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CHAPTER 154 - SITE DEVELOPMENT, RIGHT-OF-WAY IMPROVEMENTS, SUBDIVISIONS, AND PLATTING.

ARTICLE I. - IN GENERAL

Section 154-1. – Purpose and Intent

It is the purpose and intent of Chapter 154 to provide rules, standards, and flexibility options for general site development, right-of-way improvements, and subdivisions in a manner that will protect the general health, safety, and welfare for the people within Pinellas County. The requirements herein are intended to establish the locally-preferred and functional standards while recognizing that some flexibility and adjustments are needed to facilitate redevelopment and to respond to the surrounding context.

- (a) Standard Requirements – It is the intent for site development, right-of-way improvements and subdivisions to occur pursuant to the standard requirements established in this Chapter for sites/lands that are free from physical encumbrances.
- (b) Redevelopment Flexibility – It is the intent to allow certain flexibility for site development, right-of-way improvements, and subdivisions for redevelopment projects and where the surrounding context warrants adjustments to the applicable standards. It is the intent to allow a case-by-case review and adjustment to the standards herein to result in an appropriate design alternative that better responds to the surrounding context and unique site conditions. It is the intent to utilize the Waivers and Administrative Adjustments process to review, document, and approve certain design alternatives.

Section 154-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arterial roads (streets) means main traffic thoroughfares, as indicated on the Pinellas County Sector Plan Right-of-Way Requirements and Traffic Corridors Plan, and defined as roads consisting of connecting links between municipalities and/or state roads. Requirements for speed and level of service are usually quite high. The arterial system should form a continuous network designed for a free flow of through traffic.

Block length means the distance between the right-of-way lines of intersecting streets, measured along the nearside right-of-way line of the through street.

Collector roads (streets) means roadways that are of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed, and allows the distribution of traffic between local streets and major traffic generators, such as highways, to provide intra-neighborhood transportation connections. The traffic characteristics generally consist of relatively short trip lengths, moderate speeds and volumes. Average daily traffic usually ranges from 1,000 to 4,000 vehicle trips per day. It is primarily a residentially oriented system which filters traffic from local streets before their capacity is exceeded and conducts it to arterial facilities or local generators such as shopping centers, schools or community centers.

County engineer or director means the county administrator if certified and licensed as a professional engineer in the State of Florida, or his or her authorized designee(s), certified and licensed as a professional engineer in the State of Florida.

Detention means the temporary storage of stormwater runoff to limit the rate of discharge into receiving water bodies. These system can also discharge into the MS4.

Easement means a nonpossessory interest in land of another that entitles the grantee to use or enjoy the other's land in a specific manner.

Elevation means the vertical distance of a point relative to the established North American Vertical Datum of 1988 (NAVD 88).

Engineer, Professional Engineer, or Licensed Engineer, or professional surveyor or mapper shall be as defined by F.S. chs. 471 and 472.

File of record means a permanent file which contains all pertinent data, correspondence, calculations, drawings, plats, etc., used to review site plans and/or plats of submitted developments.

Final stabilization means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, without large bare areas) perennial vegetative cover, with a density of at least 70 percent for all unpaved areas and areas not covered by permanent structure, has been established, or equivalent permanent stabilization measures have been employed.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.] The county has a no rise policy within the floodways.

Impervious means land surfaces that do not allow, or minimally allow the penetration of water; such as building roofs, non-porous concrete and asphalt pavements, and some fine grained or compacted soils.

Natural area means a preservation area which is to remain in its natural state.

Natural drainageways means those watercourses that are either natural or have not been substantially excavated, graded or otherwise altered or improved by man.

Plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision, and other information in compliance with the requirement of all applicable sections of this chapter, State Statutes and of any local ordinances, and may include the terms "replat" and "amended plat."

Receiving water bodies means those water bodies and drainage-ways, either natural or manmade, that lie downstream of the site in question and which are susceptible to degradation of water quality due to activity at the upstream site.

Redevelopment means any manmade material change to improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Retention means as defined by the Pinellas County Stormwater Manual.

Right-of-way means land in which the state, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

Site means any tract, lot or parcel or combination of lots or parcels of land where development or redevelopment can occur and which is subject to site plan requirements as defined in Chapter 138, Article II, Division 5.

Subdivision means the division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development; or, if a new street is involved, any division of a parcel of land. However, division of land for agricultural purposes into lots or parcels of five acres or more, and not involving a new street, shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of

subdividing or to the land subdivided. The word "subdivision" includes the words "resubdivision," "plot," "plat" and "replat."

Subdivision street means a street within a subdivision defined as a local street in the county sector plan right-of-way requirements and traffic corridor plan.

Substantial site improvement means any manmade change to a site which discharges the surface water runoff from the site at a faster rate.

Transportation facility means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

Water body means any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline or edge.

Section 154-3. - Enforcement and Inspection.

- (a) Site development, right-of-way improvements, and subdivisions shall be conducted pursuant to the provisions of this chapter. Any person committing any act declared unlawful shall be punished as provided in Section 134-8.
- (b) No certificate of occupancy will be issued for any structures within the parameter of the approved site plan and/or construction plan (including all single-family homes) unless all conditions of the plan, including any county issued right-of-way utilization permits associated therewith, have been addressed and satisfied.
- (c) Inspections.
 - (1) The County may conduct inspections to determine compliance with the provisions of this chapter.
 - (2) The County may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter, including, but not limited to, the following:
 - a. Where it is determined that a violation of this chapter exists, the inspector shall attempt to contact the violator and direct compliance with this chapter. With or without such notice, the codes inspector may refer the matter to the county attorney for proper legal action;
 - b. Injunctive relief to enjoin and restrain any person from violating the provisions of this chapter;
 - c. An action to recover any and all damages that may result from a violation of this chapter, including an action to recover fines imposed by state law;
 - d. Revocation, suspension, or modification of any approvals issued under this chapter; and
 - e. Withholding the issuance of certificate of occupancy for structures belonging to the same person or other legal entity, either individually or through its agents, employees, or independent contractors.The County may elect any or all of these remedies concurrently, and the pursuance of one shall not preclude the pursuance of another.
 - (3) Code inspectors' authority is to enforce the provisions of this chapter and to initiate enforcement proceedings. Codes inspectors shall have the authority to issue citations in accordance with F.S. § 125.69, initiate code enforcement proceedings under F.S. § 162, or pursue any other remedies authorized by law.

Section 154-4. - Areas embraced.

The areas embraced by this chapter shall be all lands within the unincorporated area of Pinellas County. The provisions within this chapter shall also apply to any Pinellas County rights-of-way within municipal boundaries.

Section 154-5. - Variances, Waivers and Administrative Adjustments.

Any deviations from the provisions in this chapter may be sought and are limited pursuant to the rules and procedures in Chapter 138, Article II, Division 7. *Variances, Waivers and Administrative Adjustments*.

Section 154-6. - Consistency with other ordinances.

It is the intent of this chapter to provide for harmonious development within the county. In addition to this chapter, development is subject to all other county ordinances and regulations, including but not limited to the following: building, zoning, water, reclaimed water, sewer, habitat, access, floodplain, flood damage prevention, stormwater, surface water, wellhead protection, water and navigation, health, air quality, as well as state and federal statutes and regulations. This chapter is intended to supersede and prevail over previous ordinances regulating the same subject matter.

Section 154-7. - Appeals.

Any person may file an appeal to the actions and decisions relating to this chapter pursuant to the rules and procedures established in Chapter 138, Article II, Division 3. *Development and Land Use Review Procedures*.

Section 154-8. - Site plan Requirements.

Uses and land development activities which require site plan review shall be in accord with the requirements of Chapter 138 Article II, Division 5. *Site Plan Requirements and Review Procedures*.

Sections. 154-9. – 154.-10. - Reserved

Section 154-11. - Easements.

(a) Conservation easements:

- (1) Areas shown on site plans as preservation areas which are to remain in their natural state are to be shown on the plat as a conservation easement and dedicated to the county.
- (2) Areas shown on site plans as preservation areas which are a portion of the drainage system are to be shown on the plat as drainage easements and dedicated to the county.

Section 154-12. - Construction phase.

The following standards shall apply during the construction phase and/or as part of the building permit review process.

- (a) Before construction is authorized to begin, the contractor must have final site plan approval as well as approved permits for all work within the public right-of-way. If platting is required, the preliminary submittal of the record plat must be submitted for review prior to final administrative approval of the site plan.
- (b) Before a certificate of occupancy will be issued, the final plat for any site development which requires platting must have been approved by staff. Also, a copy of the Notice of Termination (NOT) issued by the Florida Department of Environmental Protection (FDEP)

for activities regulated under the National Pollutant Discharge Elimination Systems (NPDES) program shall be provided to staff.

- (c) After construction, the owner shall provide to the county a certification by a state of Florida licensed professional engineer that the design, intent and functionality of the project conform to the approved construction plans. If authorized field changes are made, the owner shall provide an as-built survey and/or updated plans as defined in Chapter 5J-17, Florida Administrative Code, signed and sealed by a state registered professional engineer and a certification of completion for the stormwater management system.
- (d) If construction of the infrastructure needed for development ceases for a period of one year or if the infrastructure of the development has not been completely developed within five years of plan approval, the plan shall require review and re-approval. Plans submitted for review and re-approval shall comply with all then-current regulations.
- (e) All lots shall be graded in accordance with drainage plans with fill of good clean acceptable material. No clay, muck, or other such materials shall be used for fill except in areas where construction is prohibited. Temporary ground cover, sod or seed and mulch will be planted and maintained on all disturbed areas.
- (f) It is the developer's responsibility to keep the county informed at all times of the development's progress and it is the developer's responsibility to notify the consulting engineers so that inspection and testing can be properly performed.
- (g) Expense and responsibility for testing.
 - (1) The expense of testing materials and construction will be paid for by the developer.
 - (2) Upon completion of all improvements required, the developer's engineer shall submit Certificate of Completion and a statement certifying that all work has been constructed according to the plans and specifications originally approved by the county engineer.

Accompanying this statement shall be a construction report showing where tests were made, who made them, when they were made and what the results were. Testing shall be in accordance with the Pinellas County Minimum Testing Frequency Requirements. Copies of all test reports shall be furnished to the county as soon as each test has been completed. Where test reports show noncompliance with specifications, corrective work shall be started immediately.
- (h) Miscellaneous requirements for completion of site developments.
 - (1) Irrigation systems shall utilize low volume design such as low trajectory heads or soaker hoses to provide direct application and low evaporation and must have a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. Water supply shall be piped to each individual planter island, and in no case shall any planted vegetation area required pursuant to Chapter 166, Article II or Chapter 138, Article X be more than 50 feet from a water supply hose bib. Shallow wells, open surface water bodies or reclaimed water shall be used unless unavailable as a source of irrigation water.
 - (2) Inspection of storm sewers is required by the county, and will be requested in writing by the owner or engineer accompanied by the required inspection fee. Such inspection shall include verification of final stabilization.
 - (3) Mailboxes shall be installed in conformance with the Florida Department of Transportation Roadway and Traffic Design Standards Index 532, latest edition, and as required by the U.S. Postal Service.

- (4) All proposed swales needed for roadway and utilities that require excavation from existing conditions shall be graded and sodded by the developer prior to acceptance of any subdivision for platting. Swales for individual lots within a larger development may be constructed at the time the individual lot is developed.
- (5) All proposed retaining walls shall be constructed by the developer prior to acceptance of the subdivision for platting. This requirement is intended for walls that are needed for roadways and utilities. Retaining walls for individual lots within a larger development may be constructed at the time the individual lot is developed.
- (6) Access for fire apparatus shall be as follows:
 - a. All developments shall be designed and constructed to provide access for firefighting equipment in conformance with the standards of the Fire Prevention Code of the National Fire Protection Association, Inc., latest edition.
 - b. All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
 - c. Fire lanes shall be provided for all buildings which are set back more than 150 feet (45.75m) from a public road or which exceed 30 feet (9.14m) in height and are set back over 50 feet (15.25m) from a public road.
 - d. Fire lanes shall be at least 20 feet (6.1m) in width including a minimum of a 16 foot paved and four (4) foot stabilized surfaces. All road surfaces shall be of the all-weather type and capable of supporting the imposed loads of fire apparatus. The road edge closest to the building shall be separated by at least ten feet (3.05m) and have vertical clearance of 13 feet – six (6) inches. Any dead-end road more than 300 feet (91.5m) long shall be provided with a turnaround at the closed end at least 90 feet (27.45m) in diameter.
 - e. The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the fire marshal.
 - f. It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane.
 - g. Exception: When any combination of private fire protection facilities, including, but not limited to, fire resistive roofs, fire separation walls, space separation and automatic fire extinguishing systems, are provided and approved by the fire marshal as an acceptable alternate.
- (i) Duty and authority of county.
 - (1) The county may inspect all construction materials, and may inspect preparation, fabrication or manufacture of supplies. The county is not authorized to revoke, alter or waive any requirements of the specifications, but is authorized to call to the attention of the developer any failure of work or materials to conform to the plans or specifications.
 - (2) The county shall in no case act as foreman or perform other duties for the developer, nor interfere with the management of the work, and any advice which the county may give to the developer shall in no way be construed as binding to the county or releasing the developer from carrying out the intent of the plans and specifications.
 - (3) The county may stop any work within a public right-of-way at any time there is a perceived hazard or noncompliance with approved plans.

Sections 154-13—154-49. - Reserved.

ARTICLE II. - DRAINAGE REQUIREMENTS

Section 154-50. – Purpose and Intent

It is the purpose and intent of this article to plan for, to address, and to maintain drainage to protect the general health, safety, and welfare of the people of Pinellas County. Additionally, it is the purpose and intent to guard against flooding, protect hydrology, and ensure water quality. The County is a built-out urban environment and most future land activity will occur as redevelopment.

It is the intent to plan for drainage as a comprehensive approach. The following documents establish drainage standards, the approved methods, and processes:

- *County Floodplain Management Ordinance (Land Development Code, Chapter 158)*
AND
- *The Pinellas County Stormwater Manual (latest edition).*

Section 154-51. - General requirements.

A complete drainage system shall be provided. All areas within the proposed development, including lots, streets and other areas, must be adequately drained. In addition, where drainage runoff from outside the development passes over or through the areas of the development, such runoff shall be included in the drainage system design and shall not increase flood stages or flow rates upstream and downstream. The system shall be designed for long life and shall be suitable for low cost maintenance by normal maintenance methods. The design standards shall be in accordance with the county's stormwater manual.

Section 154-52. – Pinellas County Stormwater Manual.

The Pinellas County Stormwater Manual is intended to provide detailed drainage requirements and guidelines for the construction of physical improvements in the unincorporated limits of the county and on Pinellas County owned infrastructure in the incorporated limits of Pinellas County. However, to the extent this article conflicts with a municipal ordinance, the more stringent criteria shall be met. The Pinellas County Stormwater Manual ~~was~~ shall be adopted by ordinance of the county commission, ~~and is~~ kept on file in the development review services and public works departments, and must be amended in the same manner.

Sec. 154-53. - Plans and design.

Plans showing the proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage structures, retention/detention ponds, other stormwater management facilities, roads and curbs and other proposed development construction shall be filed with the county. Design shall meet the requirements of this chapter.

Sections 154-54. - Connections.

