

**Notice of a Public Meeting
Local Planning Agency
Agenda
October 19, 2023
City of Bonita Springs City Hall
9101 Bonita Beach Rd SE
Bonita Springs, Florida 34135
9:00 A.M.**

If you plan to address the Local Planning Agency, please complete a “Public Comment Card” located on the table outside of Chambers. Completed comment cards should be submitted to the City Clerk who sits to the left of the podium prior to the start of the meeting.

To submit your public comment in writing, please email the City at CITYMEETINGS@CITYOFBONITASPRINGS.ORG Any written public comment must be received by 4:00 P.M. on October 18th, 2023.

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact Lisa Roberson by calling (239) 949-6262 at least 48 hours prior to the meeting.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC COMMENTS
- IV. REVIEW OF THE FOLLOWING LAND DEVELOPMENT CODE AMENDMENTS FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN.
 - A. CHAPTER 4, SEC. 4-1221, DEVELOPMENT REGULATIONS
 - AN AMENDMENT TO CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE DIVISION 11, SECTION 4-1221, DEVELOPMENT REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES.
- V. UPDATE FROM JULY LPA MEETING [LDC CHAPTER 9 (DEFINITIONS) AND 7 AMENDMENTS (DOCK AND SHORELINE STRUCTURES)]
- VI. NEXT MEETING-TENTATIVELY SCHEDULED FOR NOVEMBER 16, 2023
- VI. APPROVAL OF MINUTES
- VII. ADJOURNMENT

Sec. 4-1221. Development regulations.

(a) The development regulations set forth herein apply to all wireless communications facilities as indicated.

(1) Where permissible, antenna-supporting structures.

TABLE 4-1221. PERMISSIBLE TOWER HEIGHTS, TYPES, LOCATIONS AND APPLICABLE REVIEW PROCESS

Land Use (Notes 1, 2, 3)	Tower Type	Maximum Overall Height Allowed by Administrative Approval	Overall Height Allowed by Special Exception (Note 4)
Residential	Stealth	35 feet <u>125 feet</u>	35.1 feet — 75 feet <u>125.1 feet — 149 feet</u>
	Camouflaged	35 feet <u>125 feet</u>	35.1 feet — 75 feet <u>125.1 feet — 149 feet</u>
Commercial	Stealth	75 feet <u>125 feet</u>	75.1 feet — 125 feet <u>125.1 feet — 149 feet</u>
	Camouflaged	65 feet <u>125 feet</u>	65.1 feet — 110 feet <u>125.1 feet — 149 feet</u>
	Monopole	50 feet <u>125 feet</u>	50.1 feet — 75 feet <u>125.1 feet — 149 feet</u>
Industrial	Stealth	100 feet <u>125 feet</u>	100.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
	Camouflaged	90 feet <u>125 feet</u>	90.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
	Monopole	80 feet <u>125 feet</u>	80.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
	Self-Support	75 feet <u>125 feet</u>	75.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
	Guyed	75 feet <u>125 feet</u>	75.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
	Lattice	75 feet <u>125 feet</u>	75.1 feet — 149 feet <u>125.1 feet — 149 feet</u>
Other	Stealth	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>
	Camouflaged	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>
	Monopole	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>
	Self-Support	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>
	Guyed	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>
	Lattice	35 feet <u>125 feet</u>	<u>Over 35 feet 125 feet</u>

Notes:

1. Antenna supporting structures over ~~35~~ 125 feet may be approved administratively in accordance with the above table only when located at least 500 feet, as measured from the property line, from any residentially-zoned property or property having a residential land use.
2. Additional regulations may apply (See section 4-1221(d)(2) regarding height).

