

Village Manager means the Village Manager or the Village Manager's designee.

Whip antenna means an omnidirectional antenna used to transmit or receive radio signals.

Wireless communications facility means a facility that is used to provide one or more wireless communications services, including, without limitation, arrays, antennas and associated facilities used to transmit wireless communications signals. This term does not include over-the-air reception devices that deliver or receive broadcast signals, devices that provide direct-to-home satellite services ("DBS") or devices that provide multichannel multipoint distribution services ("MMDS") as defined and regulated by 47 C.F.R. § 1.4000, as amended.

Wireless communications services means the transmission of information by electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other communications signals, whether or not the transmission medium is owned by the provider itself. This term includes, but is not limited to wireless services, common carrier wireless exchange access services, and commercial mobile services as defined by 47 U.S.C. 332 (d), as amended.

Wireless communications tower means a guyed, monopole or self-support/lattice tower, or extension thereto, constructed as a freestanding structure, supporting one or more antennas used in the provision of wireless communications services.

c. Applicability. The requirements of this ordinance apply to the extent provided herein to all new, existing, replacement, re-located or expanded and/or modified existing towers and wireless communications facilities, except where specifically indicated. The requirements of this ordinance apply throughout the Village. It is the express intent of the Village to impose all regulations of this ordinance to all land within the Village, whether publicly or privately held, including, without limitation, private property, Village property, state-owned rights-of-way and/or property, church property, utility property and school property.

i. Non-essential Services. Wireless communications towers and wireless communications facilities will be regulated and permitted pursuant to this ordinance and not regulated and permitted as essential services, public utilities or private utilities.

d. Existing Wireless Communications Towers.

i. Except where otherwise noted, existing towers shall not be rendered non-conforming uses by this section. The Village encourages the use of these existing towers for purposes of co-locating additional antennas. Towers located or to be located at the following sites in the Village shall be treated as existing wireless communications towers and facilities:

(a) the stealth flag pole wireless communications tower and facilities located or to be located on the Palm Bach Polo Club grounds on the non-residential site designated as Parcel #NR 30 on the Village of Wellington Interim Future Land Use map; and

(b) any and all towers erected and in use on or before March 1, 1997. These towers shall be considered conforming uses with respect to this ordinance and the Village shall allow co-location on these facilities subject to the requirements of Section (h)(3) so long as they are not expanded in height and utilize the most visually unobtrusive equipment that is technologically feasible.

ii. The wireless communications tower located at the Village municipal complex (designated as Parcel #NR 4 on the Village of Wellington Interim Future Land Use map) is rendered a non-conforming use by this ordinance and shall be dismantled and removed from the site within 90 days after the effective date of this ordinance.

iii. Owners of existing towers shall be required to comply with the procedures set forth in Section k ("Construction of New Towers") to replace or re-located an existing tower.

iv. Owners of existing towers shall be required to comply with the procedures set forth in Section (k)(1)(b), and (c)(i-v), ("Construction of New Towers") to co-locate an antenna on an existing tower.

v. Increases in height of an existing tower or conversion of an existing tower to a stealth camouflage or other design shall be treated as a new tower and subject to all requirements of this ordinance.

vi. Owners of existing towers shall be required to comply with the requirements set forth in Section g(2) ("Annual Registration") and Section h ("General Requirements").

e. Tower or Utility Pole-Mounted Wireless Communications Facilities.

i. Application Process.

(a) An application to locate or re-located a wireless communications facility must be in writing and shall, at a minimum, contain the following:

(i.) The information required in this ordinance and a fee as adopted by the Village Council;

(ii.) The inventory of existing sites required in Section h(4) of this ordinance;

Complied.

(iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7);

(iv.) A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and tower or utility pole mount, topography, a current survey, landscape plans, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;

Not complied. *The submitted site plan excerpts lack detail on the compound construction, utilities, etc.*

(v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and

Complied.

(vi.) A certification that the site described in the application is located on a tower (if applicable) and the owner/operator agrees to the co-location of its facility.

Complied.

(b) An application for permit to locate or relocate a wireless communications facility that proposes to co-locate said facility on an already constructed tower or utility pole-mount and that satisfies the requirements set forth in Section e(1) of this ordinance, shall receive expedited treatment in the review process.

(c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the Village encourages the users of towers and other antenna support structures to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process.

The fee to be submitted with a multiple user application shall be the fee described in e(1)(a)(i) multiplied by the number of users listed in such application.

ii. Standards for Utility Pole-Mounted Facilities.

(a) Utility pole-mounted wireless communications pico cell facilities shall only be permitted in public rights-of-way that are at least one hundred (100) feet in width. To the greatest practical extent, utility pole-mounted wireless communications facilities shall be sited where they are concealed from public view by other objects such as trees or buildings.