Drainage connections to drainageways, and intersecting or converging drainageways, shall be suitably designed and aligned to provide effective control of erosion and siltation.

Section 154-55. - Reserved.

Section 154-56. - Compliance with other specifications.

Drainage plans, profiles, cross sections, and details, including detention facilities and underdrains, shall meet all minimum standards of this chapter, the county's stormwater manual and other ordinances and regulations with the preliminary plat. A master lot grading plan shall

be included. Drainage calculations will be furnished. Hydraulic calculations for all closed storm sewer systems shall be prepared and submitted utilizing the standard county engineering department storm sewer tabulation form.

Section 154-57. - Drainage plan.

Every application for new construction or substantial improvement to existing construction, including single-family homes, subdivided lands and unplatted lands, must include a drainage plan demonstrating that the application is in accordance with the requirements set forth in the Pinellas County Stormwater Manual.

Sections 154.58—154-99- Reserved.

ARTICLE III. – ROADWAYS AND TRANSPORTATION FACILITIES

DIVISION 1. – GENERAL PROVISIONS

Sec. 154-100. – Purpose and intent.

This article establishes the standards for roadway and other transportation facilities' service, design, and construction. The County's facilities ~~should be intended to~~ be designed in a manner that promotes a multimodal transportation system that serves a variety of users, ~~including~~ pedestrians, bicyclists, transit, and motorists.

The road and transportation standards are also intended to respond to the surrounding context in terms of intended character, users, urban design, and other physical conditions.

Sec. 154-101. - Public roadways.

- (a) Except as set forth in Section 154-102, all new roadways and other new transportation facilities shall be dedicated to the public.
- (b) New public roadways and other new transportation facilities shall be constructed to county standards but may include design modifications that are approved through the waiver and administrative adjustment process as established in Chapter 138, Article II, Division 7. *Variances, Waivers and Administrative Adjustments.*
- (c) Roadways and transportation facilities shall be fully improved or bonded prior to public dedication. However, sidewalk sections for residential lots may be constructed at the time the lot is developed pursuant to Sec. 154-125.

Sec. 154-102. - Private roadways.

- (a) Roadways and other new transportation facilities may be private ~~if they meet the~~ if they meet ~~pursuant to the~~ following:
 - (1) Roadways that are gated or otherwise limit access to residents and/or tenants shall be private.
 - (2) Private roadway designation/establishment shall be conducted as part of the platting process.
 - (3) The roadway may not be an arterial or collector as identified in the Pinellas County Comprehensive Plan.
- (b) Private roads and transportation facilities shall be constructed to county standards but may include design modifications that are approved through the waiver and administrative adjustment process as established in Chapter 138, Article II, Division 7. *Variances, Waivers and Administrative Adjustments.*

- (c) Any private roadway and transportation facility shall be ~~designated~~indicated on the final plat and shall identify the facility owner.
- (d) Private roadway and transportation facilities shall be fully improved or bonded prior to final plat approval. However, sidewalk sections for residential lots may be constructed at the time the lot is developed pursuant to Sec. 154-125.
- (e) Private roadways shall include easements for utilities and emergency access.

Sec. 154-103. - Correcting or changing street names.

- (a) Street names may be changed only in the following manner:
 - (1) Provided there are no residents presently receiving mail on a street, the name or a platted street may be corrected by the filing of an affidavit confirming error on a recorded plat in accordance with Fla. Stat. §177.141, as may be subsequently amended.
 - (2) By resolution of the board upon the request of sixty percent (60%) of the affected property owners, in accordance with this provision as follows:
 - a. Submit a request by letter along with the processing fee as established by resolution of the board, with a check to be made payable to the Board of County Commissioners.
 - b. The County will send a petition package to the person requesting the name change to get the owners' signatures on the street name change petition.
 - c. Once the 25 days have elapsed, a resolution changing the subject street name shall be prepared for review by the county attorney's office.
 - d. When the above steps are accomplished, the subject street is scheduled for a Board of County Commission meeting.
 - (3) Upon the request of the United States Postal Service or an emergency response agency, the board may, by resolution, change a street name.
 - (4) The Board of County Commissioners may unilaterally change the name of a street in accordance with State law.
- (b) If a street name is changed by filing an affidavit confirming error on a plat, the surveyor filing the affidavit is responsible for providing written notice to all affected property owners and agencies. If changed by resolution, the county shall provide written notice to all affected property owners ~~and~~ all required agencies shall be notified in writing of the name change.

Sections 154-104 —154-109- Reserved.

DIVISION 2. – ROADWAY AND TRANSPORTATION DESIGN STANDARDS

Section 154-110. – Facility Functional Classification

- (a) Roadways and transportation facilities within Pinellas County are identified ~~by~~as one of the following functional classifications:
 - (1) Arterial Roadway – A route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.
 - (2) Collector Roadway – A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local

roads or arterial roads and serves as a linkage between land access and mobility needs.

- a. *Major Collector* - provides direct property access and traffic circulation in higher density residential neighborhoods and commercial and industrial areas. It may enter/pass-through residential neighborhoods for significant distances and also channel traffic from local streets onto the arterial system.
 - b. *Minor Collector* - provides traffic access and traffic circulation in lower density residential and commercial/industrial areas. It may enter/pass-through residential neighborhoods for only a short distance and also channel traffic from local streets to/from the arterial system.
- (3) Local Roadway – A route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Roadways include those connecting a home, work, or entertainment trip by connecting the final destination to the roads serving longer trips. Local roadways are further classified as major, minor or infill.
- a. *Major Local* – provides basic access in higher density residential neighborhoods and commercial and industrial areas.
 - b. *Minor Local* – provides basic access in lower density residential neighborhoods and commercial and industrial areas.
 - c. *Infill Local* - provides basic access in lower density/intensity redevelopment and urban infill projects where space is limited and/or site constraints are present. Infill local roadways generally serve six (6) lots or less.
- (4) Alleys – A route that provides service access behind/along-side individual properties; alleys provide very short access between the property and a higher classified roadway. Alleys also serve as a service route for utilities, parking, and trash collection.
- (5) Multimodal Trails and Pathways – A travelway/route which is physically separated from motorized vehicle traffic by open space or barrier either within the right-of-way or within an independent area. Multimodal trails and pathways are typically used exclusively by pedestrians, bicycles, and other non-motorized users.
- (6) Auto Courts/Shared Drive-lanes – A private, common driveway that provides indirect access from single-family dwellings to adjacent streets. Auto courts/shared drive-lanes are a street access alternative and may serve up to 6 single-family dwellings by sharing a common, vehicle accessway.
- (b) The functional classification for each roadway is identified in the Pinellas County Comprehensive Plan Transportation Element. Where the Comprehensive Plan does not clearly identify the functional classification, its classification shall be determined by its intended function as described in subsection (a)
 - (c) Any new roadway that is not classified in the Comprehensive Plan and/or within a specific area plan shall be classified by the county based on its intended function as described in subsection (a).

Section 154-111. – Facility Context Designation

Roadways and transportation facilities shall additionally have a context designation as being either (a) within an activity center, (b) a multimodal corridor, or (c) a typical roadway. Each roadway/transportation facility shall be designated as one of the following:

- (a) Activity Center Facilities

Activity Center Facilities are roadways and other transportation infrastructure located within a designated activity center. Activity centers are areas of the county that have been identified and planned for in a special and detailed manner, based on their unique location, intended uses, density/intensity, and pertinent planning considerations. The activity center designation is intended to recognize/designate important, identifiable centers of business, public, and residential activity. Activity centers are the focal point of a community; they are planned for enhanced transit service, high pedestrian activity, and bicycle access.

(b) Multimodal Corridor Facilities

Multimodal corridor facilities are roadways and other transportation infrastructure that are designated as a multimodal corridor. Multimodal corridors are of critical importance to the movement of people and goods throughout the county and that are intended to be served by multiple modes of transport, including automobile, bus, bicycle, rail, and/or pedestrian. Multimodal corridors are intended to include those transportation corridors connecting activity centers, characterized by mixed-use development, and in particular, supported by and designed to facilitate enhanced transit, including those corridors proposed to be served by light rail transit, bus rapid transit (BRT), and/or premium bus service.

(c) Typical Facilities

Typical facilities are roadways and other transportation infrastructure that are neither located within an activity center nor a part of a multimodal corridor. Typical facilities are located in all other portions of the county. Typical facilities provide access and mobility to the neighborhoods and districts they serve.

Section 154-112 —154-119- Reserved.

Section 154-120. – Functional Classification Design Elements

- (a) Roadways and other transportation facilities shall include the design elements as indicated in ~~the~~ Table 154-120.a.
- (b) The roadway/transportation elements shall be based on the facility's functional classification.
- (c) Design elements that are listed as 'Required' shall be included in the roadway/transportation facility design. Design elements that are listed as 'Optional' are voluntary and may be included ~~at~~ the developer's discretion.
- (d) The following exceptions shall apply:
 - (1) Specific area plans and/or special planning areas may establish specific roadway designs for designated areas within the county. In those cases, the roadway/transportation facility shall be developed according to the standards in those plans.
 - (2) Approved development master plans, Residential Planned Developments (RPD), and/or similar development approvals may establish specific transportation facility designs within specific developments within the county. In those cases, the roadway/transportation facility shall be developed according to the standards in those approvals.

Table 154-120.a – Functional Classification Design Elements							
	ROADWAY/TRANSPORTATION ELEMENTS ⁴						
FUNCTIONAL CLASSIFICATION	Travel Lanes	Bicycle Accommodations	Street Parking	Curbs	Planter Strip	Street Trees	Sidewalk
Arterials	Required	Required ¹	Optional	Required where sidewalks abut travel lanes; Optional in all other cases	Optional ³	Optional	Required ²
Major Collector	Required	Required ¹	Optional		Optional ³	Optional	Required ²
Minor Collector	Required	Optional	Optional		Optional ³	Optional	Required ²
Major Local	Required	Optional	Optional		Required ³	Required	Required ²
Minor Local	Required	Optional	Optional		Required ³	Required	Required ²
Infill Local	Required	Optional	Optional		Optional ³	Optional	Required ²
Alley	Required	Optional	Optional	Optional	Optional ³	Optional	Optional
Multimodal Trails and Pathways	N/A	Required ⁵	N/A	Optional	Optional ³	Optional	Required ⁵
Auto Courts/Shared Drive-lanes ⁶	Required	N/A	N/A	Optional	N/A	N/A	Optional

Notes:

(1) Bicycle lanes may not be required where a multimodal trail / pathway is present ~~AND/OR~~ when another bicycle travel facility is present.

(2) Sidewalk may not be required where a multimodal trail / pathway is present ~~AND/OR~~ when another pedestrian facility is present. Sidewalks may be provided as a boardwalk or similar structure to address topographic/wetland features.

(3) The planter strip shall be placed between the edge of pavement and public sidewalk. The planter strip may be replaced with additional sidewalk area. The planter strip may be omitted at intersections. Planter strips may be provided as Low Impact Development (LID) stormwater management features.

(4) Specific Area Plans and/or special planning areas may establish specific roadway/transportation facility designs for designated areas within the County.

(5) Multimodal Trails and Pathways shall include design elements that accommodate safe bicycles and pedestrian mobility and are generally developed as a single/combined paved surface.

(6) Auto Courts/Shared Drive-lanes are private, indirect paved common access drives between dwelling units and the adjacent street. Auto Courts/Shared Drive-lanes closely resemble private residential driveways but may serve up to 6 residential units. Auto Courts/Shared Drive-lanes maybe used as an alternative to standard street construction.

Sec. 154-121. – Dimensional Requirement for Design Elements

- (a) ~~The roadway/transportation facility design elements must be in accordance with the Pinellas County Transportation Design Manual, shall be developed to meet the minimum dimensional standards as required in the Table 154-121.a.~~
- (b) ~~The design element dimensional requirements shall be based on the facility's context designation as specified in Section 154-111.~~
- (c) The following exceptions shall apply:
 - (1) Specific area plans and/or special planning areas may establish specific roadway designs for designated areas within the county. In those cases, the roadway/transportation facility shall be developed according the standards in those plans.
 - (2) Approved development master plans, Residential Planned Developments (RPD), and/or similar development approvals may establish specific transportation facility designs within specific developments within the county. In those cases, the roadway/transportation facility shall be developed according the standards in those approvals.

Table 154-121.a – Dimensional Standards for Design Elements			
	FUNCTIONAL CONTEXT DESIGNATION		
ROADWAY ELEMENT	Typical Facilities	Multimodal Corridor Facilities	Activity Center Facilities
Right of Way	The right of way shall be wide enough to accommodate all of the required roadway elements OR as established in the Comprehensive Plan; whichever is greater		
Travel Lanes¹	Arterials: 11-ft min. / 14-ft max. Collectors: 11-ft min. Locals: 10-ft min. Motor Courts/Shared Driveways: 23-ft combined width min.	Arterials: 11-ft min. / 13-ft max. Collectors: 11-ft min. Locals: 10-ft min. Motor Courts/Shared Driveways: 23-ft combined width min.	Arterials: 11-ft min. Collectors: 10-ft min. Locals: 10-ft Motor Courts/Shared Driveways: 23-ft combined width min.
Multimodal Trails and Pathways	12-ft preferred 10-ft min.	12-ft preferred 10-ft min.	10-ft min.
Bicycle Lanes²	7-ft buffered lane width	7-ft buffered lane width	5-ft lane width
Street Parking	Parallel: 8-ft min. Angled/90-degree: 19-ft min.	Parallel: 8-ft min. Angled/90-degree: 19-ft min.	Parallel: 8-ft min. Angled/90-degree: 19-ft min.
Sidewalks³	5-ft min. Adjacent to curb: 6-ft min.	Arterials: 6-ft min. Collectors: 6-ft min. Locals: 5-ft Adjacent to curb: 6-ft min. PLUS	Arterials: 8-ft min. Collectors: 8-ft min. Locals: 5-ft PLUS 8-ft min. within 25-ft of a transit stop

Table 154-121.a – Dimensional Standards for Design Elements			
	FUNCTIONAL CONTEXT DESIGNATION		
ROADWAY ELEMENT	Typical Facilities	Multimodal Corridor Facilities	Activity Center Facilities
		8 ft min. within 25 ft of a transit stop	
Curbs	Based on Pinellas County Standard Detail Manual		
Sidewalk/Pavement Edge Distance to Property Line	Arterials: 2 ft min. Collectors: 2 ft min. Locals: 1 ft	None	None
Planter Strip ⁵	5 ft	5 ft	4 ft
Street Trees ²	Trees shall be those varieties listed in the Land Development Code, Chapter 138, Article X, Division 3 – Landscaping, Habitat, and Wetland Buffers		
<p>Notes:</p> <p>(1) Pavement for private roads which are divided by a median aisle will be at least 16 feet in width on both sides of the median aisle. A minimum clear zone (stabilized area) of 20 feet is required for access by fire apparatus, as per NFPA 1, Fire Prevention Code (latest edition).</p> <p>(2) For arterial roadways, no trees are to be planted within the required clear zone from edge of pavement. For clear zone criteria see state department of transportation standards.</p> <p>(3) Sidewalk may not be required where a multimodal trail / pathway is present AND/OR when another pedestrian facility is present. Sidewalks may be provided as a boardwalk or similar structure to respond to topographic/wetland features.</p> <p>(4) Bicycle lanes may not be required where a multimodal trail / pathway is present AND/OR when another bicycle travel facility is present.</p> <p>(5) The planter strip shall be placed between the edge of pavement and public sidewalk. The planter strip may be replaced with additional sidewalk area. The planter strip may be omitted at intersections. Planter strips may be provided as Low Impact Development (LID) stormwater management features.</p>			

Sec. 154-122 – Auto Courts/Shared Drive-lanes Option

An Auto Court/Shared Drive-lane may be used as a site access option for single-family dwelling lots. This property access option is normally established/created as part of a new subdivision/plat process. Indirect access from a single-family (attached and/or detached) lot to a nearby street may be provided by means of a motor court/shared drive-lane pursuant to the following:

- (a) Up to 6 single-family lots may share a single access way to a public street through the use of an auto court/share drive-lane
- (b) Auto courts/shared drive-lanes shall be limited to 150-ft in length as measured from its street connection to its further terminus.
- (c) Auto courts/shared drive-lanes shall provide a continuous paved surface of at least 20-ft in width.
- (d) Auto courts/shared drive-lanes shall be established and formally recorded on a plat at the time of property subdivision. Auto courts/shared driveways may be established in separate tracts, private roadways, or on portions of the individual lots in which they serve. Access easements shall be established.