-
3. See *Land Use* definition provided in section 4-1216.
 4. Roof-mounted, flush-mounted and surface-mounted antennas on existing buildings or structures can be administratively approved, up to the maximum height allowed in the land use category or the height previously permitted for the building, provided that the antennas and any associated equipment is stealth or camouflaged in design, and architecturally and aesthetically compatible with the existing building or structure housing the antennas and equipment.
- (b) *District impacts minimized.*
- (1) *Generally.* Antenna-supporting structures must be located in a manner that is consistent with the city's interest in land use compatibility, within and between zoning districts, as set forth in section 4-399 et seq.
 - (2) *Siting priorities.* In order to justify the construction of an antenna-supporting structure, the applicant must demonstrate that higher ranking alternatives in the following hierarchy, do not constitute reasonable, compatible or feasible alternatives. Such demonstration must include a statement of position, qualifications, and experience by a qualified radio frequency engineer.
 - a. Surface-mounted antennas on existing facilities.
 - b. Roof-mounted antennas on existing facilities.
 - c. Stealth wireless communication facility, or antennas collocated or combined with a stealth facility.
 - d. Collocated or combined antennas.
 - e. Antenna-supporting structure, monopole.
 - (3) *Proliferation minimized for nonexempt wireless facilities.*
 - a. *Generally.* No antenna-supporting structure will be permitted, unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility.
 - b. *Additional documentation.* Additional documentation may also be submitted to demonstrate compliance with this section:
 1. That no existing buildings or structures within the geographic search area meets the applicant's radio frequency engineering requirements;
 2. That no building or structure within the geographic search area has sufficient structural strength to support the applicant's radio frequency engineering requirements; or
 3. That there are other radio frequency engineering factors that render stealth, surface-mounted, roof-mounted or collocated wireless communication facilities unfeasible.
 - (4) *Land use priorities.* In order to justify locating a proposed antenna-supporting structure within a land use lower in the hierarchy below, the applicant must adequately demonstrate that siting alternatives within higher ranked districts, beginning with subsection (2)a. of this section, are not reasonable or feasible. This demonstration must include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer.
 - a. Commercial.
 - b. Industrial.
 - c. Mixed use/planned development.
 - d. Residential.

-
- e. Density reduction groundwater resource, resource protection, public/semi-public and the Downtown District.
- (c) *Visual impacts minimized.*
- (1) *Generally.* Antennas must be configured in a manner that is consistent with the character of the surrounding community and must be of a color that blends with the structure to which it is attached, so that adverse visual impacts on adjacent properties are minimized.
 - (2) *Antenna type priorities.* In order to justify the use of an antenna type lower in the hierarchy below, the applicant must adequately demonstrate that higher-ranked alternatives in the following hierarchy, beginning with subsection (2)a. of this section, are not reasonable or feasible.
 - a. Flush-mounted.
 - b. Panel.
 - c. Whip.
 - d. Dish.
 - (3) *Stealth facilities.*
 - a. No stealth facility may have antennas or ancillary equipment that are readily identifiable as wireless communications equipment.
 - b. Stealth facilities must be designed so they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the city will consider the following criteria:
 - 1. Overall height;
 - 2. The compatibility of the proposed facility with surrounding built and natural features;
 - 3. Scale;
 - 4. Color;
 - 5. Extent to which the proposed facility blends with the surrounding environment;
 - 6. Extent to which the proposed facility has been designed to reasonably replicate a non-wireless facility; and
 - 7. Extent to which the proposed facility is not readily identifiable as a wireless communications facility.
 - (4) *Camouflage, screening, and placement.*
 - a. *Color.* Antenna-supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextual or compatible color as determined by the city, except as otherwise required by the FAA or FCC.
 - b. *Fencing.* The developer of a wireless communication facility must install a fence or wall not less than eight feet and not more than ten feet in height from finished grade to enclose the base of the antenna-supporting structure and equipment enclosures associated with any wireless communication facility. Access to the antenna-supporting structure must be controlled by a locked gate. The fence must be constructed in accordance with section 4-1465. Not more than three strands of barbed wire, spaced six inches apart, may be allowed above the fence.
 - c. *Landscaping.*