(b) When it is necessary to site the facility in public view, to the greatest practical extent it shall be designed to limit visual impact on surrounding land uses.

(c) The height of a utility pole-mounted facility shall not exceed two (2) feet above the pole structure.

(d) Equipment shelters associated with utility pole-mounted wireless communications facilities which are located within the public right-of-way shall be of a scale and design that make them no more visually obtrusive than other types of utility equipment boxes normally located within the right-of-way and shall be located in a manner and location approved by the Village Engineer. To the greatest practical extent, equipment shelters associated with utility pole-mounted facilities which are located outside of the public right-of-way shall be concealed from public view or shall be architecturally designed or buffered to be compatible from surrounding land uses, except that such shelters located in residential zoned areas must be screened from the view of residents and pedestrians.

(e) Equipment shelters associated with utility pole-mounted wireless communications facilities which are located outside the public right-of-way shall meet the setback requirements for accessory structures for the zoning districts in which the equipment shelters are located.

(f) Generators associated with equipment shelters must meet with the requirements of the Village's noise ordinance.

f. Wireless Communications Facilities on Buildings and Rooftops.

i. Application Process.

(a) An application to locate or relocate a wireless communications facility must be in writing and shall, at a minimum, contain the following:

(i.) The information required in this ordinance and a fee as adopted by Village Council;

(ii.) The inventory of existing sites required in Section h(4) of this ordinance;

(iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7).

(iv.) A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and the rooftop and building, topography, a current survey, landscape plans, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;

(v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and

(b) An application for permit to locate or relocate an wireless communications facility that proposes to co-locate said facility on a rooftop or building and that satisfies the requirements set forth in Section f(1) of this ordinance, shall receive expedited treatment in the review process.

(c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the Village encourages the users of antenna support structures on rooftops and buildings to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process. The fee to be submitted with a multiple user application shall be the fee described in f(1)(a)(i) multiplied by the number of users listed in such application.

ii. Minimum Standards. All wireless communications facilities to be located on a building or rooftop shall be subject to the following minimum standards:

(a) Wireless communications facilities shall only be permitted on non-residential buildings that are at least two (2) stories or twenty-four (24) feet in height.

(b) If an equipment building associated with the wireless communications facility is located on the roof of the building, the equipment building shall not exceed ten (10) feet in height, four hundred (400) square feet in area nor occupy more than ten (10) percent of the roof area.

(c) Antennas and related equipment buildings shall be located or screened so that the wireless communications facility is not visible from adjacent properties. The Village must approve the stealth or camouflage design before a permit can be granted.

iii. Antenna Dimensions.

(a) Omni-Directional (whip) antennas and their supports must not exceed twenty-five (25) feet in height and twelve (12) inches in diameter and must be constructed of a material or color which matches the exterior of the building.

(b) Directional or Panel antennas and their supports must not exceed eight (8) feet in height or two (2) feet in width and must be constructed of materials and coloration which achieves maximum compatibility and minimum visibility.

(c) Satellite and microwave dish antennas located in the Commercial, Commercial Recreation and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts may not exceed two meters in diameter.

g. Annual Registration Requirement for Wireless Communications Facilities and Wireless Communications Towers.

i. Wireless Communications Facilities.

(a) To enable the Village to keep accurate, up-to-date records of the location of wireless communications facilities within Village limits, on an annual basis, no later than February 1 of each year, the owner/operator shall submit documentation to the Village's Planning, Zoning & Building Department providing:

(i.) Certification in writing that the wireless communications facility conforms to the requirements, in effect at the time of construction of the facility, of the Standard Building Code and all other construction standards set forth by the Village's Code, federal and state law by filing, a sworn and certified statement by an engineer to that effect. The wireless communications facility owner/operator may be required by the Village to submit more frequent certification should there be reason to believe that the structural and electrical integrity of the wireless communications facility is jeopardized. The Village reserves the right upon reasonable notice to the owner/operator of the wireless communications facility to conduct inspections for the purpose of determining whether the wireless communications facility complies with the Standard Building Code and all other construction standards provided by local, state or federal laws;

(ii.) The name, addresses and telephone number of any new owner, if there has been a change of ownership of the wireless communications facility.

(b) Annual payment of a registration fee as adopted by the Village Council for each wireless communications facility located within the Village shall be submitted to the Village's Planning, Zoning & Building Department at the time of submission of the documentation required above.

ii. Wireless Communications Towers.

