



**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, February 10, 2026
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the February 10, 2026 agenda.

2. Presentations -

a. Tampa Bay Regional Planning Council (TBPRC) Presentation on the Bonus Density Valuation Calculator

3. Audience Comments -

If you wish to speak, please complete and submit a speaker's card to the City Clerk. When called, approach the podium and state your name and address for the record. Comments are limited to 3 minutes for both general and agenda items. Public comment on agenda items will be taken when that item is called. Any presentation intended as part of public comment must be provided to the City Clerk at least 24 hours before the meeting.

4. Consent -

a. Approval of the January 27, 2026 City Commission Meeting Minutes

b. Approval of Engagement Letter – Municipal Finance Support Services (James Moore & Co.)

5. Ordinances -

a. Final Reading of Ordinance 2025-24: Revising Code of Ordinances Chapters 131 & 132 Pertaining to Communication and Small Wireless Facilities

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES CHAPTER 131 WIRELESS COMMUNICATION TOWERS AND ANTENNAS AND CHAPTER 132 COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; RENAMING

CHAPTER 132 TO COMMUNICATION FACILITIES IN THE CITY RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Action Request: Motion to [adopt/adopt with modification/deny/continue to [specify date certain]] Ordinance 2025-24.

6. Action Items -

a. Resolution 2026-04: Accepting the Finding of Necessity report for a proposed Community Redevelopment Area

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, ACCEPTING THE FINDING OF NECESSITY REPORT PREPARED BY STANTEC CONSULTING SERVICES INC. FOR A PROPOSED COMMUNITY REDEVELOPMENT AREA; MAKING THE FINDINGS REQUIRED BY CHAPTER 163, PART III, FLORIDA STATUTES; FINDING THAT CONDITIONS OF BLIGHT EXIST WITHIN THE PROPOSED AREA; DECLARING RESILIENCY, INFRASTRUCTURE IMPROVEMENTS, HOUSING AND ECONOMIC DEVELOPMENT AS PRIMARY REDEVELOPMENT PURPOSES; DECLARING A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES; DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CREATION OF THE COMMUNITY REDEVELOPMENT AREA; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Action Request: Motion to [adopt/adopt with modification/deny/continue to [specify date certain]] Resolution 2026-04.

b. Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue)

(Continued from the January 27, 2026 City Commission meeting) A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING A THREE-FOOT PLATTED EASEMENT AT THE REAR OF LOTS 5 AND 6 OF BLOCK C OF SUNSET PARK REPLAT, RECORDED IN PLAT BOOK 18, PAGE 6, OF PINELLAS COUNTY PUBLIC RECORDS, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 103 24TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

Action Request: Motion to approve Resolution 2026-01.

7. Items for Discussion -

8. City Clerk, City Manager, City Attorney and City Commission Reports -

9. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present or do not feel comfortable appearing in person. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 12:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 12:00 p.m. the day of the meeting

In your three (3) minute or less comment, please be sure to include your name and address for the record.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Tampa Bay Regional Planning Council (TBPRC) Presentation on the Bonus Density Valuation Calculator

Action Request: N/A

Strategic Objective: Economic Development and Smart Growth

Date: February 10, 2026

Prepared By: Gilbert Martinez, Senior Planner

Through: Kristin Coman, Planning Manager
Laura Canary, Community Development Director

Summary of Issue: Developed by the Tampa Bay Regional Planning Council (TBRPC) in partnership with the City of St. Pete Beach, the Bonus Density Valuation Calculator provides a clear and consistent way to monetarily evaluate developer contributions associated with requests for bonus residential and lodging units. The tool uses data to establish a reasonable contribution range by identifying a minimum based on infrastructure impacts, a maximum based on project feasibility, and a target aligned with City policy. Representatives of TBRPC will present the calculator to explain how it works and how it may be applied, supporting shared understanding, informed management of the City's limited unit capacity, and sound decision-making while preserving City Commission discretion.

Funding:

Attachments: 1. TBRPC - St. Pete Beach City Commission 2.10.26-final



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A Framework for Density Bonus Valuation in St. Pete Beach

Bonus Unit Valuation Calculator – User Guide

February 10, 2026 | St. Pete Beach City Commission Meeting | City Hall

Sarah Vitale, AICP - Director of Civic Technology

sarah@tbrpc.org

Regional Planning in Tampa Bay

Mission since 1962!

To serve our citizens and member governments by providing a forum to foster *communication, coordination, and collaboration* in identifying and addressing needs regionally.

Who We Serve (Members):

- 6 Counties
- 23 Municipalities
- 13 Gubernatorial Appointees
- 3 Ex-Officios



St. Pete Beach Representative & Government Liaison

YOUR LIAISON



**Commissioner
Betty Rzewnicki**



Meghan Blancher
Coastal Ecologist
meghan@tbrpc.org

Overview

- 1. The Valuation Framework**
- 2. The Template Workflow**
- 3. Next Steps**

The Trade - Bonus Unit Valuation

Every time bonus density is approved, incremental private value is created from a finite public entitlement.

- **The City's "Currency"** - Access to bonus units that cannot be built by-right under existing zoning (e.g., increasing allowable units from 150 to 170)
- **The Developer's "Currency"** - Cash or in-kind public benefits that advance City priorities (e.g., resiliency infrastructure, public access, mobility, parks)

This framework assists staff to estimate the value created by a public vote, so that value is recognized, measured, and negotiated methodically.

What is a Vote Worth?

The value of a density bonus is measured as the **incremental land value** created by allowing additional units — not total project profit.

- **By-Right Case:** Estimated site value under existing zoning.
- **Bonus Case:** Estimated site value with approved bonus units.
- **Unearned Increment:** The difference between these two values — created solely by public action.

Default Benchmarks

Unit Type	Calculation	Surplus Value per Unit
Residential Unit (RU)	\$2,500 Market Rent @ 5.4% Cap	\$125,000
Temporary Lodging Unit (TLU)	\$350 Average Daily Rate @ 6.8% Cap	\$375,000

The Capture Rate

The Capture Rate reflects the City's policy posture for how much of the incremental value created by bonus units should be returned to the public in the form of benefits.

Tier 1: Development Friendly

Capture Rate: 0.20-0.35

Used to support development in emerging or uncertain markets. Prioritizes project feasibility and market activation.

Tier 2: Balanced/Split

Capture Rate: 0.40-60

Common in stable, middle-market conditions. The City and developer share the value created by bonus density.

Tier 3: Public First

Capture Rate: 0.70-85

Appropriate for high-demand or constrained markets where bonus units carry significant premium value.

Finding the

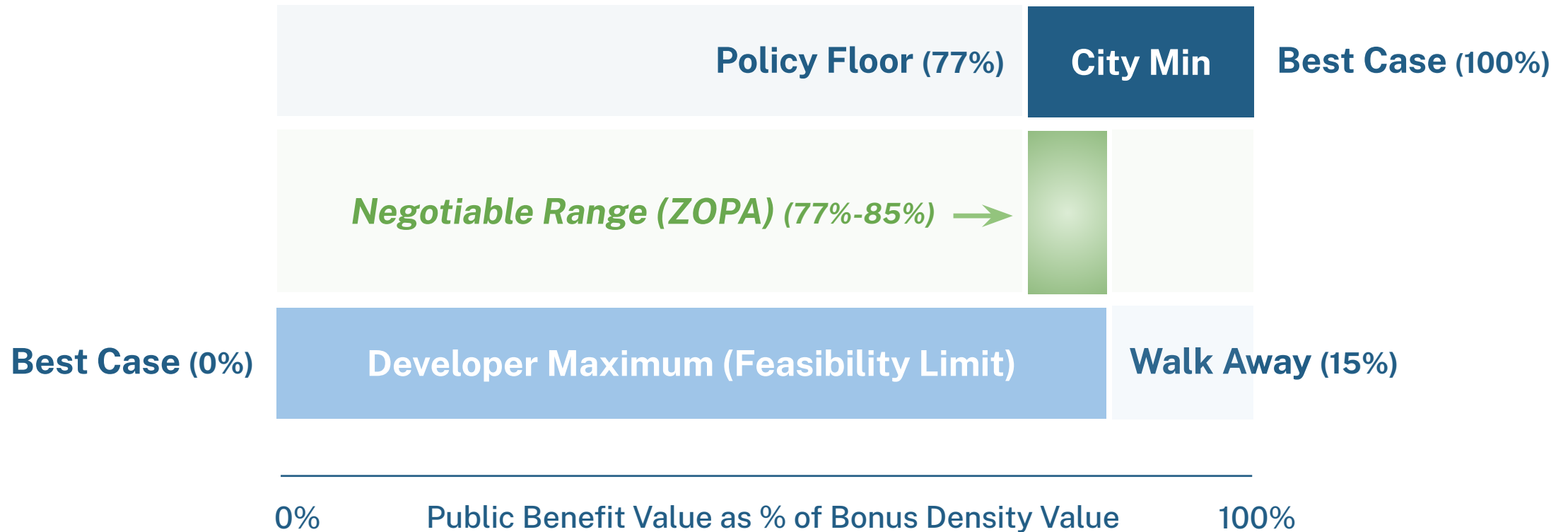
Negotiation feasibility depends on the overlap between two thresholds:

- **City Minimum (Policy Floor):** The minimum public benefit value justified by the City's capture rate applied to the value created by bonus units
- **Developer's Maximum (Feasibility Limit):** The maximum contribution the project can support while maintaining a minimum acceptable profit margin

Where these overlap is the **Zone of Possible Agreement (ZOPA)**.

If no overlap exists, the proposal does not meet policy or feasibility expectations.

Zone of Potential Agreement (ZOPA)



A proposal meets policy expectations when the offered public benefits fall within the ZOPA.

The Template

St. Pete Beach Bonus Density Valuation Template

Decision Support Tool for the Valuation of Public Benefit Contributions

PURPOSE

This internal decision-support tool provides City staff and elected officials with a consistent, transparent framework for estimating the potential economic value of requested bonus density and comparing that value to proposed public benefits.

INSTRUCTIONS BY TAB

Yellow fields require user input

Grey fields are auto-calculated (do not edit)

Blue fields are optional overrides

- 1. INPUTS** - Enter project details and bonus unit request
- 2. ENGINE** - Calculations only, no input needed
- 3. SUMMARY** - Review ZOPA analysis and recommendation
- 4. SETTINGS** - Review/update benchmarks and assumptions (infrastructure costs, market values)
- 5. LEDGER** - Monitor density pool capacity

Draft Version 1.1 | Created by the TBRPC for St. Pete Beach Community Development

Getting Started

Project Details - Derived from site plan

STEP 1: Enter project-specific facts provided by the applicant.

Project Name:	Test Project
Applicant:	Big Beautiful Developer
Address/Parcel ID:	555 Dolphin Ave.
Use Type:	Condominium ▼
Unit Type:	RU
Base Entitlement (Units):	150
Bonus Request (Units):	20
Market Type:	Gulf-front ▼
Building Type	Mid-rise (4-7) ▼



Public Benefits Benchmark Library

Public Benefits Benchmark Library - Reference library to document and refine value benchmarks over time

Category	Public Benefit	Units	Benchmarks				Credit Basis
			Low	High	Applied (Median)	Override	
Workforce Housing	Workforce Unit @ 120% AMI	\$/unit	30,000	70,000	50,000		Avoided cost: market rent – restrict
Workforce Housing	Workforce Unit @ 100% AMI	\$/unit	70,000	130,000	100,000		Avoided cost: market rent – restrict
Workforce Housing	Workforce Unit @ 80% AMI	\$/unit	120,000	200,000	160,000		Avoided cost: market rent – restrict
Community Development	Public Plaza / Park	\$/SF	50.00	100.00	75.00		Replacement cost: construction
Community Development	Public Restroom (Park-Integrated or Standalone)	\$/each	4,000,000	900,000	2,450,000		Replacement cost: utilities, ADA, du
Community Development	Community Facility Space	\$/SF	200.00	300.00	250.00		Replacement cost: civic / communit
Community Development	Public Boat Slips	\$/each	10,000	50,000	30,000		
Community Development	Public Waterfront Access / Boardwalk	\$/LF	1,200	3,000	2,100		Replacement cost: public access bo
Environmental	Historic Preservation	\$/bldg SF	75.00	200.00	137.50		Policy allowance: adaptive reuse / p
Transportation	Public Parking	\$/space	35,000	45,000	40,000		Replacement cost: typical structure
Transportation	Public Parking	\$/space	35,000	45,000	40,000		Replacement cost: typical structure
Transportation	Traffic Mitigation	\$/PM trip	15,000	25,000	20,000		Avoided public cost: roadway & inte
Transportation	Multi-Use Trail / Sidepath Connection	\$/LF	250.00	600.00	425.00		Replacement cost: 10–12 ft shared-
Transportation	Complete Streets Streetscape	\$/LF frontage	800	2,000	1,400		Replacement cost: sidewalk, trees, j
Environmental	Environmental Mitigation	\$/acre	100,000	30,000	65,000		Replacement / mitigation credit prc
Environmental	Historic Preservation	\$/bldg SF	75.00	200.00	137.50		Policy allowance: adaptive reuse / p
Resilience/Public Safety	Stormwater Improvements	\$/1,000 imp SF	8,000	15,000	11,500		Replacement cost: CIP averages for
Resilience/Public Safety	Utility Undergrounding	\$/1,000 LF	400,000	700,000	550,000		Replacement cost: electric/telecom
Resilience/Public Safety	Seawall / Resilience	\$/1,000 LF	1,500,000	2,500,000	2,000,000		Replacement cost: urban hardened
Resilience/Public Safety	Resilience Hub / Backup Power for Public Facility	\$/each	150,000	500,000	325,000		Avoided public cost: emergency op

Strategic Priorities

Policy Adjustment to City Capture Rate (Discretionary) - Policy alignment is assessed on the public benefits package as a whole, not on individual line items, as the total public benefits package evolves

STEP 3:

The City's default capture rate is 77%. This rate is adjusted modestly upward or downward based on how strongly the overall public benefits package aligns with City priorities, as reflected in the weighted policy alignment score

Strategic Priorities	Criterion	Decision	Rating (1-3)	W
1. Operational Excellence	Reduces staff burden or improve admin efficiency	Moderate enhancement	2	
2. Recovery, Resiliency, and Sustainability	Reduces long-term public risk or exposure	Minimal / required only	1	
3. Community Prosperity	Produces broadly shared benefits	Exceptional / transformational	3	
4. Reliable Infrastructure	Avoids unfunded infrastructure impacts	Exceptional / transformational	3	
5. Economic Development and Smart Growth	Aligns with adopted growth strategy	Moderate enhancement	2	

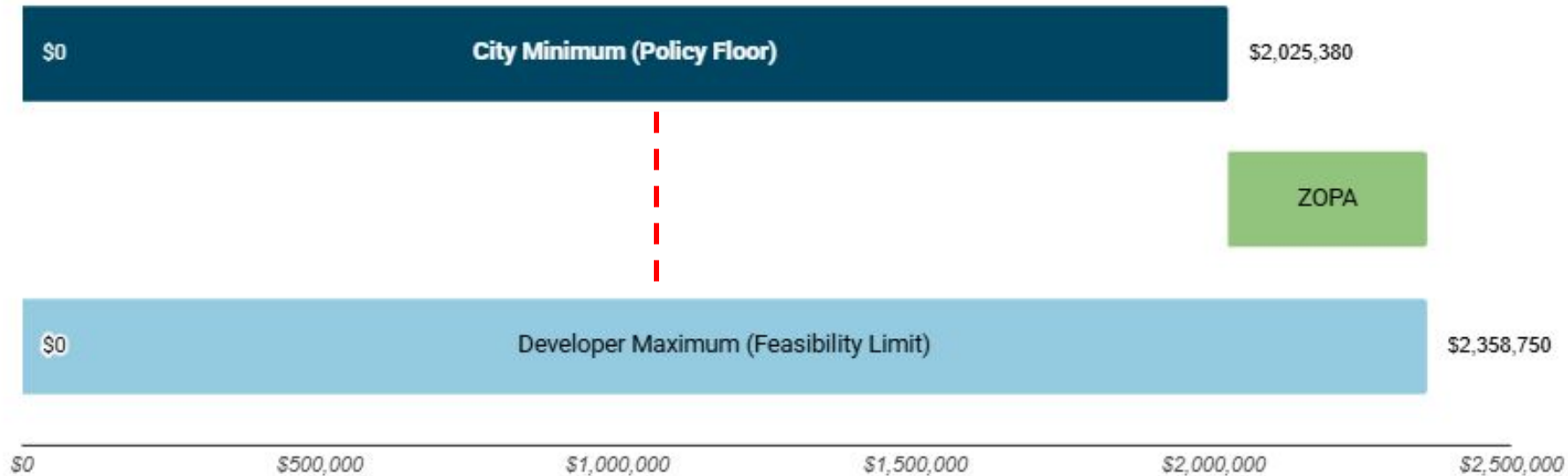
City Default Capture Rate:	0.77
Total Weighted Score	43.00
Maximum Possible Score	75.00
Normalized Policy Score	0.57
Adjustment	0.04
Apply Adjusted Rate?	Yes
Final Adjusted Capture Rate:	0.73

Summary

Results

Minimum Required Public	\$2,025,380	
Current Offer	\$1,070,000	⊖ Does Not Meet Policy Target
Difference	\$955,380	53%

Negotiation Range - Policy Thresholds



How the Template Is Applied

Before a proposal reaches the Commission, staff use the template to:

1. **Estimate the value created by bonus units.**
2. **Apply the City's policy capture rate to establish a minimum expectation.**
3. **Compare the proposed benefits package to feasibility limits.**
4. **Interpretation:**
 - a. **Within the ZOPA:** The proposal meets minimum policy expectations and is economically feasible.
 - b. **Below the ZOPA:** The proposal does not meet the City's minimum policy threshold under current assumptions. Additional public benefits, revised terms, or further negotiation are warranted before consideration.

Living, Staff-Driven Tool

It is intentionally structured so staff can:

- Add or refine local benchmarks over time
- Adjust assumptions as market conditions change
- Expand the public benefits benchmark library
- Apply discretion as negotiations progress

By standardizing these benchmarks, staff no longer guesses if a park or seawall is “enough” for 25 units.

Next Steps

- Refine calculations
- Incorporate local cost data and outcomes
- Test it against real projects
- Document lessons learned from negotiations and approvals
- Refresh assumptions periodically to stay current



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Thank you!

February 10, 2026 | St. Pete Beach City Commission Meeting | City Hall

Sarah Vitale, AICP - Director of Civic Technology

sarah@tbrpc.org

City Commission Meeting
January 27, 2026
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilu, Mayor
Karen Marriott, Vice Mayor, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3 (via Zoom)
Jon Maldonado, Commissioner, District 4

STAFF PRESENT:

Frances Robustelli, City Manager	Adam Poirrier, Assistant City Manager
Ralf Brookes, City Attorney	Brandon Berry, Senior Planner
Ginny Bodkin, Deputy City Clerk	Kristin Coman, Planning Manager

Mayor Petrilu called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Commissioner Maldonado added a discussion item on dogs off leash, Commissioner Robinson added discussion items on Upham Beach employee parking and email distribution, and Commissioner Rzewnicki a legislative lobbying update as items 7a., b., c. and d.

Motion: Commissioner Robinson moved, Vice Mayor Marriott seconded, and the motion carried to approve the January 27, 2026 City Commission Agenda, as amended.

Motion: Commissioner Robinson moved and Commissioner Maldonado seconded the approval of Commissioner Rzewnicki attending the meeting via Zoom from Tallahassee due to her attendance at the Legislative Session; the motion carried 5-0.

2. PRESENTATIONS

a. Recognition of the Employees of the 1st Quarter

Frances Robustelli, City Manager, summarized recent changes to the employee recognition program. Instead of one employee receiving a \$500 award, 5 employees are recognized and receive \$100 each. Recognition groups are separated by departments. Ms. Robustelli introduced the five employees of the quarter, chosen by their peers: Leanna Grimes, Residential Services; Chris Tarkenton, Internal Services; Captain Lance Volpe, Fire Department; Joanne Boland, Community Development; Luke Jacobsen, Public Services. She thanked these employees for their professionalism, positive attitudes, hard work, and dedication that they bring to the city every day.

b. Legislative Update - Becker

Adam Poirrier, Assistant City Manager introduced Sadie Haire and Shannon Duncanson, lobbyists from Becker & Poliakoff. They provided an overview of key federal priorities and funding issues for 2026; their presentation is part of the meeting record. They reported that Congress is operating under a short-term continuing resolution through January 30, 2026, with partial progress on appropriations bills and ongoing uncertainty around major departments, including DHS and FEMA, which could impact disaster funding and grant timelines. They also discussed efforts to restore enhanced Affordable Care Act subsidies, noting that several bipartisan proposals are under consideration but delayed due to appropriations negotiations. An update was provided on the FEMA Review Council, which is expected to recommend changes to disaster cost-share models, possible restructuring of FEMA as a standalone agency, and increased use of block grants and mitigation funding, though formal recommendations are still pending. They highlighted opportunities for Congressionally Directed Spending (earmarks), explaining that the City could pursue federal funding for priority infrastructure and community projects, with the next application cycle expected to open in February 2026.

Discussion included an inquiry on why the City missed the prior opportunity to submit a project for federal

earmark funding. The lobbyists explained that the City's contract with Becker was finalized one week after the Congresswoman's submission deadline, which prevented timely filing. Although the project was shared with the Congresswoman and she is aware of it, the deadline could not be extended due to committee requirements.

c. Capital Improvement Plan Fiscal Year 2026 Quarter 1 Update

Camden Mills, Public Services Director, provided an update for Q1, covering the period from October through December 2025. His presentation is part of the meeting record. The City's five-year CIP totals approximately \$213 million, with \$56.6 million budgeted for major construction projects in FY 2026. As of the first quarter, approximately 24% of planned FY 2026 spending has been encumbered, meaning funds have been committed through issued purchase orders. He noted this is generally consistent with progress one quarter into the fiscal year, and additional encumbrances continue to be made. The Public Services Department manages the majority of the CIP, including approximately 53 active projects. Most projects fall under the City's strategic initiatives of Recovery, Resiliency & Sustainability and Reliable Infrastructure, which together represent the bulk of total capital spending. Many projects are currently in the design or procurement phase, with staff working to move them into construction as the fiscal year progresses. He explained the City's project delivery model, which includes a project manager overseeing the CIP, supported by subject matter experts and outsourced professional consultants providing engineering, architectural, and construction management services. This structure allows the City to manage a large volume of projects despite limited in-house staffing. A new public-facing Projects Tracker Dashboard is being developed in coordination with IT and GIS analysts. The dashboard will provide an interactive map and real-time status updates for capital projects, including project descriptions, budgets, timelines, locations, and strategic initiative alignment. The goal is to improve transparency, accountability, and public access to CIP information. He anticipates launching the dashboard before the next quarterly update.

Mr. Mills provided detailed updates on projects currently in active construction, including:

- **36th Avenue Seawall Replacement**, with construction pending utility relocations and completion targeted for May 2026.
- **Dune Walkover Replacements** at seven locations, with FEMA funding obligated and construction expected to begin shortly.
- **Facility Building Repairs and Elevator Rehabilitations** related to storm damage, with multiple City facilities scheduled for completion between March and summer 2026.
- **Gulf Boulevard Utility Undergrounding**, Phase 1 nearing completion, with Phase 2 under design and pending FDOT permitting.
- **Pump Station #1 Rehabilitation**, currently in Phase 2 construction, with major components underway and full completion anticipated later in 2026.
- **Shuffleboard Building Demolition**, expected in February 2026, followed by design for a replacement facility.
- **Wastewater Collection System Improvements**, including manhole replacements, pipe repairs, system cleaning, and inspection using sewer AI technology.

