1	VILLAGE OF ESTERO, FLORIDA
2	ZONING
3	ORDINANCE NO. 2024 - 05
4 5	AN ORDINANCE OF THE VILLAGE COUNCIL OF
6	THE VILLAGE OF ESTERO, FLORIDA,
7	APPROVING AN AMENDMENT TO THE
8	COMMERCIAL PLANNED DEVELOPMENT
9	ZONING IN THE BELLA TERRA DEVELOPMENT
10	TO ALLOW THE USE OF WIRELESS
11	COMMUNICATION FACILITY ON A 12-ACRE
12	PARCEL LOCATED AT 19980 BELLA TERRA
13	BOULEVARD; PROVIDING FOR SEVERABILITY;
14	PROVIDING FOR CONFLICTS; AND PROVIDING
15	AN EFFECTIVE DATE.
16	
17	WHEREAS, the applicant, Broadus Towers LLC, filed an application for an
18	amendment to the Bella Terra Commercial Planned Development (CPD) at 19980 Bella Terra
19 20	Boulevard and Corkscrew Road; and
20 21	W/HEDEAS the property STDAD number for the emprovimentaly 12 core Delle Terre
21	WHEREAS, the property STRAP number for the approximately 12-acre Bella Terra Commercial Planned Development is 20-46-26-E3-010C1.00CE and the lease area is
22	described on the site plan which is attached to and incorporated herein as Exhibit A.
23	described on the site plan when is attached to and meorporated herein as Exmott A.
25	WHEREAS, the applicant has requested an amendment to add the use of Wireless
26	Communication Facility to the Commercial Planned Development, to construct a cell tower
27	178 feet high.
28	
29	WHEREAS, the Bella Terra Commercial Planned Development is vacant except for
30	an existing Hotwire Communications maintenance building (approximately 192 sq. ft.) and an
31	asphalt parking area; and
32	
33	WHEREAS, at a duly noticed public hearing held on March 12, 2024, the Planning,
34	Zoning, and Design Board recommended approval of the amendment and deviations with
35 36	conditions; and
30 37	WHEREAS, a duly noticed first reading was held before the Village Council on April
38	3, 2024; and
39	<i>5, 202</i> +, and
40	WHEREAS, a duly noticed second reading and public hearing scheduled for April 17,
41	2024 was continued to May 1, 2024 to allow for notification to adjacent property owners by
42	the applicants; and
43	
44	WHEREAS, a duly noticed second reading and public hearing was held before the
45	Village Council on May 1, 2024 for adoption of the ordinance.

47 NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section	1.	Amendment.
Section		1 KILL CHIGH CHICK

The Village Council approves with conditions the amendment to the Commercial Planned Development, by amending the Schedule of Uses for the CPD (Resolution Z-09-005) to add the use of "Wireless Communication Facility," subject to the following conditions:

Section 2. Conditions

1. <u>Site Plan</u>

Development of and location of the tower must be substantially in compliance with the site plan titled "Broadus Towers – Bella Terra," sheets ZD-1 through ZD-8, revised date 02/06/2024.

2. <u>Height</u>

Development of this project is limited to a maximum of a 178-foot monopole (including 3-foot lighting rod.)

3. <u>Landscape</u>

Landscape buffer and fencing are as shown on the site plan.

4. <u>Tower Lighting</u>

The tower will not contain any lights on the tower including the top, unless lighting is required by any agency with jurisdiction to require lighting, but will be taped consistent with Land Development Code.

5. Limited Development Order

A Limited Development Order (LDO) will be required prior to building permit. Prior to LDO approval the following will be needed:

- a. Lee County Mosquito Control conditions
- b. Lee County Port Authority Tall Structures Permit approval

88 <u>Section 3</u>. Deviations

90 91 92 93	Deviation 1 is a request from LDC Appendix C(B.13) Street Design and Engineering, to allow the use of turfstone pavers in lieu of a paved access road to the Monopole's compound.
94 95	Deviation 1 is approved.
96 97	Deviation 2 is a request from LDC Sec. 4-243.G.1 to allow a setback of 99 feet to the North in lieu of the required setback distance equal to the tower's height, 178 feet AGL.
98 99 100	Deviation 2 is approved.
100 101 102 103	Deviation 3 is a request from LDC Section 4-243.G.1 to allow a fall zone radius of 35 feet in lieu of the required setback distance equal to the tower's height, 178 feet.
105 104 105	Deviation 3 is approved.
106 107	Section 4. Review Standards
108 109 110	1. The Planned Development Amendment as conditioned will be consistent with the goals, objectives, and policies of the Comprehensive Plan.
110 111 112 113	2. The Planned Development Amendment as conditioned will comply with all applicable zoning district standards.
115 114 115 116	3. The Planned Development Amendment as conditioned will not conflict with any portion of the Land Development Code.
117 118 119 120	4. The Planned Development Amendment will address a community need. The proposed amendment will improve the coverage and capability of cellular service for the area.
120 121 122 123	5. The Planned Development Amendment as conditioned will be compatible with existing and planned uses surrounding the subject land.
124 125 126 127 128	6. The Planned Development Amendment as conditioned will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
129	Section 5. Exhibits
130 131 132	The following exhibit is attached to this Ordinance and incorporated by reference:
132 133 134	Exhibit A Site Plan, revised date 02/06/2024

135	<u>Section 6</u> .	Severability
136 137 138 139 140 141	subsequent t invalid, such	section, paragraph, sentence, clause, phrase, or other part of this Ordinance, o its effective date, be declared by a court of competent jurisdiction to be a decision shall not affect the validity of this Ordinance as a whole or any cof, other than the part so declared to be invalid.
142	Section 6.	Effective Date
143		
144 145	This Ordinar	nce shall take effect upon adoption at second reading.
146 147	PASSED on	first reading this 3 rd day of April, 2024.
148		ND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,
149	Florida this 1st day	of May 2024.
150 151	Attact	
151	Attest:	VILLAGE OF ESTERO, FLORIDA
152		
154	By: EUM	Heren By: In maker
155	Carol Sacco, Vi	
156		
157	D: 10 1 1	
158 159	Reviewed for legal s	sufficiency:
160	,	
161	By:	Strong
162	Nancy Stroud, H	Esq., Village Land Use Attorney
163	•	
164		
165		
166	Vote:	AYE NAY
167 168	Mayor McLain	N/
169	Vice Mayor Ribble	
170	Councilmember Fies	
171	Councilmember Fay	
172	Councilmember Lop	
173	Councilmember War	
174	Councilmember Zalu	
175 176		

BROADUS **AOWERS**

SHEET # 19980 BELLA TERRA BLVD ESTERO, FL LEE COUNTY 26° 27' 04.196878" (26.451166°) -81° 43' 49.239999" (-81.730344°) ALL DRAWINGS CONTAINED HEREIN ARE FORMATTED FOR FULL SIZE. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME (APPLICABLE CODES/REFERENCE) DOCUMENTS ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES: CODE TYPE 2020 BUILDING ELECTRICAL 2014 **REFERENCE DOCUMENTS:** STRUCTURAL ANALYSIS: BY OTHERS DATE: MOUNT ANALYSIS: BY OTHERS CALL FLORIDA ONE CALL (800) DIG-TESS CALL 3 WORKING DAYS BEFORE YOU DIG!