(a) To enable the Village to keep accurate, up-to-date records of the placement of wireless communications towers and facilities within Village limits, on an annual basis, no later than February 1 of each year, the owner/operator of the tower shall submit documentation to the Village Planning, Zoning & Building Department providing:

(i.) Certification in writing that the tower is structurally sound and conforms to the requirements of the Standard Building Code and all other construction standards set forth by the Village's Code, federal and state law by filing, a sworn and certified statement by an engineer to that effect. The tower owner may be required by the Village to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized;

(ii.) The number of providers located on the tower;

(iii.) The type and use of any antennae located on the tower;

(iv.) The name, address and telephone number of all antenna operators located on the tower and of any new owner of the tower, if there has been a change of ownership of the tower.

(b) An annual payment of a registration fee as adopted by the Village for all towers located within the Village shall be submitted to the Village's Planning, Zoning & Building Department at the time of submission of the documentation as required in subsections (a), (b), (c) and (d) above.

h. General Requirements. The following conditions apply to all wireless communications towers and wireless communications facilities in the Village.

i. Duration of Special Permits. The duration of a permit for a wireless communications tower or a wireless communications facility shall be established by the Village at the time that an application is approved. The length that a permit shall remain in effect shall not be less than one (1) year subject to compliance with this ordinance.

ii. Assignment and subleasing. No facility, site or permit may be sold, transferred or assigned without prior notification to the Village. No sublease shall be entered into by any provider until the sub lessee has obtained a permit for the subject facility or site. No potential provider shall be allowed to argue that a permit should be issued for an assigned or subleased facility or site on the basis of any expense incurred in related to the facility or site.

iii. Exterior Finish and Stealth Requirement. Except where otherwise permitted by this ordinance or where superseded by the requirements of other Village, state, or federal regulatory agencies possessing jurisdiction over wireless communications towers, antennae and associated facilities, all wireless communications towers, antennae and facilities within the Village limits shall be stealth facilities camouflaged to blend into the surrounding environment using stealth technology in a design and manner pre-approved by the Village.

Not complied. *Although no complete compound site plan was found, staff comments seem to indicate that the compound will be surrounded with vinyl panels and some landscaping. The tower, however, is an unusually tall structure for this area.*

iv. Inventory of Existing Sites. Each applicant for a wireless communications facility or tower site shall provide to the Village an inventory of its existing towers, wireless communications facilities or sites for wireless communications facilities or towers, that are either within the jurisdiction of the Village or within two miles of the Village limits, including specific information about the location, height, and design of each wireless communications facility or tower. Each applicant shall also provide the Village with a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges.

Complied.

v. Aesthetics. Wireless communications towers and wireless communications facilities shall meet the following requirements:

(a) Signs. No commercial signs or advertising shall be allowed on a wireless communications tower or a wireless communications facility.

(b) Lighting. No signals, lights, or illumination shall be permitted on a wireless communications tower or a wireless communications facility, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusiveness to the surrounding community.

Complied. Painting and lightning not required per FAA.

(c) Graffiti. Any graffiti or other unauthorized inscribed materials shall be removed promptly or otherwise covered in a manner substantially similar to, and consistent, with the original exterior finish. The Village may provide the tower owner and/or operator written notice to remove or cover the graffiti within a specific period of time or as required by other appropriate sections of the Village of Wellington Land Development Regulations as presently existing or as may be periodically amended. In the event the graffiti has not been removed or painted over by the owner and/or operator within the specified time period, the Village shall have the right to remove or paint over the graffiti or other inscribed materials. In the event the Village has to remove or paint over the graffiti, then the owner and/or operator of the tower or associated equipment building or structure on which the graffiti existed, shall be responsible for all costs incurred.

vi. Federal, State or Local Requirements. All wireless communications towers and wireless communications facilities must meet or exceed the standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate wireless communications towers and facilities. If such standards and regulations change, then the owners of the towers and wireless communications facilities subject to such standards and regulations must bring such towers and facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to maintain or bring wireless communications towers and wireless communications facilities into compliance with such revised standards and regulations shall constitute a violation of this Code and shall be subject to enforcement through the Village's Code enforcement procedures. Penalties for violation include fines of up to five hundred dollars ($500.00) per day per violation and removal of the tower of wireless communications facility at the owner's expense.

Complied. However, construction will require NEPA and environmental studies.

vii. Licenses or Franchise. Owners of wireless communications towers and wireless communications facilities must certify that all licenses and/or franchises required by law for the construction and/or operation of a wireless communications system using a tower in the Village have been obtained and shall file a copy of all such licenses and/or franchises with the Village. An owner of a wireless communications tower or wireless communications facility must notify the Village in writing within 48 hours of any revocation or failure to renew any such license or franchise.

viii. Discontinued Use. In the event the use of a wireless communications tower or wireless communications facility is discontinued, the owner and/or operator shall provide written notice to the Village of its intent to discontinue use and the date when the use shall be discontinued.

ix. Abandoned Tower or Antenna. The Village may require removal of any abandoned or unused wireless communications tower or wireless communications facility by the tower owner within thirty (30) days after notice from the Village of abandonment. A wireless communications tower or wireless communications facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.