Mr. Mills reviewed the City's grant activity. Approximately \$5.2 million is currently being managed through active discretionary grants, with an additional \$13.8 million in pending grant applications primarily related to hazard mitigation and storm recovery. The City was recently awarded \$335,000 through the Resilient Florida Program for a shoreline master plan and vulnerability assessment update. An overview of FEMA Public Assistance projects for Hurricanes Helene and Milton was provided, with more than 80 total projects currently under review or approved, representing over \$10 million in estimated project costs. He concluded with a summary of the City's FY 2026 state appropriation requests, which include Fire Station #22, Pass-a-Grille wastewater and inflow/infiltration improvements, and Boca Ciega Drive reconstruction. He noted that future federal earmark opportunities will be pursued in coordination with the City's federal lobbyists.

Discussion included asking whether the Gulf Boulevard undergrounding budget, approximately \$1.4 million, was grant-funded or General Fund. Staff advised it is believed to be General Fund and that, if so, the Commission

could reallocate funding through a budget amendment if priorities shift. Staff also confirmed the project tracker dashboard is expected to go live around the next quarterly update, and commissioners praised the dashboard for improving transparency, real-time project tracking, and public understanding of project status, costs, and delays. It was requested that staff include a simple GANTT chart in the dashboard, which staff confirmed will be integrated. Several commissioners emphasized the dashboard's role in increasing accountability and preventing projects from falling through the cracks, citing examples in areas such as Vina Del Mar/Isle Drive. Staff clarified that FEMA reimbursements are not included in current CIP totals; projects are funded up front, and reimbursements will replenish balances or reduce future budget needs. Regarding FDOT highway landscaping, staff explained the City will manage the project and likely hire a contractor for installation, with FDOT reimbursing costs up to the grant amount. Additional discussion included wastewater point-repair locations, confirmation that current I&I issues are mainly in mainline gravity pipes, and that City ordinances do not require new builds to replace laterals, which was suggested as a potential future policy consideration. Commissioners commended the level of detail and the department's progress toward more transparent and accessible CIP reporting.

d. Town Center: Coquina West (TC-2) Amendment Proposal

Brandon Berry, Senior Planner, reviewed the presentation from the meeting packet. His presentation was made a part of the meeting record. He provided a timeline of past, current, and future actions. The goals are to narrow focus to allow limited development and redevelopment of multifamily and lodging uses, preserve density, intensity, scale and mass of the area, and to implement efficiently. He reviewed the use amendments for Standalone residential use, what is included in living square footage, average existing living area (sq. ft.) per unit, the use amendments for standalone lodging, and the reduced threshold for mixed-use development. Mr. Berry explained the expected challenge regarding density, the density pool availability, existing density units per acre. He explained the expected challenge of noise. He provided three examples of single-lot development options.

Mr. Berry reviewed General staff comments –

- Staff has attempted only to generate modest and viable “make whole” options for residential and lodging property owners.
 - Florida Law (Bert J Harris Act) makes it hard to take back development rights once given.
 - It is typically better to start strict and logically relax regulations as development takes shape when potential end results are nebulous.
- These modifications are intended only as first steps in what may be a future Community Redevelopment District proposal or larger, more visionary land use reconsiderations that will require substantial, months-long, community engagement and analysis.
- This concept has not been rigorously tested for economic parity considerations and may have unintended consequences (e.g. incentivizing significant new residential redevelopment in TC-2 Coquina West).
- It is important that St. Pete Beach protects its commercial areas from incompatible residential encroachment, as it must protect its residential areas from incompatible commercial encroachment.

He reviewed next steps. If directed to proceed, staff will continue community engagement, work with the Planning Board to refine the concepts, and return with draft amendments for Commission consideration. The anticipated timeline targets mid-2026 for potential adoption following expedited county and state review.

Discussion included appreciation for the thoroughness of the planning staff's work and supported the overall direction of the proposed TC-2 Coquina West modifications, noting that the existing zoning had not produced the desired redevelopment and that the proposal offers more realistic options for investment in the area. Clarification was requested regarding existing land uses in the district, including the number of single-family properties and vacant lots. Staff explained that there are three single-family homes in the area, with most other residential properties being duplex or multifamily, and that several vacant parcels were previously multifamily or commercial. Additional explanation of the residential and lodging density pools was requested and how many

units would be required to “make whole” existing properties if they redevelop. Staff clarified that approximately 37 units would be needed from the residential pool and 16 units from the lodging pool to maintain current unit counts. Questions were raised about parking design and turning radii on small lots, and staff confirmed that the diagrams shown were true to scale and intended as conceptual examples, with more technical analysis to occur during Planning Board review. There were concerns about the proposed 800 sq. ft. maximum living area for townhouse-style multifamily units, suggesting that the size may not be commercially viable and could limit redevelopment interest. Staff were encouraged to evaluate unit size standards and consider whether larger units could be allowed while still preserving overall density and neighborhood scale. Discussion also touched on the balance between residential and commercial uses, noting that smaller unit sizes could help maintain rental housing and serve as a buffer between commercial activity and nearby residential neighborhoods. There were questions on the prohibition of duplexes, suggesting that this could be reconsidered as part of further refinement. Commission expressed general support for moving forward with the concept, encouraged continued public engagement and Planning Board review, and requested that staff further analyze unit size, duplex allowances, and parking feasibility to ensure the proposal is both practical and economically viable.

3. PUBLIC COMMENT

Kathy Garchow, 3607 Casablanca Avenue, commented on street and sidewalk damage caused by post-storm demolitions (she provided a photo) and noted the City has no code requiring property owners to repair such damage. She suggested a code update to allow the City to recover repair costs and also recommended requiring seawall repairs when properties undergo substantial improvement to help protect shorelines.

Josh Wilhelm, 8051 Coquina Way, commented the cul-de-sac with a central island is too narrow, causing vehicles and garbage trucks to damage landscaping and trees and requiring trucks to back down the street. He noted that upcoming demolitions will worsen the issue and requested removal of the cul-de-sac or street widening, as well as removal of illegally dumped concrete furniture. He said neighbors agree and asked the City to address the problem.

Steve Sewell, 8050 Coquina Way, agreed with Mr. Wilhelm’s comments and that the issues need to be addressed.

4. CONSENT

- a. Approval of the January 13, 2026 City Commission Work Session and Regular Meeting Minutes

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the January 27, 2026 City Commission Consent Agenda, as presented.

5. ORDINANCES

a. Final Reading of Ordinance 2026-01: Amending Land Development Code standards pertaining to accessory structures, ancillary equipment, nonconforming uses and structures, stair and balcony encroachments, and providing for consistency in floodplain management regulations and definitions.

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE SECTIONS 2.1., 3.10., 6.13., 6.14., 6.22., 7.4., 28.1., AND 28.5., TO INCREASE FRONT YARD STAIR ENCROACHMENTS FOR SPECIFIED RESIDENCES, ALLOW RETENTION OF NONCONFORMING BALCONY FOOTPRINTS AND SPECIFIED NONCONFORMING RESIDENTIAL ACCESSORY STRUCTURES FOLLOWING SUBSTANTIAL IMPROVEMENT TO THE PRIMARY RESIDENCE, CLARIFY RESTRICTIONS ON NONCONFORMING USES AND AMEND RESTRICTIONS ON ELEVATED AND SUBSTANTIALLY-IMPROVED NONCONFORMING STRUCTURES, MODIFY RESIDENTIAL STORAGE BUILDING STANDARDS, MODIFY RESIDENTIAL EQUIPMENT SETBACK STANDARDS, PROVIDE A FRONT YARD SETBACK LINE ALTERNATIVE FOR RESIDENTIAL CUL-DE-SAC AND CURVED STREET LOTS, AND AMEND DEFINITIONS AND CONTENT OF THE LAND DEVELOPMENT CODE TO PROVIDE CLARITY AND CONSISTENCY WITH CHAPTER 98 OF THE

CODE OF ORDINANCES AND THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Brookes read Ordinance 2026-01 in title only.

Brandon Berry, Senior Planner, presented an ordinance consolidating and updating prior Land Development Code amendments, carried forward from late 2025, and aligning the Code with Chapter 98 of the City Code and the Florida Building Code. This represents the first comprehensive pass through the Land Development Code in over 20 years to update outdated terms and standards, particularly in response to post-hurricane redevelopment and elevation activity. The Planning Board reviewed the ordinance and unanimously recommended approval, with two technical revisions and one condition.

- Revise the transparency requirement for the base of open stairs to be consistent throughout the document at 70% (was 80%)[LDC Sec. 3.10.(b)(3)c. & 6.22.(c)(2)];
- Revise the one-year redevelopment requirement for nonconforming density residences and nonconforming accessory structures that are not substantially-damaged to be based upon date of permit application rather than permit issuance [LDC Sec. 3.10.(d)(6) & (e)(3)].

The Board also conditioned its recommendation on removing the provision allowing new residential construction to encroach up to seven feet into the front yard with open stairs, while retaining that allowance for stairs associated with home elevation or vertical additions for flood compliance. Mr. Berry incorporated the technical revisions into the ordinance but did not remove the seven-foot stair encroachment for new residential construction, instead presenting the Planning Board's condition to the City Commission for direction. He noted the Commission could direct that change prior to adoption by striking the relevant provision from Section 6.22 of the Land Development Code.

The Commission discussed the Planning Board's recommended revisions to the ordinance and noted a typo for correction. Discussion also included revising the one-year redevelopment timeframe so the clock stops upon submission of a complete permit application rather than permit issuance, making the process more flexible for property owners following catastrophic damage. Discussion then focused on the Planning Board's condition to remove the seven-foot front yard stair encroachment for new residential construction while retaining it for home elevations and vertical additions. There was opposition to striking this provision, noting that it would unfairly disadvantage property owners who choose to fully redevelop their homes after disaster events. Discussion emphasized the importance of incentivizing reinvestment and resilience and supported keeping the stair encroachment allowance for both new construction and elevated or rebuilt homes.

PUBLIC COMMENT

Walter Sowa, 108 20th Ave., addressed Section 6.14(D) regarding encroachment of ancillary residential equipment, specifically air conditioning condensers, into required yard setbacks. He explained that his home was declared a total loss following flooding after Helene and is being demolished and rebuilt to comply with current floodplain regulations. His permit application was denied because the code allows equipment encroachments only for elevated or vertically expanded homes, not for full replacement construction. He requested clarification or amendment to allow replacement homes to locate AC condensers within the same setback areas as previously permitted, arguing this placement supports greater resilience to future extreme weather. City Manager Robustelli will reach out to Mr. Sowa directly.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to adopt Ordinance 2026-01 as amended with the two bulleted changes.

6. ACTION ITEMS

a. Resolution 2026-02: Retirement Healthcare Funding Plan

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA,

ADOPTING THE RETIREMENT HEALTHCARE FUNDING PLAN THROUGH THE NATIONAL PUBLIC PENSION FUND ASSOCIATION (NPPFA); AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Brookes read Resolution 2026-02 in title only.

Adam Poirrier, Assistant City Manager, presented a resolution adopting a Retirement Healthcare Funding Plan through the National Public Pension Fund Association (NPPFA). The plan was required under the recently ratified collective bargaining agreement with the International Association of Firefighters and is intended to provide eligible employees with retirement healthcare benefits, support long-term retirement security, and aid in employee recruitment and retention. Funding will primarily be provided through employee payroll deductions, with a limited PTO buyback option available if certain criteria are met.

PUBLIC COMMENT

No members of the public came forward.

Motion: Commissioner Robinson moved, Commissioner Maldonado seconded, and the motion carried 5-0 to adopt Resolution 2026-02.

b. Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue).

A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING A THREE-FOOT PLATTED EASEMENT AT THE REAR OF LOTS 5 AND 6 OF BLOCK C OF SUNSET PARK REPLAT, RECORDED IN PLAT BOOK 18, PAGE 6, OF PINELLAS COUNTY PUBLIC RECORDS, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 103 24TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

Attorney Brookes read Resolution 2026-01 in title only.

Mr. Berry presented an easement vacation request for the property at 103 24th Avenue (owners: Mike and Gina Pezza), seeking to vacate a three-foot platted easement located at the rear of Lots 5 and 6 to allow construction of a new single-family residence and pool. This resolution requires 4 out of 5 votes. All active utilities (Duke Energy, Pinellas County Utilities, Charter/Spectrum, Frontier Communications, and TECO Peoples Gas) issued letters of no conflict, and staff found no basis to retain the easement. A known issue exists where a neighboring sewer line connects through the subject property; therefore, the revised resolution includes a delayed effective date, requiring execution and recording of an agreement to relocate or maintain sewer service for 101 24th Avenue prior to the easement vacation becoming effective. The Planning Board recommended approval, contingent upon resolution of the sewer issue.

For the record, Commissioner Maldonado met with the property owner, visited the site, and previously discussed the sewer line issue with city staff. Based on this review and the Planning Board's recommendation, he expressed support for approving the easement vacation subject to the conditions proposed by staff.

Discussion included a question about the original intent and continuity of easements shown on the original plat for Sunset Park and whether similar easements on other lots were still in use. Mr. Berry said the specific easement proposed for vacation did not currently contain an active utility line, although a sewer lateral runs near the rear of the property. Duke Energy may have previously used the easement but no longer does.

PUBLIC COMMENT

Attorney Lettelleir, 12055 Gandy Blvd., spoke on behalf of the Gallaghers who own the adjacent lot at 101 24th Avenue in opposition of the easement vacation, citing an ongoing sewer dispute. The neighboring property's sewer line has connected through the Pezza property for over 60 years, creating a prescriptive easement. She said the Pezzas recently cut the sewer line without proper approval. She referenced a legal opinion from City Attorney

Vose advising that the City should defer action on the vacation until sewer issues are resolved and ensure no interference with existing sewer connections. The City directed the Pezzas to reconnect the line and that no permits would be issued until the matter is resolved and asserted that any sewer modifications should be at the Pezzas' expense and subject to City review and approval.

Owner Gina Pezza responded that she and her husband purchased the property at 103 24th Avenue specifically to allow for installation of a pool, after selling a prior property that could not accommodate one. She explained that they have invested significant time and money into the property and questioned the legality of a neighboring property's sewer line being connected through their lot. City Attorney Brookes stated that the sewer line issue involves private property rights and easement questions that would need to be resolved by a court if the parties cannot reach an agreement. He noted that the property was purchased with the sewer connection already in place, whether known or unknown to the current owners. He explained that while the title search was clear, any related rights or exclusions would be a matter for title insurance and private legal resolution, not a determination by the City. She indicated that they have been attempting in good faith since March 2024 to resolve the sewer issue and were advised by City staff that the neighbor could access sewer service from Pass-a-Grille Way without crossing their property. She asserted that allowing the sewer line to remain or be reinstalled on their lot would create future liability and restrict their planned pool, causing undue hardship. Ms. Pezza also stated that the neighbor's sewer line was cut by a demolition contractor without their authorization and that they paid to have it reconnected. She requested that the easement vacation proceed with the condition that the neighboring property connect directly to Pass-a-Grille Way at the neighbor's expense,

City Attorney Brookes explained that the sewer line issue is a civil dispute between private property owners that must be resolved in circuit court, as it involves questions of ownership and rights related to the sewer line and would require a declaratory judgment or injunctive relief. The City has conditioned the easement vacation on the parties either reaching an agreement or obtaining a court resolution before it becomes effective. He noted that the City should not intervene in the dispute and noted that the parties may also pursue mediation or other alternative dispute resolution methods.

Discussion included the potential risks of approving the easement vacation while a private sewer dispute remains unresolved, noting concerns about possible City liability if sewer service were disrupted or a spill occurred. The City Attorney advised that approving the resolution with the added conditions would not authorize any action until the private parties resolve the issue, and once resolved, the approval would become effective without returning to the Commission. There was concern about moving forward while the dispute is ongoing with support to delay action to avoid risk to the City and allow additional time for the parties to negotiate.

Michael Pezza, owner at 103 24th Ave, stated that the item had already been delayed and highlighted the urgency due to ongoing relocation and permitting efforts for their home. He explained that his family acted quickly to repair the sewer line after it was cut, at their own expense, and denied any intent to harm neighboring properties. He expressed frustration that the neighboring owners are unwilling to share financial responsibility for relocating the sewer line and asserted that the connection was originally made on his property without authorization. He requested that the Commission proceed with the easement vacation, noting the financial burden of continued delays and his desire to resolve the matter cooperatively without court involvement.

There was discussion that the City had previously proposed alternative solutions to the sewer issue, including relocating the line to Pass-a-Grille Way and temporary measures, and noted that septic options were not feasible. He expressed that further continuation of the item would not likely help resolve the dispute between the parties. The Commissioners indicated support for proceeding with the item as recommended by the City Attorney and with the conditions added by the Planning Board.

Motion: Commissioner Maldonado moved, Vice Mayor Marriott seconded, and the motion failed 3-2 to adopt Resolution 2026-01 with Commissioners Robinson and Rzewnicki voting no.

Following the call of the vote, the Deputy Clerk informed the Mayor that Mr. Berry pointed out that this item required four affirmative votes to pass, therefore the motion had failed. Staff will contact the homeowner.

After Item 6.d., Commissioner Maldonado asked to return to this item for Attorney Brookes' opinion. Attorney Brookes cited Section 1.03 of the City Charter, that "easements shall be vacated by a vote of four members of the Commission". A continuance would not require four affirmative votes, possibly giving the parties time to come to an agreement between now and a date certain, otherwise the resolution had failed. There was a consensus to continue the matter. Staff will inform the homeowner.

Motion: Commissioner Robinson moved and Vice Mayor Marriott seconded to reconsider Resolution 2026-01 and the motion carried 5-0.

Motion: Commissioner Robinson moved and Vice Mayor Marriott seconded to continue the hearing of Resolution 2026-01, vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue), to a date certain of February 10, 2026 and the motion carried 5-0.

c. Resolution 2026-03: Vacating two five-foot drainage and utility easements along the common side lot lines of Lots 1 and 2 of Block 79 of the plat of North Unit No. 1., as recorded in Book 21, Page 27, of the Public Records of Pinellas County, Florida (645 78th Avenue).

A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING TWO FIVE-FOOT PLATTED DRAINAGE AND UTILITY EASEMENTS AT THE COMMON SIDE PROPERTY LINES OF LOTS 1 AND 2 OF BLOCK 79 OF THE PLAT OF NORTH UNIT NO. 1, RECORDED IN PLAT BOOK 21, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 645 78TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

Attorney Brookes read Resolution 2026-03 in title only.

Mr. Berry presented a request by the property owner at 645 78th Avenue to vacate two adjacent 5-foot utility and drainage easements located between two platted lots under common ownership. The easements are blanket easements dedicated on the original plat and are only being vacated where they intersect between the two lots; easements along the rear and east side of the property will remain. Letters of no conflict have been received from Duke Energy, Pinellas County Utilities, Frontier, and Charter, with TECO People's Gas pending but expected. The City has no basis to retain the easements, drainage will be accommodated through required swales and open space, and the vacation is necessary to proceed with a pending single-family development permit.

PUBLIC COMMENT

No members of the public came forward.

Motion: Commissioner Robinson moved, Vice Mayor Marriott seconded, and the motion carried 5-0 to adopt Resolution 2026-03.

d. Consider Special Magistrate Recommendation relating to mediation held under the Florida Land Use and Environmental Disputes Resolution Act, Sec. 70.51, Florida Statutes ("FLUEDRA") mediation (Sungold vs. City of St. Pete Beach).

Attorney Brookes explained that the item involved a Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) proceeding related to a development application that had been denied by the City Commission in May 2025. Instead of seeking judicial review, the applicant filed a FLUEDRA request in June 2025, which tolled the appeal deadline while alternative resolutions were explored. A special magistrate mediation occurred

in October 2025, and the special magistrate issued a written recommendation on December 22, 2025. The Commission was advised that, under state law, the City must consider the recommendation within 45 days and may accept, modify, or reject it. This is legislative in nature, as it involves consideration of a proposed settlement rather than a quasi-judicial hearing.

Mayor Petrila called for a recess at 8:28 PM. The meeting reconvened at 8:36 PM.

Jeff Wright of Henderson Franklin Law Firm, on behalf of the City, presented an overview of the FLUEDRA process related to the Windward Pass project. He noted that in May 2025, the City Commission denied three companion applications for the project. Following the denial, the applicant initiated statutory dispute resolution under FLUEDRA, and a mediation was held on October 1, 2025, before Special Magistrate Mark Bentley. Mr. Wright summarized the key elements of the Special Magistrate's recommendation, which included: eliminating requests for water sport rentals and third-party service providers; removing the proposed parking garage in favor of ground or street parking only; reducing the number of units from 104 to 100; relocating the swimming pool, thereby eliminating the need for a variance; installing sound governors on the first floor and roof to address noise concerns; and adding decorative pavers around the project. No additional public benefits were included in the recommendation. He advised that, under state law, the Commission may approve, reject, or modify the recommendation, and that it is advisory in nature with no obligation for adoption.

Discussion included whether the Special Magistrate's recommended settlement included any additional community benefits. Mr. Wright confirmed that the recommendation did not include any additional public or community benefits. Following mediation, the City raised concerns and requested additional time to address outstanding issues, including potential community benefits; however, the applicant declined to continue negotiations and requested that the Special Magistrate issue a recommendation, which he was obligated to do under the statute. It was clarified that the Commission retains three options under FLUEDRA: approve, modify, or reject the recommendation. Attorney Brookes said although more than six months had passed since the original denial, allowing a new application to be submitted, the matter before the Commission was not a new application but a FLUEDRA-related revision of the original. If the Commission approves the recommendation, further discussion would be required to determine the appropriate public hearing process once a complete revised application, drawings, and site plans are submitted.

Attorney Luke Lirot, on behalf of SunGold LLC, stated that the applicant chose to pursue dispute resolution under Florida law rather than litigation and participated in the FLUEDRA mediation process in good faith. He noted that the mediation was facilitated by Special Magistrate Mark Bentley and highlighted the applicant's cooperation and professionalism throughout the process. Mr. Lirot stated that the applicant relied on the mediation outcome and prepared revised plans consistent with the Special Magistrate's recommendations. He noted that the project was substantially modified, including eliminating the need for a variance, reducing the overall scale, and opening up a significant portion of the site, which he characterized as providing public benefit. He further stated that the applicant was open to community participation during mediation, that no objections were raised at that time, and that no additional unresolved concerns were communicated. He requested that the Commission accept and adopt the Special Magistrate's recommendation, saying that the revised proposal is in the best interest of the City.

Jack Bodziack, project architect, stated that he attempted to meet with the City Manager to discuss the settlement agreement, but was advised that the project would not be approved. He noted that the design team made significant efforts to revise the project in line with what they understood to be the City's concerns and the Special Magistrate's recommendations. He described substantial changes to the site plan, including removal of the parking garage, relocation of buildings, and creation of large open areas, resulting in nearly 50% of the site being maintained as open space with views to the water. He stated that both pools were relocated to an interior courtyard to reduce noise impacts to nearby residential properties, and that the southern portion of the building was reduced in height. He also noted that the unit count was reduced from 104 to 100 units and that the project now includes a public waterfront walkway and significant open-view corridors. These changes were intended to address

community concerns, improve public access, and make the project more compatible with surrounding uses. Discussion focused on the scale and intensity of the proposed project, noting it is a large and ambitious commercial development on a significant waterfront site. Mr. Bodziak said that a purely residential alternative had been considered but was not economically feasible given land values and development constraints. It was acknowledged that there were improvements made to the design, including increased open space, view corridors, and a public waterfront walkway. However, there were concerns that the project still represents a substantial request for density from the City's density pool and lacks sufficient demonstrated community benefits. Allocating a large number of density units to a single project could limit future development opportunities elsewhere in the City. Discussion highlighted the importance of community input, noting that many residents had expressed opposition and that the revised project had not been presented through a new public review process. It was recommended that the applicant reapply and restart the development review process to allow for community meetings and evaluation. Mr. Bodziak responded that the property is one of the last large undeveloped waterfront parcels in the City and argued that the requested density is reasonable given the site's size and the significant amount of open space preserved. He also raised concerns about property rights and noted that leaving the site undeveloped is not economically viable.