BROADUS TOWERS CONSTRUCTION MANAGER

THERE BE AN EXPANSION OF THE GROUND/LEASE AREA

THE PARTIES ABOVE HEREBY APPROVE AND ACCEPT THESE WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

SITE ADDRESS

SITE NAME:

LATITUDE

LONGITUDE

LAT/LONG TYPE

GROUND ELEVATION:

CURRENT ZONING:

JURISDICTION: OCCUPANCY CLASSIFICATION: U

TYPE OF CONSTRUCTION:

A.D.A. COMPLIANCE:

PROPERTY OWNER:

CARRIER/APPLICANT:

ELECTRIC PROVIDER:

SURVEYOR:

PROJECT TEAM

BROADUS SERVICES ENGINEER FIRM: 4 COUNTRY PLACE CIRCLE DALWORTHINGTON GARDENS, TX 76016 PH: (817) 349-3449 TOWER OWNER: **BROADUS TOWERS 4 COUNTRY PLACE CIRCLE** DALWORTHINGTON GARDENS, TX 76016 PH: (817) 349-3449 CARRIER/APPLICANT: VERIZON 500 HIDDEN RIDGE IRVING, TX 75038

> SMW ENGINEERING GROUP, INC. **158 BUSINESS CENTER DRIVE** BIRMINGHAM, ALABAMA 35244 PH: (205) 252-6985

NAD83 22'