(a) Removal by Village. Where a wireless communications tower or wireless communications facility is abandoned but not removed within the specified time frame, the Village may remove the facility or remove or demolish the tower and place a lien on the property following the procedures (but not the criteria) for a demolition of an unsafe building/structure of the Village's housing code.

(b) Towers utilized for other purposes. Where a tower is utilized for other purposes, including but not limited to light standards and power poles, hall not be considered abandoned.

(c) Restoration of area. Where a wireless communications tower or facility is removed by an owner, said owner shall restore the area to as good a condition as prior to the placement of the tower or facility, unless otherwise instructed by the Village.

(d) Surety or Letter of Credit for removal. Prior to the issuance of a building permit, surety or letter of credit shall be submitted by the property owner(s) or tower operator(s) to ensure the removal of abandoned wireless communications towers. The surety or letter of credit shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

(i.) submission of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower; and

(ii.) either, a surety or a letter of credit, equivalent to one hundred (100) percent of the estimated cost to remove and dispose of the tower. The form of the surety or the letter of credit shall be subject to approval by the Director of the Planning, Zoning & Building Department and the Village Attorney

x. FCC Emissions Standards. At all times, owners and/or operators of wireless communications towers and wireless communications facilities shall comply with the radio frequency emissions standards of the Federal Communications Commission, and provide an annual statement from an independent FCC and qualified engineer

demonstrating compliance with these requirements. This statement shall be based at a minimum upon the following:

Complied. Project as described will meet all FCC standards for human exposure to RF radiation.

(a) Testing required. All existing and future wireless communications facilities shall be tested, not less frequently than annually, to determine if the radio frequency emissions from such facilities are in compliance with all applicable federal, state and local regulations. Facilities that are in existence on the effective date of the ordinance shall be tested within three months after the effective date of the ordinance and annually thereafter as provided herein.

(b) Regulations. All existing and future wireless communications service providers shall perform the testing required by this ordinance. Procedures shall include supplying necessary testing equipment, which has current certification from an independent testing laboratory, and shall include operating the equipment.

(c) Revocation of permit. Any existing or future wireless communications facility which does not comply with all applicable federal, state and local regulations shall be removed at the owner's expense upon failure to bring the facility into compliance after thirty (30) days' written notice.

(d) Costs. All testing and analysis of test results shall be at the cost of the wireless communications service provider conducting the test.

The Village reserves the right to conduct random radio frequency emissions inspections. The cost for such random inspections shall be paid from the wireless communications annual registration fees, unless an owner and/or operator is found to be in non-compliance with FCC RF emissions standards, whereupon the non-compliant owner and/or operator shall reimburse the Village in full for the cost of the inspection.

xi. Maintenance. All wireless communications facilities, wireless communications towers and other antenna support structures shall at all times be kept and maintained in good condition, order, and repair, and, maintained in stealth condition if originally required. The same shall not menace or endanger the life or property of any person, and shall retain original characteristics. All maintenance or construction on a tower, wireless communications facility or antenna support structure shall be performed by licensed maintenance and construction personnel. The Village shall notify the wireless communications service provider in writing regarding any specific maintenance required under this section. The wireless communications service provider shall make all necessary repairs within thirty (30) days of such notification. Failure to effect noticed repairs within thirty (30) days may result in revocation of permit and/or removal of tower, wireless communications facilities and antenna support structures.

xii. Review. The Village shall process all applications for wireless communications towers and wireless communications facilities in a timely manner and in accordance with established procedures. The reason for the denial of any application filed in accordance with this provision shall be set forth in writing.

xiii. Appeals. Any person aggrieved by any decision of an administrative officer may take appeals to the Village's Planning, Zoning and Adjustment Board as an appeal of an administrative decision. A notice of appeal stating the grounds thereof shall be filed with the Village Planning, Zoning & Building Department.

xiv. Revocation. A material breach of any terms and conditions of permit issued for a wireless communications tower or wireless communications facility under this section, or other material violations of this section, may result in the revocation, by the Village of the right to operate, utilize or maintain the particular tower or wireless communications facility within the Village following written notification of the violation to the owner or operator, and after failure to cure or otherwise correct said violation within thirty (30) days. A violation of this Code shall be subject to enforcement pursuant to the Village's code enforcement procedures. Penalties for violation include fines of up to five hundred dollars ($500.00) per day per violation and removal of the tower of wireless communications facility at the owner's expense.