-
1. A landscaped buffer of at least ten feet in width must be planted along the entire exterior perimeter of the fence or wall required by subsection (c)(4)b of this section. Where the proposed antenna-supporting structure will be located adjacent to a residential or public recreational use, or a lot within a residential zoning district, the landscaped buffer must be at least 15 feet in width.
 2. A buffer required by this section must contain sabal palms planted ~~one foot~~ **four to six feet** on center, and a double hedge row of native shrubs **installed at a minimum of 36 inches at time of planting. Section 3-422, planting standards, must be met.** The hedge must be maintained at a minimum height equivalent to the fence height. **Section 3-422, planting standards, must be met.**
 3. Where these regulations would require existing facilities to meet current landscaping requirements, the director may reduce or eliminate such requirements if the director determines that the requirements would be unreasonable, unfeasible or otherwise inequitable under the circumstances. The director's decision is discretionary and may not be appealed. Applicants may apply for a variance from the landscaping requirements herein.

(5) *Other facilities.*

- a. Roof-mounted facilities must be camouflaged by a parapet or other device, or otherwise situated so as to screen its visual impact along each sight line.
- b. Transmission lines placed on the exterior of a building must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached, as determined by the city.
- c. Surface-mounted antennas must be placed no less than 15 feet from the ground and may not exceed the height of the building or structure to which they are attached. When proposed for placement on a building, antennas must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached, as determined by the city.

(d) *General property development regulations.*

(1) *Setbacks.*

- a. *New facilities.* All new antenna-supporting structures must meet the setback requirements for the zoning district in which they are proposed or a distance equal to their overall height from all lot lines of the fee property on which they are proposed, whichever is greater; unless a greater distance is required as a condition of the approval. A deviation may be requested when the applicant can sufficiently demonstrate that the greater setback is not needed.
- b. *Replacement facilities.* In accordance with the development review process set forth in section 4-1219 and consistent with F.S. § 365.172, setback requirements for replacement wireless communication facilities may be reduced by up to 50 percent. No replacement facility may be placed closer to a lot line than the wireless communication facility it is replacing.
- c. *Stealth wireless communications facilities, ancillary appurtenances, and equipment enclosures.* Stealth wireless communications facilities, ancillary appurtenances, and equipment enclosures must meet the minimum setback requirements for the zoning district in which they are proposed. Setback requirements for stealth facilities may be reduced if necessary to reduce the visual impact or enhance the compatibility of the proposed facility on adjacent properties and the surrounding community.

(2) *Height.*

-
- a. All antenna-supporting structures must comply with the requirements of sections 34-1008 and 34-1010 of the Lee County Land Development Code.
 - b. Antenna-supporting structures on the barrier islands or within the outer islands future land use areas may not exceed 35 feet, or the special height limits set forth in section 4-1874, whichever is less.
 - c.a. Roof-mounted antennas, attachment devices, equipment enclosures or ancillary appurtenances may be placed on commercial, institutional, industrial, common element and multifamily buildings at least 35 feet in height and may not extend more than 20 feet above the roofline of the building on which it is attached. Antennas exceeding the height of the existing building or structure must be either stealth or camouflage in design.
 - d.b. Collocations may not increase the existing overall height of an antenna-supporting structure.
 - e.c. In all other cases, the overall height of an antenna-supporting structure approved in accordance with section 4-1219 may not exceed 149 feet, except as provided below:
 - 1. FCC approved AM broadcast antenna-supporting structures may not exceed 250 feet in overall height.
 - 2. All other FCC approved broadcast antenna-supporting structures may not exceed 500 feet.
 - 3. Stealth facilities must be consistent with the scale and aesthetic qualities of the proposed facility, and consistent with the character of the surrounding community.
 - f.d. In no event may the provisions set forth in section 4-1873 apply to wireless communication facilities, except for stealth.
 - g.e. The overall height of ground-mounted equipment or equipment enclosures may not exceed 12 feet.
 - h.f. Private aircraft and helicopter landing facilities. Antenna-supporting structures proposed within a designated notification height boundary of a private aircraft or helicopter landing facility, as specified on the Airspace Notification Map, will be limited to the height specified by that boundary, according to the proposed facility's distance from the runway or landing facility.