CPD

VILLAGE OF ESTERO, FL

SITE INFORMATION

FL-101

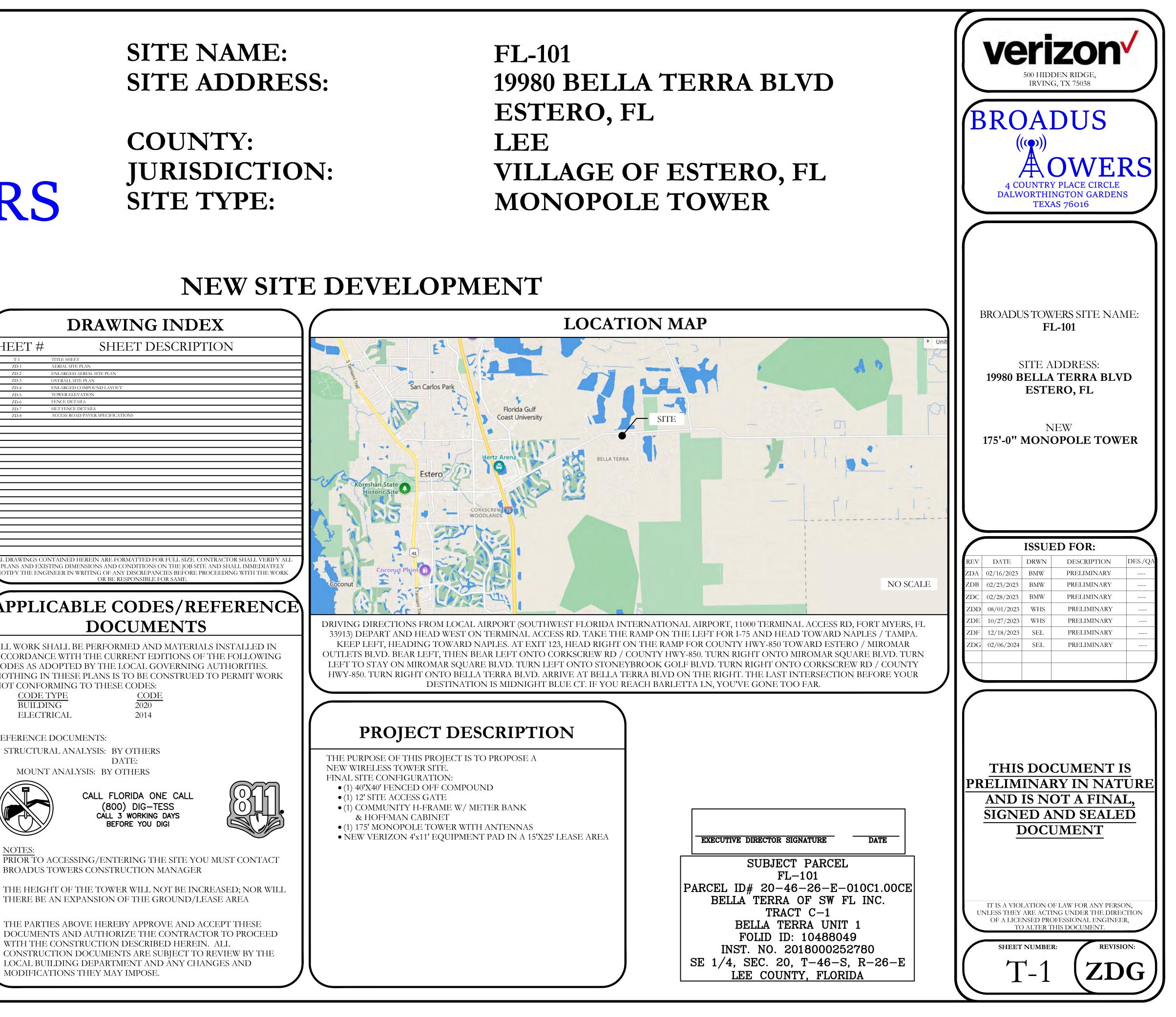
ΠB

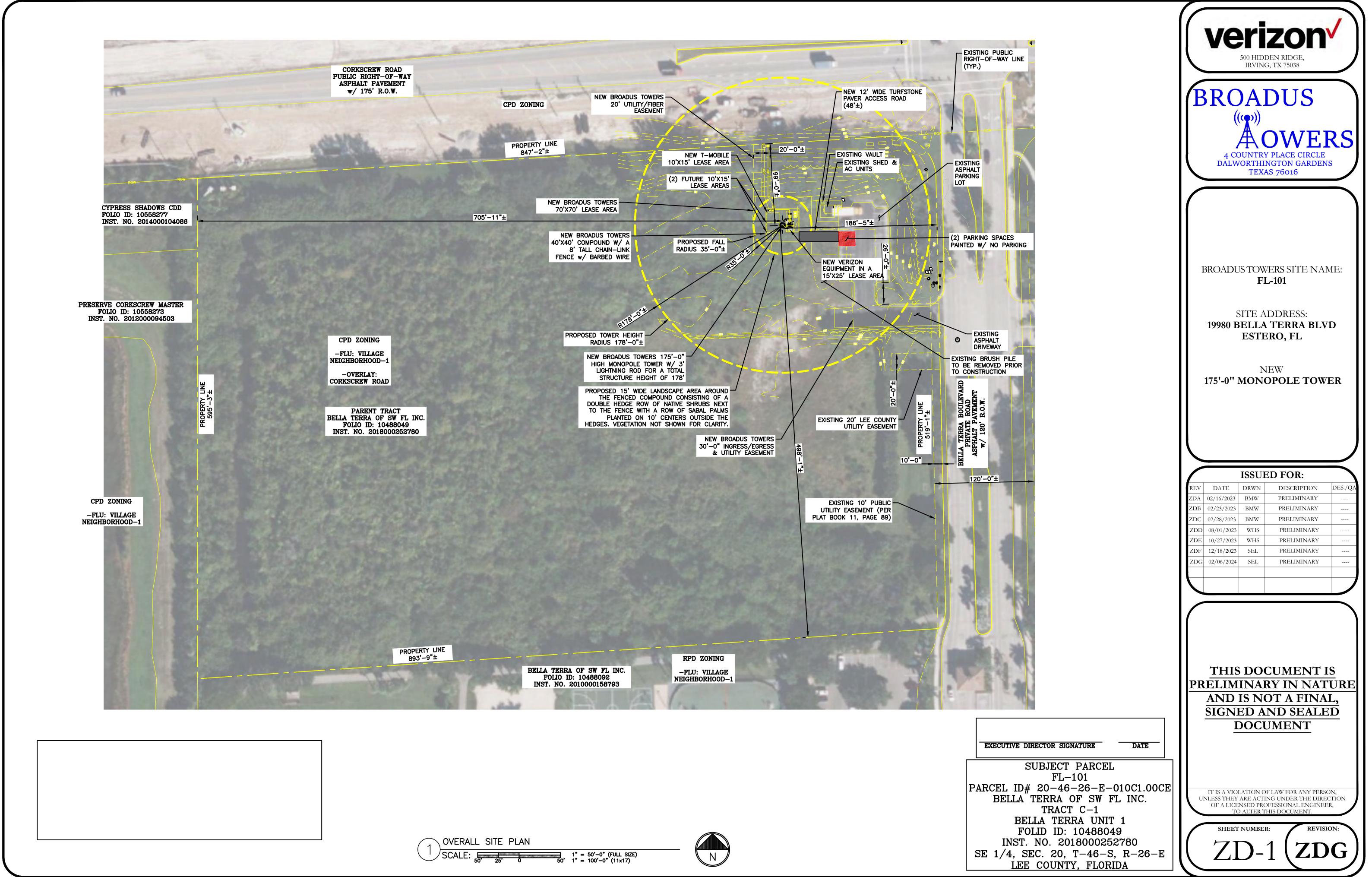
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