Attorney Lirot requested that the Special Magistrate's recommendation be formally received and filed into the record, along with the revised plans prepared by their architect, to be left with the City Clerk.

PUBLIC COMMENT

Deborah Schechner, Boca Ciega Isle Dr., raised concerns about environmental impacts to the bayou, including wildlife, noise, lighting, and parking. She questioned the use of density pool units for one project, noted the bayou is narrower than depicted, and suggested the site would be better suited as a public park. She highlighted the need for community input and environmental protection.

Further discussion noted that the project is not fully developed and requires further review with community input. While acknowledging improvements made by the applicant, the conditional use approvals are not by right and that requests for significant bonus density should include substantial, tangible community benefits. Corey Landings was cited as a recent comparable project that received public support by requesting minimal bonus density and providing community benefit. The applicant was encouraged to reapply, engage the community, and align the project with resident priorities, noting that successful projects are those that offer genuine public benefits. Mr. Bodziak clarified that transient lodging density differs from residential density, and that the request should not be viewed as double the residential entitlement. It was noted the applicant is entitled to zero transient units by right and must justify the full request through the conditional use process. Based on constituent feedback, there is significant opposition to the project and strong interest in further community engagement before any approval.

Motion: Commissioner Maldonado moved, Commissioner Robinson seconded, and the motion carried 4-0 to deny the Special Magistrate's recommendation to conclude a mediation between the City of St. Pete Beach and SunGold, LLC for a modified proposal of the Windward Pass project under CUP 23085.

Commission Rzewnicki was not on the call at the time of this vote but returned prior to discussion items.

7. ITEMS FOR DISCUSSION

a. Dogs Off Leash (Added)

Commissioner Maldonado raised ongoing concerns about dogs being off leash, particularly at Vina Del Mar Park, noting multiple reports from residents who felt threatened by uncontrolled dogs. He noted that current ordinances require dogs, including service animals, to be leashed under Florida law and expressed concern that lack of enforcement could lead to injury to people or pets. He requested that the City and Sheriff's Office take a more proactive and consistent approach to enforcing existing leash laws, as current efforts are informal and not

documented. Commissioner Rzewnicki noted that off-leash dogs are a widespread issue across multiple parks in District 3, including Belle Vista, Don Cesar, and Lazarillo parks, and not limited to Vina Del Mar Park. She reported observing dogs off leash in sidewalks, tennis courts, playgrounds, and along major corridors such as Pass-a-Grille Way and Gulf Boulevard. The problem is prevalent citywide, and she is unclear about enforcement solutions with limited enforcement resources. City Manager Robustelli stated that the City has previously worked with the Sheriff's Office to address off-leash dogs, particularly on beaches, and that increased enforcement has already shown some improvement. She noted that while enforcement on beaches can be challenging, dogs off leash is a violation of Florida law. The City will continue working with the Sheriff's Office to further ramp up enforcement in neighborhoods to address this issue.

Commissioner Maldonado reported that at the January 26 Parks and Recreation meeting it was stated that the area formerly known as the "dog beach" is not legally a beach but a sandbar and not City property and therefore could potentially allow off-leash dogs with removal of City signage. The City Manager clarified that a final determination is still pending review by the Sheriff's Office due to applicable County ordinances, and no formal changes will occur until that guidance is received. Commissioner Maldonado suggested that, if confirmed, the area could be rebranded and promoted as a community amenity and visitor attraction.

b. Employee Parking Upham Beach (Added)

Commissioner Robinson raised concerns regarding employee parking at Upham Beach, noting that while Pass-a-Grille businesses have access to employee parking passes for a nominal annual fee, similar options are not available for the few businesses at Upham, particularly Cool Vibes on Sunset Way. The Grille at Upham currently has two designated employee parking spaces as part of its lease, but other nearby businesses lack sufficient employee parking. The City Manager indicated the issue will be addressed as part of the upcoming parking study, to be reviewed by the Finance Committee on February 4, with staff directed to clarify existing permit rules, fees, and ensure consistent application across areas.

c. City Commission Emails (Added)

Commissioner Robinson noted that residents may not be aware of the shared email address (citycommission@stpetebeach.org) that reaches the full Commission. It was agreed, as a good-faith practice, that if a commissioner receives a constituent email related to a voting issue that is not copied to the full Commission, the commissioner will forward it to the City Clerk for redistribution to ensure transparency, compliance with Sunshine Law, and equal access to information among all commissioners.

d. Legislative Update (Added)

Commissioner Rzewnicki provided an update from Tallahassee, where she is advocating on behalf of the City of St. Pete Beach and its residents. She reported meeting with legislators to oppose several bills that could negatively impact the City's financial stability and municipal home rule, including proposals to reduce or eliminate property taxes without replacement revenue, changes to sovereign immunity (HB 145), and efforts to restrict or eliminate local business taxes (SB 122 and HB 103). She also discussed opposition to Senate Bill 180 and support for Senator DiCeglie's Senate Bill 840, which strengthens local authority. Additionally, she expressed support for Senate Bill 332 and House Bill 655, which improve public meeting requirements and allow limited private meetings in pre-suit Bert Harris Act cases to reduce legal costs. She participated with the Suncoast League of Cities and the Florida League of Cities in coordinated advocacy efforts and attendance at several committee meetings addressing issues affecting municipalities, including permitting authority, tourist development taxes, CRA policies, and the Florida Starter Homes Act, which could significantly limit local zoning control. She highlighted the importance of continued state-level advocacy to protect the City's financial well-being and asked fellow commissioners to share any additional issues they would like her to raise tomorrow.

Mayor Petrilá thanked Commissioner Rzewnicki for the legislative update and for representing the City in Tallahassee, as well as the City's state lobbyist, Jim Taylor, for coordinating meetings with legislators. The Mayor

noted he did not attend this week to maintain a quorum but plans to travel to Tallahassee the following week. He emphasized the City’s ongoing need for state funding, particularly for resiliency and emergency services, and expressed concern about the continued erosion of municipal home rule through state legislation. He highlighted the importance of local control given Florida’s diverse communities and reiterated appreciation for the advocacy efforts of the Florida League of Cities in protecting home rule.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Ginny Bodkin, Deputy City Clerk – no report

Frances Robustelli, City Manager – no report.

City Attorney Brookes – no report.

Commissioner Maldonado – He thanked City staff for recent maintenance improvements at Vina Del Mar Park, noting enhancements including sidewalk repaving, tree pruning, and overall upkeep, which have improved safety and park conditions. He announced his next district meeting will be held on February 2 at 6:00 p.m. at the Warren Webster location, noting the date change from February 9 to avoid a scheduling conflict.

Commissioner Rzewnicki – She announced upcoming neighborhood and association meetings, noting that the Lido Park Association meeting has been rescheduled to February 5 at 6:00 p.m. The Don CeSar annual meeting remains scheduled for February 19 at 6:00 p.m. The Belle Vista neighborhood meeting will be held on February 12 at 6:30 p.m.

Commissioner Robinson – no report.

Vice Mayor Marriott – She thanked the Public Services Department for their responsiveness in addressing resident concerns related to construction at Pump Station No. 1, noting positive feedback about Public Services Director Camden Mills and his team. She announced her commissioner event on February 17 at 6:00 p.m. at Mastry’s Brewing.

Mayor Petrila – He announced candidate forum will be held in Commission Chambers on February 9, with the District 3 Commissioner forum at 6:00 p.m., followed by the Mayoral forum at 7:00 p.m.

Mayor Petrila adjourned the meeting at 9:55pm.

MINUTES APPROVED: FEBRUARY 10, 2026

RENEE ROSE
CITY CLERK

ADRIAN PETRILA
MAYOR

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Approval of Engagement Letter – Municipal Finance Support Services (James Moore & Co.)

Action Request: Motion to authorize the City Manager to engage with James Moore & Co. for Municipal Support Services

Strategic Objective: Operational Excellence

Date: February 10, 2026

Prepared By: Devon Schmidt, Director of Finance

Through: Frances Robustelli, City Manager

Summary of Issue: The attached engagement letter outlines the scope, cost, and service expectations for James Moore & Co. to provide outsourced municipal finance support services to the City. Staff recommends approval. This service model represents a cost-effective, expert-driven solution to ensure continuity, compliance, and high-quality financial management for the City.

The City's Accounting position is budgeted at approximately \$125,000, including salary and fully burdened benefits, and is currently vacant. After posting the position and reviewing candidates, it is apparent that there is a shortage of talent in governmental accounting. Rather than filling this position, the Finance Department proposes transitioning to an outsourced accounting model using James Moore & Co. This aligns with the firm's extensive experience providing financial, accounting, and consulting support to Florida municipalities, as further detailed in the engagement document.

The annual cost for core services is \$114,000, along with a one-time setup fee of \$28,500. This model provides immediate, reliable capacity at a cost lower than hiring and onboarding a full-time employee.

KEY BENEFITS OF APPROVAL:

- James Moore & Co. employs highly trained municipal accounting professionals who remain

current on best practices, industry standards, GASB updates, grant compliance requirements, and public sector fiscal regulations.

Benefit: The City gains specialist-level knowledge without the cost or risk of maintaining that expertise in-house.

- An outsourced accounting team does not require vacation time, medical leave, or extended training periods, providing uninterrupted service to the City.

Benefit: Critical functions such, reconciliations, general ledger management, oversight, reporting, and audit coordination continue seamlessly throughout the year.

- The accounting position currently budgeted at \$125,000 (salary + benefits + retirement) will not be filled. Instead, those funds will be repurposed to support the outsourced model.

Benefit: The City receives enhanced service coverage at or below the cost of a single employee, while also avoiding turnover risk, recruitment challenges, and training costs.

- If the City's finance workload increases—due to grants, capital projects, growth in payroll, utility billing activity, or audit needs—the outsourced team can quickly add capacity.

Benefit: The City avoids hiring delays and has the flexibility to scale services up or down as needed.

- Outsourced accountants focus on transactional accuracy, reconciliations, reporting, and compliance—allowing City leadership to concentrate on strategic priorities, long term planning, and financial stability initiatives.

Benefit: Department leadership gains time for analysis and oversight rather than being tied to transactional work.

Funding:

Budgeted savings from Accountant position. The annual cost for core services is \$114,000, along with a one-time setup fee of \$28,500. This model provides immediate, reliable capacity at a cost lower than hiring and onboarding a full-time employee.

Attachments:

1. SPB MFSS EL



January 27, 2026

To the Honorable Mayor and City Commission,
City of St. Pete Beach, Florida:

This letter is to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the accounting, budget, and financial consulting services we will provide to the City of St. Pete Beach, Florida (the City).

Scope and Cost of Services

We anticipate commencing our accounting, budget, and financial consulting services as of February 10, 2026.

Please see the attached Exhibit A for the proposed fee schedule and Exhibit B for the summary scope of services, based on the items checked under the "JMCo" column. To establish the most detailed understanding possible that is clear for both parties, we have worked to summarize the proposed services while listing which functions would be performed by the City, JMCo, and/or in some cases, the City's external auditor or other third parties.

For as long as the City opts to utilize our discounted direct billing for an approved accounting system, we will also bill the town for the reimbursement of such licensing fees.

We will invoice for our core services on a monthly basis in equal installments. Any additional fees for services not outlined in this letter shall only be billed upon mutual agreement as to the scope/nature of services to be provided and determination of an agreed-upon fee. Any annual adjustments to our monthly fees as provided for in Exhibit A shall be communicated and ratified as part of the City's annual budget process.

Zach Chalifour and Brendan McKitrick are the service leaders for the services specified in this letter. Their responsibilities include supervising all services performed as part of this engagement and, should any formal compilation or preparation reports be required, signing or authorizing another qualified firm representative to sign the accountants' report.

Required Software

To maximize our ability to provide you with the highest level of service, our ability to provide these services at the quoted cost is dependent upon your utilization of an "approved" accounting system for which our team has extensive training and familiarity. Our current list of approved accounting systems for our government clients includes:

- QuickBooks Online
- Aclarian Cloud-Based ERP

As outlined in Exhibit B, you are responsible for all payroll processing and all related activity (payroll tax returns, withholding and retirement remittances, etc.). Due to the complexity of payroll tax law and frequency of changes, we do not require, but strongly recommend the utilization of a professional third-party payroll processing company. Any assistance required of us relative to payroll processing, tax, and related issues is not covered as part of this engagement.

Management Responsibilities

We will not assume management responsibilities or make management decisions for you. However, we may provide advice, research materials, and recommendations to assist you in performing your functions and making decisions. You must agree to perform the following functions in connection with our engagement:

- Make all management decisions and perform all management responsibilities;
- Designate an individual who possesses suitable skill, knowledge, and/or experience, preferably within senior management, to oversee the services;
- Evaluate the adequacy and results of the services performed;
- Accept responsibility for the results of the services; and
- Establish and maintain internal controls, including monitoring ongoing activities.

You agree to review all bank statements for improprieties or fraudulent activity as part of your own review of ongoing financial activity in addition to our responsibility to prepare bank reconciliations. Management is responsible for preventing and detecting fraud.

Nonattest Services

We will perform the following nonattest services: all items as identified in Exhibit B, except for the preparation of bank reconciliations and related adjustments. With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual (Devon Schmidt) to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Certain accounting services, including bank reconciliations and related journal entries, are not permitted to be performed by James Moore & Co., P.L. while we are engaged as the City's independent auditor for the fiscal year ended September 30, 2025. Accordingly, such services are expressly excluded from this engagement until the City's audited financial statements and audit reports for that fiscal year have been issued and our audit engagement has concluded.

During the interim period, the City will independently engage Tradewinds Blue Services, LLC, or another service provider of its choosing, to perform these services. James Moore & Co., P.L. will not direct, supervise, review, or assume responsibility for the work performed by such third party during this period.

Upon issuance of the audit report and conclusion of the audit engagement, the City may elect to expand this engagement to include bank reconciliation and related accounting services, which shall thereafter be performed by James Moore & Co., P.L. pursuant to the terms of this agreement.

Billing Offset for Interim Services

During the interim period in which the City independently engages Tradewinds Blue Services, LLC, for bank reconciliation and related accounting services, the City may elect, for administrative convenience only, to offset amounts invoiced by Tradewinds Blue Services, LLC, against amounts otherwise payable to James Moore & Co., P.L.

Such offset shall not be construed as James Moore & Co., P.L. engaging, subcontracting, supervising, directing, or assuming responsibility for the services performed by Tradewinds Blue Services, LLC. James Moore & Co., P.L. shall not bear any financial risk related to such services, and responsibility for payment and oversight of Tradewinds Blue Services, LLC, remains solely with the City.

Other Engagement Terms

This engagement may be terminated by either party at any time for any reason, subject to a transition period. Upon the date of notice of intent to terminate this agreement, the effective termination date shall be at least three (3) months following the notice of intent to terminate the agreement, unless another date is mutually agreed upon by both parties.

The Agreement can be terminated for cause due to a breach that is not corrected to the satisfaction of the non-breaching party. The non-breaching party shall provide written notice to the breaching party outlining all breaches. The breaching party shall have at least forty-five calendar days from the date notice is delivered to remedy the breach to the reasonable satisfaction of the non-breaching party. If the breaches are not corrected, the non-breaching party can terminate by written notice.

During the term of this agreement and for a period of one (1) year thereafter, neither party will solicit the employment of any employee from the other party. Should either party hire an employee who is currently employed or has been employed in the past six (6) months by the other party, a fee equal to 25% of the new employee's starting salary shall be paid to the other party.

As part of this engagement, we will share any observations and recommendations that we observe related to the City's processes and internal controls. However, the development, maintenance, or assessment of internal controls sufficient to protect the City from the risk of loss and/or failure of internal controls, whether due to fraud or error, is not part of this engagement. We will also share any observations noted with regard to unusual or potentially fraudulent activity. However, our engagement cannot be relied upon to identify or disclose errors, fraud, or any wrongdoing within the entity or noncompliance with laws and regulations.

Our work in connection with this engagement is not intended to result in the preparation of financial statements for the City as defined by Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Such an engagement, as defined by professional standards, has as its objective to prepare financial statements pursuant to a specified financial reporting framework. By your signature below, you understand that the preparation of financial statements as defined above is outside the scope of this engagement. Should you require periodic interim financial statements, we would be pleased to discuss with you the requested level of service. Such engagement would be considered separate and not deemed to be part of the services described in this engagement letter.

You agree to release, indemnify, defend, and hold us harmless from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

Public Records

It is our policy to provide copies of public records upon the completion of our work. Additionally, any records provided by the City are considered to be copies of public records already in your possession. However, to the extent we are in possession of any public records, in accordance with Florida Statute §119.0701, we shall keep and maintain public records required by the City in performance of services pursuant to the contract. Upon request from the City's custodian of public records, we shall provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided pursuant to Florida Statute Chapter 119 or as otherwise provided by law. We shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if we do not transfer the records to the City. We shall, upon completion of the engagement, transfer, at no cost, to the City all public records in our possession or keep and maintain public records required by the City to perform services pursuant to the engagement. If we transfer all public records to the City upon completion of the engagement, we shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If we keep and maintain public records upon completion of the engagement, we shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information

City of St. Pete Beach, Florida

January 27, 2026

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technology systems of the City. Notwithstanding the foregoing, nothing herein shall be interpreted to mean that we will host client data or otherwise take steps with regard to client's data that would violate applicable law or professional standards.

IF WE HAVE ANY QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO OUR DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS ENGAGEMENT, WE WILL CONTACT YOUR CUSTODIAN OF PUBLIC RECORDS.

Summary

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our proposal. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please return a signed copy to us.

Very truly yours,



JAMES MOORE & CO., P.L.

RESPONSE:

This letter correctly sets forth the understanding of the City of St. Pete Beach, Florida.

By _____

Title _____

Date _____

EXHIBIT A: FEE SCHEDULE

Core Municipal Finance Support Services

Based on the scope of our ongoing engagement and assistance to be provided on an annual basis, our fees for the initial period from the start of the engagement through the end of the fiscal year ended September 30, 2026, will be as follows:

Service	Billing Amount	Billing Frequency	Annual Cost
All Core Services Outlined in Exhibit B	\$9,500	Monthly	\$114,000
Start-Up/Setup Fee (3x Base Monthly Fee)* *includes all bank reconciliation and related catch-up work from October 1, 2025, through effective date of this agreement	\$28,500	At Execution of Agreement	One-time cost

Unless otherwise negotiated, for periods beyond the initial period outlined above, our annual fee for all core services shall be subject to an increase based on the greater of 3.0% or the most recent June Consumer Price Index (CPI; Series ID CUUR0300SA0; All Items in South; average for All Urban Customers), capped at a maximum increase of 7.0%.

Additional Services and Travel

Should any additional services be required outside the based scope of the Agreement, they shall be mutually agreed upon prior to any services being rendered, as outlined in paragraph. While both parties may come to a different agreement, this schedule of fees is designed to serve as a basis for determining the estimated fees for additional services:

Hourly Fees (travel time/incidental costs additional)	Partner / Director	Manager	Accountant
Base Fees – Additional Hourly Work / Meeting Attendance	\$350	\$250	\$150

Known examples of hourly work not typically included in our base fees due to the unpredictable and variable nature of such items include, but are not limited to, the following:

- Grant application and management
- Debt issuance
- ERP system implementation and/or conversion

EXHIBIT B: SCOPE OF CORE SERVICES/RESPONSIBILITIES

Area	Task	JMCo	Client	Other
General	Reading and evaluation of existing policies and procedures	X		
General	Providing recommendations to amend existing policies and procedures and/or assistance in the development of new accounting and finance-related policies.	X		
General	Unlimited assistance/consultations on out of scope matters (up to 90 minutes per topic)	X		
General	Standing 30-minute weekly status calls for open discussion / advisory on financial or nonfinancial matters	X		
General	Auditor selection process assistance (RFP development, 1 selection committee meeting per process)	X		
General	Designated individual with completion of 8 hours of investment continuing education to achieve entity's compliance with Section 218.415, Florida Statutes	X		
General	Invitation to free training offered by James Moore team during summer Government CPE Series (8+ hours)	X		
General	Invitation to quarterly client roundtable discussions and training to address current issues and best practices.	X		
Cash Management	Evaluation of cash account structure and providing recommendations for functional improvement (e.g. pooled cash vs. isolated accounts, interest rate improvement opportunities, etc.)	X		
Accounting	Monthly bank/investment account reconciliations, including recording of monthly revenue/other activity (e.g. payroll, utility billing, revenue, bank fees, etc.)	X		
Accounting	Monthly or other periodic balance sheet account reconciliations (non-cash)	X		
Accounting	Year-end closing/cash to accrual adjustments	X		
Accounting	Monthly inspection of general ledger activity	X		
Accounting	Preparation of periodic year-to-date revenue and expenditure activity reports relative to budget		X	
Budget	TRIM – publishing and execution of advertising, meeting notices, action items, legal adoption of millage rate, and final submittal to Florida Department of Revenue		X	
Budget	TRIM – completion of eTRIM forms		X	
Budget	TRIM – final approval and submittal of eTRIM forms		X	
Budget	Guidance as to future spending needs, including both payroll and non-payroll projections		X	
Budget	Preparation of year-end budget adjustments for final amendment		X	
Accounts Payable	Coding invoices to the proper expense accounts		X	
Accounts Payable	Compliance with procurement rules and approval process for all vendor activity		X	
Accounts Payable	Issuing, printing, and signing checks		X	
Accounts Payable	Preparation of 1099-MISC forms to contractors		X	

Area	Task	JMCo	Client	Other
Cash Receipts	Handling, coding, and processing of cash receipt transactions and bank deposits		X	
Payroll	Preparation assistance of 941 tax returns		X	Payroll Co.
Payroll	Preparation of W-2's		X	Payroll Co.
Payroll	Processing all payroll activity, approvals, and transactions (including all tax filings, withholding and other remittances, retirement reporting and remittances, etc.)		X	
Payroll-Pensions	For any local defined benefit pension plans, coordination with pension actuary re: data and timing of report	X	X	
Payroll-Pensions	Review of draft actuary report for financial reporting purposes	X	X	
Utility Billing	Liaison with third party for all utility billing and related matters		X	
Grants	Solicitation and application for new grants; ongoing reporting and compliance with existing grants		X	
Grants	Preparation of year-end grant schedule and activity	X		
Audit-General	Primary liaison with external auditors / Coordination of audit request list items / preparation of applicable schedules	X		
Audit-General	Assist in planning and development of corrective actions to address any audit comments.	X		
Audit-General	Fulfill auditor requests related to physical source documents or other standard transactional activity		X	
Audit-Capital Assets	Capital asset detail and depreciation schedule maintenance (utilizing our ProFx Fixed Asset software)	X		
Audit-Capital Assets	Identification of any known capital asset additions and dispositions		X	
Audit-Leases	Identification of all lease agreements to which the entity is the lessee/lessor		X	
Audit-Leases	Summary of lease activity and calculation of lease asset/liability (GASB 87)	X		
Audit-OPEB	Coordination with OPEB Pension actuary re: data and timing of report (if report required and elected)	X		
Audit-OPEB	Review of draft actuary report for financial reporting purposes (if report required and elected)	X	X	
Audit-Pension	Year-end analysis and allocation of net pension liability from actuary report(s)	X		
Audit-Pension	Assistance in review of actuary reports related to the City's pension plan for overall funding and financial reporting purposes.	X		
Audit-Reporting	Final submittal of audited financial statements to the Florida Auditor General	X		
Audit-Reporting	Submittal of audited financial statements to grantors or other interested parties		X	
Audit-Reporting	Preparation of audited financial statements			Auditor
Audit-Reporting	Preparation of Data Collection Form (if subject to federal single audit)	X		

Area	Task	JMCo	Client	Other
Audit-Reporting	Submittal of ACFR (client pays fees directly) to the GFOA for evaluation in certificate program	X		
Reporting	Public depositor annual report	X		
Reporting	Preparation of Annual Financial Report submittal to Department of Financial Services	X		
Reporting	Preparation of Local Government Financial Report per F.S. 129.03 and 166.241 to Officer of Economic and Demographic Research (EDR)	X		
Reporting	Preparation of FHWA-536 report to Department of Transportation	X		

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: First Reading of Ordinance 2025-24: Revising Code of Ordinances Chapters 131 & 132 Pertaining to Communication and Small Wireless Facilities

Action Request: Motion Options: Motion to [approve/approve with modification/deny/continue to [specify date certain]] the first reading of Ordinance 2025-24.

