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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2024 - 05**

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA,
APPROVING AN AMENDMENT TO THE
COMMERCIAL PLANNED DEVELOPMENT
ZONING IN THE BELLA TERRA DEVELOPMENT
TO ALLOW THE USE OF WIRELESS
COMMUNICATION FACILITY ON A 12-ACRE
PARCEL LOCATED AT 19980 BELLA TERRA
BOULEVARD; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING
AN EFFECTIVE DATE.**

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WHEREAS, the applicant, **Broadus Towers LLC**, filed an application for an amendment to the Bella Terra Commercial Planned Development (CPD) at 19980 Bella Terra Boulevard and Corkscrew Road; and

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 described on the site plan which is attached to and incorporated herein as Exhibit A.

WHEREAS, the applicant has requested an amendment to add the use of Wireless Communication Facility to the Commercial Planned Development, to construct a cell tower 178 feet high.

WHEREAS, the Bella Terra Commercial Planned Development is vacant except for an existing Hotwire Communications maintenance building (approximately 192 sq. ft.) and an asphalt parking area; and

WHEREAS, at a duly noticed public hearing held on March 12, 2024, the Planning, Zoning, and Design Board recommended approval of the amendment and deviations with conditions; and

WHEREAS, a duly noticed first reading was held before the Village Council on April 3, 2024; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on April 17, 2024 for the adoption of the Ordinance.

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

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Section 1. Amendment.

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. *Site Plan*

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. *Height*

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

3. *Landscape*

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

4. *Tower Lighting*

The tower will not contain any lights on the tower including the top, but will be taped consistent with Land Development Code Section 4-143F.4.E.

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

Section 3. Deviations

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.

Deviation 1 is approved.

91 Deviation 2 is a request from LDC Sec. 4-243.G.1 to allow a setback of 99 feet to the
92 North in lieu of the required setback distance equal to the tower’s height, 178 feet AGL.

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94 Deviation 2 is approved.

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96 Deviation 3 is a request from LDC Section 4-243.G.1 to allow a fall zone radius of 35
97 feet in lieu of the required setback distance equal to the tower’s height, 178 feet.

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99 Deviation 3 is approved.

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101 **Section 4. Review Standards**

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103 1. The Planned Development Amendment as conditioned will be consistent with the
104 goals, objectives, and policies of the Comprehensive Plan.
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106 2. The Planned Development Amendment as conditioned will comply with all
107 applicable zoning district standards.
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109 3. The Planned Development Amendment as conditioned will not conflict with any
110 portion of the Land Development Code.
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112 4. The Planned Development Amendment will address a community need. The
113 proposed amendment will improve the coverage and capability of cellular service
114 for the area.
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116 5. The Planned Development Amendment as conditioned will be compatible with
117 existing and planned uses surrounding the subject land.
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119 6. The Planned Development Amendment as conditioned will not result in
120 significantly adverse impacts on the natural environment, including but not limited
121 to water, air, noise, storm water management, wildlife, vegetation, wetlands, and
122 the natural functioning of the environment.

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124 **Section 5. Exhibits**

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126 The following exhibit is attached to this Ordinance and incorporated by reference:

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128 Exhibit A Site Plan, revised date 02/06/2024

129
130 **Section 6. Severability**

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132 Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance,
133 subsequent to its effective date, be declared by a court of competent jurisdiction to be
134 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
135 portion thereof, other than the part so declared to be invalid.

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Section 6. Effective Date

This Ordinance shall take effect upon adoption at second reading.

PASSED on first reading this 3rd day of April, 2024.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 17th day of April, 2024.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor McLain	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Fayhee	_____	_____
Councilmember Lopez	_____	_____
Councilmember Ward	_____	_____
Councilmember Zalucki	_____	_____