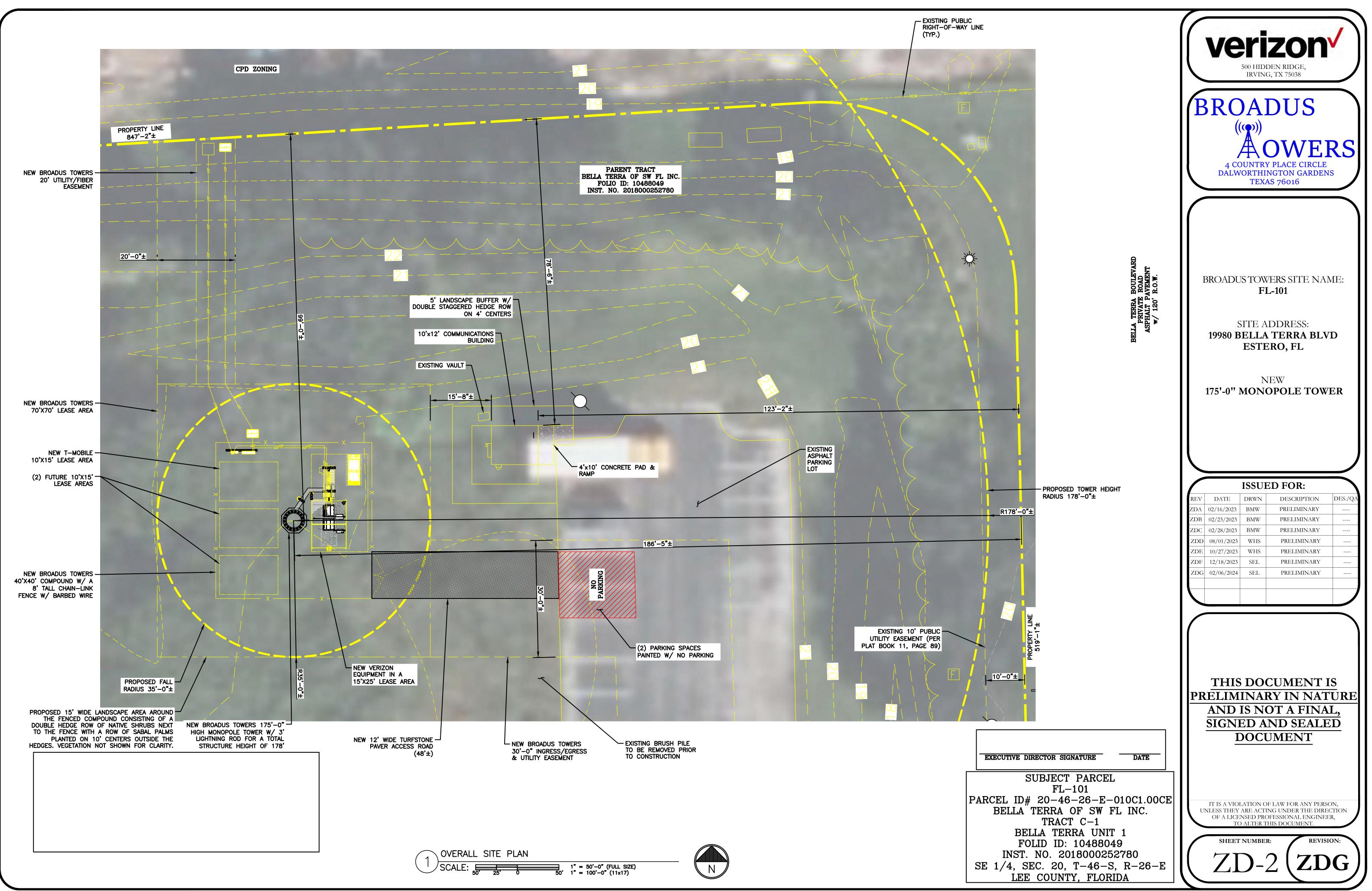
BELLA TERRA OF SW FL INC ALLIANT PROPERTY MGMT

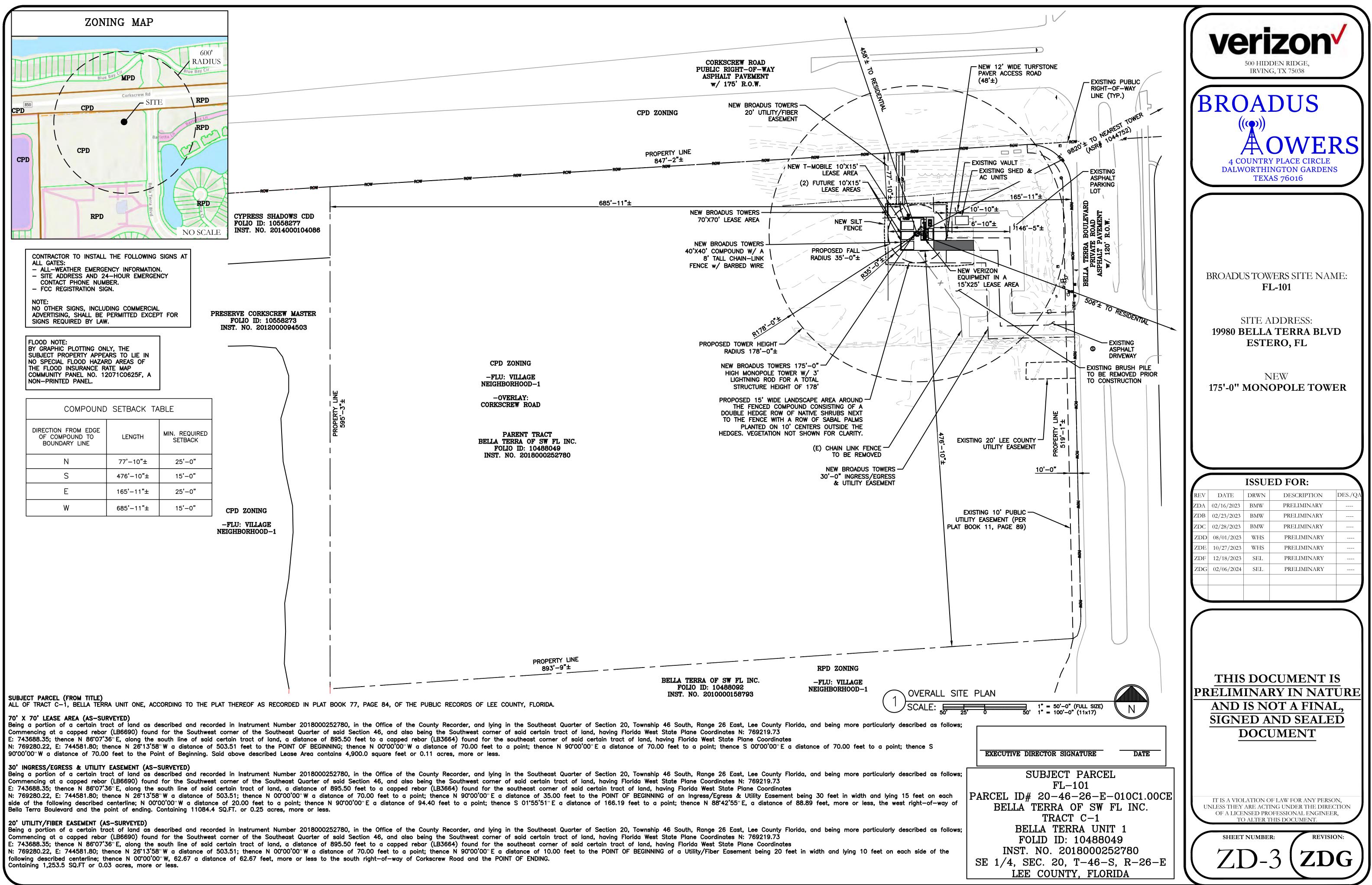
VERIZON 500 HIDDEN RIDGE IRVING, TX 75038