Strategic Objective: Reliable Infrastructure

Date: December 2, 2025

Prepared By: Ralf Brookes, City Attorney
Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: The subject ordinance includes amendments to Wireless Facilities in Chapters 131 and 132 of the City Code of Ordinances, which regulate communication facilities on *private property* (Ch 132), and small wireless facilities in the *City-owned rights-of-way* (Ch 132), respectively. These amendments are intended to significantly increase local regulation of these facilities within the extent permitted by federal and state law. Broadly, these amendments are intended to achieve the following:

- Increase setbacks from and discourage locating most communication facilities near residential neighborhoods and other low-intensity and/or environmentally-sensitive areas;
- Limit the height of most facilities within residential areas, outside of City-owned rights-of-way, to the maximum height permitted for a building in the subject zoning district, and require fall radius setbacks of these facilities from existing or approved buildings;
- Increase application requirements for facilities that could adversely affect sightlines for existing developments;
- Require compliance verification with environmental reviews and historic preservation

considerations when facilities are located in a manner that could adversely affect these sites;

- Limit equipment on towers to the extent viable, excepting out those private rooftops that already contain most communication equipment; and
- Require additional post-construction certifications.

Two Florida statutes play key roles in setting standards that local governments must follow when considering permit applications for cell towers and other wireless facilities:

1. **F.S. § 365.172 applies to all wireless facilities.** “Emergency Communications Act,” specifically subsection (13) “Facilitating emergency communications service implementation.”
2. **F.S. § 337.401 applies only to wireless facilities in the right-of-way** – “Advanced Wireless Infrastructure Deployment Act.” specifically subsection (7) “Use of right-of-way for utilities subject to regulation; permit; fees,”

Although quite restrictive, both statutes recognize the traditional authority of local governments over land use development and zoning restrictions. Both statutes contain provisions allowing for wireless ordinances that ensure greater protection for residents, communities, property values, aesthetic considerations, landscaping, historic districts, and the environment.

Ch. 131 - How the Proposed Revisions Comply With and Build on F.S. § 365.172 – “Emergency Communications Act”

F.S. § 365.172(13) provides the statutory framework for the proposed revisions to the Ordinance for both Chapter 131 (for wireless facilities on private property) and Chapter 132 (for such facilities in the right-of-way). Some notable examples of proposed revisions that build on this statutory framework include:

- Proposed Section 131-5(c) and (d) adopt the criteria set out in the statutory definition of “colocation” in colocation applications only subject to building permit review under the

statute. These new provisions ensure that such applications actually meet the statutory criteria for this type of less burdensome review.

- Proposed Section 131-5.(f) implements the voluntary waiver of timeframes a local government may request, but not require, pursuant to **F.S. § 365.172(13)(d)3.c.** Nothing in the statute prevents local governments from requesting this waiver as a matter of course for all wireless facilities applications.
- Proposed Section 131-5.(g) establishes a completeness review process that leverages the requirement that a local government notify an applicant in writing that the application materials are not complete in compliance with the local government’s regulations within 20 business days in **F.S. § 365.172(13)(d)3.a.**
- Proposed Section 132-16.(b)(8)i., “Guidance for location,” uses the statutory allowance in F.S. § 365.172(13)(b)3. to restrict the placement of small wireless facilities, even for proposed facilities in the right-of-way, in residential areas as long as it is not an effective prohibition in that residential area.

Ch. 132- How the Proposed Revisions Comply With and Build on F.S. § 337.401 – Use of right-of-way for utilities subject to regulation; permit; fees.

Unlike F.S. § 365.172 which applies to all wireless facilities, F.S. § 337.401 only applies to the proposed revisions of Chapter 132 for wireless facilities located in the right-of-way.

Some notable examples of proposed revisions building on F.S. § 337.401 include:

- Proposed Section 132-7(d). “Permit application requirements, content, and review.” The 14-day timeframe provision in **F.S. § 337.401(7)(d)7.** provides an opportunity to implement procedures for application completeness review. This completeness review procedure allows staff to focus solely on ensuring applicants have submitted all the items as per proposed Section 132-7.(a)(1)-(14).

- Proposed Section 132-14.(a)(1)d. addresses the exceptions to the permitting of micro-wireless facilities that ensure such proposed facilities will actually meet **F.S. § 337.401(7)(b)9**'s statutory criteria setting the size limits for micro-wireless facilities.
- Proposed Section 132-15(a) adds new paragraphs (2), (3), and (4) that make use of the specified bases in **F.S. § 337.401(7)(b)11.a.-f.** on which the City may deny an application.
- Ordinance language quoting **F.S. § 337.401(7)(d)(2)** that the City may not require an applicant to provide more information than necessary to demonstrate compliance with applicable codes is deleted. The proposed revisions to the ordinance comply with the statutory limitations while allowing the City to protect residential areas.

Funding: N/A

Attachments:

1. Chapters 131 & 132 Markup
2. Ordinance 2025-24

Ordinance 2025-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES CHAPTER 131 WIRELESS COMMUNICATION TOWERS AND ANTENNAS AND CHAPTER 132 COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; RENAMING CHAPTER 132 TO COMMUNICATION FACILITIES IN THE CITY RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of St Pete Beach desires to update its wireless communications code to clarify guidelines, standards, and timeframes for the exercise of authority within statutory limitations to regulate wireless facilities that comply with FCC rules and Florida State laws for administrative review and approval of wireless facility permits.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City of St Pete Beach Code CHAPTER 131 WIRELESS COMMUNICATION TOWERS AND ANTENNAS is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect as provided by law.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petril, Mayor

I, Renee Rose, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

Chapter 131 - WIRELESS COMMUNICATION TOWERS AND ANTENNAS

Sec. 131-1. - Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers and antennas to accomplish the following objectives:

- To employ the “General Authority” preserved to the City of St. Pete Beach under 47 U.S.C. § 332(c)(7)(A) to the greatest extent the United States Congress intended while simultaneously complying with each of the substantive and procedural requirements set forth within the subsection 47 U.S.C. § 332(c)(7)(B).
- To employ the “General Authority” preserved to the City of St. Pete Beach under Fla. Const. art. VIII § 2(b) to the greatest extent the Florida Legislature intended to preserve those powers in F.S. § 166.021, specifically the broad exercise of home rule powers pursuant to subsection (4).
- To employ the “General Authority” preserved to the City of St. Pete Beach pursuant to F.S. § 365.172(b)1., the Emergency Communications Act, to review any applicable land development or zoning issues, including, but not limited to aesthetics, landscaping, land-use based priorities, structural design, and setbacks when considering applications for wireless communications facilities.
- To implement City of St. Pete Beach regulations related to the provision of wireless communications services, and the siting of their facilities.
- To assure compliance with the Federal Communications Commission's (FCC) legislative rules for Communication Facilities including those for radio frequency human exposure limits in 47 C.F.R. Part 1, Subpart I standards and those addressing State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities, in 47 C.F.R. Part 1, Subpart U limitations associated with the regulation of the placement of towers that comply with those standards.
- To establish clear guidelines, standards, and timeframes for the exercise of the City of St. Pete Beach authority to regulate wireless facilities that comply with FCC rules and Florida State laws regarding reasonable timeframes for issuing decisions on wireless facility permits.
- To ensure that all wireless carriers providing facilities or services within the City of St. Pete Beach comply with the City of St. Pete Beach Code.
- To encourage the location of towers in non-residential areas;
- To minimize the total number of towers throughout the community;
- To strongly encourage the joint use of ~~new~~ and existing tower sites as a primary option rather than construction of additional single-use towers;

- To encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- To encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful siting, design, siting, landscape screening, and innovative camouflaging techniques;
- To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; recognize that technology and laws regarding these facilities have changed, so the city's regulations need to change accordingly;
- To consider the public health and safety of communication towers promote the health, public safety, comfort, convenience, prosperity, and general welfare of the people of City of St. Pete Beach; and
- To avoid potential physical injury to the public and damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- To conserve and enhance the unique natural beauty, irreplaceable natural resources, historical, natural, and man-made character and appearance of The Don CeSar Hotel ("The Pink Palace"), Boca Ciega Bay Aquatic Preserve, Upham Beach Park, St. Pete Beach Community Center, Pass-a-Grille Historic District and Beach, Beach Theatre, and the City of St. Pete Beach; and
- To protect the beachfront, marinas, scenic and visual character of the city.

In furtherance of these objectives, City of St. Pete Beach shall give due consideration to the comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

This section is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any wireless carrier service provider's ability to provide reasonable and necessary wireless communications services; (2) prohibit or effectively prohibit any entity's ability to provide reasonable and necessary interstate or intrastate telecommunications service; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify wireless telecommunications service facilities solely on the basis of environmental effects of radio frequency emissions so long as such wireless facilities comply in every instance and regard with all FCC's regulations concerning such emissions; (5) prohibit any eligible facility that the City of St. Pete Beach may not deny under federal or state law; or (6) otherwise authorize the City of St. Pete Beach to violate any applicable federal or state law.

Sec. 131-2. - Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

Accessory equipment or antenna equipment means equipment other than antennas used in connection with a small wireless facility or other infrastructure deployment. This includes but is not limited to, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna. For purposes of an eligible facilities request as defined at 47

C.F.R. §1.6100(b)(3) only, the term includes "transmission equipment" as defined in 47 CFR. § 1.6100(b)(8), as may be amended or superseded.

Accessory facility or accessory structure means a facility or structure serving or being used in conjunction with a personal wireless services facility or complex and located on the same property or lot as the personal wireless services facility or complex, or an immediately adjacent lot including, but not limited to, utility or transmission equipment, storage sheds or cabinets.

ACIP means the Federal Advisory Council on Historic Preservation.

Aesthetic or aesthetics refers to subjective or objective determinations related to whether and if so how well a facility will fit within the character of the area where the facility is proposed. This requires a broad range of factors including but not limited to visual effects and impact on property values. The city will consider aesthetics for all applications and, where not prohibited by federal or state law, reserves the ability to impose careful placement conditions or restrictions.

Alternative tower wireless facility structure (also called "Concealment element") means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures not necessary to the operation of the facility that is intended to camouflage or conceal the presence of antennas, or towers, or base stations. Alternative wireless facility structure or concealment is distinguished from other aesthetic requirements intended to minimize the visual impact of a facility.

Antenna means any exterior transmitting or receiving device apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location, such as mounted on a tower, building, or structure, pursuant to FCC authorizations for the provision of personal wireless service and any commingled information services, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. This definition does not apply to antennas designed for amateur radio use or satellite dishes for residential or household purposes.

Antenna facility means an antenna and associated antenna equipment.

Applicant means any individual, corporation, limited liability company, general partnership, limited partnership, estate, trust, joint-stock company, association of two or more persons having a joint common interest, or any other entity submitting an application for a wireless communication facility permit, site plan approval, building permit, and/or any other related approval, for the installation, operation and/or maintaining of one or more wireless telecommunication facilities.

Application means all necessary and required documentation and evidence that an applicant must submit to receive a wireless telecommunications facility permit, building permit, or other city approval for personal wireless service facilities from the city.

Balloon test means the raising of a balloon (or placement of a "crank up" tower, crane or temporary structure) equal to the height of a proposed personal wireless services facility tower for a period of 4 hours on a pre-determined date and time prior to approval of a wireless facility permit application to assess the visual impact of a proposed tower.

Base station means for purposes of eligible facilities requests, as defined in 47 C.F.R. §1.6100(b)(1), a structure or equipment at a fixed location that enables FCC-licensed or authorized

wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

CEQ: Federal Council on Environmental Quality as established under Federal NEPA law.

City means the City of St. Pete Beach.

City commissioners or commissioners mean the city commissioners of St. Pete Beach.

City manager means the person appointed by the city commission as the chief administrative official for the city or the designated representative thereof.

Coastal construction control line or CCCL means the line established so as to define that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather pursuant to F.S. § 163.151(1)(a). Nonhabitable major structures seaward of this line shall be designed and constructed with the more restrictive applicable requirements of the Florida Building Code, Building section 3109 and section 1612 pursuant to SPB Section 98.129.2.

“Colocation,” “colocate,” or “collocation,” “collocate” can have different meanings depending on context.

Where and when F.S. § 337.401 applies, the definition in § 337.401(b)(7) shall also apply. That definition currently states:

“Collocate” or “collocation” means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

Where and when F.S. § 365.172 applies, the definition in § 365.172(3)(f) shall also apply. That definition currently states:

“Colocation” means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Where and when the FCC’s general rules for placement, construction and modification of personal wireless facilities apply, the definition in 47 C.F.R. § 1.6002(g) shall also apply. That definition currently states:

Collocation, consistent with § 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B, means—

- (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
- (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

(3) The definition of "collocation" in § 1.6100(b)(2) applies to the term as used in that section.

Where and when the FCC's rules for wireless facility modifications apply, the definition in 47 C.F.R. § 1.6100(b)(2) shall also apply. That definition currently states:

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Communications tower or tower means a mast, pole, monopole, slim stick, guyed tower, lattice tower, freestanding tower, or other structure designed to support or employed to support antennas and other equipment, including but not limited to dishes, transceivers and arrays used to provide personal wireless services and wireless communications services. If building-mounted the building is not part of or considered a "tower." A ground- or building-mounted mast greater than ten feet tall and six inches in diameter, supporting one or more antennas, dishes, arrays, etc. shall be considered a communications tower.

Complete application or Completed application means an application that contains all the necessary and required information, records, evidence, reports, and/or data necessary to enable an informed decision to be made with respect to an application, including each federal or state law that applies to that application. The application must state each federal statute or agency legislative rule that is claimed to apply and provide all facts necessary for the city to verify applicability and eligibility. Where any information is provided pursuant to the terms of this section and the permit technician determines that any additional, further or clarifying information is needed as to one or more aspects, then the application will be deemed incomplete until that further or clarifying information is provided to the satisfaction of Community Development staff and all related reviewing City departments. Every effort will be made to meet FCC and Florida shot clock requirements for completeness reviews provided that deemed complete status will not prevent the Reviewing Authority from denying an application on the merits due to lack of sufficient evidence to carry the applicant's ultimate burden of proof.

Complex means the entire site or facility, including all structures and equipment, located at the site.

Concealment is an approach using elements intended to make the facility look like something other than a wireless tower or base station.

Consolidated application means more than one application for a wireless facility submitted at the same time.

DEP means Florida Department of Environmental Protection.

dBm means decibel milliwatts, which is a concrete measurement of the wireless signal strength of wireless networks. Signal strengths are recorded in negative numbers, and can range from approximately -30 dBm to -120 dBm. The closer the number is to 0, the stronger the cell signal.

Deployment means the placement, construction, or substantial modification of a wireless communications facility.

Distributed Antenna System or DAS means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides personal wireless service within a geographical area.

Effective prohibition is as intended by 47 U.S.C. §332(c)(7)(B)(i)(II). The city will, if necessary, evaluate claims of prohibition or effective prohibition based upon an applicant's submission of sufficient probative, relevant, and sufficiently reliable evidence, and any other evidence in the record and apply the appropriate weight which the city deems appropriate to same. The applicant bears the burden of proving that a denial would prohibit or effectively prohibit the provision of personal wireless services. For discretionary permits the city reserves the right to deny an application based on aesthetic or other locational considerations such as unacceptable impact on the characteristics of the impacted neighborhood or any other "safe harbor" allowed by 47 U.S.C. §§253(b)-(c) and/or 332(c)(7)(B)(i)(II) even if the applicant has proven denial would prohibit or effectively prohibit the provision of personal wireless service.

Eligible facilities request means a request for modification (co-location, removal or replacement of transmission equipment) as defined in 47 CFR § 1.6100(b)(3) of an existing tower or base station wherein automatic approval of modifications that does not substantially change the physical dimensions of such tower or base station are mandated by 47 U.S.C. § 1455(a)(2), involving: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

FAA means the Federal Aviation Administration.

Facility or personal wireless service facility means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. This can include, but is not necessarily limited to, wireless transmitting and/or receiving equipment, any associated electronics and enclosing shelter or cabinet and stand-by generator or batteries.

FCC means the Federal Communications Commission.

FCC shot clock means the presumptively reasonable time frame within which the city must act on a wireless application, as defined by the FCC. The shot clock begins when the applicant takes the first procedural step that the city requires.

a. Aggregate of 60 days:

- 1) Standby emergency generators at previously permitted macro cell tower sites.
- 2) Collocation of small wireless facilities at existing small wireless facility sites.
- 3) Eligible Facilities Requests.

b. Aggregate of 90 days:

- 1) New small wireless facilities.
- 2) Collocation applications for additions to existing communications facilities not defined as an eligible facilities request.

c. Aggregate of 150 days:

- 1) All other applications, such as development of a new communication tower or facility.

Florida shot clock means the statutory timeframe within which the city must act on a wireless application pursuant to F.S. § 365.172(13)(d). The Florida shot clock begins on the date when the city determines the application is properly completed.

a. Aggregate of 45 business days:

1. Colocations that do not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;
2. Colocations that do not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and
3. Colocations that consist of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae.

b. Aggregate of 90 business days:

1. All other applications, including, but not limited to, colocations that do not meet the requirements in a. above, small wireless facilities, micro wireless facilities and the development of a new communication tower or other kind of facility.

General population/Uncontrolled exposure limits means the applicable radiofrequency radiation exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1 Section (ii), made applicable pursuant to 47 CFR §1.1310(e)(3).

Height means, when referring to a tower, or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna-personal wireless service facility, or personal wireless service facility structure, the height shall mean the distance measured from the pre-existing grade level to the highest point on the tower, facility, or structure, including, but not limited to, any accessory, fitting, fitment, extension, addition, add-on, antenna, whip antenna, lightning rod or other types of lightning-protection devices attached to the top of the structure.

Historic building, structure, site, object, or district means any building, structure, site, object, or district that has been officially designated as a historic building, historic structure, historic site, historic object, or historic district through a federal, state, or local designation program.

Illegally excessive RF radiation or Illegally excessive radiation means RF radiation exposures (whether from an individual source or multiple sources) at levels that exceed the limits set forth within 47 CFR §1.1310(e)(1), Table 1 Sections (i) and (ii), as made applicable pursuant to 47 CFR §1.1310(e)(3).

In-kind replacement means the replacement of a malfunctioning component(s) with a properly functioning component of substantially the same weight, dimensions, and outward appearance.

Macrocell means a cellular base station that typically sends and receives radio signals from large towers and antennas. These include traditionally recognized cell towers, which typically range from 50 to 300 feet in height.

Maintenance or routine maintenance means plumbing, electrical or mechanical work that may require a building permit but that does not constitute a modification to the personal wireless service facility. It is work necessary to assure that a wireless communications facility and/or structure exists and operates reliably and in a safe manner, presents no threat to persons or property, and remains compliant with the provisions of this chapter and FCC requirements.

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.

Necessary or necessity or need means what is technologically required for the equipment to function as designed by the manufacturer, and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the application. "Necessary" or "need" does not mean what may be desired, preferred, or the most cost-efficient approach and is not related to an applicant's specific chosen design standards. Any situation involving a workable choice between or among alternatives or options is not a need or a necessity.

NEPA means the National Environmental Policy Act, 42 U.S.C. §4321 et seq.

NHPA means the National Historic Preservation Act, 54 U.S.C. 300101 et seq, and 36 CFR Part 800 et seq.

Node or DAS node means fixed antenna and related equipment installation that operates as part of a system of spatially separated antennas, all of which are connected through a medium through which they work collectively to provide personal wireless services, as opposed to other types of personal wireless facilities, such as macrocells, which operate independently.

Non-residential zoning district means the C-2 Tourist Residential, C-2A Tourist Commercial and C-3 General Commercial Zoning Districts.

Notice address means an address, which is required to be provided by an applicant at the time it submits an application for a wireless communications facility permit, at which the City can mail notice, and the mailing of any notice to such address by first-class mail shall constitute sufficient notice to any and all applicants, co-applicants, and/or their attorneys, to satisfy any notice requirements under this Section, as well as any notice requirements of any other local, state and/ or federal law.

Notice of effective prohibition conditions means a written notice which is required to be provided to the City at the time of the filing of any application for a wireless facility permit, by all applicants seeking any approval, of any type, for the siting, installation and/or construction of a wireless facility, wherein the respective applicant asserts, claims or intends to assert or claim, that a denial of their respective application, by any agent, employee, board or body of the city, would constitute an "effective prohibition".

and concomitantly, that a denial of their respective application or request would violate Section 47 U.S.C. §332(c)(7)(B)(i)(III).

Notice of Incompleteness, Notice of Incomplete Application means a written notice, mailed by first class mail, to an applicant seeking an approval for the installation of a personal wireless services facility, wherein the sender advises the applicant that its application is either incomplete, missing required application materials, specifies the wrong type of wireless facility, or is otherwise defective, and setting forth the reason or reasons why the application is incomplete and/or defective.

Occupational/Controlled exposure limits mean the applicable radiofrequency radiation exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1 Section (i), made applicable pursuant to 47 CFR §1.1310(e)(2).

Ordinance means wireless communications facility Ordinance of St. Pete Beach City.

Permit means wireless communications facility permit issued by St. Pete Beach City.

Permittee means the person(s) or entity(ies) to which a wireless facility permit is issued.

Personal wireless service/personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, within the meaning of 47 U.S.C. §332(c)(7)(c)(i), and as defined therein.

Personal wireless service facility or PWSF means a facility or facilities used for the provision of personal wireless services, within the meaning of 47 U.S.C. §332(c)(7)(C)(ii). It means a specific location at which a structure that is designed or intended to be used to house or accommodate antennas or other transmitting or receiving equipment is located. This includes, without limitation, towers of all types and all kinds of support structures, including but not limited to buildings, church steeples, silos, water towers, signs, utility poles, or any other structure that is used or is proposed to be used as a telecommunications structure for the placement, installation and/or attachment of antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets, and other structures enabling the complex to provide personal wireless services.

Pre-existing towers and pre-existing antennas means any tower or antenna for which a building permit or special exception has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Probative evidence means evidence which tends to prove facts, and the more a piece of evidence or testimony proves a fact, the greater its probative value, as shall be determined by the city, as the finder-of-fact in determining whether to grant or deny applications for wireless communication facilities permits under this chapter of the City of St. Pete Beach Code. Generally speaking the city will require proof by a preponderance of the evidence to demonstrate a factual proposition to the city's reasonable satisfaction.

Related third parties means any entity contracting with applicant for the design, construction, maintenance, use or operation of the proposed wireless facility, including such entity's officers, contractors, subcontractors, and agents or any subsidiaries, affiliates, successors in interest or legal assigns.

Repairs mean the replacement or repair of any components of a wireless facility or complex where the replacement is substantially identical to the component or components being replaced, or for any matters that involve the normal repair and maintenance of a wireless facility or complex without the addition, removal, or change of any of the physical or visually discernible components or aspects of a wireless facility or complex that will impose new visible intrusion of the facility or complex as originally permitted.

Residential dwelling means any dwelling unit that includes toilet or outhouse facilities, and facilities for food preparation and sleeping.

Residential property means any property that contains a residential dwelling.

RF means radiofrequency.

RF radiation means radiofrequency radiation, that being electromagnetic radiation which is a combination of electric and magnetic fields that move through space as waves, and which can include both non-ionizing radiation and ionizing radiation.

Reviewing authority means the body or official charged with taking final action on a permit. This can include Community Development, Zoning, Planning, Board of Adjustment or city commissioners.

School means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community as defined in F.S. §1013.1(6), or any other educational facility that serves children from prekindergarten to grade 12.

Section 106 Review means a review under Section 106 of the National Historic Preservation Act.

