

- h. The landing site shall be paved and shall be marked with those symbols required and approved by the Federal Aviation Administration.
 - i. The helipad area shall be screened and buffered to a height of three (3) feet from adjoining non-commercial and non-industrial property.
 - j. The ground around the perimeter of the helipad area shall be sodded or paved with a dust free surface for a sufficient distance to prevent the dissemination of dust and dirt during takeoff and landing.
 - k. The provisions of this section shall not apply to helicopters:
 - i. Operated by the United States or by any other governmental law enforcement agencies;
 - ii. Used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract;
 - iii. Used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites; or
 - iv. Making 18 or fewer takeoffs and landings on the same property per year on a non-regular basis in the EOZD or on residential lots 60 acres or larger in size.
3. Wireless Communications Facilities/Towers (excluding facilities in the rights-of-way):
- a. No facility may be sold, transferred, or assigned without prior notification to Wellington. No sublease shall be entered into by any provider until the sub-lessee has obtained a permit for the subject facility or site.
 - b. Except where otherwise permitted by Wellington, state or federal regulatory agencies possessing jurisdiction over wireless communications facilities, all wireless communications towers, antennas, and facilities within Wellington's limits shall be stealth facilities.
 - c. No commercial signs or advertising shall be allowed.
 - d. No signals, lights, or illumination shall be permitted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the alternatives chosen shall be the least obtrusive to the surrounding community.
 - e. Any graffiti or other unauthorized inscribed materials shall be removed or covered in a manner consistent with the original exterior finish. Wellington may provide the tower owner and/or operator written notice to remove or cover graffiti within a specific period of time. In the event the graffiti has not been removed or painted within the specified timeframe, Wellington shall have the right to remove or paint over the graffiti, and in that event, the owner or operator of the facility shall bear all costs incurred.
 - f. All wireless communications facilities shall comply with the regulations of the Federal Aviation Administration and the Federal Communications Commission. If such regulations change then the owners of the facilities shall bring such facilities into compliance within six (6) months of the effective date of such regulations unless a different compliance schedule is mandated by the agency. Failure to maintain facilities in compliance shall constitute a violation of the LDR and shall be subject to Wellington's Code compliance procedures.
 - g. Owners of wireless communications facilities shall certify that all licenses and franchises required by law for the construction and operation of a facility have been obtained and shall

file copies with Wellington. An owner of a facility shall notify Wellington in writing within 48 hours of any revocation or failure to renew such license or franchise.

- h. In the event the use of a facility is discontinued, the owner and/or operator shall provide written notice to Wellington of its intent to discontinue use and the date when the use shall be discontinued.
- i. Wellington may require removal of any abandoned or unused wireless communications facility by the owner within 30 calendar days of confirming abandonment. A facility shall be considered abandoned if use has been discontinued for 180 consecutive calendar days as determined by Wellington.
 - i. Where a facility is abandoned but not removed within the specified timeframe, Wellington may remove it and place a lien on the property following procedures for demolition of an unsafe structure.
 - ii. Where a facility is utilized for other purposes, including but not limited to, lighting standards and power poles it shall not be considered abandoned if still being maintained in good condition.
 - iii. Where a facility is removed by an owner, the owner shall restore the area to as good of a condition as prior to the placement of the facility, unless otherwise instructed by Wellington.
- j. Owners or operators of wireless communications facilities shall comply with the frequency emissions standards of the Federal Communications Commission (FCC). If requested by Wellington, the facility owner/operator shall provide a statement from an independent FCC and qualified engineer demonstrating compliance with these requirements. This statement shall be based on the following:
 - i. Any facility that does not comply with all applicable federal, state and local regulations shall be removed, at the owner's expense, upon written notice of failure to bring the facility into compliance after 30 calendar days.
 - ii. Wireless communications facilities shall be maintained in good condition. Maintenance or construction shall be performed by licensed personnel. The owner/operator shall inspect the condition of facilities at least annually and perform necessary maintenance. Inspection reports shall be provided if requested by Wellington. If review of the inspection reports and/or Wellington's inspections indicates a need for further maintenance, Wellington shall notify the owner/operator in writing ~~regarding~~ as to what maintenance is required. Failure to complete noticed repairs or maintenance within 30 calendar days of notification may result in revocation of approval/permit and/or removal of facilities. Any person aggrieved by an administrative decision may file an appeal pursuant to Article 5.
- k. Violations of conditions of approval, permits, and/or this section for a wireless communications facility may result in the revocation of the right to operate or maintain the facility following written notification of the violation to the owner or operator and after failure to correct said violation within 30 calendar days. A violation shall be subject to Wellington's code enforcement procedures and penalties. Removal of the facility shall be at the owner's expense.
- l. Wellington reserves the right to enter, disconnect, and remove any wireless communications facility that becomes a hazard to the safety of persons or property as determined by the Building Official or their designee. Wellington shall notify the owner of such action within 24 hours. The owner or operator shall reimburse Wellington for any costs incurred by Wellington.