- (e) Individual driveways leading from the shared drive-lane to each dwelling unit shall be at least 20 feet long, as measured between the front of the garage or carport and the closest edge of the shared drive-lane or sidewalk, if one exists.
- (f) The design of the auto court/shared drive-lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction without any portion of the vehicle: (a) leaving the individual auto court/ shared drive-lane from which the vehicle is exiting or the shared drive-lane, or (b) entering on or over the individual auto court/ shared drive-lane of any other residence.
- (g) Each auto court/shared drive-lane longer than 100 feet from the public roadway shall have a fire hydrant adjacent to the shared drive-lane at a point determined by the fire department.
- (h) Auto courts/shared drive-lanes shall be private and shall remain in perpetual ownership of a homeowners association or similar entity. These facilities shall be maintained by the private entity.
- (i) To ensure timely response and locating from emergency responders, each dwelling/lot shall be addressed from the nearby roadway. Addresses shall not stem from the private auto court/shared drive-lane.

Section 154-123- Reserved.

Section 154-124 - Curbs

- (a) Barrier curbs are required where sidewalks ~~abut~~are within two (2) feet of travel lanes. Mountable curbs are ~~optional~~ in all other cases except rural cross sections.
- (b) Curbs may be used to provide drainage control and to improve delineation of the roadway pavement.
- (c) Curbs shall be constructed pursuant to the curb type and as indicated in the Pinellas County Standard Details and as required in Division 3 of this article.
- (d) The two (2) general classes of curbs are barrier curbs and mountable curbs. Both types of curbs shall be designed with a gutter to form a combination curb and gutter section.
 - (1) Barrier curbs are relatively high and steep-faced and designed to discourage vehicles from leaving the roadway.
 - (2) Mountable curbs are low with a flat-sloping surface designed so that vehicles can mount them when required. Where mountable curbs are used, the width may be included in the calculation of the required emergency access width.
- (e) The surrounding context and character should determine the curb class for a roadway. The FDOT standards may be used for establishing additional standards for curbing.

Sec. 154-125 – Sidewalks along roadways

- (a) Sidewalks ~~are~~shall be required along roadways pursuant to Table 154-120.a – Functional Classification Design Elements.
- (b) Sidewalk widths ~~must be in accordance with the Pinellas County Transportation Design Manual and shall be required pursuant to Table 154-121.a – Dimensional Standards for Design Elements and~~ must~~shall~~ satisfy latest ADA requirements.
- (c) Sidewalks shall be constructed pursuant to Pinellas County Standard Details and as required in Division 3 of this article. Sidewalk may not be required where a multimodal trail / pathway is present ~~AND/OR~~ when another pedestrian facility is present. Boardwalks

~~may be provided in lieu of sidewalk~~ Sidewalks may be provided as a boardwalk or similar structure to address topographic/wetland features.

- (d) When sidewalks are provided on only one-side of local roadways, sidewalks should be placed in locations to respond to site environmental features or other site development constraints.
- (e) **Where sidewalks are required along a roadway but do not exist along a property's frontage**, sidewalks shall be constructed at the time of site development.
- (f) For new subdivisions, required sidewalks may be installed pursuant to one of the following options:
 - (1) Option 1: Sidewalks shall be installed at the time of roadway construction, OR
 - (2) Option 2: Common area sidewalks shall be installed at the time of roadway construction. Individual sidewalk sections may be constructed at the time the adjacent lot is developed. This option requires that a continuous internal sidewalk route is provided to the existing public sidewalks that are adjacent to the subdivision by the time 50 percent of the subdivision lots are developed and certificates of occupancy are issued; the developer may be required to bond these requirements as part of the platting. OR
 - (3) Option 3: Where there is benefit to the development and based upon impacts of the development, individual sidewalk sections may be provided in other locations to overcome physical constraints or to provide better pedestrian connections to the public sidewalk system. This option may be sought as part of a waiver and/or administrative adjustment pursuant to Chapter 138, Article II, Division 7.

Sec. 154-126. – Roadway layout criteria.

- (a) The general layout design criteria for roadway development shall be as follows to ensure the community is interconnected and accessible to pedestrians:
 - (1) Street Pattern: The proposed street shall recognize and extend the plan and profile of suitable existing streets, and shall make possible the future extension of streets into adjacent undeveloped land where feasible.
 - a. New internal streets should generally be designed as an extension of the surrounding roadway pattern. New internal streets shall connect to the existing street network and allow for the continuation of an interconnected street network.
 - b. Adjacent roadway connections/roadway stubs shall be extended into the development and integrated into the transportation network, unless such connections would conflict with adjacent uses as determined by the county administrator or designee.
 - c. Exemptions shall apply to situations where natural features (e.g. wetland), access spacing, and/or platting restriction prevent such a connection.

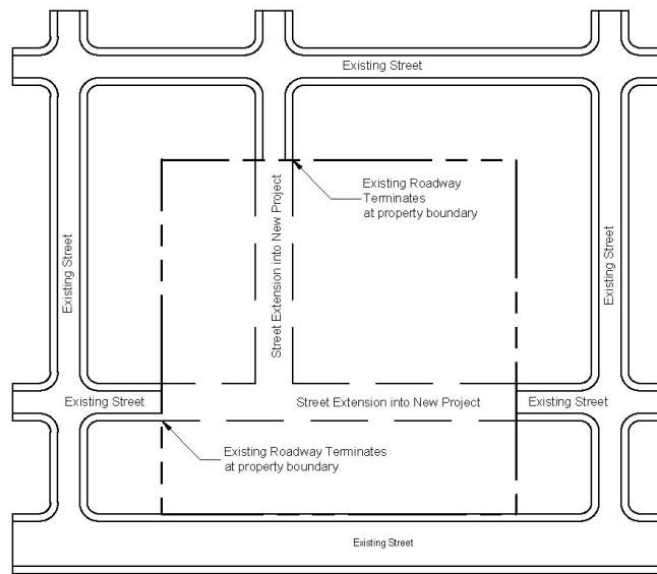


Figure 138-126.(a).1 – Site Layout – Street Extensions into New Projects/Developments

- (2) Block Pattern: New internal blocks shall be created pursuant to the following to ensure efficient connections and pedestrian access.
- a. New interior block lengths shall not exceed the maximum established for the zoning district pursuant to Table 154-126.a – *District Maximum Block Lengths*.
 - b. Interior block lengths shall be interrupted with a roadway connection, open space tract, and/or significant pedestrian pathway.
 - c. An ADA compliant pedestrian connection should be provided where a street connection cannot be made due to physical site constraints, approach spacing/access management requirements, or similar restrictions.
 - d. *Figure 138-126.(b).1 – Block Length Limits* establishes a graphical depiction of the preferred block pattern.

Table 154-126.a – District Maximum Block Lengths	
Zoning District	Maximum Block Length
R-A, R-E, R-R	1,200 linear feet
R-1, R-2, R-3, RMH	900 linear feet
R-4, R-5, RM	600 linear feet
RPD	600 linear feet OR as per an adopted master plan
LO, GO, C-1	600 linear feet
C-2, CP	1,200 linear feet
MXD	600 linear feet OR as per an adopted specific area plan/master plan
Industrial Districts	1,200 linear feet
Special Districts	600 linear feet OR as per an adopted specific area plan
Public/Semi Public Districts	None
Notes: (1) Where a zoning district is not listed above, the maximum block length standard may be established by the county administrator or designee based on surrounding character and average block design in the immediate vicinity.	

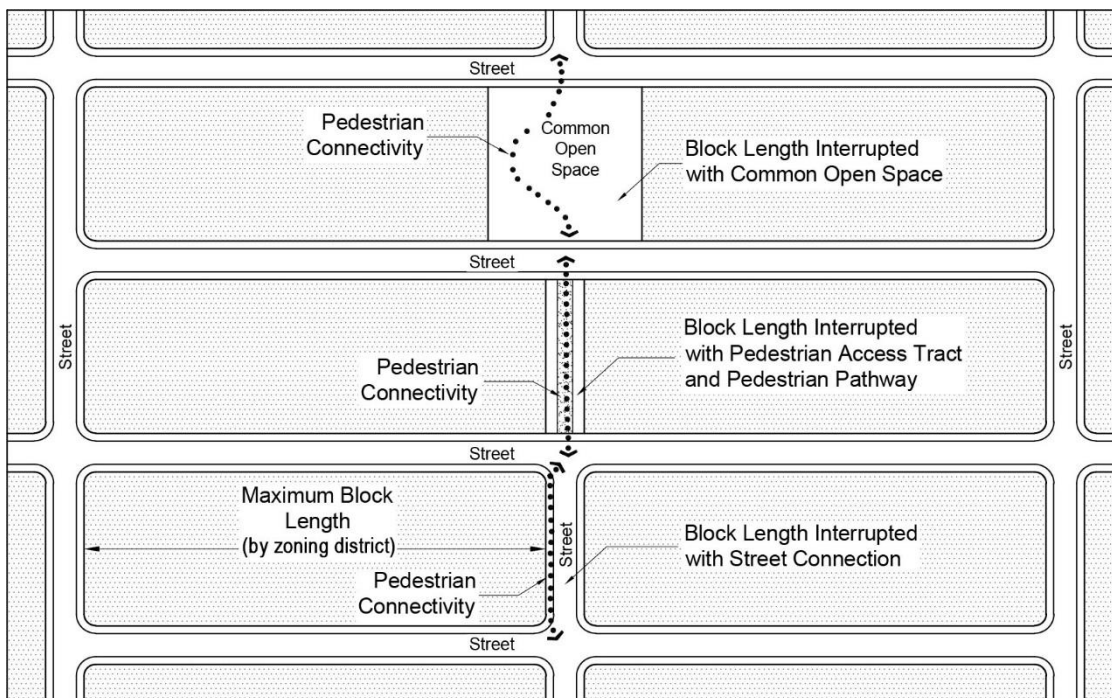


Figure 138-126.(b).1 – Block Length Limits

- (3) Cul-de-sac and dead-end roadways shall have a maximum length of 600 feet.
 - (4) Any new subdivision that generates 555 daily trips shall have at least two vehicular access connections to nearby paved roadways. The trip generation shall be determined by a traffic report or the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual. For multi-phased projects, this shall be determined by overall proposed development at expected buildout.
- (b) Roadway intersection layout shall be as follows:
- (1) Where streets on opposite sides of a common street intersect but do not align, the minimum distance between the centerline of the offset streets shall be 100 feet measured along the centerline of the common street, except where the common street is arterial, in which case offsets will not be permitted.
 - (2) Each corner radius shall be a minimum of 25 feet at all intersections.
 - (3) Intersections shall be substantially at right angles on all streets and meet all FDOT sight distance requirements.
 - (4) At the intersection of any arterial road or collector road and another street, additional right-of-way in the form of a triangle 15 feet long on each leg shall be provided on all corners.
- (c) No gatehouses are permitted on any public road. Entrance sign locations must be in accordance with county standards.

Section 154-127. - Location and width.

- (a) The location and width of all streets shall conform to the comprehensive plan or as required per this Division.
- (b) New subdivision streets shall not be allowed adjacent to the rear of existing lots of record unless no other practical alternative exists as determined by the Development Review Committee.

Section 154-128. – Dead-End Roadway Turnarounds

- (a) Dead-end roadways in excess of 150 feet shall provide proper turnarounds in accordance with Table 154-128.a. All turnaround designs must meet AASHTO and Florida Greenbook standards and be approved by the local Fire Marshall.
- (b) Cul-de-sacs shall be considered the standard turnaround method when a turnaround is required.
- (c) **Hammerheads and “Y” turnaround methods** may be approved for infill projects and/or when physical constraints prevent a cul-de-sac. ~~Hammerheads and “Y” turnarounds should serve a maximum of 10 or less lots.~~
- (d) **Hammerheads and “Y” Turnaround methods** may also be used in situations where a temporary turnaround is needed prior to a future roadway connection.

Table 154-128.a – Requirements for Dead-end Roadways			
Dead-End Roadway Length	Minimum Emergency Access Width	Turn Around Required	Allowable Turn Around Methods ¹⁻²
0-150-ft	20-ft	No	None required
151-500-ft	20-ft	Yes	<ul style="list-style-type: none"> • 96-foot diameter cul-de-sac

			<ul style="list-style-type: none"> • 120-foot Hammerhead ¹⁻² • 60-foot "Y" ¹⁻² in accordance with Figure 154-127.(a)
501-600-ft	26-ft	Yes	<ul style="list-style-type: none"> • 96-foot diameter Cul-de-sac ¹⁻² • 120-foot Hammerhead • 60-foot "Y", ¹⁻² in accordance with Figure 154-127.(a)
Over 600-ft	26-ft	Yes	Design subject to Fire Marshall approval AND Administrative Adjustment approval

Notes:

(1) Hammerhead and "Y" turnarounds should only serve a maximum of 10 lots.

(1~~2~~) Hammerhead and "Y" turnarounds may also be used as a temporary turnaround method when a future street connection is anticipated.

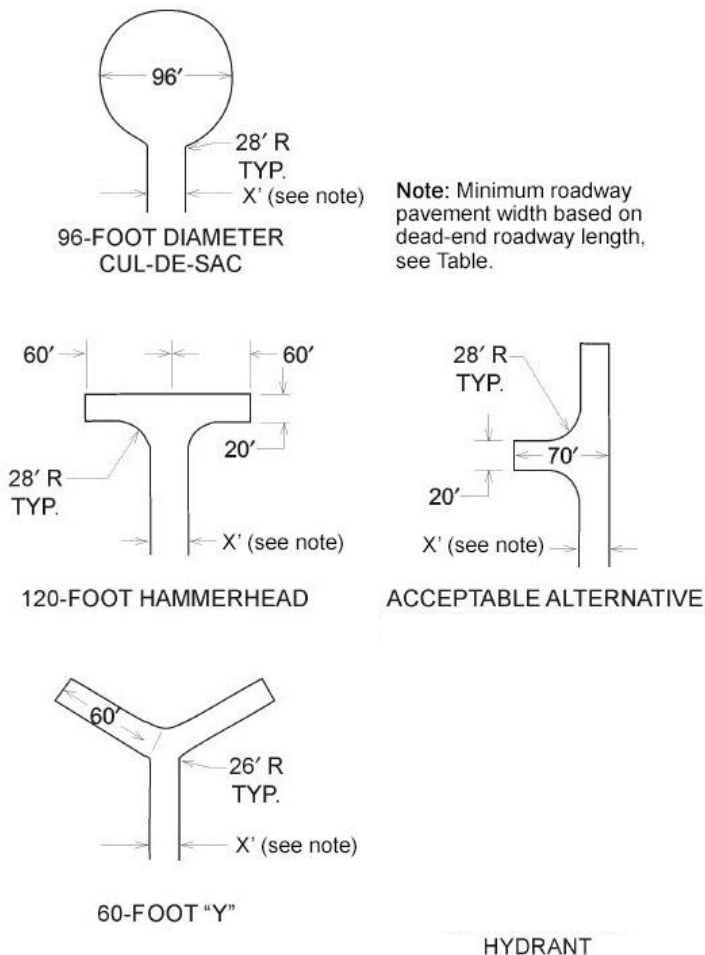


Figure 154-127.(a) – Turn-Around Methods

Section 154-129. - Right-of-way requirements.