Setback means for the purposes of a wireless communications facility permit application, a setback shall mean the distance between (a) any portion of a personal wireless facility and/or complex, including but not limited to any and all accessory facilities and/or structures, and (b1) the exterior line of any parcel of real property or part thereof which is owned by, or leased by, an applicant seeking a wireless communications facility permit to construct or install a personal wireless facility upon such real property or portion thereof, or (b2) for residential dwellings or school buildings, the closest edge or corner of the dwelling or building. In the event that an applicant leases only a portion of real property owned by a landlord, the setback shall be measured from the facility to the line of that portion of the real property which is actually leased by the applicant, as opposed to the exterior lot line of the non-leased portion of the property owned by the landlord. Setbacks from residential dwellings and school buildings shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the closest edge or corner of the residential dwelling or school building and the closest permitted structure of the wireless service facility.

Shot clock means the applicable period which is presumed to be a reasonable period within which the City is generally required to issue a final decision upon an application seeking wireless facility permit approval for the installation, substantial modification, or collocation of a personal wireless services facility or structure, to comply with Section 47 U.S.C. §332(c)(7)(B)(ii) and F.S. § 365.172(13)(d).

Site developer or site developers means individuals and/or entities engaged in the business of constructing wireless facilities and wireless facility infrastructure and leasing space and/or capacity upon,

or use of, their facilities and/or infrastructure to wireless carriers. Unlike wireless carriers, site developers generally do not provide personal wireless services to end-use consumers.

Small cell means a fixed cellular base station that typically sends and receives radio signals and which are mounted upon poles or support structures at substantially lower elevations than macrocell facilities.

Small wireless facilities means a 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.

Strand mounted antenna or strand mounted small cells means small wireless antenna(s) and equipment attached directly to the wire, that is, the metal strand, hanging between two utility poles. These are similar in size to cable operator's equipment that is placed on aerial cables.

Support structure means pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service.

Thermal runaway means self-heating of an electrochemical system in an uncontrollable fashion.

Tolling or tolled means the pausing of the running of the time period permitted under the applicable shot clock for the respective type of wireless facility as per 47 CFR § 1.6003(a) and per F.S. § 365.172(13)(d) by mutual agreement of the City and applicant waiving the applicable timeframes in F.S. § 365.172(13)(d)3.c..

Undertaking means any application for a wireless facility permit seeking City approval for the installation of a personal wireless services facility licensed under the authority of the FCC shall constitute an undertaking within the meaning of NEPA, in accord with 42 CFR § 137.289 and 36 CFR § 800.16.

Wireless carriers or carrier means companies that provide personal wireless services to end-use consumers.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Wireless communications facility or wireless facility means any equipment or facility used to provide service and may include, but is not limited to, antennae, towers, equipment enclosures, cabling, antenna

brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility.

Sec. 131-3. - Applicability.

- (a) New towers, and antennas, and wireless communications facilities. All new towers, or antennas, and wireless communications facilities in the City of St. Pete Beach shall be subject to these regulations, except as provided in paragraphs (b) through (de), inclusive.
- (b) Amateur radio station operators/receive only antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under 70 45 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This provision shall not be construed as exempting amateur radio station operators or receive only antennas from the provisions of any other applicable code or ordinance.
- (c) Pre-existing towers or antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this chapter, other than the requirements of section 131- 4(f) and (g)-(j). This provision shall also apply to the subsequent repair and maintenance of existing towers and antennas that were approved and erected under this chapter, provided such repair and maintenance do not result in any substantial alterations.
- (d) AM array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- (e) Small and micro wireless facilities installed in City-owned rights of way. This Chapter shall apply to communication facilities installed on private property and those small and micro wireless facilities that are installed outside of the City-owned rights of way. Regulations pertaining to small and micro wireless facilities that are installed in the City-owned rights of way shall be subject to the regulations listed in Chapter 132.

Sec. 131-4. - General requirements.

- (a) Principal or accessory use. Antennas, and towers, and other wireless facilities may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot, provided that antennas and towers may not be installed on lots in residential areas unless the wireless provider demonstrates that the provider cannot reasonably provide its service to the residential area from outside the residential area.
- (b) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot that portion of real property which is actually leased by the applicant as opposed to the exterior lot line of the non-

leased portion of the property shall control, even though the antennas or towers may be located on leased parcels within such lot.

- (c) ~~*Inventory of existing sites.*~~ Each applicant for an antenna and/or tower shall provide to the city manager an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of St. Pete Beach or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The city manager may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of City of St. Pete Beach, provided, however that the city manager is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) ~~*Aesthetics and design standards.*~~ Towers and antennas shall meet the following requirements: Wireless facilities shall be designed in compliance with all applicable national and Florida safety standards and to minimize visual, noise, and other impacts on the surrounding community and landscapes in accordance with the design standards in this section.
- (1) ~~Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The applicant shall employ screening and concealment design techniques in the design and placement of wireless facility(ies) and accessory equipment in order to ensure that the facility(ies) is as visually inconspicuous as possible, to prevent the facility(ies) from dominating the surrounding area and to hide the facility from predominant views from surrounding properties and viewsheds, all in a manner that achieves compatibility with the community and background landscapes and structures. Facilities and accessory equipment shall be finished in non-glare colors and non-reflective surfaces and colors that minimize their visibility to the greatest extent possible.~~
- (2) ~~At a tower wireless communications facility site, the visible exterior surface of the facilities and accessory equipment shall be designed to be visually compatible with structures typically found in the vicinity of the project. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.~~
- (3) ~~If an antenna or other wireless facility is installed on a structure other than a tower, the antenna or other wireless facility and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~
- (4) ~~Wall-mounted antennas and antenna equipment, including but not limited to radios, cables, associated shrouding, disconnect boxes, meters, microwaves, and conduit, shall be mounted as close to the wall as technically feasible and shall not extend more than four feet from the face of the wall nor consume more than fifty (50 sq. ft.) square feet per building face, excluding mountings. Pole-mounted antennas, and antenna equipment, antenna equipment, including but not limited to radios, cables, associated shrouding, disconnect boxes, meters, microwaves, and conduit, shall be mounted as close to the wall as technically feasible. They shall not be illuminated except as required by city, federal, or state authority.~~

- (5) Small wireless facilities shall be sited to inflict the minimum adverse impacts upon individual residential or beachfront properties, and specifically, to minimize, to the greatest extent reasonably feasible, adverse aesthetic impacts upon residential homes or reductions in the property values of same. Small wireless facilities attached to pre-existing wooden and non-wooden poles shall conform to the following criteria. Proposed antenna and related equipment shall meet design standards which the city may maintain and update as needed, provided that the City of St. Pete Beach makes its designed standards publicly available for review by any potential applicant seeking approval for the installation of a small wireless facility within the City of St. Pete Beach.
- (6) All facilities shall be engineered and certified by a Florida-licensed structural engineer to withstand local hurricane, seismic, wind, and loading conditions applicable to the site, and shall comply with wind and seismic load standards in accordance with Florida Building Codes and ANSI/TIA-222-H or its most current revision, National Electric Safety Code (NESC) standards, and National Electrical Code (NEC) standards.
- (7) Wireless communication facilities shall be designed to minimize potential adverse impacts may or is likely to inflict upon nearby properties. No tower shall exceed the maximum height permitted for a structure in the RU-1, RU-2, RLM-1, RLM-2, RM, or DCR Districts, as listed in the applicable district regulations in the St. Pete Beach Land Development Code. Communications towers shall not be lighted except where FAA/FCC required lighting of the telecommunications towers is necessary. No exterior lighting shall spill from the site in an unnecessary manner.
- (8) The height of an existing communication tower shall not be increased by an amount that would result in a violation of height restrictions for different zoning or character districts outlined in the St. Pete Beach Land Development Code.
- (9) Fencing and screening of communication facilities.
- a. Base stations shall be screened from adjacent public rights of way, public trails, public recreation areas, beaches, places of public gathering and adjacent properties by landscaping with native species or other means, in alignment with Division 22 of the City of St. Pete Beach Code.
 - b. All areas disturbed during project construction shall be replanted with vegetation compatible with vegetation in the surrounding area unless the fire marshal requires fuel modification. Native trees are the preferred vegetation.
 - c. Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements, shall be preserved to the maximum extent possible and protected from damage during construction.
 - d. No razor wire or barbed wire shall be permitted on any chain link fencing.
- (10) Lighting for wireless communication facilities shall be limited as follows:

- a. All approved lighting shall be shielded or directed on site to minimize off-site light spill except for lighting required by the Federal Aviation Administration.
- b. In residential zones, lighting shall be limited to Security lighting that is manually operated or motion-detector controlled.

(11) Signage shall be limited to required address and facility identification signs, emergency and safety hazard signage.

(12) All colocated and multiple-user facilities shall be designed to promote facility and site sharing where feasible, including parking areas, access roads, utilities and equipment.

(13) Facilities designed as an integral part of the structure are strongly encouraged within all utility, commercial and resort districts.

(e) Locational Standards. All wireless communication facilities shall be sited so as to minimize the effect on residential and rural parcels and environmental resources. To that end the following measures shall be implemented for all communication facilities, except eligible facilities requests as defined in 47 CFR § 1.6100(b)(3).

- a. Wireless communication facilities shall be located to minimize their visibility and the number of distinct facilities present, as follows:
 - 1. No new facility(ies) shall be placed on an exposed beachfront or to silhouette against the sky.
 - 2. No new facility(ies) shall be installed in a location that is not developed with communication facilities existing as of the date of this ordinance, or other resort or commercial uses.
 - 3. No new facility(ies) shall be placed in a location readily visible from a public trail, public park, beachfront, or other developed outdoor recreation area.
 - 4. No new facility(ies) shall be installed closer than one-half mile from another readily visible, unconcealed or unscreened facility unless it is a co-located facility, or is on a multiple-user site.
- b. Wireless communication facility(ies) shall be set back from property lines as follows:
 - 1. The setback shall be measured from that part of the facility(ies) that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property). In no instance may a facility be located such that its fall or debris zone extends to an abutting property.
 - 2. If the project parcel is adjacent to a zoning district with a more restrictive setback, the more restrictive setback shall apply to the proposed communication tower.
 - 3. Wireless communication facilities shall not be located anywhere that results in less than a 500 foot setback from the facility(ies) to a residentially zoned parcel, regardless of the zoning of the project parcel or the contiguous parcels. This setback shall be in addition

to any required dwelling setback established in this Chapter, of which the stricter will prevail.

- c. Colocation of new antennas on existing facility(ies) is strongly encouraged. Where appropriate to minimize visual impacts, new towers will not be approved where colocation on existing towers is technically feasible, will provide the desired service coverage, and would not result in alterations that create a greater visual impact.
- d. The use of alternative support structures that conceal the presence of antennas are strongly encouraged, including man-made trees, light poles, signs, clock towers, bell steeples or other similar structures. If a concealment element method is proposed the applicant shall demonstrate the material will not degrade and shed plastic pollution.
- e. Restricted site locations for small wireless facilities. All of the following locations will be deemed restricted site locations that require an exception pursuant to Section 131-8. of this section:
 1. any location within a residential zone;
 2. any location within the greater of 200 feet from a residential dwelling unit or the setback required by Section 131-8;
 3. any location within 500 feet from a daycare facility or school; and
 4. any location within a public trail, beachfront, park, or outdoor recreation area.
- f. Location preferences for small wireless facilities. To better assist applicants and decision makers understand and respond to the community's aesthetic preferences and values, this subsection sets out listed preferences for locations to be used in connection with small wireless facilities in an ordered hierarchy. Applications that involve lesser-preferred locations may be approved so long as the applicant demonstrates by clear and convincing evidence in the written record that: (1) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible; and (2) if the proposed site or the most-preferred location within 500 feet from the proposed site is within a restricted site location, the applicant qualifies for an exception pursuant to section 131-8. of this section. The City of St. Pete Beach prefers small wireless facilities to be installed in locations, ordered from most preferred to least preferred, as follows:
 1. Colocated on an already existing facility;
 2. Locations within transportation/utility districts;
 3. Locations within commercial zones;
 4. Locations within mixed use districts;
 5. Locations within institutional districts;
 6. Any location not within 200 feet from any residential zone;

7. Locations within residential zones

In the event that a proposed facility would be within 500 feet from two or more restricted site locations (as defined in Subparagraph e.), and the proposed facility qualifies for an exception pursuant to section 131-8. of this code, the technically feasible location furthest from all such restricted site locations will be deemed to be the most preferred alternative. For discretionary permits the City of St. Pete Beach reserves the right to deny an application based on aesthetic or other locational considerations such as unacceptable impact on the characteristics of the impacted neighborhood or any other "safe harbor" allowed by 47 U.S.C. §§253(b)-(c) and/or 332(c)(7)(B)(i)(II) even if the applicant has proved that a denial would prohibit or effectively prohibit the provision of personal wireless service.

g. Accessory equipment. In order of preference from most preferred to least preferred, accessory equipment for wireless communication facilities and wireless communications colocation facilities shall be located underground, within a building or structure, on a screened roof top area or structure, or in a rear yard if not readily visible from surrounding properties and the roadway, unless the reviewing authority finds that another location is preferable under the circumstances of the application.

~~(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.~~

~~(f) State or federal requirements. All towers wireless facilities shall meet current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas wireless facilities. If such standards and regulations are changed, then the owners of the towers and antennas wireless facilities governed by this chapter shall bring such towers and antennas wireless facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas wireless facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna wireless facilities at the owner's expense.~~

~~(g) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Safety standards and building codes. All wireless facilities shall be designed by qualified, licensed persons to meet minimum standards for public safety, and shall comply with all applicable legal requirements, including applicable state and local building, electric, and fire codes throughout the permit period. All wireless facilities should be proactively monitored and maintained to ensure compliance with the safety design.~~

~~(1) Fire safety hazard protocols. If the fire chief (or his or her designee), fire marshal or fire department finds good cause to believe that the facility(ies) (including, without limitation, its accessory equipment, antenna and/or base station) presents a fire risk, electrical hazard, or other immediate threat to public health and safety in violation of any applicable law, such~~

officials may order the facility to be shut down and powered off until such time as the fire risk or electrical hazard has been mitigated. Any mitigations required shall be at permittee's sole cost and expense.

- (2) Other safety hazard protocols. If there is good cause to believe that the facility(ies) presents a danger of debris fall or shows signs of imminent structural such as misaligned base plates, degraded flanges, defective sections, joints, and guy wires, city officials may order the facility(ies) shut down and powered off until such time as the hazard has been mitigated. Any mitigations required shall be at permittee's expense.
- (3) All wireless facilities shall comply with safety standards, including, but not limited to, F.S. § 633.206 and Florida Building Codes.

If, upon inspection, the City of St. Pete Beach concludes that a ~~tower~~ wireless facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such ~~tower~~ facility into compliance within said 30 days shall constitute grounds for the removal of the ~~tower~~ facility at the owner's expense.

- (h) Maintenance. All wireless communications facilities including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or concealment elements and the facility site shall be maintained so as to minimize visual, noise, and other impacts on the surrounding community must and be maintained in good condition, including ensuring the facilities are reasonably free of:
 - a. Dirt or grease;
 - b. Chipped, faded, peeling, or cracked paint;
 - c. Rust or and corrosion;
 - d. Cracks, dents, or discoloration;
 - e. Missing, discolored, or damaged synthetic foliage or other concealment elements camouflage;
 - f. Graffiti, bills, stickers, or advertisements;
 - g. Litter or debris including but not limited to synthetic foliage that has fallen off a monopine or monopalm; permittee is responsible for prompt cleanup of debris or synthetic foliage at its expense;
 - h. Broken or misshapen structural parts; and
 - i. Damage from any cause.
- (i) Repairs. All necessary repairs and restoration shall be completed by the permittee, owner, or operator within 48 hours:

- a. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
- b. After the permittee, owner, operator, or any designated maintenance agent receives notification from a resident or the zoning administrator.

The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the standards set forth in this section and the conditions of approval.

- (j) Operational requirements. It is of critical importance to the health, safety and welfare of the City of St. Pete Beach, its residents, and the general public that wireless communications facilities do not expose members of the general public to levels of RF radiation that exceed the limits which have been deemed safe by the FCC, and/or are imposed under CFR § 1.1310(e)(1) et seq.
 - a. Prohibition on illegally excessive RF radiation: No communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no communication facility or combination of facilities shall produce at any time RF emissions that exceed the limits for Maximum Permissible Exposure for human exposure pursuant to 47 CFR §1.1310(e)(1), Table 1 or any more restrictive standard subsequently adopted or promulgated by the City of St. Pete Beach, the state of Florida, or the federal government.
 - b. Random testing. At the permittee's expense, the City of St. Pete Beach may retain an engineer or other qualified electromagnetic radiation specialist to conduct random unannounced RF radiation testing of any facility to ensure the facility's compliance with the limits in 47 C.F.R.§1.1310(e)(1) Table 1.
 - c. Upon the request of a resident who believes a wireless communications facility or facilities is operating in excess of FCC exposure limits or other good cause, the City of St. Pete Beach shall request information from the FCC regarding a wireless provider's compliance with RF emissions safety standards and in the City's discretion the City, or resident, may hire an independent consultant to test the facility for excess RF emissions levels. Such testing shall be conducted at permittee's expense. Noncompliance with FCC exposure guidelines shall be grounds for revocation of the permit or other entitlement.
- (k) ~~(h)~~ For purposes of measurement, tower wireless communications facilities setbacks and separation distances shall be calculated and applied to facilities located in City of St. Pete Beach irrespective of municipal and county jurisdictional boundaries.
- ~~(l)~~ Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- ~~(m)~~ Owner's authorization. Applicants for a permit to locate an antenna and/or a tower within the City of St. Pete Beach shall provide the city manager with a properly executed document showing the owner's authorization to use the property for which the application is sought.

(n) (l) *Public notice.* For purposes of this chapter, any special exception request, variance request, or appeal of an administratively approved use or special exception shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section 131-78(b)(5)b., Table 2, in addition to any notice otherwise required by the zoning ordinance.

(o) (m) *Signs.* No advertising signs shall be allowed on any antenna or tower.

(p) (o) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 131-89.

~~(q) *Multiple antenna/tower plan.* The City of St. Pete Beach encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.~~

(p) All facilities shall meet applicable building codes.

(q) Nothing in this Chapter shall abrogate any private real property rights.

(q)

Sec 131-5. - Application content requirements and review.

(a) Each application for a new wireless communications facilities permit not in the public rights-of-way except eligible facilities requests shall include the following information and materials, in addition to the requirements for all of the City of St. Pete Beach applications. The absence of any item listed below shall render the application incomplete. Applications for permit approval shall include the following:

- (1) *Application form.* The applicant shall submit a complete, duly executed application form. The applicant shall state the type of wireless communication facility being proposed (e.g. small cell, small wireless facility, colocation).
- (2) A list of the full names and contact information for all applicants, co-applicants, facility owner(s), facility operator(s), site developer(s), and wireless carrier(s), property owner(s) and other related third parties and their agent(s), if any, on whose behalf the application is being submitted.
- (3) *Proof of authorization of site occupancy.* If the applicant is not the owner of the real property where it seeks to install and operate its facility(ies) and is leasing all or a portion of the real property, the application shall provide a written copy of its lease with the owner of such property or other proof that applicant is authorized to occupy the site.
- (4) *Proof of authorization of structure occupancy.* The applicant must submit a written copy of proof that the applicant is authorized to install its facility(ies) on the support structure such as a utility pole, street light, or other structure.

- (5) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the city manager an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of St. Pete Beach or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The city manager may share such information with other applicants applying for administrative approvals or conditional use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of City of St. Pete Beach, provided, however that the city manager is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (6) If the proposed facility is part of a system requiring multiple facilities, provide a map showing the location of all proposed facilities, a detailed site plan showing the multiple facilities, and all the materials and information listed in paragraphs (7) - (12) and (14) of this subsection of the drawn-to-scale depictions, site plans for each, visual impact analysis, etc. for each facility.
- (7) Drawn-to-scale depiction of proposed facility(ies) and equipment. If the proposed facility is a small wireless facility, the drawn-to-scale depiction shall include complete calculations for all of the antennas and equipment of which the facility will be comprised, depicting that, when completed, the installation and equipment will meet the physical size limitations which enable the facility to qualify as a small wireless facility.
- (8) Site plan. The applicant shall submit a site plan that shall show all existing and proposed structures and improvements, including antennas, roads, buildings, guy wires and anchors, parking, and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan. The site plan shall be drawn to a scale of not more than one hundred feet to the inch. The site plan shall include a boundary survey for the project performed by a land surveyor licensed by the State of Florida.
- (9) Environmental impact assessment. The applicant shall notify the City when any regulating federal or state agency has required an environmental impact assessment for the communication facility, and shall submit the results of the assessment with the first of any permits for the subject facility.
- (10) Soil erosion and sedimentation control. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U.S. Soil Conservation Service.
- (11) Tree protection. The applicant shall identify all existing trees to be removed on a parcel for the installation, operations and maintenance of the facility and obtain approval from the city of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a tree or within a 20-foot radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 20 feet may be required. Replacement of trees shall be required subject to the regulations in Division 22 of the Land Development Code.

- (12) Visual impact analysis. The applicant shall provide a completed visual impact analysis that shall include the following:
- a. Small wireless facilities: The applicant shall provide a visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a “clear line of sight” between the small wireless facility and their location.
 - b. Communications towers and personal wireless service facilities which do not meet the definition of a small wireless facility: For applications seeking approval for the installation of a communications tower or a personal wireless service facility that does not meet the definition of a small wireless facility, the applicant shall provide:
 - 1. A “zone of visibility map” to determine locations from where the new facility will be seen.
 - 2. A visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a “clear line of sight” between the tower location and their location.

The photographic images shall depict the height at which the proposed facility shall stand when completed, including all portions and proposed attachments to the facility, including, but not limited to, the main support structure, all antennas, transmitters, whip antennas, lightning rods, t-bars, crossbars, and cantilever attachments which shall, in whole or in part, be affixed to it, any and all surrounding equipment compound(s), fencing, cellular equipment cabinets, transformers, transformer vaults and/or cabinets, sector distribution boxes, backup generators, including but not limited to equipment boxes, switch boxes, backup generators, etc., to the extent that any of such compound and/ or equipment will be visible from properties other than the property upon which the proposed tower and compound are to be installed.

The photographic images shall show the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening and landscaping. The analysis shall include the results of the drone/balloon test, and other information as necessary to determine visual impact of the facility. The analysis shall include a map depicting where the photos were taken. Where consistent with the natural or built environment, the analysis shall include a native vegetation landscaping plan with a visual simulation of how the chosen plants, at maturity, will screen the site.

- (13) For proposed towers and facilities taller than 100 feet, the applicant shall perform a balloon test and shall publish reasonably advanced public notice of the same to enable the development review board, property owners, and the community an opportunity to assess the actual adverse aesthetic impact which the proposed facility is likely to inflict upon the nearby properties and surrounding community. Said date and time will be established by the city manager in coordination with the applicant, including an alternative date in case of inclement weather. If a balloon is used, the diameter shall be equal to the largest antenna or dish proposed for the CRS tower or the width of the tower, whichever is larger. The applicant will be responsible for publishing a public notice of the balloon test in at least one local newspaper publication and notifying all abutting property owners and all property owners located within the corresponding separation distances listed section 131-8(b)(5)b., Table 2, via U.S. Mail at least one week prior to the test.
- (14) If the application is for a facility that will not be attached to an existing utility pole and the facility's proposed height will be greater than 30 feet then structural elevations of the facility(ies) shall include any trees and other structures within 20 feet, and their height.
- (15) *Alternatives analysis.* Provide an itemized list of alternative sites considered, with a comprehensive explanation of reasons alternative sites are not technologically feasible. Explanation shall include specific comparative analysis of how different sites would impact aesthetic values, and other environmental values.
- (16) *Notice of application.* The applicant shall provide evidence that a city-approved notice was sent to all abutting property owners and residents, and all property owners and residents located within the corresponding separation distances listed section 131-8(b)(5)b., Table 2, of the proposed facility location within a 10-day period prior to application acceptance.
- (17) *Estimated costs of removal.* A written estimate for the cost of the decommissioning and removal of the personal wireless services facility, including all equipment that comprises any portion or part of the facility, compound, and/or complex, as well as any accessory facility or structure, including the cost of the full restoration and reclamation of the site, to the extent practicable, to its condition before development in accord with the facility maintenance/decommissioning plan and removal agreement required herein in section 131-9)(h).
- (18) *Property owner consent & liability acknowledgment.* A signed written consent from each owner of the subject real property upon which the respective applicant is seeking installation of its proposed personal wireless service facility, wherein the owner or owners, both authorize the applicant to file and pursue its wireless communications facility permit application and acknowledge the potential landowner's responsibility for engineering, legal and other consulting fees incurred by the City of St. Pete Beach.
- (19) *Regulatory authorization.* The applicant shall submit evidence of the applicant's regulatory status under federal and state law to provide the services and construct the wireless communications facility. Such evidence includes but is not limited to, a copy of any applicable FCC License and a current certificate of authorization by the Florida Public

Commission by any carrier named as an applicant, co-applicant, or whose equipment is proposed for installation as of the time the application is being filed with the City of St. Pete Beach.