xv. Emergency. Village reserves the right to enter upon and disconnect, dismantle or otherwise remove any wireless communications tower or wireless communications facility should same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Building Official or his designee, such as natural or manmade disasters or accidents, when the owner of any such facilities is not available to immediately remedy the hazard. The Village shall notify any said owner of any such action within twenty-four (24) hours. The owner and/or operator shall reimburse the Village for the costs incurred by the Village for action taken pursuant tot his section of the ordinance.

xvi. Equipment on site. No mobile or immobile equipment or materials of any nature shall be stored or parked on the site of the wireless communications tower or wireless communications facility, unless used in direct support of a wireless communications tower or wireless communications facility or used for repairs to the wireless communications tower or wireless communications facility currently underway.

xvii. Inspections. The Village reserves the right upon reasonable notice to the owner/operator of a wireless communications tower or other antenna support structure, including utility poles and rooftops, to conduct inspections for the purpose of determining whether the tower or other support structure and/or related equipment building complies with the Standard Building Code and all other construction standards provided by local, state or federal law and to conduct radiation measurements to determine whether all antenna and transmitting equipment are operating within FCC requirements.

xviii. Security.

(a) If high voltage is necessary for the operation of the wireless communications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than twenty (20) feet apart, or on each fence frontage.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than twenty (20) feet apart.

(c) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two warning signs may be combined into one (1) sign. The warning signs shall be installed at least 4.5 feet above the finished grade of the fence.

xix. Advances in Technology. All wireless communications service providers shall use and apply any readily available advances in technology that lessen the negative aesthetic effects of wireless communications facilities to the residential communities with the Village. Every five (5) years, the Village may review existing structures and compare visual impact with available technologies in the industry for the purpose of removal, relocation or alteration of these structures in keeping with the general intent of this ordinance. Such removal, relocation or alteration may be required by the Village pursuant to its zoning power and authority.

i. Required Land Use Plan Designation Zoning. The Village hereby adopts a Wireless Communications Tower Zoning Map (designated as Table 6.4-5) which shall generally conform to the requirements in this section. In the event of a conflict between the Wireless Communications Tower Zoning Map and this Ordinance, the Ordinance shall control. The following applies to all towers, including re-located or expanded and/or altered existing towers, but not to existing towers:

i. Wireless communications towers less than two hundred (200) feet in height shall be a Special Permit Use in the Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plant), or as a replacement for an existing tower at the Water Treatment Plant.

ii. Wireless communications towers one hundred (100) feet in height or less located in the FPL power transmission corridors shall be a Special Permit Use. Towers greater than one hundred (100) feet in height within a FPL corridor shall require a Conditional Use A. No towers shall be permitted within the FPL corridor where such corridor abuts residential property of one (1) acres or less.

iii. Wireless communications towers less than two hundred (200) feet in height in the Residential A Land Use Plan Designation/Agricultural Residential Zoning District shall require a Conditional Use A.

iv. Wireless communications stealth towers sixty (60) feet or less in height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts shall be a Special Permit Use.

N/A. Applicant proposed 120-ft. tower.

iv. Wireless communications towers sixty-one (61) to one hundred twenty (120) feet in height and non-stealth towers of any height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts on parcels ten (10) acres or greater shall require a Conditional Use A. Towers greater than sixty-one (61) feet tall shall not be allowed on parcels less than ten (10) acres in size.

Complied. Applicant seeks a conditional use permit; tower is 120-ft. tall; parcel is greater than 10 acres.

vi. Wireless communications towers shall not be a permitted use on School Sites Land Use Plan Designations/Zoning Districts.

vii. Wireless communications towers shall not be a permitted use in the Residential Land Use Plan Designations/Zoning Districts except as otherwise noted herein.

viii. Utility pole-mounted facilities shall be permitted as accessory uses in all Land Use Plan Designations/Zoning Districts and shall be a Special Permit Use.

j. Village-Owned Property. On property owned by the Village, the Village shall authorize the application and use of Village property for the location of wireless communications towers and/or wireless communications facilities after the applicant executes a lease agreement acceptable to the Village. The Village shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth in this ordinance.

k. Construction of New Towers.

i. Application Process.

(a) The use of existing structures as antenna mounts shall be preferred to the construction of new ground-mounted facilities. To be eligible to construct a new tower within the Village limits, the applicant must establish to the satisfaction of the Village that applicant is unable to provide the service sought by the applicant from available sites, including co-locations within the Village and in neighboring jurisdictions; and the applicant must demonstrate to the reasonable satisfaction of the Village that no other suitable existing tower or other support structure is available, including utility poles; and that no reasonable alternative technology exists that can accommodate the applicant's wireless communications facility due to one (1) or more of the following factors:

(i.) The structure provides insufficient height to allow the applicant's facility to function reasonably in parity with similar facilities;

(ii.) The structure provides insufficient structural strength to support the applicant's antenna and related equipment;

(iii.) The structure provides insufficient space to allow the applicant's antenna to function effectively and reasonably in parity with similar equipment;

(iv.) Use of the structure would result in electromagnetic interference that cannot reasonably be corrected;

(v.) The structure is unavailable for lease under a reasonable leasing agreement.