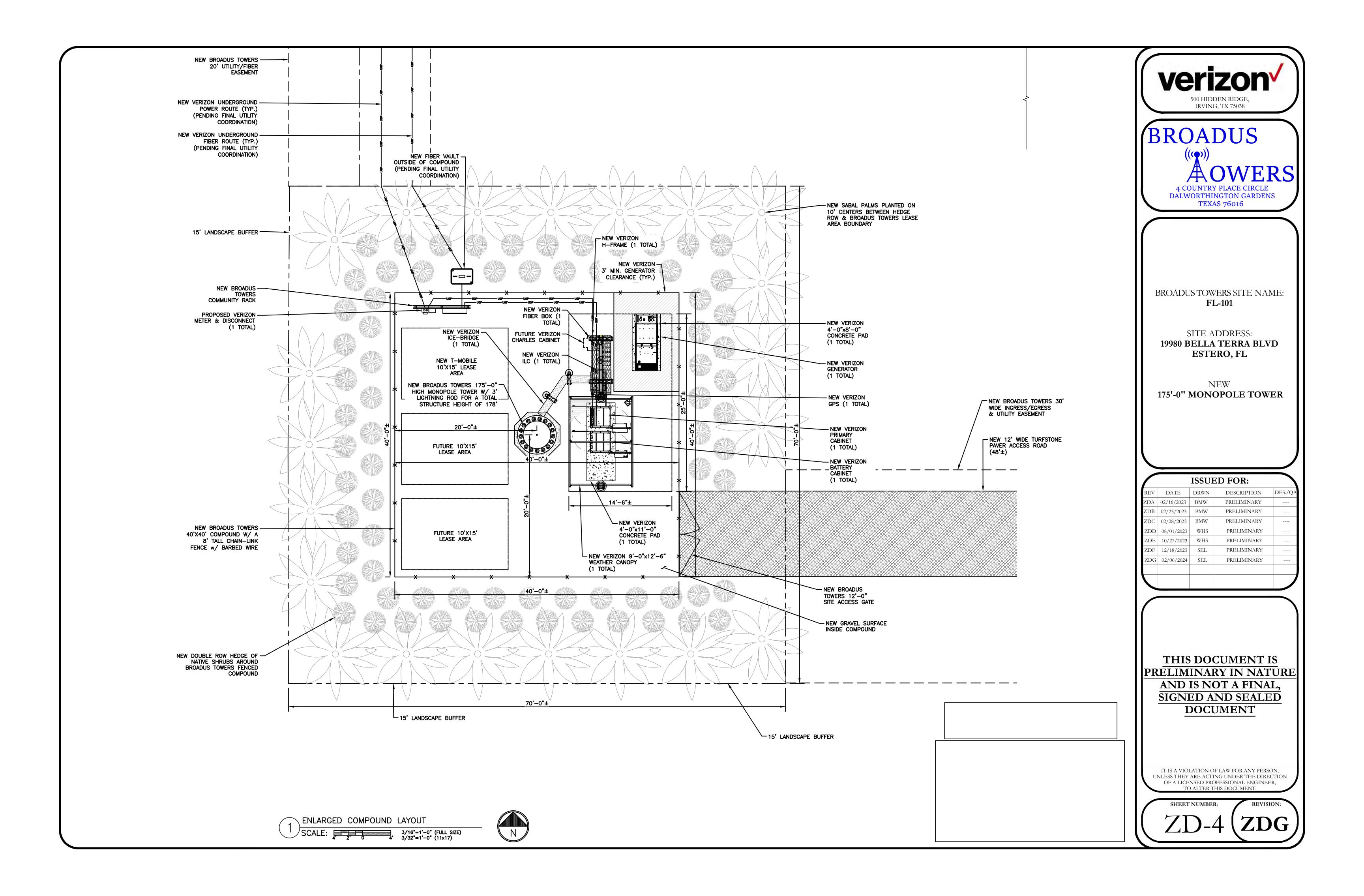
SITE NAME:











NOTE:

LIGHTING.

- A. EXCEPT FOR SECURITY LIGHTING AND SITE LIGHTING, OTHER TYPES OF LIGHTS, SIGNALS OR ILLUMINATION WILL ONLY BE PERMITTED ON AN ANTENNA-SUPPORTING STRUCTURE OR ANCILLARY APPURTENANCES WHERE LIGHTING IS REQUIRED BY THE FAA, FCC, THE VILLAGE, OR THE LEE COUNTY MOSQUITO CONTROL DISTRICT.
 B. SECURITY LIGHTING. SECURITY LIGHTING AND SITE LIGHTING MAY BE PLACED IN ASSOCIATION
- WITH AN APPROVED EQUIPMENT ENCLOSURE. SITE LIGHTING MUST REMAIN UNLIT EXCEPT WHEN AUTHORIZED PERSONNEL ARE PRESENT AT THE FACILITY. SECURITY LIGHTING AND SITE LIGHTING MUST BE SHIELDED TO PREVENT LIGHT TRESPASS.
- C. ALL ANTENNA-SUPPORTING STRUCTURES 150 FEET OR GREATER IN HEIGHT ABOVE GROUND LEVEL MUST BE ARTIFICIALLY LIGHTED AND MAINTAINED PURSUANT TO THE TECHNICAL REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION'S CURRENT ADVISORY CIRCULAR 70/7460-1K, OBSTRUCTION MARKING AND LIGHTING, AS AMENDED, OR OTHER APPROPRIATE AVIATION AUTHORITY. UNLESS PRE-EMPTED BY FAA OR FCC REGULATIONS, ALL LIGHTING MUST BE APPROVED IN CONJUNCTION WITH THE DEVELOPMENT ORDER FOR THE FACILITY.
- D. IF THE HEIGHT OF A STRUCTURE UNDER CONSTRUCTION EQUALS OR EXCEEDS THE HEIGHT AT WHICH PERMANENT OBSTRUCTION LIGHTS ARE REQUIRED BY TH FAA, FCC OR THE DIVISION OF DEVELOPMENT SERVICES, TEMPORARY HIGH OR MEDIUM INTENSITY FLASHING LIGHTS MUST BE INSTALLED AT THAT LEVEL IN ACCORDANCE WITH ADVISORY CIRCULAR 70/7460-1K, OBSTRUCTION MARKING AND LIGHTING, AS AMENDED.

SIGNAGE.

- 1. SIGNS ON ANTENNA-SUPPORTING STRUCTURES, ANCILLARY APPURTENANCES, EQUIPMENT ENCLOSURES, OR ON ANY FENCE OR WALL ARE PROHIBITED UNLESS PERMITTED IN ACCORDANCE WITH THIS SUBSECTION.
- 2. IF HIGH VOLTAGE IS NECESSARY FOR THE OPERATION OF PROPOSED WIRELESS COMMUNICATIONS FACILITIES, "HIGH VOLTAGE-DANGER" AND "NO TRESPASS" WARNING SIGNS NOT GREATER THAN ONE SQUARE FOOT IN AREA MUST BE PERMANENTLY ATTACHED TO THE FENCE OR WALL AT INTERVALS OF NOT LESS THAN 40 FEET AND UPON THE ACCESS GATE, OR AS OTHERWISE REQUIRED BY THE FAA OR FCC.
- 3. A SIGN NOT GREATER THAN ONE SQUARE FOOT IN AREA MUST BE ATTACHED TO THE ACCESS GATE THAT INCLUDES THE FOLLOWING INFORMATION: 3.A. FEDERAL REGISTRATION NUMBER, IF APPLICABLE;
- 3.B. NAME OF PROPERTY OWNER, FACILITY OWNER, PROVIDERS, AND CONTACT PERSON; AND 3.C. AN EMERGENCY CONTACT NUMBER FOR THE CONTACT PERSON.

TAPING.