(20) The appropriate permit application fee, inclusive of any consultant review fees required by Section .

(21) Consolidated applications. The applicant may submit up to 30 individual applications for a small wireless facility permit in a single permit application; provided, however, that small wireless facilities in a consolidated application must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a consolidated application must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the consolidated application. If any application therein is incomplete, the city, in the city's discretion, shall determine whether the entire consolidated application shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a consolidated application, the city shall determine whether the entire consolidated application shall be deemed withdrawn. If any application in a consolidated application fails to meet the required findings for approval, the city shall determine whether the entire consolidated application is denied.

(22) Any other studies or information as determined to be necessary by the Planning Board in order to consider an application for a wireless communication facility may be required in the event of an identified land use or zoning issue, including but not limited to, the information requested in section 131-8(b).

(b) Each application for an eligible facilities request shall include the items listed in (a)(1)-(4) and (10)-(21). The applicant shall also produce all other information that is necessary for the city manager to verify that the proposed facility meets the criteria for an eligible facilities request in 47 C.F.R. §1.6100.

(c) Each application for colocations on towers subject only to building permit review pursuant to F.S. §365.172(13)(a)1.a, shall include the items listed in (a)(1)-(8) and (10)-(21) showing that:

1. The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;
2. The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and
3. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae.

- (d) Each application for colocations on existing structures besides towers subject only to building permit review pursuant to F.S. §365.172(13)(a)1.b., shall include the items listed in (a)(1)-(8) and (10)-(21) showing that:
1. The colocation does not increase the height of the existing structure to which the antennae are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure;
 2. The colocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;
 3. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional colocations on the existing structure or procedural requirements, other than those authorized by F.S. §365.172, of the city's land development regulations in effect at the time of the colocation application; and
 4. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with paragraph 3. and were applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antennae.
- (e) Review and approval authority. The City of St. Pete Beach reserves its authority to the fullest extent permitted over decisions regarding the placement, construction, and modification of a wireless communications facility pursuant to 47 U.S.C. § 332(c)(7)(A) and F.S. § 365.172(13)(b)1..
- (f) Voluntary waiver of timeframes for completeness review and the Florida shot clock to either grant or deny a properly completed application. In the interests of promoting a proper review for approval of a permit application, the city shall request that applicant agree to a voluntary waiver of the timeframe for completeness review pursuant to F.S. § 365.172(13)(d)3.c. upon receipt of an application.
- (g) Completeness review. Upon receipt of wireless communications facility permit application, the city shall review the application for completeness. If the city determines the application is: (a) incomplete, (b) missing required application materials, (c) specifies the wrong type of wireless facility, or (d) is otherwise defective, then, within 20 business days of the City of St. Pete Beach's receipt of the application per F.S. § 365.172(13)(d)3.a., the city shall notify applicant of the incompleteness of an application by mailing a notice of incomplete application by first class mail to the notice address which applicant has provided.
- (1) Notice of incomplete application. Such notice shall advise the applicant, indicating with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, make the application properly completed.
 - (2) Reasonable timeframe to cure application deficiencies. Upon the mailing of such notice of incompleteness, applicant will have 30 business days from the date of mailing to cure

deficiencies and make the application properly completed to accommodate the city's timely request for information required to complete the application. If applicant does not cure stated deficiencies within 30 days, the application will be considered withdrawn or closed pursuant to F.S. § 365.172(13)(d)3.a.

- (3) If upon receipt of any additional materials from the applicant, the city determines that the application is still incomplete and/or defective, then the city shall, once again, mail a notice of incomplete application within 20 business days of the applicant having filed its supplemental or corrected materials to the City and applicant shall, once again, have 30 business days to cure stated deficiencies, and the same procedure provided for hereinabove shall be repeated.
- (h) Environmental impact. For all applications other than eligible facilities requests, the city shall request confirmation of environmental reviews pursuant to NEPA when a facility is proposed to be sited within any location specified in Sec. 131-7.(a)(9), or when directed by a federal or state regulatory agency. If, and to the extent that, the determines a proposed installation bears the potential for a significant adverse impact upon the environment within the meaning of NEPA, then the Applicant shall be expected to confirm compliance with the requirements of NEPA in determining both (a) the extent of adverse impacts upon the environment and (b) what mitigation measures the applicant should be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites, structures and/or districts, or (c) may require confirmation of compliance and any environmental reviews performed or submitted pursuant to NEPA or by the Florida Department of Environmental Protection or the Southwest Florida Water Management District
- (i) Historical reviews. For all applications other than eligible facilities requests, the City shall consider the potential adverse impacts of any proposed personal wireless services facility upon any historic site or structure. If, and to the extent that the City determines that a proposed installation bears the potential for a significant adverse impact upon a historic site or a historic district within the meaning of the NHPA (especially if the historic site at issue is listed upon the national register of historic places), then the reviewing authority shall comply with the requirements of both NHPA and City law in determining both: (a) the extent of adverse impacts upon the historic properties, and (b) what mitigation measure might the applicant be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites or structures. Should a respective applicant fail to obtain a Section 106 review under NHPA, and opinion letters from the FCC pertaining to its proposed installation prior to a first public hearing before the reviewing authority for the respective application, then the City may make direct requests to the FCC for their review of the application. They shall request the FCC's review and input in completing the statutorily-required environmental/historic impact analysis pursuant to NHPA. This request shall include, but not be limited to, a request to the FCC for a Section 106 review, as defined in this chapter, as the City recognizes each application for a wireless communications facility permit for the installation of a personal wireless services facility shall constitute "an undertaking" for purposes of compliance with the National Historic Preservation Act.
- (j) Identified land development or zoning issue. Pursuant to F.S. § 365.172(b)1., St. Pete Beach City's review of an application for wireless communications facility(ies) shall only address land development issues. In the event of an identified land use or zoning issue, including but not limited to, zoning district restrictions, historical sites, structural design, setbacks, aesthetics, landscaping,

viewsheds, beachfront and shoreline preservation and land-use priorities, the applicant shall submit the following additional information and materials:

1. A statement whether in the event of permit denial applicant intends to claim effective prohibition and attach a written Notice of Effective Prohibition explaining how a denial would prohibit or effectively prohibit the provision of personal wireless service.
2. A written description identifying the geographic service area for the proposed facility along with a vicinity map of the geographic service area for the proposed facility, the service area of all existing sites in the local service network and showing anticipated future installations and modifications for the following two years. Each coverage map presented must be signed by a licensed engineer, attesting that they are familiar with the coverage model used, that it is an appropriate coverage model for the purpose, and that the input data used to create the coverage maps was appropriate.
3. The underlying data, certifications and other information required by 47 C.F.R. § 1.7004(c)(3)-(7).
4. A list of existing facilities within the desired service range, a detailed explanation regarding the availability of colocation opportunities for every facility on the list, and evidence of negotiation for colocation on existing facilities where such opportunities exist including but not limited to, statements of applicant's agents regarding written and verbal communications with owners and operators of existing facilities regarding such opportunities and statements of owners and operators of existing facilities regarding the availability or lack of such opportunities.

Sec. 131-56. - Permitted uses.

- (a) *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or special exception approval.
- (b) *Permitted uses.* The following uses are specifically permitted:
 - (1) Antennas or towers located on property owned, leased, or otherwise controlled by City of St. Pete Beach, provided a license or lease authorizing such antenna or tower has been approved by city commission.

Sec. 131-67. - Administratively approved uses.

- (a) *General.* The following provisions shall govern the issuance of administrative approvals for ~~towers and antennas~~ eligible facilities requests and certain colocations described in subsection (b) below.
 - (1) The city manager ~~may~~ shall administratively approve the uses listed in this section.
 - (2) Each applicant for administrative approval shall apply to the city manager providing the information set forth in sections ~~131-7(b)(1) and 131-7(b)(3)~~ 131-5.(a)(1)-(12) of this chapter and a nonrefundable fee as established by the city commission.

- (3) Upon receipt of an application for administrative approval, the city manager shall notify the city commissioner of the district in which the proposed facility is located.
- (4) The city manager shall review the application for administrative approval and determine if the proposed use complies with sections 131-4, 131-78(b)(4) and 131-78(b)(5) of this chapter.
- (5) The city manager shall respond to each such application within ~~60~~ 45 business days after receiving it by either approving or denying the application unless upon request of the city manager, applicant agrees to waive the timeframes per section 131-5(f).
- (6) In connection with any such administrative approval, the city manager may, in order to encourage shared use, ~~administratively waive any zoning district setback requirements in section 131-78(b)(4) or separation distances between towers in section 131-78(b)(5) by up to 50 percent. Such waiver shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section 131-7(b)(5)b., Table 2, in addition to any notice otherwise required by the zoning ordinance.~~
- (7) In connection with any such administrative approval, the city manager may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
- (8) ~~If an administrative approval is denied, the applicant shall file an application for a special exception pursuant to section 131-7 prior to filing any appeal that may be available under the zoning ordinance.~~
- (b) *List of administratively approved uses.* The following uses ~~may~~ shall be approved by the city manager after conducting an administrative review:
- (1) ~~Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.~~
- ~~a. *Antennas on existing non-tower structures.* Any antenna which is attached to an existing non-tower structure shall be approved by the city manager as an accessory use to any commercial, institutional, or multifamily structure of eight or more dwelling units, provided:~~
- ~~1. The antenna does not extend more than 30 feet above the highest point of the structure;~~
 - ~~2. The antenna complies with all applicable FCC and FAA regulations; and~~
 - ~~3. The antenna complies with all applicable building codes.~~
- ~~b. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the city manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:~~

1. ~~A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the city manager allows reconstruction as a monopole.~~

2. ~~Height:~~

~~(i) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.~~

~~(ii) The height change referred to in subsection 2.(i) may only occur one time per communication tower.~~

~~(iii) The additional height referred to in subsection 2.(i) shall not require an additional distance separation as set forth in section 131-7. The tower's pre-modification height shall be used to calculate such distance separations and setbacks.~~

3. ~~Onsite relocation:~~

~~(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location, provided such relocation shall not have an adverse effect on neighboring uses.~~

~~(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.~~

~~(iii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 131-7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of section 131-7(b)(5).~~

~~(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section 131-7(b)(5) shall only be permitted when approved by the development review board.~~

(2) ~~New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the city manager concludes the tower is in conformity with the goals set forth in section 131-1 and the requirements of section 131-4; the tower meets the setback requirements in section 131-7(b)(4) and separation distances in section 131-7(b)(5); and the tower meets the following height and usage criteria:~~

~~a. For a single user, up to 120 feet in height;~~

~~b. For two users, up to 150 feet in height; and~~

~~c. For three or more users, up to 180 feet in height.~~

(1) Colocations on towers, including nonconforming towers, that meet the following requirements:

- a. The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;
 - b. The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and
 - c. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by F.S. §, 365.172, of the City of St. Pete Beach's land development regulations in effect at the time the initial antennae placement was approved.
- (2) Except for a historic building, structure, site, object, or district, or a tower included in paragraph (1), colocations on all other existing structures that meet the following requirements:
- a. The colocation does not increase the height of the existing structure to which the antennae are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure, provided that this restriction shall not prohibit the installation of an antenna on a non-tower structure located no more than 30 feet above the primary structure's roofline or more than 30 feet above height limit established in the non-tower structure's zoning district, nor shall it prohibit the use of private rooftops for existing service or service expansions;
 - b. The colocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;
 - c. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional colocations on the existing structure or procedural requirements, other than those authorized by F.S. § 365.172, of the City of St. Pete Beach's land development regulations in effect at the time of the colocation application; and
 - d. The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with subparagraph c. and were applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antennae.
- (3) If only a portion of the colocation does not meet the requirements of this paragraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the colocation meet the requirements of this paragraph, that portion of the colocation may be reviewed under the City of St. Pete Beach's regulations applicable to an

initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of the Florida shot clock, and the rest of the colocation shall be reviewed in accordance with this paragraph. A colocation proposal under this paragraph that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall be subject administrative review by the city manager for compliance with the City of St. Pete Beach's regulations, including, but not limited to, land development regulations review, and building permit review.

- (4) Eligible facilities requests meeting the criteria established by 47 CFR § 1.6100(b)(3). The application does not qualify as an eligible facilities request and therefore must comply with the requirements of paragraphs (1), (2), or (3) above to qualify for administrative review under this section if any of the following is true provided that the proposed facility is not in the public rights-of-way:
- a. It increases the height the greater of 10% or the height of one additional antenna array with separation from the nearest existing antenna greater than 20 feet. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - b. It adds an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet;
 - c. It involves installation of more than four cabinets as part of that modification.
 - d. It entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subparagraphs a. - e..
- (2) (3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Sec. 131-78. - Special exception permits.

- (a) *General.* The following provisions shall govern the approval of special exceptions for towers, or antennas, and other wireless facilities by the city commission:
- (1) If the ~~tower or antenna~~ wireless communication facility is not a permitted use under section 131-56 of this chapter or permitted to be approved administratively pursuant to section 131-67 of this chapter, then a special exception shall be required for the construction of a ~~tower or the placement of an antenna~~ wireless facility in all zoning districts.
 - (2) Applications for special exception under this section shall be reviewed by the ~~development review~~ Planning Board under the procedures and requirements of the zoning ordinance, except as modified herein. Upon completing its review at a regularly scheduled hearing, the board shall forward its recommendations to the City Commission for final determination.
 - (3) In considering a special exception, the ~~development review~~ Planning Board or the City Commission may impose conditions to the extent that such conditions are necessary to minimize any adverse effect of the proposed ~~tower~~ wireless facility on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer licensed in the State of Florida.
 - (5) An applicant for a special exception shall submit the information described in this section and section 131-5.(a)(1) - (21), and a non-refundable fee as established by the City Commission.
- (b) *Towers.*
- (1) *Information required.* In addition to any information required for applications for special exception pursuant to the zoning ordinance, applicants for a special use permit for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in section 131-78(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the city manager to be necessary to assess compliance with this chapter.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to section 131-4(e)5(a)(5) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

- e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - g. A narrative description of compliance with sections 131-4(e), (d), (e), (f), (g), (j), (l), ~~and (m), and (o)~~, 131-78(b) (4), 131-78(b)(5) and all applicable federal, state or local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - i. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (2) *Factors considered in granting special exceptions for towers.* In addition to any standards for consideration of special exception applications pursuant to the zoning ordinance, the development review board shall consider the following factors in determining whether to recommend approval of a special exception:
- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in section 131-78(b)(3) of this chapter.
- (3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates ~~to the reasonable satisfaction of the city that~~ no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall be required to submit information related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna ~~may~~ shall consist of ~~any~~ of the following:
- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. ~~The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~
 - f. ~~The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
- (4) *Setbacks.* The following setback requirements shall apply to all towers for which a special exception is required; ~~provided, however, that the development review board may recommend reduction of the standard setback requirements if the goals of this chapter would be better served thereby:~~
- a. Towers shall be located in accordance with the site plan approved at the time the special exception is granted.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to ~~all towers and antennas~~ wireless communications facilities for which a special exception is required; ~~provided, however, that the development review Planning Board, where so authorized in this chapter, recommend reduction of the standard separation requirements if the goals of this chapter would be better served thereby.~~
- a. *Separation from off-site uses/designated areas.*
 - 1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - 2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1: Separation from adjacent uses and/or designated areas.

Adjacent Use/Designated Area	Separation Distance
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Developed or vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 400 <u>125%</u> height of tower whichever is greater
Non-residentially zoned lands or non residential uses	(1) None; only setbacks apply <u>Setbacks from property lines shall be based on site-specific aesthetic and concerns but for the purposes of structural safety there shall be a minimum setback of at least 125% of the height of the facility from any existing developed structure or structure for which a site plan or permit has been submitted and deemed complete, as measured from the closest point of the structure which is the minimum distance necessary, as determined by the city, to satisfy the structural safety or aesthetic concerns that are to be protected by the setback.</u>

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b. *Separation distances between towers.*

1. Separation distances shall be required between proposed and pre-existing towers pursuant to Table 2. The separation distances shall be measured by drawings or following a straight line between the base of thee existing tower and the base of the proposed tower.

Table 2: Separation distances between towers.

Tower Types	Lattice	Guyed	Monopole 75 ft. in Height of Greater	Monopole Less Than 75 ft. in Height

Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 feet in Height	750	750	750	750

- (6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the development review board may recommend waiver of such requirements, as it deems appropriate.
- (7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, however, that the development review board may recommend waiver of such requirements if the goals of this chapter would be better served thereby.
- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (8) *Variations.* The City Commission, upon recommendation from the ~~development review~~Planning Board, may allow deviations from this section to reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this chapter are better served thereby.

Sec. 131-89. - Buildings or other equipment storage.

Accessory equipment, such as Eequipment shelters and cabinets associated with antennas shall be approved along with the approval of towers and antennas wireless communications facilities.

- (1) Equipment shelters shall meet the applicable requirements of the building codes and shall be sited so as to meet the setback requirements of the zoning district in which they are located. Equipment shelters may, in as much as possible, be required to be designed and constructed in such a way as to harmonize with surrounding uses.
- (2) Equipment cabinets shall be designed and constructed to meet all applicable safety and health codes. Further, equipment cabinets, other than those mounted on rooftops, shall not be located within the traffic visibility triangles established by the zoning ordinance and shall be appropriately screened from neighboring properties.

Sec. 131-10. Permit conditions.

- (a) Owners of all approved wireless facilities shall be required to agree to allow future co-location by other carriers, and to provide an efficient process for handling co-location requests however no additional capacity, height, width or area on a tower or pole shall be required as part of the original permit application.
- (b) Post-installation certification. Within 60 calendar days after the permittee commences full, unattended operations of the wireless facility approved or deemed-approved, the permittee shall provide the city manager with documentation reasonably acceptable to city manager that the wireless facility has been installed and constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data, and site photographs.
- (c) Insurance required. The permittee and each owner or operator of an antenna on the personal wireless services facility, shall obtain, and at all times relevant to this permit maintain, insurance policies, issued by an insured authorized to do business in the State of Florida and reasonably acceptable to the City of St. Pete Beach, at least as broad as follows:
 - (1) Commercial general liability insurance. The permittee shall procure and maintain at its expense or cause its contractor or subcontractor to procure and maintain throughout the term of this permit, commercial General Liability ("CGL") insurance on an "occurrence" basis, with limits not less than \$2,000,000 per occurrence per wireless carrier or \$4,000,000 per wireless carrier in the aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground ("UCX") exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; (iv) bodily injury or damage from RF exposure at levels exceeding the FCC limits; or (v) contain any other exclusion contrary to the conditions in this permit.

- (2) Environmental pollution liability insurance. The permittee shall procure and maintain at its expense or cause its contractor or subcontractor to procure and maintain throughout the term of this permit, Contractors Pollution Liability Insurance including contractual liability coverage to cover liability and legal expenses arising out of cleanup, removal, storage, or handling of hazardous or toxic chemicals, materials, substances, or any other pollutants by the permittee or any subcontractor resulting from pollution conditions associated with the personal wireless services facility in an amount not less than \$1,000,000 each occurrence combined single limit for bodily injury and property damage.
- (3) Umbrella policy. If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be "pay on behalf," with defense costs payable in addition to policy limits. Permittee shall provide a "follow form" endorsement or schedule of underlying coverage satisfactory to the City of St. Pete Beach indicating that such coverage is subject to the same terms and conditions as the underlying liability policy
- (4) Endorsements. The relevant policy(ies) shall name the City of St. Pete Beach, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The permittee shall use its best efforts to provide thirty (30) days' prior notice to the City of St. Pete Beach of the cancellation or material modification of any applicable insurance policy.
- (5) Verification of coverage. Permittee shall furnish the City of St. Pete Beach with original certificates and amendatory endorsements or copies of the applicable policy language providing the insurance coverage required herein. All certificates and endorsements are to be received and approved by the City of St. Pete Beach before any work commences. However, failure to obtain required documents prior to the work beginning shall not waive the Licensee's obligation to provide them. Permittee shall furnish updated certificates and endorsements to the City of St. Pete Beach annually. The City of St. Pete Beach reserves the right to require updated certificates and endorsements or complete, certified copies of all required insurance policies, including the endorsements required herein, at any time.
- (d) Permittee has full liability. The permittee shall assume full liability for damage or injury caused to any property or person by the personal wireless services facility.
- (e) Permittee shall provide an executed agreement, pursuant to which permittee and any related third parties agree to defend, hold harmless and fully indemnify the City of St. Pete Beach, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the city or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the city or (ii) a successful legal action brought against the city for loss of property value or other harm caused by the placement or operation of a small cell installation. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding whether incurred by the permittee, the City of St. Pete Beach and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the permittee to indemnify the City of St. Pete Beach for all of the city's costs, fees and damages which the city incurs in enforcing the indemnification provisions of this Section.
- (f) ADA accommodations. The City of St. Pete Beach seeks to comply with the Americans With Disabilities Act, and shall comply with same in the event that any person who is disabled within the

meaning of the Act seeks a reasonable accommodation, to the extent they are entitled to same under the Act.

- (g) Prior to the issuance of any entitlement permit, the applicant shall provide a facility maintenance/removal agreement and decommissioning plan to the city manager, binding the developer and successors in interest, to an agreement to:
- (1) Maintain the facility as approved; and
 - (2) Notify the City of St. Pete Beach of intent to vacate the site, agreeing that the applicant will remove all facilities within twelve (12) months pursuant to the decommissioning plan unless the site is occupied by a successor; or
 - (3) Provide a cash bond equal in cost to removing the tower and associated facilities.
- (h) Decommissioning plan. The Facility Maintenance/Removal Agreement shall include a decommissioning plan with the following information:
- (1) A plan for disposal of all solid waste, special waste and hazardous waste in accordance with local, state, and federal waste disposal regulations detailing the types and quantities of waste materials and methods of disposal;
 - (2) A description of how and on what schedule stabilization and re-vegetation of the site as deemed necessary to minimize erosion will be accomplished. Permittee should include, to the extent possible, restoration of native vegetation, and pollinator-friendly seed mixtures shall be used to the maximum extent possible in re-vegetation of ground cover;
 - (3) An estimate of costs for the decommissioning of the personal wireless services facility with a detailed description of how the estimated costs were derived, including the date which was the basis for the estimate;
 - (4) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards of this Ordinance. Such plan must be filed with the city manager prior to the first operation of the personal wireless services facility;
 - (5) An estimate of the total cost of decommissioning value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during the implementation of the decommissioning plan.
- (i) Landscaping. The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City of St. Pete Beach. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

- (j) A permanent, weatherproof, facility identification sign, no more than twelve (12") inches by twenty-four (24") inches in size, identifying the facility operator and a twenty-four (24) hour phone number, shall be placed on the fence, the equipment building or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.
- (k) Permittee's contact information. Prior to the final inspection and at all times relevant to this permit, Permittee shall keep on file with the City of St. Pete Beach basic contact and site information. This information shall include, but not is limited to, the following:
- (1) The name, physical address, notice address (if different), direct telephone number and email address for the permittee and, if different from the permittee, the site operator, equipment, owner, the site manager and agent for service of process;
 - (2) The regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility's continued operation;
 - (3) The facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and
 - (4) A toll-free telephone number to the facility's network operations center where a live person with power-down control over the facility is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the City of St. Pete Beach, the permittee shall furnish the City with an updated form that includes all the most current information described in this condition.
- (l) Within 15 days after any project approval, the permittee shall sign and file with the city manager a defense and indemnity agreement, to defend, indemnify, hold harmless, the City of St. Pete Beach and city commissioners, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City of St. Pete Beach' s approval of this use permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this use permit or the small wireless facility or other infrastructure deployment. In the event the City of St. Pete Beach becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City of St. Pete Beach shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/ or permittee (as applicable) shall promptly reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee' s indemnification obligations under this condition are a material consideration that motivates the city to approve this use permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit in the form approved by city manager.