Right-of-way requirements shall be as follows:

- (a) Streets shall meet the requirements for right-of-way widths as established by the comprehensive plan, a specific area plan, development approval, and/or by resolution of the Board of County Commissioners. Where these documents require different widths, the largest shall generally apply.
- (b) For all other streets not specified in the Comprehensive Plan or as described above, streets and other transportation facilities shall provide right-of-way widths that will accommodate required elements as identified in the following tables:
 - (1) Table 154-120.a – Functional Classification Design Elements,
 - (2) Table 154-121.a – Dimensional Standards for Design Elements, AND
 - (3) Table 154-128.a – Requirements for Dead-end Roadways.

Sections 154-130 —154-141- Reserved.

DIVISION 3. – ROADWAY AND TRANSPORTATION CONSTRUCTION STANDARDS

Section 154-142. – Purpose and Intent

It is the purpose and intent of this section to establish construction standards for roadways and other transportation facilities to ensure the health, safety, and welfare for the people of Pinellas County. It is also intended to establish standards to ensure that facilities are constructed and maintained to ensure long-term durability. It is intended that the county will follow industry construction standards while also recognizing new and comparable technologies for roadway construction.

Section 154-143. - Minimum elevation.

The minimum edge of pavement elevation for road construction shall be based on the design criteria established in Chapter 158 and the Pinellas County Stormwater Manual.

Section 154-144. - Collectors and Arterials.

Collectors and Arterials shall have a minimum design speed as indicated by the [Pinellas County Transportation Design Manual](#)~~Florida Department of Transportation~~. However, roadway design shall be customized to reflect the surrounding context. Additional consideration, including but not limited to a traffic study, may be necessary to determine where acceleration and deceleration lanes are necessary.

Section 154-145. - General paving criteria.

- (a) Roadways and other transportation improvements shall comply with the [Pinellas County Transportation Design Manual](#), Pinellas County Standard Details, and [the](#) latest County Standard Specifications.
- ~~(b) Pavement cross slope for standard local, collector and arterial roadways shall be one-fourth inch per foot or greater with no inverted crowns permitted. Finish pavement shall be one fourth inch higher than the lip of any concrete gutter.~~

Section 154-146. - Flexible pavement standards.

- (a) ~~Flexible pavement design shall be in accordance with the Pinellas County Transportation Design Manual. Subbases shall be of good, clean, acceptable material with a limerock bearing ratio of no less than 40, compacted to 98 percent of the maximum density determined by AASHTO T 180.~~

- ~~(1) The subbase must extend six inches beyond the back of curb or, for rural road/noncurbed sections, six inches beyond the base.~~
- ~~(2) If utilities cuts are made after subbase stabilization, the trenches shall be backfilled, full depth, with base material compacted to 98 percent maximum density.~~
- ~~(b) Minimum compacted thickness of subbases for residential light traffic streets shall be nine inches. Minimum compacted thickness of subbases for all other streets shall be 12 inches.~~

Section 154-147. - Base materials.

- ~~(a) Base material shall be in accordance with the Pinellas County Transportation Design Manual. s may be constructed of limerock, shell, cemented coquina shell, soil cement, or asphaltic concrete.~~
- ~~(b) Other materials may be proposed by the developer for approval by the county administrator or designee, subject to the following standards:~~
 - ~~(1) Cement treated limerock is not an acceptable base material.~~
 - ~~(2) Bases of limerock, shell, or cemented coquina shell shall be compacted to 98 percent of the maximum density determined by AASHTO T 180 and have bearing ratio of no less than 100.~~
 - ~~(3) Soil cement mixtures shall be designed by an engineering testing laboratory and approved by the director. Mixing and compaction shall be monitored by the testing laboratory. A minimum compressive strength of 300 pounds per square inch shall be achieved in seven days.~~
 - ~~(4) Asphaltic concrete base courses shall be mixed, placed, and compacted in accordance with Pinellas County Specifications for Hot Bituminous Material, Plant Methods, Equipment and Construction Methods.~~
 - ~~(5) For rural road sections the bases shall extend six inches beyond the surface course.~~
 - ~~(6) Crushed Concrete Base is an acceptable base, with a structural coefficient of 0.15.~~
 - ~~(7) Minimum thickness of finished base shall be as follows:~~
 - ~~a. Arterial streets, 10½ inches.~~
 - ~~b. Collector, commercial, industrial and medium traffic streets, eight inches.~~
 - ~~c. Residential streets, six inches.~~

Section 154-148. - Asphaltic concrete surface course standards.

- ~~(a) Asphalt surface course shall be in accordance with the Pinellas County Transportation Design Manual. Minimum thickness and types of asphaltic concrete surface courses shall be as follows:~~
 - ~~(1) Arterial streets, three inches of Type SP 12.5 Fine, Traffic Level C.~~
 - ~~(2) Collector, commercial, and industrial streets, two inches of Type SP 12.5 Fine, Traffic Level C.~~
 - ~~(3) Residential and medium traffic streets, 1½ inches of Type SP 9.5 Fine, Traffic Level C.~~
- ~~(b) Other construction methods may be approved by the county administrator or designee as part of site plan review. In such case, engineering details and material specifications shall be provided to determine durability.~~

Section 154-149. - Pavement structural design.

- ~~(a) The pavement section elements shall be in accordance with the Pinellas County Transportation Design Manual specified in this article are minimums. In some areas, due~~

~~to soil conditions and/or traffic density, it may be required that the pavement structural section be designed in accordance with the Florida Department of Transportation.~~

- ~~(b) Rigid (Portland cement concrete) pavement designs will be reviewed for approval by the county administrator or designee on a case by case basis.~~

Section 154-150. - Underdrains.

- ~~(a) Standards for uUnderdrains shall be designed in accordance with the Pinellas County Stormwater Manual, are as follows:~~

~~(1) Underdrains are required on both sides of curbed roads wherever groundwater may potentially and deleteriously intrude into the roadway base.~~

~~(2) Underdrains outfalling to inlets are to have inverts at or above the treatment volume elevation of receiving retention/detention ponds and/or lakes, or, alternatively, a separate, positive and adequate outfall is to be provided.~~

~~(3) If the bottom of roadside swale ditches is less than 24 inches below the edge of the road surface, underdrains shall be installed unless it can be demonstrated that groundwater and surface waters will not adversely impact the roadway base and will drain quickly. As an example, shallow collection and treatment swales may be adequate in areas where the predominate soils are well draining Type A Hydrologic Soil Group (HSG) soils or have been confirmed to drain well through geotechnical testing.~~

~~(4) Underdrain installation shall be per county underdrain detail. Underdrain inspection boxes are required at the end of all runs that do not terminate in structures or maximum of 300 foot intervals.~~

~~(5) If the storm sewer system is less than 30 inches below the edge of pavement, a separate underdrain system with cleanout/inspection boxes shall be installed to an outfall greater than 30 inches in depth.~~

- ~~(b) Other construction methods may be approved by the county administrator or designee as part of site plan review. In such case, geotechnical data, engineering details and material specifications shall be provided to demonstrate sufficient clearance between the groundwater table and the roadway base of that the roadway base material remains durable (e.g. crushed concrete and asphaltic base materials) when subjected to groundwater intrusion.~~

- ~~(c) Individual situations where the water table is very deep may be technically evaluated for an underdrain waiver on a case by case basis.~~

Section 154-151. – Sidewalk construction.

- ~~(a) Sidewalks shall be constructed in accordance with the Pinellas County Transportation Design Manual, pursuant to the following:~~

~~(1) Standard sidewalks shall be constructed with the following materials and thicknesses:~~

~~a. Sidewalks along roadways shall be constructed of 3,000 p.s.i. concrete and be four inches thick, except at driveways and along rural cross section roadways where the sidewalk can be crossed with vehicles.~~

~~b. Sidewalks through driveways and along rural cross section roadways where vehicles can cross the sidewalk shall be six inches thick. Sidewalks through driveways shall include six inch by six inch no. 10 wire mesh reinforcing. All concrete driveways shall be six inches thick 3,000 p.s.i. concrete with six inch~~

~~by six inch no. 10 wire mesh reinforcement, and shall extend from back of curb to property line.~~

- ~~(2) Subbases for sidewalks shall be of good, clean, acceptable material compacted to 95 percent of maximum density as determined by AASHTO T 180.~~
- ~~(3) Driveways constructed with decorative pavers are permitted to extend over the public sidewalks; the resulting sidewalk area shall satisfy current ADA requirements.~~
- ~~(4) All pedestrian pathways, including all roadway crossings and sidewalk ramps, shall satisfy current ADA requirements, and county ordinances.~~
- ~~(b) Other construction methods may be approved by the county administrator or designee as part of site plan review. In such case, engineering details and material specifications shall be provided to determine durability.~~

Section 154-152. – Street Lighting Standards

- (a) Street lighting generally.
 - (1) Proposed lighting improvements within dedicated or proposed rights-of-way, including private streets, shall be submitted to and approved by the county prior to construction.~~approved by the county prior to construction.~~
 - ~~(2) Proposed roadway lighting for use within the public right of way in the unincorporated areas of the county must meet the minimum illumination levels and spacing requirements as described below. This criterion will be applied to all proposed lighting designs to be installed in subdivisions. The lighting plan will be prepared by the applicable power provider or by an approved engineering company, and will utilize the most efficient roadway lighting system.~~
 - ~~(3) The lighting standards in this section may be adjusted to coincide with a specific area plan's goals and standards and/or respond to the urban design character in a designated activity center or multimodal corridor.~~
- (b) Design standards for street lighting shall be in accordance with the Pinellas County Transportation Design Manual.
 - ~~(1) The street lighting design shall be consistent with the latest edition of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (the Florida Greenbook).~~
 - ~~(2) Luminaire type lighting will contain the necessary equipment, including refractors and reflectors, to distribute a lighting pattern over the roadway, so as to meet minimum average maintained footcandles over the class of roadway surface. This may be determined by the illumination for streets and highways in the Florida Greenbook.~~
 - ~~(3) Mounting height of luminaire and pole setbacks will not be installed less than 20 feet above the ground and will create a lighting pattern with a uniformity ratio of not more than six to one. Lighting pole setbacks shall meet or exceed Florida Greenbook standards. Location shall be staked by the developer's surveyor to eliminate conflict with sidewalk and meet Florida Greenbook standards.~~
 - ~~(4) Pedestrian scale lighting may be applied to adequately illuminate pedestrian use areas that are a part of multimodal corridors, activity centers, and/or other similar areas. Pedestrian lighting is typically positioned over the sidewalk rather than a street. Pedestrian lighting is generally positioned up to 16 ft above the sidewalk or pedestrian use area.~~
 - ~~(5) All street lighting shall comply with the county's public works approved fixtures, luminaires, and poles.~~

~~(6) Specific area plans and/or special planning areas may establish particular street lighting design standards for defined areas of the county. This may include fixtures, luminaires, and poles.~~

~~(c) Definitions for this subsection are as follows:~~

~~(1) Luminaire: A complete lighting unit.~~

~~(2) Pole: Luminaire support.~~

~~(3) Footcandle: Equal to an incident flux density of one lumen per square foot.~~

~~(4) Uniformity ratio: The ratio (average to minimum) of various illumination levels along the lighting system.~~

~~(5) Maximum uniform ratio: Defined as one to one (1:1).~~

Section 154-153 —154-193- Reserved.

ARTICLE IV. - ACCESS MANAGEMENT

DIVISION 1. – GENERALLY

Section 154-194. - Purpose and intent.

- (a) It is the purpose of this article to establish standards for the regulation and control of vehicular access to county roadways. The requirements contained in this article are designed to provide for the efficient and safe operation of the collector and arterial roadway system, to protect the public investment in the roadway facilities, to enhance the operating conditions and assist in achieving and maintaining adopted level of service standards, and to implement growth management policies relating to access management. This article will ensure that all connections to the roadway system conform to county and state standards.
- (b) It is the purpose of this article to regulate and control construction in public rights-of-way, and to create uniform procedures for issuance of permits for work performed within the right-of-way in order to protect the public health, safety and general welfare of the residents of the county.

Section 154-195. - Area embraced.

- (a) The areas embraced by this article ~~are~~ shall be all county rights-of-way, whether or not within municipal boundaries.
- (b) This article is not applicable to installations that are already properly placed within the rights-of-way unless they are relocated or modified, but shall apply to those to be placed within the right-of-way after the effective date of this article.

Section 154-196. - Inspections, enforcement, stop work orders.

- (a) The county may conduct inspections to determine compliance with the provisions of this article.
- (b) The county administrator or designee is authorized to enforce the provisions of this article in accordance with section 1-8 of this code.
 - (c) Work on any installation within the right-of-way that is being done contrary to the provisions of this article, or the terms and conditions of the right-of-way permit, may be ordered to be immediately stopped.
- (d) Notice shall be given by the county administrator or designee in writing to the owner, agent, or the person performing the work, and shall state the conditions under which

work may be resumed. Verbal notice shall be sufficient and shall be followed by written notice.

Section 154-197. - Reserved

Section 154-198. - General access standards.

- (a) Direct egress from property adjacent to arterial and collector streets is discouraged and may be denied when egress to a road of lesser designation is available. When the project generates over 555 daily trips subject to the findings and recommendations from a traffic report, access from arterials/collectors as well as lesser designated roadways may be required.
- (b) If a property is located such that access can be provided to either an arterial or collector facility, access to the arterial facility may be prohibited.
- (c) New direct driveway access to individual Single-family, Attached, Detached, Two-family, and Three-Family dwellings shall be prohibited on arterial and collector streets, except those for which no other access can be conveniently provided.
- (d) Common access facilities are encouraged when two or more contiguous sites are planned for commercial, office or industrial facilities (two access facilities maximum on property less than 200 feet frontage).
- (e) Off-street parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion, except driveways serving Single-family, Attached, Detached, Two-family, and Three-Family dwellings.
- (f) ~~See the Pinellas County Transportation Design Manual for d~~Driveway and median opening spacing ~~guidelines for on~~ county arterial and collector roadways must be in accordance with the Pinellas County Transportation Design Manual.
- (g) All criteria are to be applied, together with sound engineering judgment, to promote safety.

Section 154-199. - Design and construction criteria for access connections to county roads.