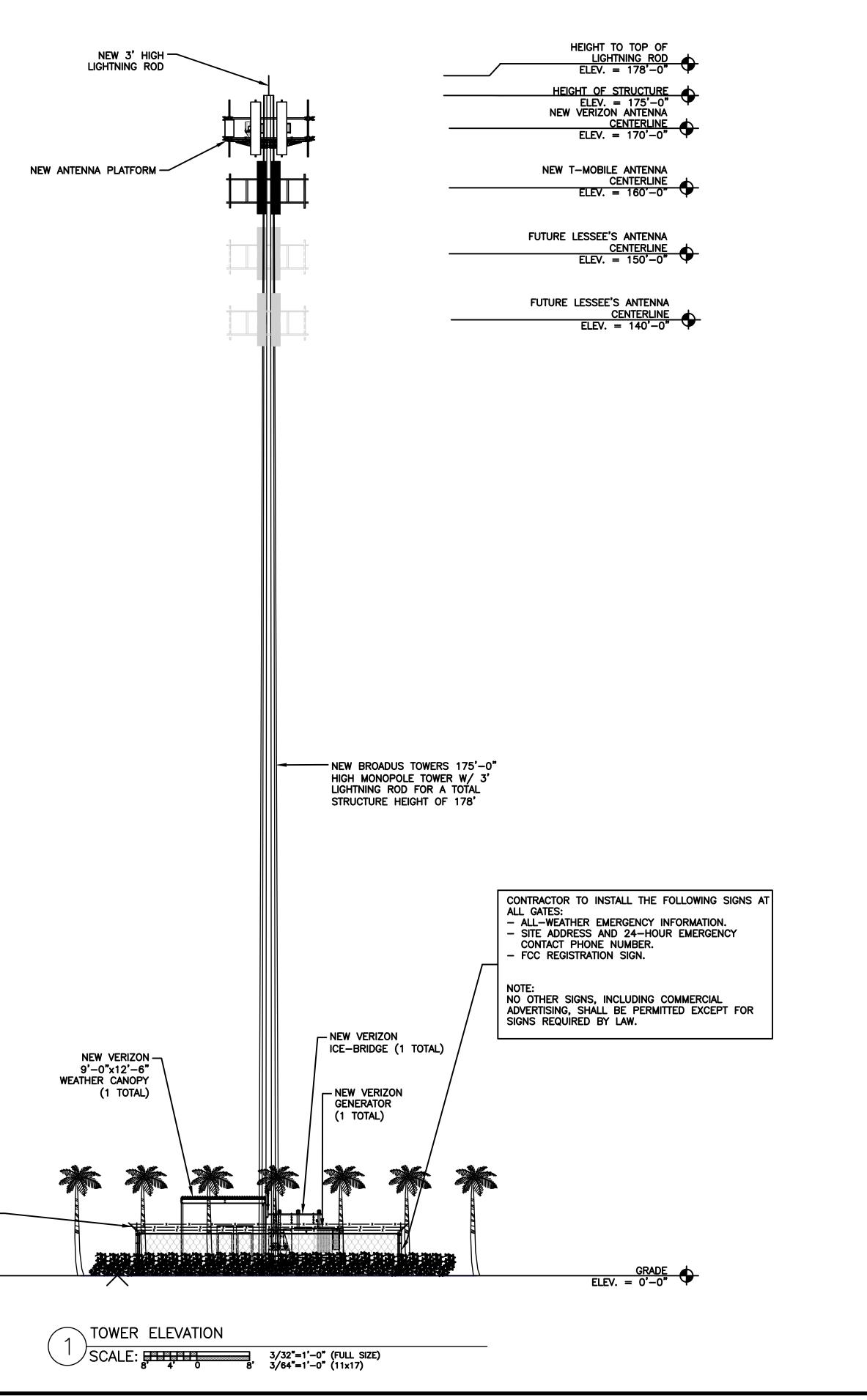
THE DEVELOPER OF A WIRELESS COMMUNICATIONS FACILITY SHALL INSTALL TAPING AROUND THE ANTENNA SUPPORTING STRUCTURE IN CONFORMANCE WITH THE FOLLOWING:

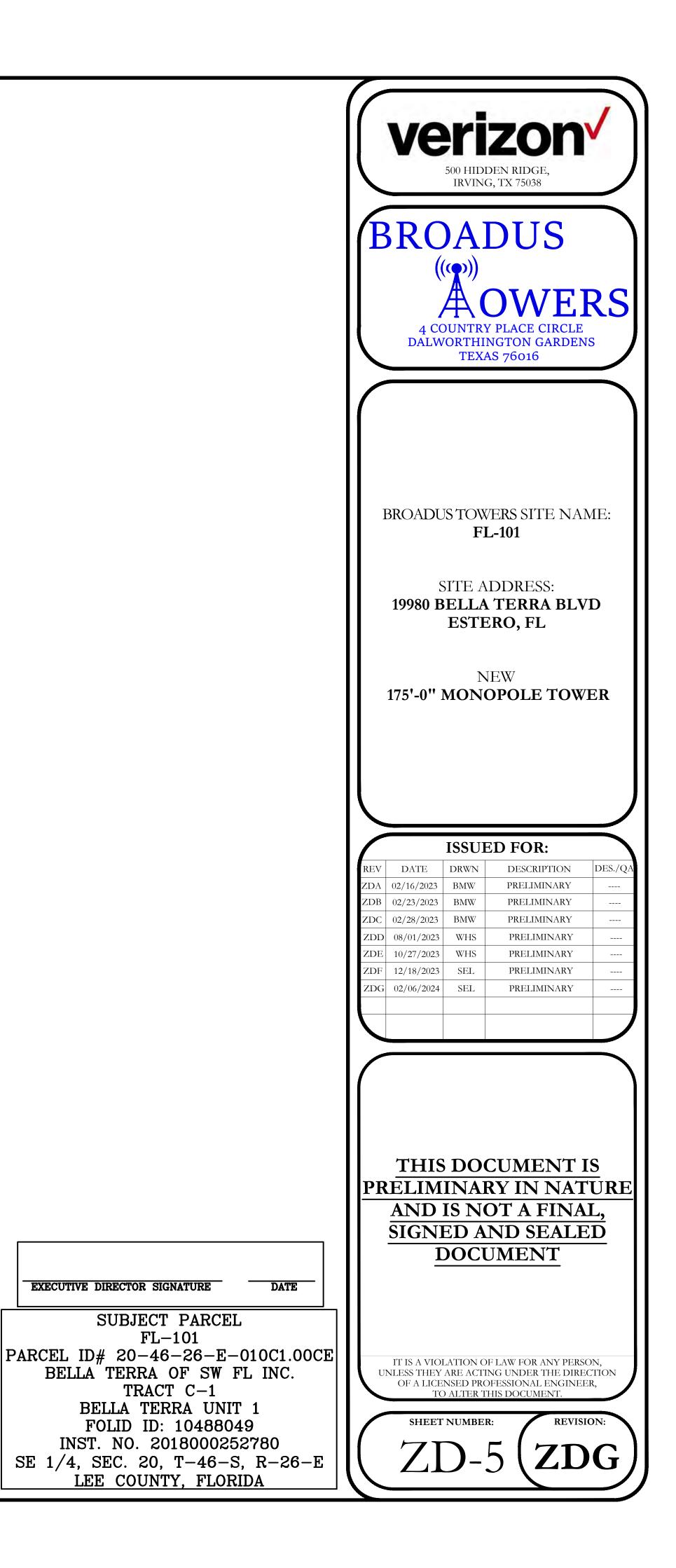
- 1. THE TAPE SHALL BE SIX-INCH 3M DIAMOND GRADE[™] VIP REFLECTIVE SHEETING, SERIES 3990.
- 2. THE TAPING SHALL START AT 20 FEET ABOVE SURFACE.
- 3. THE TAPING SHALL BE AT TEN-FOOT INTERVALS.
- 4. THE TAPE SHALL BE WRAPPED AROUND THE SUPPORT POLE AND OVERLAP BY ONE INCH FOR A GOOD SEAL.