- (m) Permit revocation. Any permit granted under this section may be revoked in accordance with the provisions and procedures in section 132-14.(b)(2). The city commissioners, city manager, fire marshal, or other City of St. Pete Beach official may initiate revocation proceedings when there is information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before any public hearing to revoke a permit granted under this Section, the body that originally approved the permit must issue a written notice to the permittee that specifies (i) the facility(ies); ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City of St. Pete Beach may pursue, the City of St. Pete Beach may initiate revocation proceedings for failure to correct such violation(s). The body that originally approved the permit may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision to revoke or not revoke a permit shall be final and not subject to any further appeals when the decision is made by the city commission; decisions made by the city manager or designee may be appealed to the city commission if the appeal is submitted within calendar 30 days of the date of the decision. Written notice of intention to revoke the permit shall be mailed to the applicant not less than 10 days before the public hearing.
- (n) Truthful and accurate statements. The permittee acknowledges that the City of St. Pete Beach's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee' s behalf. In any matter before the City of St. Pete Beach in connection with the use permit or the wireless facility approved under the use permit, neither the permittee nor any person authorized to act on permittee' s behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

Sec. 131-911. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City of St. Pete Beach notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90-day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Sec. 131-4012. - Non-conforming uses.

- (a) Not expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height)

shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this chapter.

- (c) *Rebuilding damaged or destroyed non-conforming towers or antennas.* Notwithstanding section 131-9, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special exception and without having to meet the separation requirements specified in sections 131-78(b)(4) and 131-78(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section 131-910.

Sec. 131-13. - Appeals.

Any person adversely affected by a decision of the city manager in the granting or denial of permit pursuant to this chapter may appeal that decision to the City Commission. Such appeal must be taken by filing written notice with the city manager, or designee, with a copy to the city clerk, within 30 days after the decision of the city manager, or Planning Board if the appellant received actual notice within 5 days of the decision. The deadline is tolled on a day for day basis until the appellant receives actual notice or should have become aware of the decision using reasonable diligence. Each appeal must 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. Where a notice of appeal to the city manager, or designee, is not timely filed as provided in this section, such right to appeal is waived.

Section 131-14. - Review Fees and Costs.

To the extent allowed by federal and state law, the Applicant shall be responsible and pay an application fee and Development review costs incurred by the city relating directly to the review, processing, and inspection of an application or facility relating to an application, proposal, or project, including, but not limited to

- (a) *In-House Costs* which mean the costs to the city of the administrative and meeting time spent by city staff reviewing and processing an application, proposal, or project, and
- (b) *Consultant Costs* which mean the direct expenses incurred by the city, or the reasonable value of services, as the case may be, for consultants who review the specific application, proposal, or project at the direction of the city related to the review of an application, proposal, or project.

Chapter 132 - COMMUNICATION FACILITIES IN THE PUBLIC CITY RIGHTS-OF-WAY

Sec. 132-1. - Purpose, intent, and scope, and applicability.

- (a) To establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities and other infrastructure deployment in the public rights-of-way, for the construction, installation, collocation, modification, operation, relocation, and removal of such facilities within the City of St. Pete Beach's territorial boundaries, consistent with and to the extent permitted under federal and Florida state law.
- (b) To reserve the general authority preserved under 47 U.S.C. § 332(c)(7) and F.S. § 337.401(3)(b) to regulate and manage municipal roads and public rights-of-way in exercising its police power over matters necessary to manage the city's roads and rights-of-way.
- (c) To reserve the general authority preserved under 47 U.S.C. § 332(c)(7) and F.S. § 337.401(7)(k) to enforce historic preservation zoning regulations, requirements for facility modifications under 47 U.S.C. § 1455(a), the National Historic Preservation Act, 16 USCS §§ 470 et seq., or the National Environmental Policy Act of 1969, 42 USCS §§ 4321 et seq.
- (d) To employ the "General Authority" preserved to the City of St. Pete Beach pursuant to F.S. § 365.172(b)1., the Emergency Communications Act, to review any applicable land development or zoning issues, including, but not limited to aesthetics, landscaping, land-use based priorities, structural design, and setbacks when considering applications for wireless communications facilities.
- (e) The purpose of this chapter is to adopt specific regulations relating to the use of rights-of-way for the erection of telecommunication antennae or towers and any accessory equipment supporting the same within the city right-of-way, consistent with the Florida Statutes, as amended. To promote the community interest by (1) ensuring the balance between public and private interests is maintained; (2) protecting St. Pete Beach City's visual character from potential adverse impacts and visual blight created or exacerbated by small and micro wireless facilities and related infrastructure; (3) Protecting and preserving the city's environmental resources; (4) protecting and preserving the City's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the City's residents, businesses, and visitors.
- (f) It is the intent of this chapter to require all applicants seeking to obtain a city permit to erect any telecommunication antennae or towers wireless communications facilities and any accessory equipment supporting the same within the city right-of-way prior to commencing any construction and shall thereafter comply with all applicable terms therein.
- (g) To adopt and to administer reasonable rules and regulations not inconsistent with state and federal law, including the United States and Florida Constitutions, Florida Statutes, the City's home-rule authority, and in accordance with the provisions of the Federal Communications Act, the Spectrum

Act, FCC regulations, and other federal and state law; to establish reasonable rules and regulations necessary to manage the placement and maintenance of communications facilities in the public rights-of-way by all communications services providers after the effective date of this Ordinance; and to minimize disruption to the public rights-of-way.

- (h) In furtherance of these objectives, City of St. Pete Beach shall give due consideration to the comprehensive plan, land development regulations, existing land uses, historic preservation, scenic beach and ocean viewsheds, aesthetics, community character, residential areas, and environmentally sensitive areas in approving sites for the location of towers and antennas.
- (i) Applicability. Chapter 132 addresses, and is specific to, small wireless facilities, micro-wireless facilities, and their supporting utility poles and wireless support structures, as applicable, that are located within the City-owned rights-of-way. All other communication facilities, including small and micro wireless facilities installed on public property, shall be regulated pursuant to Chapter 131 of the Code of Ordinances.

Sec. 132-2. - Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively set forth below, except where the context clearly indicates a different meaning:

Abandonment means the permanent cessation of all uses of a communications facility for a period of 90 or more consecutive days; provided that this term does not include cessation of all use of a communications facility within a physical structure where the physical structure continues to be used. By way of examples, and not limitation, cessation of all use of a cable within a conduit, where the conduit, continues to be used, will not be considered abandonment while the cessation of use of a small wireless facility collocated upon an active utility pole will 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, will constitute abandonment of the utility pole.

Abut shall mean, when used in conjunction with a lot or parcel of land or public right-of-way, means a lot or parcel of land or public right-of-way that shares all or a part of a common lot line or boundary line with another lot or parcel of land or public right-of-way.

ACHP means the Federal Advisory Council on Historic Preservation.

Adjacent properties or properties adjacent shall mean (i) those lots or parcels of land that abut another lot or parcel of land or public right-of-way that is contiguous to a communications facility site or proposed site and (ii) the lots or parcels of land or public right-of-way that would be contiguous to lots or parcels or public rights-of-way but for an intervening local or collector roadway.

Antenna means communication equipment that transmits or receives electro-magnetic radio frequency signals used in providing wireless services.

Applicable codes means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement

~~this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. shall mean uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, including, but not limited expressly to the Florida Building Code, National Electrical Code, National Electrical Safety Code, 2017 Edition of the Florida Department of Transportation Utility Accommodation Manual ("2017 FDOT UAM"), the Florida Department of Transportation Manual on Traffic Control and Safe Practices, the State of Florida Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways, the "Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines" established by the Department of Commerce, Bureau of Standards of the United States, as may be amended, and City codes or ordinances, and standards and regulations, to the extent not inconsistent with the 2017 FDOT UAM and Florida law. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location, context, color, stealth, and concealment requirements; however, such design standards may be waived by the city upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense.~~

~~*Applicant, owner, or permittee* shall mean any person requesting a permit to place or maintain facilities in a right-of-way, or who has previously done so shall mean any individual, corporation, limited liability company, general partnership, limited partnership, estate, trust, joint-stock company, association of two or more persons having a joint common interest, or any other entity submitting an application for a wireless communication facility permit, site plan approval, building permit, and/or any other related approval, for the installation, operation and/or maintaining of one or more wireless communication facilities.~~

~~*Application* shall mean a request submitted by an application to the City for a permit. all necessary and required documentation, information, and evidence that an applicant must submit to receive a wireless communications facility permit, building permit, or other city approval for personal wireless service facilities from the city.~~

~~*As-built survey* means the final complete drawing(s) in hard copy signed and sealed by a professional surveyor and mapper, as defined in F.S. § 472.005, as amended, or licensed engineer, that reflect all changes made during the construction process, and show the exact dimensions, geometry and location of all elements of the work completed under the permit, and the as-built survey in an electronic format suitable to the city. An as-built survey is a survey performed to obtain horizontal and vertical dimensional data to facilities/improvements in/on/through right(s)-of way and/or land.~~

~~*Authority* shall mean the City of St. Pete Beach, Florida.~~

~~*Authority utility pole* shall mean a utility pole owned by the Authority in the city rights-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the city rights-of-way within a retirement community that is deed restricted as housing for older persons as defined in F.S. §~~

760.29(4)(b), as amended, has more than 5,000 residents, and has underground utilities for electric transmission or distribution.

Backhaul facilities means a physical transmission path, all or part of which is within the public rights-of-way controlled by the City or any government entity, used for the transport of communications data by wire or fiber from a wireless facility to a network. A backhaul facility may also consist of an antenna, including a microwave antenna, installed in the public rights-of-way pursuant to a permit, used for the transport of communications data wirelessly from a wireless facility to a network.

City manager means the person appointed by the city commission as the chief administrative official for the city or the designated representative thereof.

Clear zone shall mean the roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, recoverable slope, non-recoverable slope, clear runout area, or combination thereof. The width of the clear zone is dependent upon the traffic volumes and speeds, and on the roadside geometry.

Collocate, collocation or co-location means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. This term does not include the installation of a new utility pole or wireless support structure in the public right-of-way. Co-location upon an existing structure not providing telecommunication services does not convert the structure into a wireless facility.

“Colocation,” “colocate,” or “collocation,” “collocate” can have different meanings depending on context.

Where and when F.S. § 337.401 applies, the definition in § 337.401(b)(7) shall also apply. That definition currently states:

“Collocate” or “collocation” means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

Where and when F.S. § 365.172 applies, the definition in § 365.172(3)(f) shall also apply. That definition currently states:

“Colocation” means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Where and when the FCC’s general rules for placement, construction and modification of personal wireless facilities apply, the definition in 47 C.F.R. § 1.6002(g) shall also apply. That definition currently states:

Collocation, consistent with § 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B, means—

(1) Mounting or installing an antenna facility on a pre-existing structure; and/or

(2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

(3) The definition of "collocation" in § 1.6100(b)(2) applies to the term as used in that section.

Where and when the FCC's rules for wireless facility modifications apply, the definition in 47 C.F.R. § 1.6100(b)(2) shall also apply. That definition currently states:

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Communication services shall have the meaning found in F.S § 202.11, as amended, which includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice-over-internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

- (1) Information services.
- (2) Installation or maintenance of wiring or equipment on a customer's premises.
- (3) The sale or rental of tangible personal property.
- (4) The sale of advertising, including, but not limited to, directory advertising.
- (5) Bad check charges.
- (6) Late payment charges.
- (7) Billing and collection services.
- (8) Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

Consolidated permit application shall mean a single permit application that would otherwise require individual permit applications for the collocation of between 2 and 30 small wireless facilities to existing utility poles within the public rights-of-way.

Eleventh hour submissions means an applicant's submission of new and/or additional materials in support of an application and/or to cure deficiencies in incomplete and denied applications within 48 hours of the expiration of an applicable shot clock, or at an otherwise unreasonably short period of time before

the expiration of the shot clock, making it impracticable for the city to adequately review and consider such submissions due to their complexity, volume, or other factors, before the expiration of the shot clock.

Emergency means a condition that poses a threat to life, health, or property, or may create an out-of-service condition.

Emergency action means any action in the public right-of-way, including repair, replacement, or maintenance of any existing equipment or facility, which is necessary to alleviate an emergency.

Equipment or facility means any line, conduit or duct, utility pole, transmission or distribution equipment (e.g., an amplifier, power equipment, optical or electronic equipment, a transmission station, switching or routing equipment), cabinet or pedestal, handhole, manhole, vault, drain, location marker, appurtenance, or other equipment or facility associated with communications services located in the city rights-of-way.

Excavate or excavation shall mean consistent with the definition contained in F.S. § 556.102(6), as it may be amended, any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as 12 defined in F.S. § 373.019(22), and the term includes pipe bursting and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.

Facility means the equipment and property, including, but not limited to, any and all such conduits, cables, poles, wires, supports, ducts, fiber, optics, antenna and other structures, equipment, appurtenances and pathways, including wireless facilities, small wireless facilities and micro-wireless facilities, as may be reasonably necessary to be used to provide communications services. Multiple cables, conduits, strands, or fibers located within the same conduit will be considered one communications facility for purposes of this subsection.

FCC means the Federal Communications Commission.

Historic property shall mean any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the city.

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.

Monopole means a single self-supporting structure which contains no guy wires and no more than one support column.

Pass-through provider means any person who places or maintains a communications facility in the public rights-of-way and who does not remit tax pursuant to F.S. § 202.19, as amended.

Permit means the right-of-way utilization permit which must be obtained before a person may place or maintain any facility in a city right-of-way.

Permittee means any person to whom a permit to place or maintain a facility in a city right-of-way has been granted by the city.

Person means any natural person or any association, company, firm, partnership, joint venture, corporation, governmental entity, or other legal entity.

Place or maintain, placement and maintenance, or placing or maintaining shall mean 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 right-of-way does not constitute "placing or maintaining" facilities within the public rights-of-way.

Right-of-way means the surface and space above and below any real property in which the city has an interest in law or equity, open to travel by the public, including streets, easements and sidewalks, but excluding parks. Right-of-way means the public right-of-way, not private right-of-way.

Telecommunications means the transmission, between or among points specified by the user, or information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunication antenna or antenna means a mounted device used for the transmission of telecommunication services of communications services, including, but not limited to, traditional small cell technology.

Telecommunication tower or tower means a self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications or communication service facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission.

Small wireless facility means a wireless facility that meets the following qualifications:

- (1) Each antenna associated with the facility is located inside an enclosure of no more than six 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 six cubic feet in volume; and
- (2) 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.

Utilities means, any 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 city.

Utility pole shall mean 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 unless an authority grants a waiver for such pole.

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. The term does not include:

- (1) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (2) Wireline backhaul facilities; or
- (3) 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.

Wireless infrastructure provider shall mean a person who has been certified 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.

Wireless provider or provider means a wireless infrastructure or wireless service provider.

Wireless services shall mean any communications services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

Wireless services provider shall mean a person who provides wireless services.

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. 132-3. - Registration.

- (a) *Registration required.* Any communications services provider, wireless provider, or wireless infrastructure provider that places or seeks to place facilities in the city rights-of-way shall register with the city.
- (b) *Registration information.* Any communications services provider, wireless provider, or wireless infrastructure provider shall provide the following information to the city in a format acceptable to the city:
 - (1) The name of the provider registrant under which it will transact business in with the city as set forth in Florida Statutes section 337.401(3)(a);

- (2) The address and telephone number of the registrant ~~as set forth in 337.401(3)(a)'s principal place of business in the State of Florida and any branch office located in the city or, if none, the name, address, and telephone number of the applicant's national headquarters and its registered agent in Florida;~~
- (3) The name, address, telephone number(s) and email address of the provider's primary contact person ~~as set forth in 337.401(3)(a) and the person to contact in case of an emergency, which telephone number(s) and/or electronic mail must be monitored 24 hours per day, seven days per week;~~
- (4) The ~~equipment that is being registered and any other registration information set forth in 337.401(3)(a)~~ type of communications services that the provider intends to provide within or upon the city's rights-of-way (if more than one, state all that apply) and whether the provider remits tax pursuant to F.S. § 202.1, as amended. If no communication services are to be provided, the provider shall state whether it is a wireless infrastructure provider and/or pass-through provider (refer to section 132-8 for pass through provider fees and charges);
- (5) A copy of both the provider'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;
- (6) A copy of the provider's certificate of authorization, public convenience and necessity or other similar certification issued by the Florida Public Service Commission, if applicable;
- (7) The number of the provider'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;
- (8) ~~The City shall verify the legal status of the legal entity seeking to register. A copy of the state corporation registration proving the ability to lawfully conduct business within the State of Florida;~~
- (9) Evidence of the provider's insurance coverage as required under this chapter ~~and any required proof of insurance or self-insuring status adequate to defend and cover claims as set forth in Florida Statutes section 337.401(3)(a);~~
- (10) ~~Acknowledgment of the indemnity and other provisions of this chapter; and All other additional information as set forth in Florida Statutes section 337.401(3)(a), including a statement of whether the registrant is a pass-through provider as defined in subparagraph (6)(a)1.; the registrant's federal employer identification number;~~
- (10) _____
- (11) ~~Any changes or updates to the registration information shall be provided within 90 days as set forth in Florida Statutes section 337.401(3)(a). Acknowledgment that, should the provider's contact information contained in subsection above change, the provider shall immediately provide written notice to the city of the updated contact information, no later than 24 hours after the change occurs.~~

- (c) *The city shall review the information submitted by the provider.* If it is found that the provider complied with the requirements in subsection (b) above, the registration will be effective and the city shall notify the provider of the effectiveness of registration in writing. If the city determines that the provider is not in compliance, the city shall notify the provider in writing of the non effectiveness and denial of registration and the reasons therefore. Denial of registration does not preclude a provider from reapplying or filing subsequent applications for registration under the provisions of this section.
- (d) *Cancellation.* A provider may cancel a registration upon written notice to the city stating that it will no longer place or maintain a facility in the city's right-of-way. A provider cannot cancel a registration if it intends to continue placing or maintaining facilities in the rights-of-way.
- (e) *Transfer of registration.* If a provider transfers, sells or assigns its registration incident to the sale or transfer of the provider's communication facilities located in the public rights-of-way, the transferee, buyer or assignee shall comply with the provisions set forth in this chapter. Written notice of any such transfer, sale or assignment must be provided by the provider to the city within 30 days after the effective date of such transfer, sale or assignment. If the transferee, buyer or assignee is not currently registered with the city, then the transferee, buyer or assignee must register as provided in this section. If any applications for permits are pending under the provider's name as of the date the city receives written notice of the transfer, sale or assignment, then the city shall consider the transferee, buyer or assignee as the new applicant unless otherwise notified by the provider.
- (f) *Registration amendments.* In the event of any change to the information required pursuant to this section, a provider shall advise the city in writing of such changes within 90 days of the effective date.
- (g) *Registration renewal.* No later than October 1 of each year, each provider that has previously complied with the registration requirements of this chapter shall submit a registration renewal to the city on a form/format provided by the city every five years.
- (h) *Involuntary termination of registration.*
- (1) The city may terminate a registration if:
 - a. A federal or state authority suspends, denies, or revokes a registrant's certification or license required to provide communication services;
 - b. The registrant's placement or maintenance of a communications facility in the rights-of way presents an extraordinary danger to the general public or other users of the rights-of way and the registrant fails to remedy the danger promptly after the receipt of written notice; or
 - c. The registrant performs substantive and material repetitive violations of any of the provisions of this chapter.
 - (2) Notice of intent to terminate. Prior to termination, the registrant shall be notified by the city with a written notice setting forth all matters pertinent to the proposed termination in action, including the reasons therefore. The registrant shall have 30 days after the receipt of such notice within which to address or eliminate the reason or within which to present a plan, satisfactory to the city, to accomplish the same. If the city rejects the plan, the city shall provide written notice of

such rejection within 15 days of receipt of the plan to the registrant and shall make a final determination as to termination of the registration and the terms and conditions relative thereto.

- (3) Post termination action. In the event of termination, following any appeal period, the former registrant shall:
 - a. In accordance with the provisions of this chapter and as may otherwise be provided under state law, notify registrant's communication facilities in the rights-of-way; or
 - b. Provide the city with an acceptable plan for disposition of its communication facilities in the rights-of-way. If a registrant fails to comply with this subsection, the communication facilities are deemed to be abandoned and the city may exercise any remedies or rights it has at law or in equity. In any event, a terminated registrant shall take such steps as are necessary to render safe every portion of the communications facilities remaining in the rights-of-way. A registrant that has its registration terminated by the city under this section may reapply for registration one year after the termination date of the prior registration, unless otherwise permitted to reapply at the sole discretion of the city.
- (4) When removal not authorized or required. In the event of termination of a registration, this section does not authorize the city to cause the removal of communication facilities used to provide another service for which the registrant or another person who owns or exercises physical control over the communications facilities holds a valid certification or license with the governing federal or state agency, if required, for the provision of such service, and is registered with the city, if required.

(i) *Effect of registration.*

- (1) An effective registration does not and will not be construed to convey equitable or legal title in the rights-of-way.
- (2) Providers shall comply with any and all provisions of the Code of Ordinances, including, but not limited to, any and all applicable permitting, and design requirements.
- (3) Providers must have a valid registration in order to apply for and/or obtain permits.
- (4) Registration does not erase or exempt a provider from having to obtain a (business/occupational) license in accordance with the Code of Ordinances.

Sec. 132-4. - Authorization to place and/or maintain communication facilities in the public rights-of-way.

(a) Subject to the terms and conditions of this chapter, any person who complies with the provisions of this section is authorized to place and/or maintain communications facilities, including wireless facilities, or utility poles (placed for support of small wireless facilities) in the public rights-of-way, for the provision of communication services.

(b) All facilities shall meet applicable building codes.

(c) Nothing in this Chapter shall abrogate any private real property rights.

Sec. 132-5. - Existing communications facilities in public rights-of-way.

Providers with communication facilities in the public rights-of-way shall comply with the provisions of this section. A provider with a facility in the right-of-way as of the effective date of this section has until October 1, 2022, to comply with the provisions of this chapter, including, but not limited to, registration, or be in violation thereof.

Sec. 132-6. - Permits, generally.

- (a) Prior to the installation, placement, maintenance, and/or removal of any communications facilities, or the start of any other type of construction in the public rights-of-way, a provider shall, pursuant to the requirements of existing or subsequently enacted provisions of this Code of Ordinances, obtain all permits from the city, unless preempted by state or federal law.
- (b) In lieu of permit fees, the city shall impose a local communications services tax pursuant to F.S. § 202.19, as amended, to providers authorized to occupy the rights-of-way. The city may increase the total rate for the local communications services tax by an amount not to exceed a rate of 0.12 percent, pursuant to F.S. § 337.401, as amended.
- (c) Any communications facilities installed or placed by a provider without first having obtained the permits required by this chapter will be removed within 30 days' written notice (electronic or standard mail) by the city to remove the same and in default of compliance with such notice, such communications facilities may be removed by the city. The provider shall be responsible for and pay the cost of the removal.
- (d) In the event that work to be conducted by a provider requires streets, travel or bicycle lanes, sidewalks to be closed or obstructed or the provider deems the trimming, pruning or removal of any trees reasonably necessary to place or maintain its communication facilities and to maintain the integrity and safety of same, it shall obtain all permits from the city and comply with all other such requirements of this Code of Ordinances, state and federal laws.