- m. No equipment or materials shall be stored or parked on the site of a wireless communications facility unless used in direct support or for repairs of a facility.
- n. Wellington reserves the right upon reasonable notice to the owner/operator of a wireless communications facility to conduct inspections for the purpose of determining whether the facility complies with the LDR, the Building Code and construction standards provided by local, State, or Federal law.
- o. Security:
 - i. The facilities shall be secured to prevent public access.
 - ii. If necessary for the operation of the facility, warning signs including "HIGH VOLTAGE - DANGER" and/or "NO TRESPASSING" signs, shall be permanently attached to the fence or wall and shall be spaced no more than 20 feet apart on each fence frontage as necessary. The letters for the warning signs shall be at least six (6) inches in height. The signs may be combined into one (1) sign. The warning signs shall be installed at least four and one-half (4½) feet above the finished grade of the fence.
- p. Wellington has no obligation to accept an application for the use of Wellington property for facilities. If an application is accepted, a lease agreement acceptable to Wellington shall be executed. Wellington has no obligation to execute such a lease.
- q. Existing Towers and Facilities:
 - i. Owners of existing towers shall comply with the procedures herein to replace or re-locate a tower, co-locate an antenna on a tower, or expand a wireless communication facility.
 - ii. Expansions in height or dimensions to an existing tower or facility, or the conversion of an existing tower to another design, shall be treated as a new tower if the expansion exceeds the threshold for a substantial change per 47 CFR 1.40001(b)(7)(i). Expansions to existing facilities that do not exceed the threshold for a substantial change shall utilize the Special Use Permit process pursuant to Article 5.
 - iii. Owners of existing towers shall comply with applicable requirements of the wireless communication facility section.
- r. Utility and street light pole-mounted facilities:
 - i. Pole-mounted facilities within rights-of-way are regulated by Chapter 23 of the Wellington Code of Ordinances.
 - ii. Facilities mounted on parking lot lights, or similar poles, or athletic field lights shall not exceed a height above an additional 10% of the height of the pole structure or 10 feet, whichever is less, and shall be designed and mounted by the least visually obtrusive means including minimizing the dimensional width of antennae.
 - iii. The location, design, and screening of the associated equipment boxes shall be approved by the PZB Director and Wellington Engineer.
 - iv. Generators associated with pole-mounted facilities shall comply with the requirements of Chapter 36 of the Wellington Code of Ordinances.
- s. Facilities mounted on buildings and rooftops:
 - i. Facilities shall only be permitted on non-residential buildings that are at least two (2) stories or 24-feet in height.

- ii. If an equipment building associated with the facility is located on the roof of the building, the equipment building shall not exceed 10 feet in height and 400 square feet in area.
 - iii. Antennas and related equipment buildings shall be located or screened so that the facility is not visible from adjacent properties and rights-of way to the greatest extent practicable. The antennas and equipment building shall be consistent in colors and/or materials of the structure it is mounted to, as determined during permitting and/or inspection, to achieve maximum compatibility and minimum visibility. Wellington shall approve the stealth or camouflage design before a permit can be granted.
- t. Antenna dimensions:
- i. Omni-Directional (whip) antennas, and their supports, shall not exceed 25 feet in height and 12 inches in diameter and shall be constructed of a material or color that matches the exterior of the building.
 - ii. Directional or Panel antennas and their supports shall not exceed eight (8) feet in height or two (2) feet in width and shall be constructed of materials and coloration that achieves maximum compatibility and minimum visibility.
 - iii. Satellite and microwave dish antennas located in the Commercial, Open Space Recreation, Equestrian Commercial Recreation and the Community Facilities Future Land Use Map designations may not exceed 10 feet in diameter.
- u. Towers.
- i. Minimum setback and location standards are indicated in Table 6.2.2.G-1 below.
 - ii. Lot setback requirements shall be measured from the base of the tower to the property line of the subject parcel and for residential separation requirements to the residential district property line.