- (a) ~~See the Pinellas County Transportation Design Manual for design and construction criteria for access connections to county roads~~Access connections to county roads must be designed and constructed in accordance with the Pinellas County Transportation Design Manual.

Section 154-200. - Relocation of installation by owner or permittee.

- (a) In the event of any widening, repairs, installation, construction, or reconstruction, by or for the county, of any county facility within the right-of-way in which the permittee or owner has constructed any installation, such permittee or owner shall move, remove, or relocate such installation as may be required for the public convenience as and whenever specified by the county and at the permittee's or owner's own expense. The same duty to move, remove, or relocate shall apply if an installation is determined, in the **county's sole discretion**, to be unreasonably interfering in any way with the convenient, safe, or continuous use of the right-of-way.
- (b) When relocation is required under this section, county owned and maintained facilities shall be given priority in establishing new utility and installation alignments within the right-of-way.

Section 154-201—154-230. - Reserved.

DIVISION 2. - RIGHT-OF-WAY PERMIT

Section 154-231. - Required.

- (a) It ~~shall be~~ unlawful for any person to construct, install, remove, relocate, or perform other work activities for installations, or place temporary structures or make improvements, within, on, under, or above the right-of-way without first having obtained a right-of-way permit.
- (b) All permits issued under this article are revocable, and nothing in this article ~~shall operate to create~~ a vested right or property interest in the permittee.
- (c) Nothing in this article ~~shall create~~ a right of access at any particular location or in any configuration which, in the sole discretion of the county administrator or designee is, or becomes, unsafe.
- (d) Nothing in this article ~~shall create~~ rights of any nature to the opening of any median or of the right to any particular turning movements either ingressing or egressing private property.

Section 154-232. - General permitting procedures.

- (a) The application and the fee for a right-of-way permit not associated with the review of a site plan will be filed as a Type 1 review; those which are so associated should be filed concurrent with the site plan review.
- (b) Approval or denial of an application and conditions of the right-of-way permit shall be subject to the provisions of all current and applicable county ordinances and state and federal laws.
- (c) Proposed amendments or changes to the right-of-way permit must be approved by the county administrator or designee prior to the commencement of the work.
- (d) In the event of materially incorrect or false statements or information in the application on which the right-of-way permit was issued, the permit may be revoked and the fee shall not be refunded.
- (e) Work for which the right-of-way permit has been issued shall begin within 90 days of the issuance of the permit and shall be completed within 180 days of the issue date unless the permittee is granted an extension of time prior to the expiration of either period, unless otherwise noted on the permit. Any permit not used within the prescribed time limit ~~shall become~~ void and future work ~~shall require~~ a new application and fee. Permits issued in conjunction with site plans will adhere to the site plan time constraints.
- (f) The issuing of a right-of-way permit under this article does not abrogate any legal requirement to comply with other county ordinances or with the regulations of any other governmental agency, whether local, state, or federal, which may apply.
- (g) The inspection or permitting by the county of work under this article shall not be construed as a warranty of the adequacy of performance or of the accuracy of information provided in the permit application by the applicant. The applicant retains full responsibility for information provided and the permittee retains full responsibility for work performed at all times.
- (h) Right-of-way permits under this article may require the following sureties and insurance:
 - (1) Completion: ~~Sureties shall be in the amount of~~ Minimum completion surety is 110 percent of the estimated cost of the installation. All sureties shall be based on a

certified cost estimate prepared, signed, sealed and dated by a registered professional engineer or other documentation acceptable to the county.

- (2) Maintenance surety: Minimum maintenance surety ~~shall be~~ 20 percent of the original surety of 110 percent of the estimated cost of the installation. A higher percentage may be required if special circumstances dictate that such is necessary to protect the public from defects. The surety shall be fully effective for a minimum of 18 months from acceptance by the Board of County Commissioners and/or its designated representative.
- (3) Waiver: The surety requirement may be waived by the county administrator if special circumstances dictate that such protection is not necessary.
- (4) Insurance: Prior to permit approval, the permittee shall deliver proof of insurance as determined by Pinellas County Risk Management.

Section 154-233. - Right-of-way permitting procedures.

- (a) Construction requests within the public right-of-way may be conducted as a Type 1 review pursuant to Chapter 138, Article II.
- (b) All applicants for a right-of-way permit shall submit the completed application forms to the appropriate department, each accompanied by relevant drawings and data, signed and sealed by a registered professional civil engineer, including:
 - (1) Right-of-way limits.
 - (2) Pertinent drainage requirements, including justification of proposed changes to existing drainage facilities.
 - (3) Type of construction and materials to be used.
 - (4) Sediment and erosion control plan.
 - (5) Physical location of installation.
 - (6) Specific design description, including all dimensions, depths, and heights, for all existing as well as proposed installations.
 - (7) A diagram showing all proposed and existing installations and other pertinent information within one-quarter mile of the proposed installation. For commercial or industrial properties, an indication of any adjacent parcels under the applicant's ownership of leasehold.
 - (8) A traffic control plan (TCP). ~~The proposed plan shall~~ must be designed in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices, the Florida Department of Transportation Roadway and Traffic Design Standards and Standard Specifications for Road and Bridge Construction. The proposed plan must address pedestrian as well as vehicular traffic. The approved plan shall be available on the job site at all times. Following approval, changes necessitated by site conditions require permission from the county traffic division and the county highway department. All TCP's shall be signed and sealed by a Florida registered engineer.

Section 154-234, 154-235. - Reserved.

Section 154-236. - Indemnity and insurance.

Each right-of-way permit will contain terms indemnifying the county from liability arising out of the performance or maintenance of the installation. Proof of insurance may be required in an amount satisfactory to the county, to cover the indemnified liabilities.

Section 154-237. - Fees.

- (a) A schedule of fees for right-of-way permits ~~shall be~~is established by resolution of the Board of County Commissioners.
- (b) The fee for a right-of-way permit ~~shall~~represents the estimated cost for reviewing and processing the permit application, inspecting all work performed under the permit, and any other reasonable costs associated with the implementation of this article. Such fees may be reviewed and updated.

Sections 154-238 —154-249- Reserved.

ARTICLE V. – SUBDIVISIONS, PLATTING, AND VACATIONS

DIVISION 1. – GENERALLY

Section 154-250. – Applicability

- (a) This article shall apply to all lands within unincorporated county, properties of countywide importance as defined in Chapter 134, Article VIII, and roads within the county road system.
- (b) The requirements of this section shall not exempt an applicant from any other applicable local, county, state or federal requirements. Where a conflict results between this section and any applicable local, county, state or federal requirements, the stricter of the requirements shall apply.

Section 154-251. – Purpose and intent.

- (a) The purpose of this section is to establish procedures and standards for the development and subdivision of land within the county. It is intended to promote the public safety, health and general welfare with the following objectives:
 - (1) To ensure proper legal description, identification, monumentation and recording of plats;
 - (2) To ensure the orderly layout and appropriate use of the land; to provide safe, convenient and economic circulation of vehicular and pedestrian traffic;
 - (3) To provide suitable building sites which drain properly and are readily accessible; to provide for suitable, amenable, well planned neighborhoods;

Section 154-252. - Unlawful acts.

- (a) It shall be unlawful for any person to convey or mortgage land in the county by reference to any plat unless and until such plat is recorded in the office of the clerk of the circuit court.
- (b) It shall also be unlawful to fail to complete required improvements, in substantial compliance with site and/or construction plans approved in compliance with this chapter, within a timely manner. Cancellation or nonrenewal of any required security shall be deemed a violation of this chapter.

Sections 154-253 —154-259- Reserved.

DIVISION 2. – LOT LINE ADJUSTMENTS AND LOT SPLITS

Section 154-260. – Lot line adjustments and lot splits defined.

- (a) A *lot line* adjustment is a process involving the adjustment of the platted lot line(s) between two or more abutting platted lots of record which changes the size of the

buildable lots. For the purposes of these standards, lot line adjustments do not result in additional number of lots.

- (b) A *lot split* is the process involving the creation of one or more buildable lots from a platted lot of record which changes the number of buildable lots. Obtaining a separate parcel identification number from the Pinellas County Property Appraiser does not constitute a lot split or a buildable lot.

Section 154-261. – Requirements

- (a) The following standards apply to lot line adjustments and lot splits:
 - (1) Easements for public utilities including stormwater drainage shall be relocated as necessary and subject to county approval. The applicant shall pay all costs of utility adjustments, extensions, relocations, and connections.
 - (2) Any unpaid outstanding liens and assessments owed to the county shall be satisfied as a condition of lot line adjustment or lot split.
 - (3) Consistency with the established neighborhood pattern shall generally be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services.
 - (4) All lots must be owned by the same entity or person and have the written consent of all property owners or someone legally able to bind the owner.
 - (5) Lot splits shall not result in three or more buildable lots; in such case, the proposal may not be reviewed as a lot split and shall be processed as subdivision/plat.
 - (6) For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.
 - (7) For lot splits, no variance to the minimum lot area requirements of the zoning district is allowed.
- (b) Lot line adjustments and lot splits shall be reviewed as a Type 1 application pursuant to Chapter 138 Article II.
- (c) Platting and/or replatting is required if the lot split of subject property will result in a total of three or more lots.
- (d) Upon approval, the lot split/lot line adjustment shall be recorded with the clerk of the court.

DIVISION 3. – SUBDIVISION/PLATS

Section 154-262. - Platting required.

- (a) Platting is required for the following conditions:
 - (1) Land which is intended to be subdivided to result in:
 - a. Three or more lots or parcels,
 - b. New streets and/or alleys, AND/OR
 - c. Additions and resubdivisions as it relates to the subdivision.
 - (2) Land which is being developed in such a manner that it is apparent from the documents submitted that subdivision of the land for sale will result and platting would otherwise be required.

- (3) Obtaining a lot split or separate parcel identification number from the Pinellas County Property Appraiser is not a valid form of subdividing land for the purpose of creating a buildable lot.

Section 154-263. – Plat review and approval processes

- (a) Plats are reviewed as a two-step process pursuant to the following:
 - (1) Step 1 – Preliminary Plats
 - a. Preliminary plats are required prior to plat approval and recording; preliminary plans illustrate the requested parcels, tracts, lots, rights-of-way, and easements.
 - b. Preliminary plats are reviewed as a Type 1 application pursuant to Chapter 138, Article II.
 - c. When the subject area includes site improvements and/or new roadways, the preliminary plat may be reviewed as part of a site plan application.
 - (2) Step 2 - Final plats
 - a. Final plats include the legally-adopted instruments that establishes the new plat. Final plats are prepared and processed after the county approves the preliminary plat and any required site improvements are completed or bonded (e.g. streets).
 - b. Final plats are reviewed as a Type 5 application pursuant to Chapter 138, Article II.
 - c. Final plats must be ~~adopted~~approved by the Board of County Commissioners and subsequently recorded with the clerk of the court.
- (b) Modifications/corrections to existing plats shall follow the applicable review processes.

Section 154-264. - Platting requirements and information.

- (a) General requirements for platting are as follows:
 - (1) For platting purposes, the owner of the land shall cause a record plat to be made. Such plat must be prepared by a professional surveyor or mapper and submitted to the county in the format required by the county administrator or designee. The plat ~~will~~must conform to the requirements of F.S. ch. 177, part 1.
 - (2) Developers must submit the required number of copies of the plat along with the check for the review fee as established by resolution of the Board of County Commissioners. Such check shall be made payable to the Board of County Commissioners.
 - (3) There shall be a dedication to the public on the face of the plat clearly identifying those streets, walkways, waters, easements and/or other areas being dedicated to the public. The plat shall include dedicated areas which are necessary for access, drainage and, utilities, or as established by resolution of the Board of County Commissioners. Such dedication shall be duly executed by the owner or owners, in the same manner as deeds conveying lands are required to be executed for recordation.
 - ~~(4) Lots shall be numbered consecutively or, if in blocks, consecutively numbered in each block, and the blocks consecutively lettered or numbered.~~
 - ~~(45)~~ (45) Plats shall include the submittal and information as established in Chapter 138 – Article II for Type 1 and Type 5 reviews.
 - ~~(56)~~ (56) The clerk of the circuit court requires:
 - a. All additions after initial drafting of plat be executed in permanent black ink.

- b. Every plat submitted to the Board of County Commissioners must be accompanied by a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication as it is shown on the plat. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.
- c. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his succession in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

~~(67)~~ The Board of County Commissioners shall establish fee schedules by board resolution for plat review, final inspection and reinspections for release of surety. Checks for these fees shall be made out to the Board of County Commissioners.

~~(78)~~ The Board of County Commissioners shall establish fee schedules by board resolution for filing fees for plats and for recording consents to plat if mortgagee(s) did not sign the plat itself. Checks for these fees shall be made out to the clerk of the circuit court.

(b) ~~The following information shall appear on the record plat: The plat must conform to all of the requirements of Chapter 177, Part 1, Florida Statutes, and any amendments thereto, and the current platting standards as presented by the requirements and example package available from the reviewing county department.~~

~~(1) In the title: Name of subdivision (must agree with the final site plan), section, township, range and Pinellas County, Florida. If a replat, the lot and block numbers being replatted must be included in the title area.~~

~~(2) Both a numerical and bar scale and a north arrow.~~

~~(3) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification and on the boundary survey. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined. The description must be tied to a section corner or quarter corner either within the description or by a graphic tie on the plat.~~

~~(4) Platting Surveyor's certification, certificate of conformity review to Florida Statutes,, owners dedication and acknowledgement, homeowners association confirmation of acceptance and acknowledgement, approval of the chairman, Board of County Commissioners, county administrator or designee, and certificate of approval of county clerk, certificate of mortgagee and acknowledgement if applicable,~~

~~(5) Block corner radii dimensions shall be shown.~~

~~(6) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable.~~

~~Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the $39.37/12 = 3.28083333333$ equation for conversion from a U.S. foot to a metric foot.~~

- ~~(7) Curvilinear lots shall show the radii, arc distances, central angles, chord, and chord bearing, or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated.~~
- ~~(8) Sufficient angles, bearing, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.~~
- ~~(9) The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s." arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.~~
- ~~(10) Name and right of way width of each street or other right of way. Location, dimensions and purposes of all easements and whether the right of way or easement is to be public or private. All easements must be fully dimensioned and tied to the plat or lot corner.~~
- ~~(11) Reference to recorded subdivision plats of adjoining platted land by record name, plat book and page and the O.R. book and page number of all existing easements and rights of way.~~
- ~~(12) All abutting property ownership lines and lot numbers to be shown by dashed or dotted lines.~~
- ~~(13) All land within the boundaries of the plat must be accounted for, either by blocks, lots, parks, streets, or expected parcels. Unusable strips will not be permitted.~~
- ~~(14) Location and description of permanent reference monuments.~~
- ~~(15) The plat shall include in a prominent place the following statement: NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.~~
- ~~(16) Any other information as required by the Florida Statutes 177.091.~~

(c) The following shall be submitted with the plat prior to recording:

- (1) Required plat review fee.
- (2) Proof that vacations of existing right-of-way and easements within the proposed boundaries of the development have been completed.
- (3) Letter from utility companies (i.e., water, reclaimed water, sewer, power, phone, gas, etc.) stating that the easements shown are sufficient for their needs.
- (4) Developer's sidewalk completion guarantee. Sidewalks adjacent to common areas must be constructed as a portion of the development construction.
- (5) An engineer's certification on design.
- (6) A letter from the postal service indicating that there are no duplicate street names. The street names on the plans and on the plat must be the same.
- (7) The fee for installation of street signs shall be per quote from the county traffic department. If the streets are private, street signs must have been installed or a private street sign installation guaranty submitted.
- (8) In the event improvements have been made prior to the plat being submitted for recording, an engineer's certification of completion, a subdivider's affidavit that all bills have been paid, a letter from the water, sewer and highway departments that

all their requirements have been met and they are accepting their respective systems, and a maintenance surety are required prior to the plat being recorded.