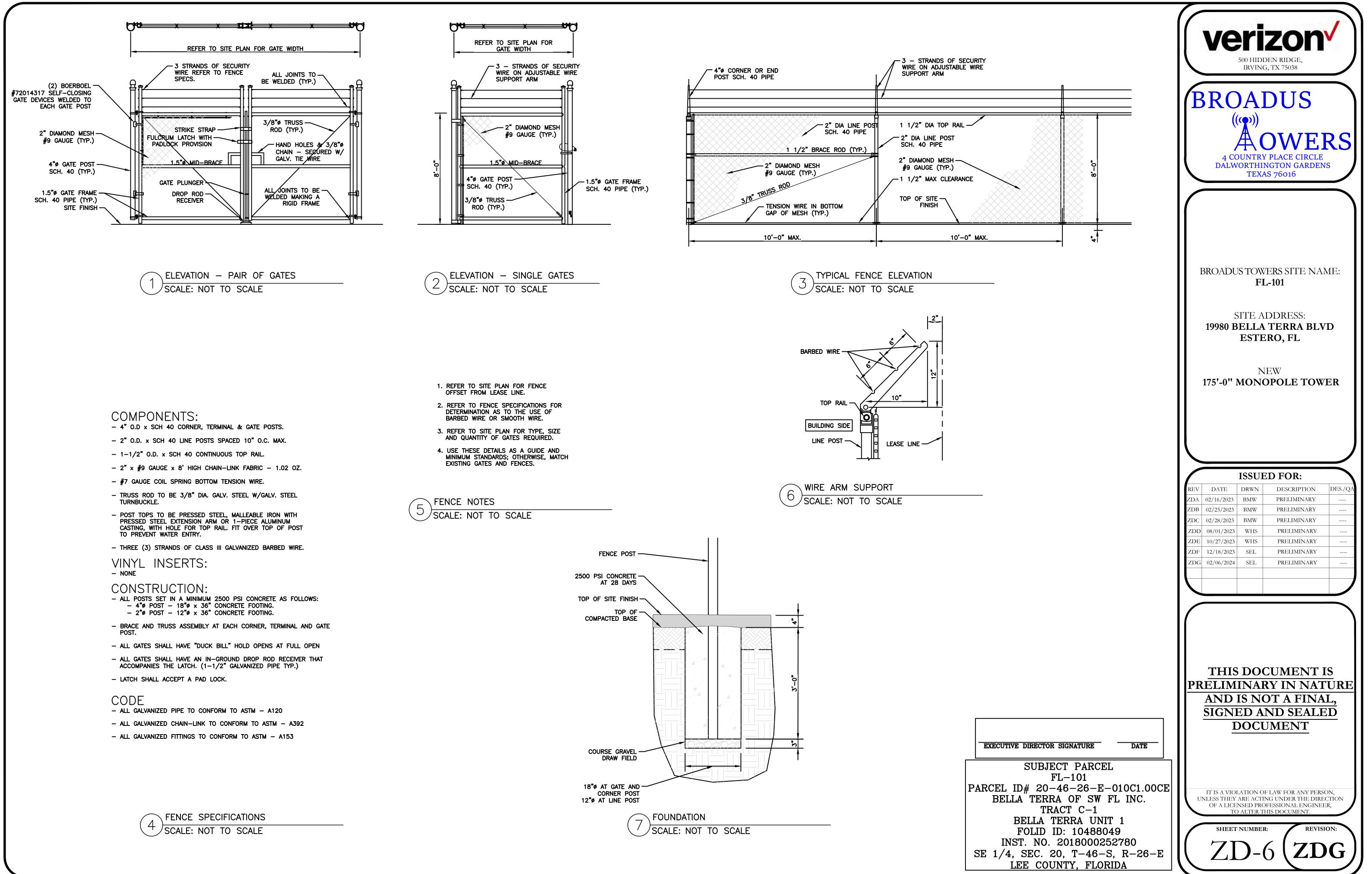
ABANDONMENT OF COMMUNICATIONS FACILITY.