(vi.) Use of the structure would create a greater visual impact on surrounding land uses than the proposed alternative or otherwise would be less in keeping with the goals, objectives, intent, preferences, purposes, criteria or standards of this ordinance and land development regulations;

(vii.) Other limiting factors.

Not complied. *Insufficient treatment of alternative technology (DAS).*

(b) The applicant must submit any technical information requested by the Village or its designated engineering consultant as part of the review and evaluation process.

N/A. No further information requested by consultant.

(c) An application to develop a tower must be in writing and contain at a minimum the following information:

(i.) The information required by this ordinance, along with the fee established for a conditional use as specified by the Village of Wellington Land Development Regulations;

(ii.) The inventory of existing sites required in Section h(4) of this ordinance;

(iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7);

(iv.) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, elevation drawings of the proposed tower, topography, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;

(v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance;

(vi.) The names, addresses and telephone numbers of all owners of other towers or other antenna support structures within an area equal to one hundred percent (100) of the search ring for the wireless communications facility proposed by the applicant;

(vii.) Written documentation in the form of an affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all

existing towers or other antenna support structures located within an area equal to one hundred percent (100) of the search ring for the proposed site of the wireless communications facility;

(viii.) Written, technical evidence from an engineer that the proposed tower or wireless communications facilities cannot be installed or collocated on another tower or an antenna support structure located within the Village and must be located at the proposed site in order to meet the coverage requirements of the proposed wireless communications service, together with a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges.

(ix.) A written statement from an engineer that the construction and placement of the tower will comply with FCC radiation standards for interference and safety and will produce no significant signal interference with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

Not complied. *Complete site plan lacking.*

ii. Conditions of approval for wireless communications towers.

(a) Setbacks.

(i.) Wireless communications towers less than two hundred (200) feet in height in the Light Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plant) shall comply with the setbacks of the Zoning District.

(ii.) Wireless communications towers one hundred (100) feet in height or less located in the FPL power transmission corridors shall be separated no less than one hundred (100) feet from any residentially zoned property. Towers one hundred (100) feet in height or greater within a Florida Power & Light corridor shall be separated from residentially zoned parcels one foot horizontally for each one foot vertical.

(iii.) Wireless communications towers less than two hundred (200) feet in height in the Residential A Land Use Designation/Agricultural Residential Zoning District shall be setback two (2) feet horizontally for each one (1) foot vertical.

(iv.) Wireless communications towers sixty (60) feet or less in height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land use Designations/Zoning Districts shall be separated from any residentially zoned property by four hundred (400) feet or shall otherwise meet setback requirements of the zone.

(v.) Wireless communications towers sixty-one (61) feet in height or greater in the Commercial, Commercial Recreation, Park and the Institutional/ Public Facilities/Utilities Land Use Designations/Zoning Districts shall be separated from any residentially zoned property by six hundred (600) feet or shall otherwise meet the setback requirements of the zone.

(vi.) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

(vii.) Separation requirements for wireless communications towers shall be measured from the base of the tower to the property line of any surrounding residential property.

Not complied. *Tower is 120-ft. tall; fewer than 600-ft. from nearest residential property.* ***Variance approved by PZAB, however.***

(b) Structural requirements. All tower designs must be certified by an engineer specializing in tower structures and licensed to practice in the State of Florida. The certification must state the tower design is structurally sound and, at a minimum, in conformance with the Village's Building Code, the Standard Building Code, and any other standards outlined in this Ordinance, as amended from time to time.

Complied. Structural letter obtained.

(c) Height. Measurement of tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad and any other wireless communications facilities attached thereto. However, any lightening rod located at the top of a tower is excluded from such height measurement. Tower height shall be measured from grade as defined in this chapter. This section shall not apply if the facility is incorporated into a steeple, bell tower, or similar architectural feature of a church,

school or institution, subject to height limitations of the County Airport Zoning Regulations. The height requirements may not apply if the applicant can show to the satisfaction of the Village that the applicant is required by Federal Communications Commission rules to operate the antenna at a specific height. The maximum height shall be as follows:

(i.) Two hundred (200) feet in height in the Light Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plan) or as a replacement tower at the Water Treatment Plant.

(ii.) 120 feet in height in the FPL power transmission corridors.

(iii.) 200 feet in height in the Residential A Land Use Plan Designation/ Agricultural Residential Zoning District.

(iv.) One hundred twenty (120) feet in height in the Commercial, Commercial Recreation and the Institutional/Public Facilities/Utilities Land Use Plan Designations/ Zoning Districts (except as otherwise noted).