(9) Subdivisions where the infrastructure is not to be public must be completed before the filing of the plat or a payment and escrow agreement must be submitted and approved.

~~(10) Each plat will show a legal description of the lands subdivided, and the legal description will be the same in the title report. The legal description must be so complete that from it, without reference to the (proposed) plat, the starting point and boundary can be determined. If the legal description shown on the plat varies from the title report, the surveyor must provide a signed and sealed letter confirming that, in his or her professional opinion, both descriptions describe the same lands.~~

~~(1011)~~ Each plat submittal shall include a title report not more than 60 calendar days old. The title report ("report") must cover a minimum 30-year period, and must include copies of all recorded documents within the 30-year period, as well as earlier documents still binding on the plat (e.g., easements and rights of way). All documents referenced in the title report as pertinent to the platted lands must be provided with the certification, including the last deed of record.

~~(1112)~~ Certified copies of any active permits issued by the Florida Department of Environmental Protection or Southwest Florida Water Management District for any stormwater management system, as that term is defined in Chapter 373, Florida Statutes, reflected on the plat.

~~(1213)~~ Certified copies of any active sovereign submerged lands leases issued by the Florida Department of Environmental Protection pursuant to Chapter 253, Florida Statutes for any sovereign submerged lands reflected on the plat.

(d) It is the responsibility of the project engineer to request in writing to the county administrator or designee that the final inspection of the street, drainage, and related grading improvements be made. This request should be made at the earliest possible date to allow sufficient time to complete incidental construction items prior to surety expirations or to meet deadlines mentioned.

(e) Completion and maintenance security:

(1) The Board of County Commissioners, as a condition to the approval of the plat, shall require the developer who is seeking to have the plat approved provide a completion security in the form of a surety bond, letter of credit or other acceptable guaranty as the board shall determine adequate to guarantee construction and installation of all roads, streets, sidewalks, drainage, and water and sewerage disposal facilities as are required in accordance with this chapter and other applicable ordinances, statutes and regulations. Security shall be in the amount of 110 percent of the estimated cost of required improvements based on a certificate of cost estimate prepared, signed, sealed and dated by a registered professional engineer.

(2) Upon satisfactory completion of all improvements within areas to be dedicated to the public, the Board of County Commissioners may, at its discretion, accept those dedicated areas, by resolution, on behalf of the public. As a condition of acceptance, the developer shall provide a maintenance security in the form of a surety bond, letter of credit, or other acceptable guaranty in such amount and for such duration as the board deems sufficient to indemnify the board against latent defects in the improvements within the dedicated areas. Minimum security shall be 20 percent of the estimated cost of required improvements, to be fully effective for 18 months from acceptance by the board. Upon acceptance and receipt of the

maintenance surety, the board shall release the completion security. A bill for the cost of work may be used to calculate the amount for the 20 percent maintenance bond.

- (3) A separate security may be required for construction to be performed and/or maintained within existing county rights-of-way and other public property.

(f) Procedure of acceptance of improvements and release of surety:

- (1) Sixty days before the expiration date, the county inspector will inspect the development and prepare an inspection report. This report will be sent to the principal of the bond (owner/developer or contractor) by certified mail, return receipt requested. Copies will also be forwarded to the project engineer, the surety agent, either the owner/developer or contractor and the director.
- (2) Thirty days before the expiration date, the county shall reinspect the development to determine whether defects in the above referenced 60-day report have been corrected satisfactorily. If defects still exist within the development, the highway division shall prepare a final letter stating that the contractor or developer has failed to repair certain defects within the development. Such letter of defects shall be specific and shall give exact locations within the development.
 - a. Completion surety: If the inspection shows that all defects have been corrected, and a maintenance surety has been submitted and approved, the release of the completion surety will be placed on the next Board of County Commissioner's agenda.
 - b. Maintenance surety: If the inspection shows that all defects have been corrected, the request for release of the maintenance surety will be placed on the Board of County Commissioner's agenda.
- (3) Eighteen days before the expiration date, correspondence will be prepared that will enable the county to collect on the completion surety or maintenance surety. In the case of a bond, a letter will be sent directly to the bonding company. In the case of a letter of credit, a sight draft will be prepared to be drawn upon the bank or lending institution. Necessary signatures on the sight draft will be obtained and will be sent by certified mail, return receipt requested, to the respective surety representative.
- (4) A request to release a surety (completion or maintenance) must be made in writing to the county administrator or designee no later than 5:00 p.m. on Monday of the week previous to the scheduled board meeting. At this time the Board of County Commissioners must have a written release from the public works and utility departments stating that the work is accepted and a maintenance surety has been received and approved or the project has been accepted for county maintenance after the maintenance surety has expired or been released.
- (5) Should a surety have to be extended beyond the expiration date, in order that requirements of the surety are met, then the time of extension shall not exceed six months. If it is deemed necessary to further extend the time of surety, a new certificate of cost estimate shall be submitted, signed, sealed and dated by a ~~state~~Florida registered engineer. The new surety shall be in the amount of the cost estimate but not less than the amount of the original surety. The new sureties shall not be extended.

Sections 154-265 —154-269- Reserved.

DIVISION 4. – RIGHT-OF-WAY VACATIONS AND EASEMENT TERMINATIONS

Section 154-270. - Applicability.

- (a) Right-of-way Vacation. A right-of-way vacation is required for situations that will result in the county's vacation, abandonment, discontinuance or closure of any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof, including associated right-of-way. The provisions of this division are applicable to requests to vacate public rights-of-way.
- (b) Easement Termination. An easement termination is required for situations where the county will terminate its access and/or utilization benefits from a particular easement. The provisions of this division are applicable to easement terminations between the county and a property owner; this section does not apply to private party easement arrangements.

Section 154-271. – Review and approval processes

- (a) *Vacations*. Vacation requests for platted rights of way and easements are reviewed as a Type 5 application:
- (b) *Easements other than those dedicated by plat*. Vacation of easements other than those dedicated by plat shall be a Type 1 review, approved by the county administrator or designee.

Sec. 154-272. – Criteria for consideration

- (a) The following criteria shall be considered by the reviewing body:
 - (1) Whether there is the need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or relocated as requested by the various departments or utility companies.
 - (2) Whether the action would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.
 - (3) Whether the action would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.
 - (4) Whether the easement is needed for the purpose for which the county has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors, or stormwater/environmental maintenance or improvement projects.
 - (5) Whether the action will restrict/eliminate public access to beaches, lakes, rivers, bays, estuaries, streams and other waterways.
 - (6) Whether the right-of-way/easement is a significant component of a community redevelopment plan, community plan, or equivalent.
- (b) The reviewing body shall consider other factors affecting the public health, safety, or welfare.
- (c) The County, at its discretion, shall determine if there is any viable use of the right-of-way or easement currently or in the future before considering approval of the request.

Sec. 154-273. – Vacation replat requirements

- (a) All vacations shall also require a replat, except:

- (1) Vacation of rights-of-way in residential zoning districts in which 25 percent or more of the lineal frontage of abutting lots are developed shall not require platting.
 - (2) Partial street vacations and vacation of walkways.
 - (3) Vacations associated with the assembly of land for city, county, state, federal, or other governmental institutional use.
- (b) Replatting shall be required in any of the aforementioned situations if the Board of County Commissioners determine that replatting of the vacated rights-of-way and abutting properties is necessary to protect the public health, safety, or welfare.

Sec. 154-274. – Payment for required public improvements.

- (a) When vacations and/or easement terminations are granted, the applicant may be required to pay the cost of relocating any public facilities associated with the land area. The applicant may also be required to pay the cost that was originally incurred in order to acquire the land or easement.
- (b) The applicant/developer shall complete all applicable improvements and payment of costs before the final vacation/easement termination is recorded. The county administrator or designee may adjust this requirement when bonds or other securities are executed.

Sec. 154-275. - Vacation of right-of-way and/or easements to publicly accessible waters.

- (a) No public road, public street, public accessway, public right-of-way, or public easement capable of granting public access to any publicly accessible waters of the county shall be abandoned, released, or otherwise vacated, except as otherwise provided in subsection (b).
- (b) In those instances where any party, including another governmental unit, petitions the county for abandonment, release, or vacation of a public road, public street, public accessway, public-right-of-way, or public easement capable of granting public access to any publicly accessible waters, and the board determines that it is in the best interest of the public, is not injurious to individual property owners, and satisfies any other criteria as may be provided by law, the board may, in its discretion, grant the petition, so long as the party agrees to provide, trade, convey, or dedicate to the public comparable land granting access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the board.

Section 154-276—154-299. - Reserved.

ARTICLE VI. - UTILITY WORK

Sec. 154-300. - *Generally.*

- (a) Nothing in this article is intended to supersede or conflict with state or federal law; or existing franchise; in the case of any conflict, the provisions of such state or federal law or franchise shall prevail.
- (b) It is the intent of this article to impose reasonable regulations on the placement and maintenance of facilities within the right-of-way, to promote cooperation between users thereof, to facilitate installation and relocation of facilities therein, and to create uniform procedures for issuance of permits for utility work performed within the right-of-way, in order to protect the public health, safety and general welfare of the residents of the county. This article also provides for recovery by the county of actual and projected costs from persons placing and maintaining facilities in the right-of-way.

- (c) Any permit issued prior to the effective date of the ordinance from which this article derives shall be valid on the terms under which it was issued, except that such permit shall be subject to all prospective provisions of this article as they pertain to county projects, and fees that may be adopted and revised by the Board of County Commissioners.
- (d) The areas embraced by this article shall be all county rights-of-way, whether or not within municipal boundaries.
- (e) The issuance of a utility permit shall not confer upon the permittee any exclusive implied privileges, proprietary interests, or vested rights in the location, alignment, or priority of the utility or installation.
- (f) The issuance of a utility permit under this article does not abrogate any legal requirement to comply with other county ordinances or with the regulations of any other governmental agency.
- (g) If a permittee transfers, sells, or assigns its assets located in the right-of-way, the conditions of this article and any existing permits are binding on such transferee, buyer or assignee.
- (h) Vertical structures, such as towers, whose primary purpose is to serve as a mounting device for antennae, are expressly prohibited from being placed in the right-of-way, except as expressly permitted by section 170-277.

Sec. 154-301. - Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) *Abandonment* means the cessation of the use of a utility facility; provided that this term shall not include cessation of all use of a Utility facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be considered abandonment while the cessation of use of a small wireless facility collocated upon an active utility pole shall be considered abandonment of the small wireless facility but not constitute abandonment of the active utility pole. Removal of all utilities, including small wireless facilities, from a pole and leaving the pole, in whole or in part, shall constitute abandonment of the utility pole.
 - (2) *Annual general permit* means an annual permit issued by the county for certain routine, repetitive work not requiring a specific utilization permit, which may be issued or renewed for periods up to one year, in the discretion of the county.
 - (3) *Antenna* means a mounted device used for the transmission of telecommunications services or communications services, including but not limited to traditional and small cell technology.
 - (4) *Applicant, owner, or permittee* means any person requesting permission to place or maintain facilities in a right-of-way, or who has previously done so.
 - (5) *As-built survey* means a survey performed to obtain horizontal and vertical dimensional data so that constructed improvements may be located and delineated.
 - (6) *Co-location, co-locate or attach* means the placement or attachment of telecommunications antenna on any existing, lawfully permitted and active structure within the right-of-way. Colocation upon an existing structure not

providing telecommunication services does not convert the pole structure into a Wireless Facility.

- (7) *Communications services* shall have the meaning found in Florida Statutes, Section 202.11, as may be amended.
- (8) *County* means Pinellas County, Florida.
- (9) *County project* means work done by or for the county within public right-of-way for county purposes, not for the benefit of a private developer.
- (10) *Department* means the County Department of Public Works.
- (11) *Director* means the Director of the County Department of Public Works.
- (12) *Emergency* means a condition that poses a threat to life, health, or property, or may create an out-of-service condition.
- (13) *Facilities* mean any utilities located in, over or under any right-of-way, but shall not include plantings, driveways, or other non-utility installations in the right-of-way.
- (14) *FDOT* means the Florida Department of Transportation.
- (15) *Micro wireless facility* means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.
- (16) *Permit* means the right-of-way utilization permit which must be obtained before a person may place or maintain any facility in a right-of-way.
- (17) *Permittee* means any person to whom a permit to place or maintain a facility in a right-of-way has been granted by the county.
- (18) *Person* means any natural or corporate person, municipality, school, church, or business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities located in any right-of-way.
- (19) *Place or maintain, placement and maintenance, or placing or maintaining* means to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A person that owns or exercises physical control over facilities located in the public right-of-way, such as physical control to maintain and repair, is "placing or maintaining" the facilities. A person providing service only through resale or the use of a third party's unbundled network elements is not "placing or maintaining" the facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public rights-of-way does not constitute "placing or maintaining" facilities within the public rights-of-way.
- (20) *Registrant* means a person or corporation that has registered with Pinellas County as a provider of wireless communication services or infrastructure.
- (21) *Right-of-way* means the surface and space above and below any real property in which the county has an interest in law or equity, devoted to or required for use as a transportation facility, including streets, easements and sidewalks, but excluding parks. Right-of-way means the public right-of-way, not private rights-of-way. Right-of-way does not include the Fred Marquis Pinellas Trail nor the Duke Energy Trail.
- (22) *Small wireless facility* means a wireless facility, including a micro wireless facility, that meets the following qualifications:
 - a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or in the case of antennas that have

exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.
- (23) *Structural change* means activities affecting the integrity of the public road surface, road base, curb, sidewalk or shoulder.
 - (24) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
 - (25) *Utilities* means any water, reclaimed water, sewer, gas, drainage, monitor well, sprinkler or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber, wire, cable, or operator thereof, including utilities operated by the county.
 - (26) *Utility pole* means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less.
 - (27) *Wireless facility* means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities, but does not include:
 - a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
 - b. Wireline backhaul facilities; or
 - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
 - (28) *Wireless infrastructure provider* means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but ~~is~~ not a wireless services provider.
 - (29) *Wireless provider* means a wireless infrastructure provider or a wireless services provider.
 - (30) *Wireless services* means any services provided using spectrum ~~using~~ wireless facilities.
 - (31) *Wireless service provider* means a person who provides wireless services.
 - (32) *Wireless support structure* means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

Sec. 154-302. – Permits and Registration required.