Table 6.2.2.G-1 Wireless Communication Tower Standards

Future Land Use Plan Category	Minimum Distance From Residential Land Use B-H	Minimum Setback from Property Line⁽¹⁾	Maximum Height	Stealth or Camouflaged Required
Flex	400' or 250% of tower height whichever is greater	200% of tower height or for a Stealth tower 110% of tower height	200'	No
Commercial, Open Space Recreation, Equestrian Commercial Recreation, or Community Facilities	400' 250% of the tower height for towers 60' in height or less,	110% of tower height	140'	Yes
Residential A	400' or 250% of tower height whichever is greater	200% of tower height or for a Stealth tower 110% of tower height	200'	No

(1) The setbacks of tower compounds and the appurtenances within them shall conform to setbacks for the zoning district or Master Plan.

(2) Self-supporting or guyed lattice towers shall be permitted as a replacement of similar facilities.

- iii. Tower designs shall be certified by an engineer specializing in tower structures and licensed in Florida. The certification shall state that the design is structurally sound, and in conformance with the Building Code and other standards in this Article.
- iv. Measurement of tower height shall include the tower structure, base pad and attached facilities measured from grade. Lightning rods are excluded from the height measurement. The height requirements may not apply if the applicant can show that Federal Communications Commission rules require operation at a specific height. The maximum tower height shall otherwise be as indicated in Table 6.2.2.G-1 above.
- v. Requirements for separation between towers.
 - a. The minimum tower separation distance shall be applied irrespective of any jurisdictional boundary.
 - b. Measurement of separation distances shall be from the base of a tower to the base of any other tower.
 - c. Proposed towers shall meet the following minimum separation requirements from other towers:

Table 6.2.2.G-2 Minimum Tower Separation Distance

Nearby / Existing Tower Height	Proposed tower up to 100 feet in Height	Proposed tower 101—150 feet in Height	Proposed tower >150 feet in Height
Up to 100'	750'	1,000'	1,500'
101—150'	1,000'	1,500'	2,000'
>150'	1,500'	2,000'	2,500'

- d. The applicant shall identify towers within a 1/2-mile radius of the proposed tower and shall indicate reasons that those towers cannot be used for the facilities. If there is space available for the facilities on any of those towers, or if the reasons are found to not be justified, a new tower shall not be approved.
- w. Co-Location.
 - i. A tower owner shall permit other wireless communications providers to co-locate facilities on a tower if space and structural capacity exists subject to mutually agreeable terms between the parties. Co-location requirements shall not apply to towers erected within FPL easement corridors to look like power transmission poles or structures.
 - ii. Facilities shall be constructed to accommodate at least the following number of users:

Table 6.2.2.G-3 Co-location Requirements

Facility height (in feet)	Minimum number of users to support
Less than 80'	One (1) user
81' to 120'	Two (2) users
121' to 150'	Three (3) users

151' or greater	Four (4) users
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- iii. The site or leased footprint shall contain sufficient square footage to accommodate equipment/mechanical facilities based upon the structural capacity of the tower allowed per Table 6.2.2.G-3.
- iv. If it is determined that the proposed tower cannot meet setback requirements due to the height needed to accommodate co-location, minimum setback requirements may be reduced by up to 25 feet, except from residential land use property lines.
- v. Certified mailing/notice shall be provided to all wireless facility providers operating in the area. The following information shall be included: description of the proposed tower and location including longitude and latitude, rate structure for leasing based on reasonable local charges, proposed tower height, a phone number for the applicant or their agent and an application form inviting providers to apply for space on the tower within 20 calendar days of receipt.
- vi. An application shall be submitted within one (1) year of the notice mailing date.
- x. Facilities shall be screened by landscaping to minimize the view of the tower compound from surrounding property. The buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Landscaping shall include, but not be limited to, canopy trees with a minimum height of 14 feet and a hedge with a minimum height of 48 inches, three (3) feet on center when installed and maintained at the fence/wall height. Existing mature growth, not including exotics and natural land forms, shall be preserved to the extent possible. All areas disturbed during construction shall be replanted.
- y. A tower compound shall provide a wall or fence, along with landscaping, to screen all equipment, mechanical facilities, etc. for all proposed providers based upon the capacity of the tower. The tower compound shall contain sufficient area to accommodate the equipment/mechanical facilities for all providers. The wall/fence height shall be a minimum of two (2) feet above all objects within the compound to ensure sufficient screening. To ensure safety of the facilities and surrounding area, the PZB Director or Wellington Engineer may require a concrete wall.
- z. An applicant seeking to construct a tower shall submit a visual impact analysis for any proposed tower greater than 60 feet in height. The applicant shall utilize digital imaging to prepare a visual analysis in a manner acceptable to Wellington, and shall provide the following:
 - i. The location of the proposed tower illustrated on an aerial photograph at scale of not more than one (1) inch equals 300 feet.
 - ii. All zoning districts within a 3,000-foot radius from all property lines of the proposed site shall be indicated.
 - iii. A line of site analysis that shall include the following information:
 - a. Identification of all significant existing natural and manmade features adjacent to proposed tower site and identification of features that may provide buffering and screening for adjacent properties and public rights-of-way;
 - b. Identification of at least three (3) specific viewpoints within a 2,000-foot radius of the proposed tower location. The viewpoint locations shall be approved by the PZB Director;