Complied. Tower is 120-ft. tall.

(v.) Towers shall not be a permitted use in residential zoning districts.

(d) Requirements for separation between towers.

(i.) Except for roof-mounted facilities, the minimum tower separation distance shall be calculated and applied irrespective of Village and county jurisdictional boundaries.

(ii.) Measurement of tower separation distances for the purpose of compliance with this article shall be measured from the base of a tower to the base of the existing or approved tower.

(iii.) Proposed towers must meet the following minimum separation requirements from existing towers or towers previously approved but not yet constructed at the time a development permit is granted pursuant to this article:

MINIMUM TOWER SEPARATION DISTANCE
(No separation on IL zoned sites)

Height of Existing Tower	Height of Proposed Tower	Minimum Separation
Less than 50'	Less than 50'	100'
	50'-100'	200'
	101'-150'	400'
	151'-200'	800'
50'-100'	Less than 50'	100'
	50'-100'	400'
	101'-150'	600'

	151'-200'	800'
101'-150'	Less than 50'	100'
	50'-100'	400'
	101'-150'	600'
	151'-200'	800'
151'-200'	Less than 50'	100'
	50'-100'	600'
	101'-150'	800'
	151'-200'	1000'

Complied. No existing towers.

* For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower.

(e) Co-Location.

(i.) Any owner of a wireless communications tower shall permit other wireless communications providers to install or co-located antennae or facilities on such towers, if available space and structural capacity exists; said co-location shall be subject to mutually agreeable terms and conditions negotiated between the parties. Co-location requirements shall not apply to towers erected within the FPL corridor as Stealth Towers designed to look like power transmission poles or tower structures. All new towers shall be constructed with excess capacity for co-location as follows:

Height (in feet)	Number of users to support
Less than 80	One user
80 to 120	Two users
120 or greater	Three users

Complied. Tower can accommodate four or five antenna levels.

(ii.) Standards for Shared Use/Co-Location. This section is designed to foster shared use of wireless communications towers and their accessory support facilities.

- Co-Location. All wireless communications towers, except where otherwise provided herein, shall be constructed to accommodate a minimum of two (2) providers.
- Site area. The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

Complied, according to site plan excerpt.

- Setbacks. If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collection of at least one additional service provider, minimum setback requirements may be reduced by a maximum of fifteen (15) feet, except from residential property lines.
- Review procedures. Prior to submittal of an application for approval of a proposed tower for Conditional Use, development order amendment, original DRC, or building permit review, all applicants for wireless communications towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one (1) year of the notice mailing date required by section e(ii)(3)(b).
  - List. The Village Planning, Zoning & Building Department may add known wireless communications tower users to this list. This list shall remain valid for one calendar year.
  - Notification. All wireless communications tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the wireless communications tower; and a shared use application form.
  - A copy of the notice shall be mailed to the Village Planning, Zoning & Building Department. The notices shall invite potential wireless communications tower users to apply for space on the proposed tower.
  - Shared Use Application. Potential wireless communications tower users shall respond to the notice within twenty (20) days of receipt of certified mailing. Response shall be submitted utilizing a shared use of application form. A completed shared use application form shall be sent to the owner of the proposed wireless communications tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the twenty-day period. The Village Planning, Zoning & Building Department shall provide the shared use application form.
  - Feasibility. The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed wireless communications tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt wireless communications towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a twenty-five-year period), FCC limitations that would preclude shared use, and other applicable code requirements.
  - Rejection or dispute. If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten (10) working days after the shared use response deadline.
    - Submittal. Applicant shall submit two (2) copies of the following to the Village Planning, Zoning & Building Department: a brief evaluation of each rejected response; all design data for the proposed wireless communications tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.
    - Consultant. The Village Planning, Zoning & Building Department shall forward copies of all applications for share use and the applicant's evaluation of each

rejected request to a communications consultant. The consultant shall be selected by and retained at the discretion of the Village and paid by the applicant who is refusing to allow co-location from an interested service provider.

- Evaluation. Within ten (10) working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space issues, the consultant shall review and prepare an evaluation. Two (2) copies of the consultant's evaluations shall be sent to the Village. One (1) copy of the evaluation shall be made an official part of the wireless communications tower application and one copy of the evaluation shall be forwarded to the applicant by the Village Planning, Zoning & Building Department The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the wireless communications tower application.

- Acceptance with no dispute. If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

(f) Landscaping: minimum requirements. Wireless communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. Existing mature growth, not including exotics, and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. All areas disturbed during project construction shall be replanted with vegetation. The owner of the tower is responsible for all landscaping obligations and costs.

Not complied. *There is some information in the staff notes mentioning landscaping but no landscape plan was found.*

(g) Tower design and type.

