

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2025 - ____

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS GRANTING A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (USE-0188-2024) WITH CONDITIONS, TO AUTHORIZE A TELECOMMUNICATIONS TOWER ON A +/-17.026 ACRE PARCEL ZONED AGRICULTURAL-5 (A-5) AND LOCATED AT 1316 SW MARTHA STREET, AND IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 12-38-24-0000-0096-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the DeSoto County Property Appraiser records show that the subject property is located at 1316 SW Martha Street and is owned by Bernardo Hernandez-Villanueva and Isaias Hernandez (Exhibit A: Location Map); and

WHEREAS, the 2040 Future Land Use Map shows the 17.026-acre property is located within the Neighborhood Mixed Use Future Land Use Category and the Official Zoning District Atlas shows the property is zoned Agricultural-5 (A-5); and

WHEREAS, Land Development Regulations (LDR) Section 20-127(1)(c)(3) provides for “Communication transmitting and receiving facilities, non-occupied” as a special exception use provided the criteria for special exception uses in LDR Article XI, Division 5, of this chapter are met; and

WHEREAS, on July 12, 2024, a Special Exception Use application and required fee was submitted to the Development Department (USE-0188-2024) requesting approval of a telecommunications tower in the Agricultural- 5 (A-5) zoning district, on a 17.026-acre property located at 1316 SW Martha Street; and

WHEREAS, Section 365.172(13)(b)3, Florida Statutes generally limits local government review for telecommunications towers to aesthetics, landscaping, land use-based location priorities, structural design, and setbacks; and

WHEREAS, the Development Department has reviewed the Development Plan application and concludes the application is in conformance with the LDR provided conditions are imposed; and

WHEREAS, on October 7, 2025, the Planning Commission held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and forwarded the record to the Board of County Commissioners (Board) with the recommendation that the Board adopt the proposed Resolution; and

WHEREAS, the Planning Commission found that the granting of the Special Exception Use would not adversely affect the public interest, that the specific requirements governing the

individual Special Exception Use, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters, where applicable, and

WHEREAS, on October 28, 2025, the Board of County Commissioners held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the Planning Commission and Board hearings; and

WHEREAS, the Board concluded the Special Exception use application established through competent substantial evidence the application was in harmony with the LDRs general intent and purpose, is not injurious to the neighborhood or to adjoining properties or is otherwise detrimental to the public welfare based on the findings herein and conditions of approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses incorporated.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

Section 2. *Property description.* A 17.026-acre parcel is located at 1316 SW Martha Street, the Property Identification Number being 12-38-24-0000-0096-0000.

Section 3. *Findings and conclusions.* The Development Review Report, incorporated herein by reference, represents the written findings of fact and conclusions to support approval of a Special Exception use development order in the Agricultural- 5 (A-5) zoning district, for a non-manned telecommunications tower on a 17.026 acre property located on SW Martha Street as shown on the site plan (Exhibit B: Site Plan), created by Tillman Infrastructure and digitally signed by Chiyu Zhang, dated April 23, 2025, in accordance with the Land Development Regulations and subject to the following conditions:

1. The uses allowed on the subject site, shown on the site plan, shall be limited to supporting equipment related to the proposed cell tower.
2. The site is within the Conservation Overlay District and wetlands likely exist in the northwest portion of the site. The applicant shall be responsible for securing any required permits from SWFWMD if wetland impacts are proposed.
3. If solid waste service is required for the use, it will be the applicant’s responsibility to engage in a solid waste contract with the county’s provider.
4. An Improvement Plan and Notice to Proceed shall be authorized by the Development Department prior to any construction on site.

Section 4. *Effective date.* This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 28th day of October 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
JC Deriso, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente
County Attorney

Exhibit A
Location