- (a) The director, or his designee, shall be the principal county official responsible for the administration of this article, and he may delegate any or all of the duties hereunder.
- (b) Permits Required. No person shall place ~~or maintain~~ facilities within the right-of-way prior to the issuance of a utility permit, including an annual general permit, for such work. Permits are also required for any work that involves excavation, closure of a sidewalk or multi-modal trail, or closure of a vehicular lane or parking lane, within the right-of-way, unless the provider is performing service restoration to existing facilities. All applications shall contain:
 - (1) Applicant's and local agent's name, address, e-mail address, telephone and facsimile numbers.
 - (2) A statement that the applicant is a utility owner or its authorized agent, if applicable.
 - (3) All required attachments, and scaled, dated drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
 - (4) Certification of a registered Florida professional engineer (unless permittee is using exempt employees pursuant to F.S. § 471.003(2)(b)2(d)), that the drawings, plans, and specification submitted by the applicant shall comply with applicable technical codes, rules and regulations. Certification of plans is required if a construction project:
 - a. Results in a significantly different traffic control plan;
 - b. Results in a structural change of the county road; or
 - c. Contains engineering plans which were developed and designed by an outside engineering firm.
 - (5) A maintenance of traffic plan, consistent with the ~~Uniform~~ Manual ~~efon~~ Uniform Traffic Control Devices, and/or a specific FDOT 600 Series for safety of the public and employees.
 - (6) For underground installation, information in sufficient detail to identify:
 - a. The physical space currently available in applicant's existing ducts or conduits before installation of applicant's facilities;
 - b. The physical space, if any, that will exist in such ducts or conduits after installation of applicant's facilities;
 - c. The location, depth, size, material and quantity of proposed new ducts or conduits;
 - d. The type of the utility facility to be installed.
 - (7) A description of the construction methods or techniques to be used for the installation.
 - (8) A preliminary construction schedule and completion date.
 - (9) Payment of all uncontested money past due to the county for:
 - a. Prior and current construction permits issued to applicant;
 - b. Any loss, damage, or expense suffered by the county as a result of applicant's prior construction in the right-of-way or any emergency actions taken by the county; and
 - c. Any use agreement, license, or franchise issued to the applicant.

- (c) Registration. Every person or entity that desires to place or maintain any small wireless facility in any county right-of-way shall first register with the director or his/her designee prior to applying for a permit, if required, to place or maintain such facility within the right-of-way.
- (1) Every person registering pursuant to this section shall provide the following information:
 - a. the name of the registrant under which it will transact business in the county and, if different, in the State of Florida; and
 - b. the address and telephone number of the registrant's principal place of business in the State of Florida and any branch office located in the county or, if none, the name, address and telephone number of the applicant's national headquarters and its registered agent in Florida; and
 - c. the name, address and telephone number of the registrant's primary contact person and the person to contact in case of an emergency; and
 - d. the type of small wireless facility that the registrant intends to provide within or upon the county's rights-of-ways (if more than one, state all that apply); and
 - e. a copy of both the registrant's Florida annual resale certificate and certificate of registration issued by the Florida Department of Revenue to engage in the business of providing communications services in the State of Florida; and
 - f. a copy of the registrant's certificate of authorization, public convenience and necessity or other similar certification issued by the Florida Public Service Commission; and
 - g. the number of the registrant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission, the department, the FCC, or other federal authority, if any; and
 - h. evidence of the registrant's insurance coverage as required under this chapter.
 - (2) The director or designee shall review the information submitted by the registrant. If it is found that the registrant complied with the requirements in subsection 1 above, the registration shall be effective and the director or designee shall notify the applicant of the effectiveness of registration in writing. If the director or designee determines that the registrant is not in compliance, the director or designee shall notify the registrant in writing of the non-effectiveness and denial of registration and the reasons therefor. Denial of registration shall not preclude an applicant from reapplying or filing subsequent applications for registration under the provisions of this section.
 - (3) An effective registration does not, and shall not be construed to, convey equitable or legal title in the rights-of-way.
 - (4) A registrant may cancel a registration upon written notice to the director stating that it will no longer place or maintain a small wireless facility. A registrant cannot cancel a registration if it intends to continue placing or maintaining a small wireless facility in the rights-of-way.
 - (5) Registration does not establish a right to place or maintain or a priority for the placement or maintenance of any facility in the rights-of-way. However, registration is required prior to submitting an application for the placement of telecommunication antennae or towers pursuant to Section 277.

- (6) A registrant shall ~~renew~~update its registration annually, providing any changes to the required registration information. ~~and shall remit at such time the annual fee for each antennae existing within the right of way.~~
- (7) An effective registration shall be a condition of a complete permit submitted pursuant to Section 277 of this chapter.

Sec. 154-303. - Insurance and sureties.

- (a) Prior to permit approval, the permittee shall deliver proof of insurance as determined by Pinellas County Risk Management.
- (b) Sureties may be in the form of surety bonds, letters of credit, or third-party escrow agreements, acceptable to the county. The following sureties are required:
 - (1) Completion sureties, in the amount of 110 percent of the engineer's estimated cost of the installation. The duration of this surety shall coincide with the permitted activity.
 - (2) Maintenance sureties shall be a minimum 20 percent of the amount of the completion surety; a higher percentage may be required if special circumstances dictate. This surety shall be effective for a minimum of 18 months from completion of permitted activity.
 - (3) Removal sureties shall be required for installation of temporary facilities, intended to remain in place for no more than five years. The amount shall be based on the estimated cost of removal of the facility, or a minimum of \$5,000.00, whichever is greater.
 - (4) Companies regulated by the public service commission, companies with a current franchise agreement with the county, and governmental entities are exempt from this surety requirement.

Sec. 154-304. - Construction and restoration.

- (a) County projects. For work done in advance of or as part of a county project, it is required that prior to the placement or maintenance of facilities in the right-of-way, a permittee shall conduct a subsurface utility engineering (SUE) study on the proposed route of construction or expansion, all at permittee's expense. A SUE study consists of, at minimum, completion of the following tasks:
 - (1) Secure all available "as-built" plans, plats and other location data indicating the existence and approximate location of all underground facilities along the proposed construction route.
 - (2) Visibly survey and record the location and dimensions of any aboveground features of all underground facilities along the proposed construction route, including but not limited to manholes, valve boxes, utility boxes, posts and visible street cut repairs.
 - (3) Plot and incorporate the data obtained from completion of the tasks described above on the permittee's proposed system route maps, plan sheets and computer aided drafting and design (CADD) files, or in such other electronic format as maintained by the permittee which is acceptable to the director.
 - (4) Determine and record the presence and approximate horizontal location of all underground facilities in the right-of-way along the proposed system route utilizing surface geophysical designating techniques such as electromagnetic, magnetic and elastic wave locating methods.
 - (5) Where system design and the location of underground facilities appear to conflict on the updated system route maps, plans and CADD (or acceptable alternate)

files, utilize non-destructive digging methods, such as vacuum excavation, at the critical points identified to determine as precisely as possible, the horizontal, vertical and spatial position, composition, size and other specifications of the conflicting underground facilities. A permittee shall not excavate more than a 200 millimeter by 200 millimeter (eight inches × eight inches) hole in the right-of-way to complete this task.

- (6) Plot, incorporate and reconcile the data obtained by completion of these tasks with the updated route maps, system plans and CADD (or acceptable alternate) files.
 - (7) Based on all of the data collected upon completion of these tasks, adjust the proposed system design elevations, horizontal and vertical locations to avoid the need to relocate other underground facilities.
 - (8) Copy to county. Upon completion of the SUE, the permittee shall record all of the data collected into a CADD file, or acceptable alternate, compatible with that used by the department and deliver a copy to the department.
 - (9) Qualified firm. All subsurface utility engineering studies conducted pursuant to this section shall be performed by a firm specializing in SUE work that is approved by the director, or his designee, or may be performed by the permittee's agents or employees, if qualified.
- (b) Utility projects. The director, or designee, shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of permittee to occupy and use the right-of-way. In making such decisions, the director, or his designee, shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public health, safety, and welfare, the protection of existing facilities in the right-of-way, and future county plans for public improvements and development projects which are in the public interest.
- (1) Coordination of work. Upon request of the county, permittee may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public rights-of-way, and permittee may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbances in the public rights-of-way.
 - (2) Protection of facilities. A permittee shall not place or maintain its facilities so as to interfere with, displace, damage or destroy any facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the county or any other person's facilities lawfully occupying the rights-of-way.
 - (3) Least disruptive technology and undergrounding. All construction or maintenance of facilities shall be accomplished in the manner resulting in the least amount of damage and disruption of the right-of-way subject to economic and technical feasibility. Underground installation of all new public utility facilities including lines, wires and related appurtenances is required, with the exception of major transmission lines. Where public utility companies can show that underground service creates an unnecessary hardship, a variance to permit overhead installation may be granted by the county administrator.
 - (4) Upon completion of each permitted construction activity, the permittee shall provide the county with accurate "as-built" drawings of the facilities as installed, or a statement that no deviation from the plans exceed 12 inches. If the permittee uses exempt surveyors and engineers pursuant to Florida Statutes, or is subject to a

franchise agreement with the county, drawings or statements shall be signed by an authorized agent of the company. Otherwise, such drawings or statements shall be signed by a registered professional. Where tolerances are critical, the director may require professionally certified as-builts.

- (5) Right-of-way restoration.
 - a. In addition to its own work, the permittee must restore the general area of the work, and the surrounding areas, including the paving and its foundations, to the same or better condition that existed before the commencement of the work and must maintain the same condition for a minimum of 18 months thereafter.
 - b. In approving an application for a right-of-way utilization permit, the permittee must restore the right-of-way as provided by F.S. § 337.401 et seq.
 - c. Failure of the permittee to promptly restore the right-of-way shall constitute consent for the county to perform such restoration at the permittee's expense.
- (6) The permittee is responsible for any damage resulting from placement or maintenance of its facilities. This responsibility covers not only county property, but facilities lawfully placed or maintained by other permittees, and includes damage caused by service interruptions or failure of the permittee's facilities to function properly.

Sec. 154-305. - Relocation.

- (a) In the event of any widening, repairs, installation, construction or reconstruction by the county or on behalf of the county, of any county road within the right-of-way in which the permittee or owner has constructed any utility, the permittee or owner shall locate, move, remove, or relocate such utility or facility as may be required for the public convenience as and whenever specified by the county and at the permittee's or owner's own expense. The same duty to locate, move, remove, or relocate shall apply if a utility or facility is determined to be unreasonably interfering in any way with the convenient, safe, or continuous use of the right-of-way, or with the maintenance, improvement, extension or expansion of the public road, pursuant to F.S. § 337.403. Relocation required for private developers will be reimbursed by the developer, as such is not a county project.
- (b) When relocation is required under this section, county owned and maintained facilities shall be given priority in establishing new utility alignments within the right-of-way.
- (c) The term "locate" as used above in subsection (a) shall:
 - (1) Apply only to underground facilities.
 - (2) Require exposure of underground utility facility so that the location can be accurately surveyed according to applicable topographic land survey standards.
 - (3) In lieu of subsection (2), accurately locate by means of underground detection devices, if the same survey standards are met.
 - (4) Require timely performance of utility owner to supply location information within 90 days from written notice from the county.
 - (5) Require location data to be supplied in writing, drawings, graphic, or computer files subject to county approval. All data shall be certified by a professional land surveyor indicating location information meets land survey standards.
- (d) Nothing in this article shall prohibit utility owners from contracting with other qualified firms for performance of these activities.

- (e) If a person fails to commence removal or relocation of its facilities as designated by the county, within the time specified in the county's removal order, or if a person fails to timely complete such removal, including all associated restoration of the right-of-way, the county shall have all rights of action specified under F.S. § 337.403, including, but not limited to, removal of the facilities at the permittee's cost and expense, by another person, county forces or its contractor; and pursuant of all available remedies under the sureties, at law or equity.
- (f) The requirements of section 170-270 shall apply to this section.

Sec. 154-306. - Abandoned facilities.

- (a) A permittee who abandons a facility in the public right-of-way shall notify the department within 90 days.
- (b) The department may direct the permittee by written notice to remove all or any portion of such abandoned facility, where feasible, at the permittee's sole expense if the county determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility may:
 - (1) Compromise safety for any right-of-way user;
 - (2) Prevent another permittee from placing or maintaining facilities; or
 - (3) Create a maintenance condition disruptive to use of right-of-way.
- (c) In the event that the department does not direct the removal of the abandoned facility, the permittee, by its notice of abandonment shall be deemed to consent to the alteration, use, or removal of all or any portion of the facility by another permittee or the county.
- (d) If the permittee fails to remove all or any portion of an abandoned facility as directed by the department within a reasonable time period, the county may perform such removal and charge all costs of the removal against the permittee.
- (e) If the director determines that a facility has been abandoned, it may take any of the steps listed above.

Sec. 154-307. - Enforcement of permit obligations.

- (a) Work done without a permit.
 - (1) Emergency situations.
 - a. Each permittee shall immediately notify the county via telephone or e-mail at the Pinellas County Public Works Department at 22211 U.S. Hwy 19 North, Clearwater, Florida, of any event regarding its facilities which it considers to be an emergency. The permittee may proceed to take whatever actions are necessary in order to respond to the emergency. The permittee may be required to obtain an "after-the-fact" permit within a reasonable time following the emergency work or submit revised "as-builts" where excavation is required.
 - b. In the event that the director, or his designee, becomes aware of an emergency regarding a permittee's facilities, the department shall attempt to contact the local representative of each permittee or person affected, or potentially affected by the emergency. In any event, the department may take whatever reasonable action it deems necessary in order to respond to the emergency, the cost of which shall be borne by the permittee whose facilities occasioned the emergency.

- (2) *Non-emergency situations.* Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by the code, deposit with the department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this article.
- (b) *Work beyond five feet from back of curb.* Annual permits may be issued by the county for routine work beyond five feet from back of curb. Such work shall be specified on each annual permit, and reporting conditions pursuant to permit and state law.
- (c) *Revocation of permits, probation.*
 - (1) ~~Permittee held permits issued pursuant to the code is a privilege and not a right.~~ The holder of a permit does not possess a vested right to maintain its facilities in a particular location, nor may the rights of the permittee be construed to be an interest in real property of a property right subject to constitutional protection.
 - (2) The county reserves the right, as provided herein, to revoke any permit, without refunding any fees, in the event of a substantial breach of the terms and conditions of any statute, ordinance, rule or regulations, or any condition of the permit. A substantial breach by permittee shall include, but shall not be limited to the following:
 - a. The violation of any material provision of the permit.
 - b. Any material misrepresentation of fact in the application for a permit.
 - c. The failure to maintain the required sureties or insurance.
 - d. The failure to obey a county directive to correct a condition.
 - e. Suspension or revocation of a required federal or state certification or license.
 - (3) Except in an emergency which could endanger health or safety, the director or his designee, shall issue a written notice to the permittee of the breach, which shall include the corrective actions to be taken by the permittee and the time allowed for corrective action. In an emergency, no notice is required, and the county may take all such steps it deems necessary to safeguard the public.
 - (4) Failure of the permittee to promptly respond and take corrective action within a reasonable time under the circumstances shall justify immediate revocation of the permit.
 - (5) Two or more failures to respond or take corrective action may cause the permittee to be placed on probation.
 - (6) If a permittee, while on probation, commits a breach as outlined above, the permittee will be fined, and/or permittee's permit may be revoked and no further permits will be allowed for one full year, except for emergency repairs.
- (d) *Other remedies for violation.*
 - (1) Any violation of any of the provisions of this article may be enforced as a local ordinance violation. Each day the violation continues shall be considered as a separate offense.
 - (2) In addition, the county can pursue all other lawful actions, including the filing of a complaint with the public service commission, the filing in any appropriate court for an injunction seeking enforcement of the terms of this article or the permit or to enjoin any use of the right-of-way.
 - (3) If the permittee fails to respond in a timely manner to remove or relocate facilities, as required under F.S. ch. 337, following notice from the county, the permittee shall

fully indemnify the county against any claims, actions, or suits brought by any contractor or developer who is delayed or inconvenienced by such failure of the permittee.