(i.) All wireless communications towers shall be of the monopole or stealth type. Self-supporting or guyed lattice towers shall only be permitted as replacement of like facilities.

(ii.) Utility pole-mounted facilities or extensions on utility poles to accommodate the mounting of wireless communications antennas shall be of the monopole type.

(iii.) Antennas shall be of the uni-cell variety whenever feasible or mounted internal to the tower structure.

(iv.) Stealth or camouflaged design shall be required in all Commercial, Commercial Recreation, Institutional/Public Facilities/Utilities Land Use Designations or zoned areas.

Complied.

(h) The development of a tower upon any parcel of land within the Village shall be subject to the following additional restrictions.

(i.) All new monopole towers of eighty (80) feet in height shall be designed and built to accommodate at least two (2) wireless communications providers.

(ii.) All existing lattice towers that are replaced or modified shall be designed and built to accommodate at least three wireless communications providers.

Complied.

(i) Visual impact standards. To assess the compatibility with and impact of a proposed wireless communications tower site on adjacent properties, an applicant seeking to construct a wireless communications tower may be required to submit a visual impact analysis. The requirements of this subsection shall be required for any application to construct a tower greater than sixty (60) feet in height. The applicant may request a review of a proposed wireless communications tower location, prior to submission of an application to determine whether or not a visual impact analysis will be required. The applicant shall be advised of the requirement to submit a visual impact analysis by the Planning & Zoning Director within ten (10) working days following the application submission deadline date.

(i.) A visual impact analysis may be required under the following circumstances for all sites requiring a Conditional Use A approval.

(ii.) The applicant shall utilize digital imaging technology to prepare the analysis in a manner acceptable to the Village and provide the following information:

- The location of the proposed wireless communications tower illustrated upon an aerial photograph at a scale of not more than one inch equals three hundred (300) feet (1" = 300'). All adjacent zoning districts within a three thousand-foot radius from all property lines of the proposed wireless communications tower site shall be indicated.
- A line of site analysis which shall include the following information:
  - certification that the proposed wireless communications tower meets or exceeds standards contained in the subsection;
  - identification of all significant existing natural and manmade features adjacent to proposed wireless communications tower site and identification of features which may provide buffering and screening for adjacent properties and public rights-of-way;
  - identification of at least three (3) specific points within a two thousand-foot radius of the proposed wireless communications tower location, subject to approval by the Planning & Zoning Director, for conducting the visual impact analysis;
  - copies of all calculation and a description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
  - graphic illustration of the visual impact of the proposed wireless communications tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from the specific identified points;
  - identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis);
  - identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
  - screening and buffering materials considered in the visual impact analysis shall not be removed by future development on this site;
  - screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
  - prohibited plant species, pursuant to Section 7.3 of the Land Development Regulations, shall not be considered in the visual impact analysis;
  - any additional information that may be required by the Planning & Zoning Director to fully review and evaluate the potential impact of the proposed wireless communications tower.

Complied. On-line notes contain a visual analysis and photo sims.

(j) Calculation Of Time. Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Ordinance or any franchise, and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration time.

(k) No Recourse Against The Village. Every permit shall provide that, without limiting such immunities as the Village or other persons may have under applicable law, a permittee shall have not monetary recourse whatsoever against the Village or its officials, boards, commissions, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this Ordinance or because of the enforcement of this Ordinance or the Village's exercise of its authority pursuant to this Ordinance, a permit, or other applicable law, unless the same shall be caused by criminal acts or by willful or gross negligence. Nothing contained herein shall be construed as a waiver of sovereign immunity in accordance with Florida Statute 768.28.

Land Use Plan Category	Zoning	Setback Or Separation	Separation Tower to Tower	Maximum Height	Stealth Or Camouflaged
Industrial and Public Parcels 100 acres +	200' <Special Permit	Comply with Zoning District setbacks	None	200'	No
FPL Corridors >200' wide which do not abut residentially zoned property with 1 acre lots or smaller	100' <Special Permit 100'> Conditional Use A	100' or >100', one foot horizontally for each one vertical foot	600' maximum	120'	Yes
Residential A	Conditional Use A	2' horizontal, 1' vertical	1,000' maximum	200'	No
Commercial/ Commercial Recreation/ Park/ Institutional/ Public Facilities/ Utilities >10 acres	60'< Special Permit Use 61'> Conditional Use A	60'<, 400' from residential 61'>, 600 from residential, or meet setback of the zone	600' maximum	120'	Yes
Non-residential rooftop	Special Permit	Setbacks of the District	N/A	25'	Yes
Residential B - H	Not allowed	N/A	N/A	N/A	N/A
Utility Pole Mounted	Permitted as a Special Permit Use	N/A	N/A	Height of Pole	Yes

Complied.

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