- c. Copies of all calculations and data used, and a description of the methodology used in the analysis for selecting the viewpoints;
- d. Graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance from the identified points. The height at which the horizontal distance shall be measured from will depend on the finished floor or elevation of the viewpoints approved by the PZB Director;
- e. Identification of screening and buffering materials within the tower site's boundaries and under the applicant's control;
- f. Prohibited and/or invasive plant species pursuant to Article 7 of the Land Development Regulations shall not be considered in the visual impact analysis;
- g. Any additional information that may be required by the PZB Director to evaluate the impact of the proposed tower.

aa. Development Application Requirements.

In addition to application requirements below for specific types of facilities, all applications shall include:

- i. An inventory of wireless communications facilities, including facilities owned by the applicant, which are in Wellington, and within two (2) miles of the Wellington municipal boundary. The inventory shall include the location, height, and design of each facility. Each applicant shall provide a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges;
- ii. The application fee shall be multiplied by the number of users listed in the application; and
- iii. Copies of the licenses or franchises are required to be filed with Wellington pursuant to this section.

bb. Tower/structure application shall contain the following:

- i. A scaled site plan indicating the location, type, and height of the proposed tower, site land uses and zoning, design elevations of the proposed tower, topography, and other information deemed by Wellington to be necessary to assess compliance;
- ii. The names, addresses and telephone numbers of owners of other towers or antenna support structures within the search ring (coverage area) for the proposed facility;
- iii. Evidence from an engineer that the proposed facilities cannot be installed on another structure in Wellington and shall be located at the proposed site to meet coverage requirements with a composite propagation study illustrating, graphically, existing and proposed coverage in industry-accepted median received signal ranges.
- iv. A statement from an engineer that the facility will comply with FCC radiation standards for interference and safety and will produce no significant signal interference with public safety communications and the radio, television or other communications services.
- v. The applicant shall submit any technical information requested by Wellington or its designated engineering consultant.

- vi. If co-location is not available the applicant shall submit an affidavit stating that the applicant made diligent efforts for permission to install or co-locate the facilities on all existing support structures located within the search ring (coverage area) for the proposed facility. The applicant shall establish in the application that they are unable to provide service at existing sites including co-location nearby, no other suitable existing structure is available including utility poles, or that no reasonable alternative technology can accommodate the facility due to one (1) or more of the following factors:
 - a. Insufficient height to allow the facility to function reasonably in parity with similar facilities;
 - b. Insufficient structural strength to support the antenna and related equipment;
 - c. Insufficient space to allow the antenna to function effectively and reasonably in parity with similar equipment;
 - d. Resulting electromagnetic interference which cannot reasonably be corrected;
 - e. Unavailability of a reasonable leasing agreement;
 - f. The resulting facility would create a greater visual impact than the proposed alternative or otherwise would be less in compliant with the intent and objectives of the LDR;
 - g. Other limiting factors.
- cc. Pole-mount, roof-mount, or building-mount application.
 - i. The facilities shall require a Special Use Permit approval, pursuant to Article 5.
 - ii. An application shall contain a scaled site plan indicating the location, type and height of the proposed facility, site land uses and zoning, design elevations of the tower, pole or building structure showing how stealth design is incorporated, dimensioned profiles of antennas and mountings on the structure, topography, survey, landscape plans and other information deemed by Wellington to be necessary to assess compliance.
- dd. The PZB Director may waive application requirements for the expansion of an existing facility if the expansion is due to maintenance or industry upgrades that does not increase the existing service, number of providers, or carriers. The requirement to submit an application may also be waived, at the PZB Director's discretion, if the proposed expansion is no more than a 10% increase in structural improvements to the existing tower and it does not exceed the supplementary regulations for Wireless Communication Towers.

Sec. 6.2.3 – Supplementary Standards for Accessory Uses

This section contains supplementary standards for specific accessory uses. In the case of a conflict with a district specific regulation or other regulations of the LDR, the more restrictive requirement shall apply.

A. Accessory Dwelling:

- 1. Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or who meets the low-income standards specified in affordable housing as defined in Article 3.