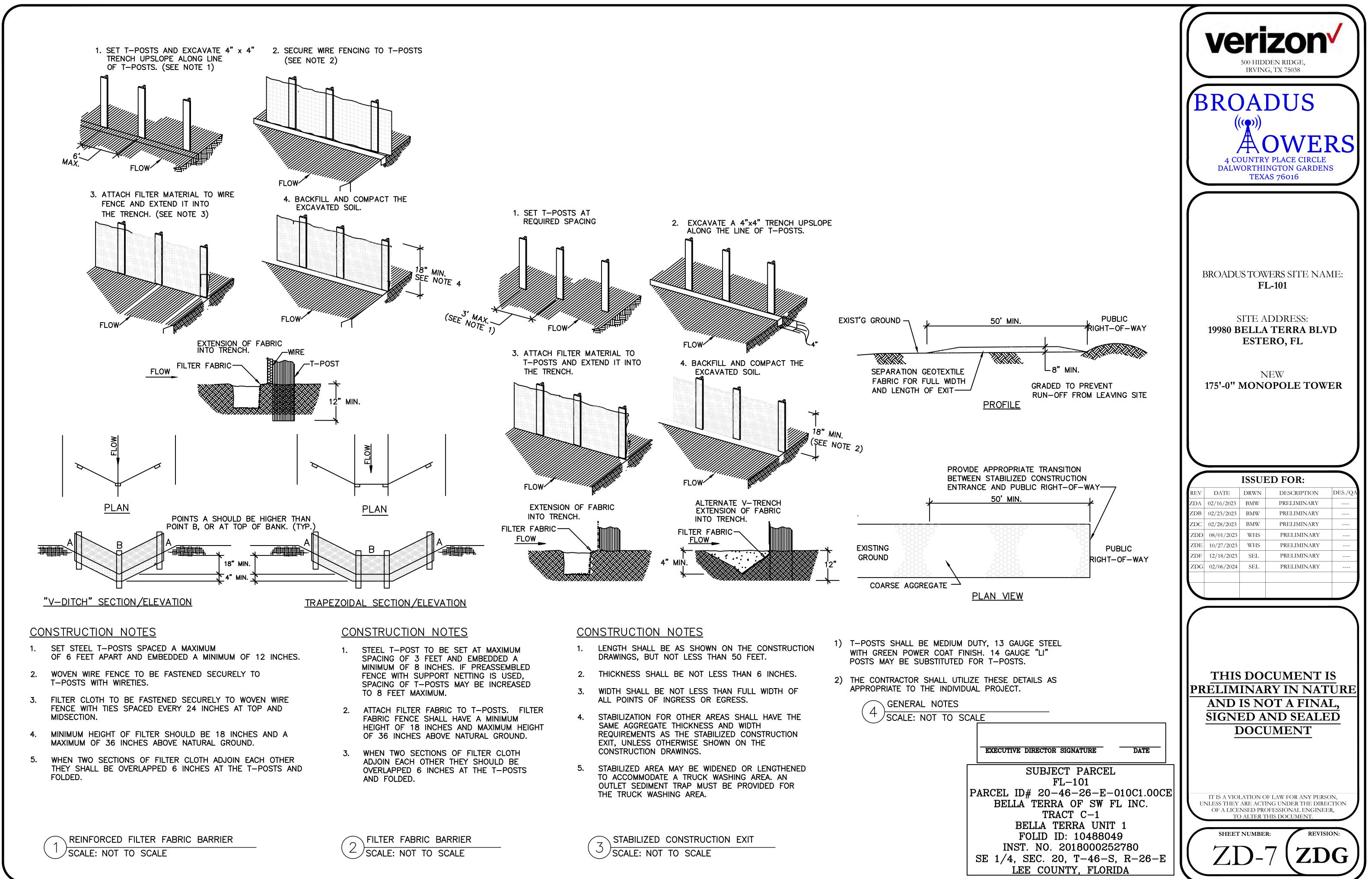
- UPON ABANDONMENT OF A REGISTRANT'S COMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY, THE REGISTRANT SHALL NOTIFY THE VILLAGE, IN WRITING, WITHIN 90 DAYS. ADDITIONALLY, REGISTRANTS SHALL COMPLY WITH THE PROVISIONS OF SECTION 4-243.K.2, REGISTRATION FOR PLACING OR MAINTAINING SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY, RELATING TO BI-ANNUAL REGISTRATION AND UPDATING OF FACILITIES.
- THE VILLAGE MAY, AT ITS DISCRETION, DIRECT THE REGISTRANT BY WRITTEN NOTICE TO REMOVE ALL OR ANY PORTION OF SUCH ABANDONED FACILITY AT THE REGISTRANT'S SOLE EXPENSE IF THE VILLAGE DETERMINES THAT THE ABANDONED FACILITY'S PRESENCE INTERFERES WITH THE PUBLIC HEALTH, SAFETY OR WELFARE, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A DETERMINATION THAT SUCH FACILITY: (1) COMPROMISES SAFETY AT ANY TIME FOR ANY PUBLIC RIGHTS-OF-WAY USER OR DURING CONSTRUCTION OR MAINTENANCE ACTIVITIES IN PUBLIC RIGHTS-OF-WAY; (2) PREVENTS ANOTHER PERSON FROM LOCATING FACILITIES IN THE AREA OF PUBLIC RIGHTS-OF-WAY WHERE THE ABANDONED FACILITY IS LOCATED WHEN OTHER ALTERNATIVE LOCATIONS ARE NOT REASONABLY AVAILABLE; OR (3) CREATES A MAINTENANCE CONDITION THAT IS DISRUPTIVE TO THE PUBLIC RIGHTS-OF-WAY'S USE. IN THE EVENT OF (2) ABOVE, THE VILLAGE MAY REQUIRE THE THIRD PERSON TO COORDINATE WITH THE REGISTRANT THAT OWNS THE EXISTING FACILITY FOR JOINT REMOVAL AND PLACEMENT, WHERE AGREED TO BY THE REGISTRANT.
- IN THE EVENT THAT THE VILLAGE DOES NOT DIRECT THE REMOVAL OF THE ABANDONED FACILITY, THE REGISTRANT, BY ITS NOTICE OF ABANDONMENT TO THE VILLAGE, SHALL BE DEEMED TO CONSENT TO THE ALTERATION OR REMOVAL OF ALL OR ANY PORTION OF THE FACILITY BY THE VILLAGE OR ANOTHER PERSON AT SUCH THIRD PARTY'S COST.
- IF THE REGISTRANT FAILS TO REMOVE ALL OR ANY PORTION OF AN ABANDONED FACILITY WITHIN A REASONABLE PERIOD OF TIME, AS DIRECTED BY THE VILLAGE, BUT NOT TO EXCEED 60 DAYS, THE VILLAGE MAY PERFORM SUCH REMOVAL AND CHARGE THE COST OF THE REMOVAL AGAINST THE REGISTRANT.

NEW 8'-0" HIGH CHAIN-LINK -FENCE W/ BARBED WIRE











TURFSTONE COLLECTION

PAVERS

Turfstone is a permeable paver produced with 5,000 psi concrete in a grid like design with voids. The openings can be filled with a variety of substances. Provides a firm "breathable" foundation, requires very little maintenance, combats soil erosion, an affordable alternative to traditional paving, and allows water to penetrate into the soil.

USES: Driveways, Parking Areas, Walkways, Paths, & Driving Ranges COLOR: Pewter

H x W x D	WEIGHT	UNITS/PALLET
15 3/4" x 23 5/8" x 3 1/8"	60lbs each	32 per pallet





PROPOSED ACCESS ROAD PAVER SPECIFICATIONS SCALE: NOT TO SCALE