Sec. 154-308. - Inspections, enforcement, stop work orders.

(a) Inspection.

- (1) Within one week prior to the time the work under any permit hereunder is to commence, the permittee shall notify the director, or his designee to ensure a mutual agreement as to the work to be done.
- (2) Within one week of the time the work under any site specific permit hereunder is completed, the permittee shall notify the director, or his designee.
- (3) The permittee shall make the work site available to the department inspector and to all others authorized by law for inspection at all reasonable times during the execution and upon completion of the work.
- (4) The department inspector may issue an order to the permittee for correction of any work that does not conform to the applicable standards, permit conditions or codes. Failure to correct the violation may be cause for revocation of the permit.
- (5) Work on any utility within the right-of-way that is being done contrary to the provisions of this article, or the terms and conditions of the utility permit, may be immediately stopped upon the following conditions:
 - a. In an emergency situation that may have a serious effect on health or safety;
or
 - b. When irreversible or irreparable harm may result, in the reasonable opinion of the county administrator or ~~his~~ designee, and immediate cessation of the activity is necessary to protect the public and the right-of-way. Notice shall be given by the county administrator or ~~his~~ designee in writing to the owner, agent, or the person performing the work, which shall state the conditions under which work may be resumed. Verbal notice shall be sufficient to order an immediate cessation of the activity in emergency situations as determined by the ~~C~~county ~~A~~administrator or ~~their~~ designee and shall be followed by written notice.
- (6) The inspection or permitting by the county of work under this article shall not be construed as a warranty of the adequacy of performance or of the accuracy of information provided in the permit application by the applicant. The applicant retains full responsibility for information provided and the permittee retains full responsibility for work performed at all times.

(b) *Schedule of fees.* A schedule of fees for utility permits may be established by resolution of the Board of County Commissioners. The fee for a utility permit shall represent the estimated cost for reviewing and processing the permit application, all inspection of work performed under the permit, and any other reasonable costs associated with the implementation of this article. Such fees may be reviewed and updated annually. Communications services providers, as defined by F.S. ch. 202, which includes cable and telephone, will be exempt from permit fees. Permittees other than providers of communications services may be charged other fees for use of the right-of-way as allowed by state law.

Sec. 154-309. - Appeals, waivers and variances.

(a) Any person adversely affected by a decision of the county administrator in the permitting, enforcement or interpretation of any of the terms or provisions of this article may appeal such decision to the Board of County Commissioners. Such appeal shall be

taken by filing written notice with the county administrator, with a copy to the clerk of the board, within 20 days after the decision of the county administrator. Each such appeal shall be accompanied by a payment in sufficient amount to cover the cost of publishing and mailing notices of hearings. Failure to file such appeal constitutes acceptance of the permit and any conditions thereof or the denial of the application.

- (b) Written request for variance from the terms of this article shall be made by the applicant to the county administrator and shall include detailed plans and written justification for the variance. If the county administrator or ~~his~~ designee determines that strict compliance with this article would impose an unnecessary hardship peculiar to the property of the applicant, ~~he~~they may vary or waive the requirements of this article, provided that such variance or waiver will be consistent with the intent and purpose of this article. In granting such variances or waivers, the county may impose such reasonable conditions as will ensure that the objectives of this article are met.

Sec. 154-310. - Indemnification.

- (a) To the fullest extent permitted by state law, permittee agrees to indemnify, defend and save harmless the county and all the members of its board, its officers and employees from and against all losses and all claims, judgments, demands, payments, suits, actions, recoveries, and expenses of every nature and description, including claims for property damage and claims for injury to or death of persons, or on account of, any claim or amounts recovered under the "Workers' Compensation Law" or of any other laws, by-laws, ordinance, order or decree brought or recovered against it by reason of any act of negligence or omission of the permittee, its agents, contractors, or employees, except only such injury or damage as shall have been occasioned by the sole negligence of the county. The monetary limits of this indemnity shall be the limits of insurance coverage applicable to the permittee. These obligations shall survive the expiration of any permit.

Sec. 154-311. - Small Wireless Facilities Located Within the Right-of-Way.

- (a) Purpose. The purpose of this section is to adopt specific regulations relating to the use of rights-of-way for the erection of small wireless facilities and any accessory equipment supporting the same within county right-of-way, regardless of whether or not the right-of-way is in an unincorporated or incorporated area in accordance with Florida Statute §337.401. Regardless of the type of small wireless facility, a utilization permit pursuant to Article IV of this chapter shall be obtained prior to commencing any activity which impedes or alters the movement of pedestrian or vehicular traffic, or excavating, filling, or altering the right-of-way and must thereafter comply with all applicable terms therein and this section.

- (b) Permit Needed. All small wireless facilities, must apply for a permit as follows:

- (1) Micro wireless facilities:

- a. In accordance with applicable Florida law, micro wireless facilities strung on cables between utility poles do not require an annual permit for the wireless facility but must be registered with the county and meet the appropriate insurance and bonding requirements.
- b. To the extent that the installation of a micro wireless facility will require excavation, a sidewalk or multi-modal trail closure, or the closure of lane(s) for vehicular traffic or parking, a use permit is required for those uses of the right-of-way.
- c. Micro wireless facilities mounted on utility poles must comply with section B(2).

- (2) Small wireless facilities:

a. With the exception of micro wireless facilities suspended on cables strung between existing utility poles, a permit must be sought and may be granted for any small wireless facilities to be installed within the county right-of-way through the submittal of a permit application as set forth in Section 170-268.

~~b. In accordance with Florida law, permits for small wireless facilities placed upon new poles will have a minimum term of five (5) years while permits for co-located poles will have to be permitted annually.~~

(c) Permit conditions. Any permit issued pursuant to this section, must contain the following conditions, in addition to any other appropriate conditions authorized by the Pinellas County Land Development Code:

- (1) If necessary for the construction, maintenance, operation or alteration of the right-of-way, the antenna, tower, or utility pole, must be immediately removed or relocated from the right-of-way at the expense of the permittee unless reimbursement is authorized by the county or otherwise required by law. Unless the removal and relocation is required as a result of an emergency, the county must provide at least 90 days' written notice to the permittee and must cooperate with the permittee to relocate the antenna, tower, or utility pole, at the permittee's expense, in the right-of-way.
- (2) All work, materials and equipment must meet all county codes and standards and must be subject to inspection by the county. All disturbed areas must be restored to the original condition or better and in accordance with applicable county codes.
- (3) The installation, maintenance and operation of the antenna, tower, or utility pole must not interfere with the prior rights of a permittee or interfere with the convenient, safe or continuous use of the right-of-way. Interference that requires relocation or removal pursuant to Section 170-271 must be done so within 90 days of written notice and at permittee's expense or as otherwise required by section 337.403, Florida Statutes as may be amended.
- (4) The County will not be responsible for damage to any structure placed within the right-of-way or any structure/vehicle outside of the right-of-way as a result of granting a permit. Normal maintenance of the right-of-way must not be impaired by the actions/omissions of the permittee.
- (5) Final inspection and acceptance of work by the county must be obtained. All work is subject to the installation requirements of the county.
- (6) In the case of noncompliance with any of the county's requirements, the permit will be void and the installation must be brought into compliance or removed from the right-of-way at no cost to the county.
- (7) The County may issue a stop work order upon a permittee committing or creating an unsafe act which may create a public hazard, failing to comply with the permit, or not complying with applicable county requirements.
- (8) The permittee is responsible for all repair costs incurred due to damage to existing Utilities in accordance with the Underground Facility Damage Prevention and Safety Act, Florida Statutes, Chapter 556, as may be amended.
- (9) It is expressly stipulated that the permit represents a nonexclusive permissive use only and that the placing of an antenna, tower, utility pole, or any equipment, or lines upon public property pursuant to the permit does not create a property right in the permittee.
- (10) All antennae, towers, and utility poles must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other

agency of the federal government with the authority to regulate antennae, towers, and/or utility poles, as well as all requirements of the Americans with Disabilities Act (ADA) as amended and as may be amended. If such standards and regulations are changed, then the permittee must bring such facilities into compliance with such revised standards and regulations in accordance with the compliance deadline requirements of such standards and regulations. Failure to bring antennae, towers, and/or utility poles into compliance with such revised standards and regulations shall constitute grounds for the removal of the structure at the permittee's expense.

- (d) Design standards: Wireless facilities and accessory equipment placed anywhere in county right-of-way is subject to the following design parameters.
- (1) Micro wireless facilities must comply with the design parameters for small wireless facilities with the following exception:
 - a. To the extent permitted by state law, micro-wireless facilities may be suspended on cable strings between utility poles, except within historic preservation areas.
 - (2) Small wireless facilities:
 - a. Small wireless facilities may not extend more than ten (10) feet above the utility pole upon which it is mounted.
 - b. A new pole placed in the right-of-way upon which a small wireless facility will be mounted may not exceed the maximum height as follows:
 1. The tallest pole, as of July 1, 2017, within five hundred (500) feet of the new pole, provided the tallest pole was not issued a waiver by the county. If the tallest pole within 500 feet was installed pursuant to a waiver by the county or after July 1, 2017, the maximum height must not exceed that of the next tallest pole, if any, within 500 feet of the new pole; and
 2. If there are no existing poles within five hundred (500) feet of the new pole that were in existence as of July 1, 2017 and not issued a waiver by the county, the new pole must not extend past the maximum height of fifty (50) feet; and
 3. A utility pole upon which a small wireless facility is mounted must be of a substantially similar design, material and color as the existing utility poles; and
 4. New utility poles upon which small wireless facilities are mounted must not be constructed of wood except in an area predominately comprised of wooden poles; and
 - c. Must not be artificially lighted except as required by the FAA. In cases where there are residential uses located within a distance that is 300% of the height of the utility pole or tower, authorization for dual mode lighting must be requested from the FAA; and
 - d. Must comply with any applicable local building codes in terms of design, construction and installation. All construction or maintenance of facilities must be accomplished in the manner resulting in the least amount of damage and disruption of the right-of-way, subject to economic and technical feasibility; and
 - e. All small wireless facilities, including the utility poles or towers installed for the purpose of mounting and accessory equipment, must be located to avoid any physical or visual obstruction to pedestrian or vehicular traffic, or to

otherwise create safety hazards to pedestrians or motorists, including clear zone and sight-line requirements per Florida Department of Transportation's (FDOT)'s "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" commonly known as "Florida Greenbook" as may be amended; and

- f. Must not include signs or advertising or other form of communication unless otherwise required by law; and
- g. Must not be installed upon horizontal traffic signal poles or mast arms inside the county's public right-of-way or on any county maintained traffic infrastructure; and
- h. New and replacement utility poles that support antenna must match the style, design, and color of the utility poles in the surrounding area, unless otherwise approved in writing in the permit; and
- i. Where possible, new utility poles or towers that support small wireless facilities must be located in public utility easements within or immediately adjacent to the right-of-way; and
- j. New utility poles or towers for the mounting of small wireless facilities must adhere to the following minimum setbacks:
- k. must be located at least 6 feet from a driveway and at least 10 feet from the edge of existing trees 12 inches or greater in diameter;
 - 1. distance from sidewalks and pedestrian ramps must be such so as to satisfy the requirements of the ADA, as may be amended;
 - 2. Notwithstanding the above, the county may require greater setbacks from these and other fixtures in the right-of-way to ensure proper sight lines for public safety purposes; ;
 - 3. In residential zoning districts, facilities must be located within the right-of-way where the shared property line between two residential parcels intersects the right-of way, or otherwise in a manner that demonstrates the least impact to access to private property; ;
 - 4. In nonresidential districts wireless communication facilities must be located within the right-of-way between tenant spaces or adjoining properties where their shared property lines intersect the right-of-way, or otherwise in a manner that demonstrates the least impact to access to private property; ;
 - 5. Must not be located in an area that will cause sight line issues.
- l. Small wireless facilities, including any ground-mounted equipment supporting said facilities, must, to the greatest extent possible, use camouflaging techniques to blend in with the surrounding area. The application must include a depiction of such camouflaging for approval by the county.

(e) Accessory equipment: All equipment attached to or connected with a co-located antenna, tower, or utility pole must comply with the following standards:

- (1) Equipment boxes located at grade must be located in areas with existing foliage or another aesthetic feature to obscure it from the view, and to the greatest extent possible, use camouflaging techniques to blend in with the surrounding area. The application must include a depiction of such camouflaging for approval by the county; ;
- (2) Equipment boxes at the base of the tower must not exceed 28 cubic feet of volume;

- (3) Equipment mounted to the exterior of a pole must be a minimum of 12 feet above finished grade, excluding the electric meter and disconnect switch. Each pole mounted equipment component must be no more than 15 cubic feet in area. The external finish of the equipment cases must generally match the color of the pole. All mounting and banding fixtures must also match the color of the pole;
- (4) No exposed wiring or conduit is permitted. Above the electric meter and disconnect switch, all conduit and wiring must be located inside the pole. Where wooden poles are allowed, wiring or conduit shall be placed in a manner consistent with the placement on adjacent poles;
- (5) Electric meters and disconnect switches must not be located on the side of the pole that faces the sidewalk, or if there is not currently a sidewalk, the area identified by county staff for the preferred placement of any future sidewalk. Conduit leading to the electric meter box and disconnect switch must generally match the color of the utility pole;
- (6) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box; and the ground wire between the pole and ground rod must be inside an underground conduit;
- (7) Where feasible, all pull boxes must be located outside of the sidewalk or pedestrian ramp. A concrete apron must be installed around all pull boxes not located in the sidewalk;
- (8) All pull boxes must be vehicle load bearing, comply with FDOT Standard Specifications and be listed on the FDOT Approved Products List;
- ~~(9) Every 5 years from county permit issuance date, inspection reports must be submitted to the county by the applicant. These inspection reports must certify that the tower has not had any structural degradation and/or that any structural degradation has been rectified. Failure to submit an inspection report within 60 days after the due date will result in the revocation of the permit for noncompliance. The actual inspection must be physically performed within 6 months prior to the due date.~~
- (f) Waiver of design and siting standards: The design and siting standards applicable to small wireless facilities may be waived by the county administrator, or designee, upon a showing as follows:
 - (1) If the applicant shows that the particular requirement(s) for which a waiver is sought is not reasonably compatible for the particular location of the small wireless facility. It is the burden of the applicant to demonstrate that the requirement is not reasonably compatible for the particular location; or
 - (2) If the applicant shows that compliance with the particular requirement(s) for which a waiver is sought would result in an excessive expense, which must be demonstrated by the applicant.
- (g) Advance installation of utility poles to support small wireless facilities. Wireless infrastructure providers ~~certificated~~certified to provide telecommunications services in the state, may apply to place poles to support collocation of small wireless facilities, separate from the placement of said facilities. Such application must additionally include an attestation that facilities will be collocated on the utility pole and used by a wireless service provider within nine (9) months of application approval. All other requirements, including fees, insurance, and bonds, relative to the placement of utility poles in the right-of-way apply.