(e) *Construction.*

- (1) *Type of construction.* Broadcast facilities may utilize lattice or guyed antenna-supporting structures. All other wireless facilities must construct its towers in accordance with Table 4-1221.
- (2) *Accommodation of future collocations.*
 - a. Antenna-supporting structures should be designed to accommodate future collocations.
 - b. The applicant must submit a shared use plan that commits the owner of the proposed antenna-supporting structure to accommodating future collocations where reasonable and feasible in light of the criteria set forth in this section.
- (3) *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 city, or the 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. *Required lighting.*
1. All antenna-supporting structures 150 feet or greater in height aboveground 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.
 2. If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the 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.
- (4) *Notice of commencement of construction.* Forty-eight hours before commencing construction of an antenna-supporting structure, and within 48 hours after the antenna-supporting structure construction reaches its maximum height, the county port authority, sheriff's office, emergency medical services, the local fire district and the county mosquito control district must be notified by the entity constructing the antenna-supporting structure. Notice must include the location of the antenna-supporting structure tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990 Adjustment).
- (5) *Floor area.* Floor area will be calculated based on the total impervious surface associated with an equipment enclosure. Floor area may not exceed 400 square feet per antenna array, not to exceed 2,500 square feet total area, without approval by special exception provided that the floor area meets all applicable setbacks and lot coverage requirements.
- (f) *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:
 - a. Federal registration number, if applicable;
 - b. Name of property owner, facility owner, providers, and contact person; and
 - c. An emergency contact number for the contact person.

(Ord. No. 03-15; Ord. No. 11-02, § 3(4-1447), 1-19-2011; Ord. No. 15-07 , § 1, 3-18-2015; Ord. No. 21-02 , § 2(Exh. A), 5-19-2021)



**Local Planning Agency
MINUTES
City of Bonita Springs City Hall
9101 Bonita Beach Rd. SE
Bonita Springs, Florida 34135
Thursday, July 20, 2023
9:00 A.M.**

I. CALL TO ORDER.

Chairman Jeff Maturo called the meeting to order at 9:00 A.M.

II. ROLL CALL.

Members in attendance: Chairman Jeff Maturo, Board Member Daniel Dhooghe, Board Member Steve Lohan and Board Member Robert Lombardo

Absent: Board Member Robert Bornstein and Board Member Don Colapietro

III. PUBLIC COMMENTS

- *Ben Nelson of Nelson Marine Construction is in support of side setback. Presented handout to Board Members and the City Clerk*
- *John Siekmann of Stokes Marine, feels the proposed amendments are the same as the previously discussed. He is in agreement with Ben Nelson's comments.*

IV. REVIEW OF THE FOLLOWING LAND DEVELOPMENT CODE AMENDMENTS FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN.

Laura Gibson, Environmental Specialist with Community Development, provided an overview of the proposed amendments and answered questions from Board Members.

Discussion was held regarding setbacks, lot and vessel size and slip area definition.

Chairman Maturo made a motion the amendments are consistent with the Comp Plan; Second by Board Member Lombardo; passed unanimously.

Chairman Maturo made a motion to implement a 5-ft and 10-ft setbacks instead of the 45-degree angle that is proposed, Second by Board Member Lohan; passed unanimously.

V. UPDATE FROM JUNE LPA MEETING [LDC CHAPTER 4 (HENS) AND CHAPTER 7 AMENDMENTS (SEA TURTLES)]

Update given by Jackie Gensen with Community Development. Both items approved by City Council.

VI. NEXT MEETING.

Tentatively Scheduled for August 17, 2023.

VII. APPROVAL OF MINUTES: June 8, 2023

Board Member Dhooghe made a motion to approve minutes; Second by Chairman Maturo; Approved 4-0 (Members Bornstein and Colapietro absent)

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:46 am.

Prepared by,

Teresa Grimes, Sr. Records & Compliance Clerk

Approved by the Local Planning Agency on the ____ of _____, 2023.

Jeff Maturo, Chairman