Sec. 132-7. - Permit application content requirements and review.

- (a) Application requirements. In addition to any other permitting requirements in this Code of Ordinances and section 132-15, all permit applications for wireless communications facilities must include the following information and materials:

- (1) Application form duly completed and executed in a manner specified by the city that includes the content specified in section 132-15(b)(1)a.
- (2) A Communications Services Tax shall be assessed by the City in lieu of a permit application fee pursuant to Florida Statutes section 337.401The appropriate application fee.
- (3) Proof of authorization of structure occupancy for collocation on an existing structure. For structure occupancy collocation on an existing structure, tThe applicant must submit a written copy of proof that the applicant is authorized to install its facility(ies) on an existing collocation the support structure such as a utility pole, street light, or other structure.
- ~~(4) Drawn-to-scale depictions of the wireless facilities and equipment. If the proposed facility is a small wireless facility or microwireless facility, the drawn-to-scale depiction shall include complete calculations for all of the antennas and equipment of which the facility will be comprised, depicting that, when completed, the installation and equipment will meet the physical size limitations which enable the facility to qualify as a small wireless facility or microwireless facility.~~
- ~~(4)~~
- (5) Construction drawings that depict any ll the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features within 100 feet of the wireless support structure or utility pole. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all potential support structures within 50 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant' s preliminary plan for electric and data backhaul utilities, which shall include the anticipated locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all applicable codes and public utility regulations and ordersnecessary information to determine compliance with placement limitations and restrictions on placement of communications facilities. See 337.401(3)(a) and 337.401(7)(g) and (h) including identification of all at-grade communications facilities within 50 feet of the proposed installation location for the placement of at-grade communications facilities and pursuant to Florida Statutes sections 337.401(7)(g) and (h) sufficient information to ensure the placement of proposed ground equipment and communications facilities does not:
- a. Materially interfere with the safe operation of traffic control equipment.
 - b. Materially interfere with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
 - c. Materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - d. Materially fail to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

- e. Fail to comply with applicable codes.
- f. Fail to comply with objective design standards authorized under 337.401(7)(r).

~~(5)~~ -

- ~~(6) **Site survey.** For any small wireless facility, the applicant shall submit a survey prepared, signed and stamped by a licensed or registered engineer in accordance with state law. The survey must at a minimum identify and depict all existing boundaries, encroachments and other structures within 75 feet from the proposed project site and any new improvements, which includes without limitation all: (i) and traffic lanes. Although not required as part of an application, the city may conduct a site review of all: (ii) all private properties and property lines; (iii) existing and planned above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features to ensure pursuant to Florida Statutes sections 337.401(7)(g) and (h) sufficient information to ensure the placement of proposed ground equipment and communications facilities does not:~~
- a. Materially interfere with the safe operation of traffic control equipment.
 - b. Materially interfere with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
 - c. Materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - d. Materially fail to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.
 - e. Fail to comply with applicable codes.
 - f. Fail to comply with objective design standards authorized under 337.401(7)(r).

~~(6) **Photographs, Aerial, Side Elevations or Computer Simulations:**~~

- ~~(7) **Photo simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small wireless facility from a vantage point approximately 50 feet from the proposed support structure or location. When the proposed small wireless facility is located between a residential parcel of land and a waterfront parcel owned by the same person(s) or entity(ies) as the residential parcel, at least one simulation must depict the small wireless facility from the residential parcel. The photo simulations and vicinity map shall be incorporated into the construction plans submitted with the application. The photo simulations must show all required elements of the facility that will be visible and shall be based on actual site photographs City may request additional information if needed to show compliance with the criteria listed above and the city will list options to demonstrate compliance including aerials, side elevations, sight line simulations, computer generated, photographic or other simulations or other appropriate alternative methods of providing sufficient information to ensure pursuant to Florida Statutes sections 337.401(7)(g) and (h) the placement of proposed ground equipment and communications facilities does not:~~
- a. Materially interfere with the safe operation of traffic control equipment.

b. Materially interfere with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fail to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fail to comply with applicable codes.

f. Fail to comply with objective design standards authorized under 337.401(7)(r).

~~(7)~~

(8) Regulatory authorization. The applicant shall submit evidence of the applicant's Although not required as part of the city approval, additional regulatory status authorization may be required under federal and Florida law to provide the services and construct the small wireless facility proposed in the application by other state and federal agencies.

(9) Environmental impact assessment. The applicant shall submit a copy of their environmental assessment (EA), finding of no significant impact (FONSI) or environmental impact assessment (EIS) if the proposed facility triggered or will trigger federal NEPA environmental review when one or more of the following is or are met:

(a) The small wireless facility is installed on a new wireless support structure or utility pole located within 125% of the facility's height from the Coastal Construction Control Line;

(b) The small wireless facility is installed on a new wireless support structure or utility pole located within 125% of the facility's height from any land zoned Preservation or any preservation easement;

(c) An environmental permit is required by any state or federal regulatory authority.

(10) Tree protection. The applicant shall identify all existing trees to be removed on a parcel for the installation, operations and maintenance of the facility and obtain approval from the city of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a tree or New pole locations should be placed within at least a 20-foot radius of from the trunk base of such an existing tree. Where a tree proposed for removal is located within a right-of-way maintained by the City, the tree shall be replaced with a tree of equivalent caliper measured at 4.5 feet above grade, height, and if a Florida-friendly or native species, shall also be a Florida-friendly native or species with preference given to one to one replacement of the species. Depending on site specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 20 feet may be required.

(11) Structural analysis by engineer that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum the analysis must be consistent with ANSI .05.1 standards, the standards and practices required for an ANSI/TIA-222 Maintenance and Conditions Assessment (under the most current revision at the time of submittal), any safety and construction standards required by law and the utility provider and all other applicable codes. The report shall contain tolerances

including but not limited to guy tensions if applicable, plumb, twist, slip splices and take up devices.

- (12) ~~Acoustic analysis~~Noise complaints. The applicant shall submit an acoustic analysis prepared and certified by a licensed engineer in the State of Florida for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the city's noise regulations. The acoustic analysis must also include an analysis of the manufacturer's specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. The City will enforce noise regulations and may independently or as a result of a citizen complaint, investigate any reported noise emanating from any pole, tower or facility, the location and cause of such noise and potential remedies for any audible noises from any wireless facility.
- (13) If the application is for a new wireless facility that will not be attached to an existing utility pole, the city reviewer(s) shall conduct a site visit to ~~and the facility's proposed height will be greater than 30 feet then structural elevations of the facility(ies) shall include any determine whether there are any~~ trees and other structures within 20 feet, and their height.
- (14) Consolidated applications. The applicant may submit up to 30 individual applications for a small wireless facility permit in a consolidated application; provided, however, that small wireless facilities in a consolidated application must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a consolidated application must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the consolidated application. If any application in a consolidated application is incomplete, the city, in the city's discretion, shall determine whether the entire consolidated application shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a consolidated application, the city shall determine whether the entire consolidated application shall be deemed withdrawn. If any application in a consolidated application fails to meet the required findings for approval, the city shall determine whether the entire consolidated application is denied.
- (b) Review and approval authority. The City of St. Pete Beach reserves its authority to the fullest extent permitted over decisions regarding the placement, construction, and modification of a wireless communications facility pursuant to 47 U.S.C. § 332(c)(7)(A) and F.S. § 337.401(1)(a).
- (c) Voluntary waiver of timeframes for completeness review and the Florida shot clock to either grant or deny a properly completed application. In the interests of promoting a proper review for approval of a permit application, the city shall request that applicant agree to a voluntary waiver of the timeframe pursuant to F.S. § 337.401(7)(d)7. for completeness review and permit review upon receipt of an application.
- (d) Completeness review. Upon receipt of wireless communications facility permit application, the city shall review the application for completeness. If the city determines the application is: (a) incomplete, (b) missing required application materials, (c) specifies the wrong type of wireless facility, or (d) is otherwise defective, then, within 14 days of the City of St. Pete Beach's receipt of

the application per F.S. § 337.401(7)(d)7., the city shall notify applicant of the incompleteness of an application with a notice of incomplete application sent by electronic mail.

- (1) Notice of incomplete application. Such notice shall advise the applicant, indicating with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, make the application properly completed.
 - (2) Extension of 60-day application review period. The city and applicant may mutually agree to extend the 60-day application review period provided that the city and applicant are not in negotiations regarding an alternative location for the proposed facility that is the subject of the incomplete application. At the end of the extended period, the city shall grant or deny the application.
 - (3) Eleventh hour submissions. Upon the electronic mailing of such notice of incompleteness, applicant will have a reasonable timeframe to cure deficiencies and make the application properly completed to accommodate the city's timely request for information required to complete the application. In the event that applicant tenders eleventh hour submissions to the city in the form of expert reports, expert materials, and/or materials which require a significant period for review due either to their complexity or the sheer volume of materials which an applicant has chosen to provide to the city at such a late point in the proceedings, the city shall be afforded a reasonable time to review such late-submitted materials.
 - (4) If applicant does not cure stated deficiencies within 60 days, the application will be considered withdrawn or closed.
- (e) On-site inspection. A physical inspection by city staff or the city's designee may be required for any application that involves: (i) a new wireless facility on a new or replacement structure; (ii) any modification to an existing facility if no physical inspection has occurred in the last 12-month period; (iii) any request for a waiver of the city's objective design standards pursuant to section 132-16.
- (f) Environmental impact. For all applications other than eligible facilities requests, the city or its designated consultant may require confirmation of compliance and any environmental reviews performed or submitted pursuant to NEPA or by the Florida Department of Environmental Protection or the Southwest Florida Water Management District when it is determined that placement of a new facility and/or its support structure could cause significant adverse impact to the environment. Installation of new wireless support structures within the locations provided in Section 131-7.(a)(9) may provide evidence as to whether an environmental review is necessary, but shall not be the only basis or solely necessitate such a review. If the review is conducted and to the extent that the city determines a proposed installation bears the potential for a significant adverse impact upon the environment within the meaning of NEPA, then the Applicant shall be expected to comply with the requirements of NEPA in determining both (a) the extent of adverse impacts upon the environment and (b) what mitigation measures the applicant should be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites, structures and/or districts.
- (g) Historical reviews. For all applications other than eligible facilities requests, and except where preempted by F.S. 337.401.(k), the city shall consider the potential adverse impacts of any proposed personal wireless services facility upon any historic site or structure. If, and to the extent

that the city determines that a proposed installation bears the potential for a significant adverse impact upon a historic site or a historic district within the meaning of the NHPA (especially if the historic site at issue is listed upon the national register of historic places), then the reviewing applicant shall comply with the requirements of both NHPA and city law in determining both: (a) the extent of adverse impacts upon the historic properties, and (b) what mitigation measure might the applicant be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites or structures. Should a respective applicant fail to obtain a Section 106 review under NHPA, and opinion letters from the FCC pertaining to its proposed installation prior to a first public hearing before the reviewing authority for the respective application, then the Applicant shall make direct requests to the FCC for FCC or HHS review of the application. They shall request the FCC's review and input in completing the statutorily-required environmental/historic impact analysis pursuant to NHPA. This request shall include, but not be limited to, a request to the FCC for a Section 106 review, as defined in this chapter, as the city recognizes each application for a wireless communications facility permit for the installation of a personal wireless services facility shall constitute "an undertaking" for purposes of compliance with the National Historic Preservation Act.

- (h) The city shall notify the applicant of approval or denial by electronic mail on or before the end of the applicable shot clock period or, if review timeframe waived, at the end of any mutually agreed-upon extension. If the application is denied, the city shall specify the basis for the denial in writing with citations to the specific code provisions on which the denial is based and send the documentation to applicant by electronic mail. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days after the notice of denial is sent to the applicant. If the application is resubmitted, the city shall approve or deny the application within 30 days of receipt of the application. A denial shall identify the specific code provisions on which the denial is based.
- (i) *Truthful and accurate statements.* Applicant acknowledges that the city's approval relies on the written and/or oral statements by applicant and/or persons authorized to act on permittee's behalf. In any matter before the city in connection with the small wireless facility or other infrastructure approved under the wireless communications facility permit, neither the applicant nor any person authorized to act on applicant's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

Sec. 132-78. - Pass-through provider fees and charges; requirements.

- (a) Pass-through providers shall pay to the city, on an annual basis, an amount equal to \$500.00 per linear mile, or portion thereof, of communications facilities placed and/or maintained in the public rights-of-way.
- (b) The amounts charged pursuant to this section are based on the linear miles of public rights-of way where communications facilities are placed, not based on a summation of the lengths of individual cables, conduits, strands or fibers.

- (c) The city shall discontinue charging pass-through provider fees at such time the provider begins remitting tax pursuant to F.S. § 202.19, as amended. Any annual amounts charged will be reduced by a prorated portion of any 12-month period during which the provider remits said tax.
- (d) Annual fees are due on October 1 of each year.
- (e) If the payments required by this section are not made within 90 days after the due date, the city may withhold the issuance of any permits to the registrant until the amount past due is paid in full.
- (f) Pass-through providers with communications facilities placed and/or maintained in the public rights-of-way shall provide an annual notarized statement identifying the total number of linear miles of pass-through facilities in the city's rights-of-way.
- (g) Upon request from the city or its agents, a pass-through provider must provide reasonable access to maps of pass-through facilities located in the rights-of-way. The scope of the request must be limited to only those maps of pass-through facilities from which the calculation of the linear miles of pass-through facilities in the rights-of-way can be determined. The request must be accompanied by an affidavit that the person making the request is authorized by the municipality or county to review tax information related to the revenue and mileage calculations for pass-through providers. A request may not be made more than once annually to a pass-through provider.

Sec. 132-89. - Disruption, or temporary relocation of communication facilities in the right-of-way.

- (a) *Disruption.* A provider shall not design, place, or maintain its communication facilities in a manner that will, in any way, disrupt, displace, damage, destroy, or interfere with any of the following:
 - (1) Any sewer line, storm drainage pipe, gas line, water main, pipe, conduit, wires, fiber-optics, or another providers' facilities (including any cable service provider);
 - (2) Any traffic signals, electronic crosswalk signals or facilities of the city's fire department or Pinellas County Sheriff's Office;
 - (3) Any facilities of any public entity; or
 - (4) Any property belonging to the city or any other person lawfully occupying the public rights-of-way, without first obtaining the consent of and being granted permission by the city.

Any provider who does not comply with the requirements above shall bear all responsibility and costs resulting from any such conduct and shall pay such costs upon demand.

- (b) *Relocation.*
 - (1) In the event of any widening, repairs, installation, construction, or reconstruction by or for the city, of any city road within the right-of-way in which the provider has constructed any facility, the provider shall locate, move, remove, or relocate such facility as may be required for the public convenience as and whenever specified by the city and at the provider's own expense. The same duty to locate, move, remove, or relocate applies if a 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, as amended. Relocation required for private developers will be reimbursed by the developer, as such is not a city project.

(2) When relocation is required under this section, city-owned and maintained facilities must be given priority in establishing new facilities alignments within the right-of-way.

(3) The term "locate" as used above in subsection (b)(1):

- a. Applies only to underground facilities.
- b. Requires exposure of an underground utility facility so that the location can be accurately surveyed in compliance with applicable topographic land survey standards.
- c. In lieu of exposing an underground utility facility, as referenced in the above subsection b, underground detection devices may be used to accurately locate the facility as long as the same survey standards are met.
- d. Requires timely performance of facility owner to supply location information within 90 days from written notice from the city.
- e. Requires location data to be supplied in writing, drawings, graphic, or computer files. All data must be certified by a professional land surveyor indicating location information meets land survey standards.

(4) Nothing in this chapter prohibits facility owners from contracting with other qualified firms for performance of these activities.

(5) If a person fails to commence removal or relocation of its facilities as designated by the city, within the time specified in the city's removal order, or if a person fails to timely complete such removal, including all associated restoration of the right-of-way, the city has all rights of action specified under F.S. § 337.403, as amended, including, but not limited to, removal of the facilities at the permittee's cost and expense, by another person, city staff or its contractor; and all available remedies under the sureties, at law or equity.

(c) *Temporary raising or lowering, relocation and removal.* A provider shall temporarily raise or lower its facilities to accommodate temporary encroachments or movements in, on, over, or across the public rights-of-way, subject to the following:

(1) Upon request of any person holding a valid building or moving permit from the city granting permission for such temporary encroachment or movement, the person requesting the temporary raising or lowering of facilities shall be responsible for the following:

- a. Any costs associated with the temporary raising or lowering of facilities; and
- b. Contracting and coordinating with the provider, in advance of the temporary encroachment/movement, to ensure the temporary relocation of the provider's facilities is completed in a timely and cooperative manner.

- (2) The city is neither subject to, nor liable for any such expense performed by the city or its contractors.
- (3) In the event the city requires a provider to adapt or conform any portion of such provider's communications facilities, or in any way to alter, temporarily or permanently relocate or to change any portion of same to enable any other person to use a public rights-of-way, such provider must be reimbursed by the person desiring or prompting such change for any loss, cost or expense caused by or arising out of such change, alteration or relocation.

Sec. 132-910. - Abandoned facilities.

- (a) A provider who abandons a facility in the public right-of-way shall notify the city manager, or designee, within 90 days.
- (b) The city may direct the provider by written notice to remove all or any portion of such abandoned facility, where feasible, at the provider's sole expense if the city determines that the abandoned facility interferes with the public health, safety or welfare, which includes, but is not limited to, a determination that such facility may:
 - (1) Compromise safety for any right-of-way user;
 - (2) Prevent another provider from placing or maintaining facilities; or
 - (3) Create a maintenance condition disruptive to the use of the right-of-way.
- (c) In the event that the city manager, or designee, does not direct the removal of the abandoned facility, the provider, by its notice of abandonment, consents to the alteration, use, or removal of all or any portion of the facility by another provider or the city.
- (d) If the provider fails to remove all or any portion of an abandoned facility as directed by the city manager, or designee, within a reasonable time-period, the city may perform such removal and charge all costs of the removal against the provider.
- (e) The city may independently establish that a communications facility has been abandoned. In reaching such determination, the city may request documentation and/or affidavits from the provider regarding the active use of the facility. If the provider fails to provide the requested documentation within 30 days, a rebuttable presumption exists that the provider has abandoned the communications facility. If the city manager determines that a facility was abandoned, it may take any of the steps listed above.

Sec. 132-4011. - Construction and restoration.

- (a) *City Projects.* For work done in advance of or as part of a city project, it is required that prior to the placement or maintenance of facilities in the right-of-way, a provider shall conduct a subsurface utility engineering (SUE) study on the proposed route of construction or expansion, all at provider's expense. A SUE study consists of, at a 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 above-ground features of all underground facilities along the proposed construction route, including, but not limited to, manholes, value 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 provider's proposed street maps, plan sheets, and computer aided drafting and design (CADD) files, or in such other electronic format as maintained by the provider which is acceptable to the city manager, or designee;
- (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 computer aided design and drafting (CADD) (or acceptable alternative) 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 provider shall not excavate more than a 200 millimeter by 200 millimeter (eight inches by 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 city. Upon completion of the SUE, the provider shall record all of the data collected into a CADD file, or acceptable alternate, compatible with that used by the city and deliver a copy to the city manager, or designee; and
- (9) Qualified firm. All subsurface utility engineering studies conducted pursuant to this section must be performed by a firm specializing in SUE work that is approved by the city manager or may be performed by the provider's agents or employees, if qualified.

(b) *Provider Projects.*

- (1) *Coordination of work.* Upon request of the city, provider 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 provider 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. Within the public rights-of-way, every provider shall make space available in its trench and/or conduit to other providers consistent with the federal

requirements of 47 U.S.C. § 224. Every provider shall utilize existing conduits, pathways and other facilities whenever possible, and shall not place or maintain any new, different, or additional poles, conduits, pathways and other facilities whenever possible, whether in the public rights-of-way or on privately-owned property, until written approval is obtained from the city or other appropriate governmental authority and, where applicable, from the private property owner.

- (2) *Protection of facilities.* A provider 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 city or any other person's facilities lawfully occupying the rights-of-way.
- (3) *Least disruptive technology.* 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.
- (4) *As-built.* Upon completion of each permitted construction activity, the provider shall provide the city with accurate "as-built" drawings of the facilities as installed a post-installation certification, in accordance with section 132-12 of the Code of Ordinances.
- (5) *Right-of-way restoration.* A provider shall, at its own cost and without delay, restore (replace/repair) the public right-of-way to its original condition, in compliance with the minimum city technical standards, after completion of placement or maintenance of its facility(ies) therein. If the provider fails to commence such restoration within 30 days following the completion of such placement and/or maintenance and complete such work within 90 days, the city may perform such restoration and charge the costs of the restoration to the provider in accordance with F.S. § 337.402, as amended. The provider shall, to the satisfaction of the city, maintain and correct any restorations made pursuant hereto, for a period of 18 months following the date of its completion. Upon written notice from the city regarding any failure to comply with this subsection, failure to remedy within 30 days of such notice will be sufficient grounds for denial of any future rights-of-way permits for the placement and/or maintenance of communications facilities.
- (6) The provider is responsible for any damage resulting from placement or maintenance of its facilities. This responsibility covers not only city property, but facilities lawfully placed or maintained by other providers, and includes damage caused by service interruptions or failure of the provider's facilities to function properly.
- (7) The provider shall submit a construction bond in compliance with section 132-21.

Sec. 132-1112. - Provision and filing of as-built surveys Post-installation certification.

- (a) Post-installation certification.

Within 60 days after completion of any placement of a communications facility in the public rights-of-way, the provider shall submit documentation reasonably acceptable to the city ~~the as-built survey(s)~~, at its expense, showing the final location of such facility in the public rights-of-way, ~~to the city and showing~~ that the wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data, and site photographs may be reviewed for compliance by an independent consultant retained by the city pursuant to this Ordinance. The post-installation certification shall include, without limitation, the physical site information including listing of ASR registration number, owner of record, service life, number of antennas, name of each wireless carrier using the facility, list of lengths and sizes of guy wire coil, lengths and sizes of COAX and fiber cable, COAX fiber boots, COAX fiber panels, and COAX fiber connectors, base station equipment, jaw jaw turnbuckle, grounding kit(s), lighting arrestor, lights, wave bridge, GPS receiver(s) and transmitter(s), and backup power equipment including fuel tank(s).

~~For maintenance of a communications facility which alters the configuration and/or location of such facility as depicted/described in the as-built survey on file with the city, then a new as-built survey must be filed. Such survey(s) will be filed with the city and included as part of the right-of-way permit record that was issued for the work performed. Failure of the provider to submit the required as-built survey(s) in a timely manner may cause the subject permit to be revoked and is sufficient grounds for the city to deny the issuance of any future right-of-way permits to the provider.~~

Sec. 132-~~42~~13. - Enforcement of permit obligations.

(a) *Work done without a permit.*

(1) *Emergency situations.*

- a. Each provider shall immediately notify the city manager, or designee, of any event regarding its facilities which it considers to be an emergency. The provider may proceed to take whatever actions are necessary in order to respond to the emergency. The provider may be required to obtain an "after-the-fact" permit within ten business days following the emergency work or submit revised as-built drawings, where excavation is required.
- b. In the event that the city becomes aware of an emergency regarding a provider's facilities, the city shall attempt to contact the local representative of each provider or person affected, or person potentially affected by the emergency. In any event, the city manager, or designee, may take whatever reasonable action it deems necessary in order to respond to the emergency, the provider whose facilities occasioned the emergency will bear the cost of such reasonable actions.
- c. Except for acts of willful misconduct or gross negligence and to the extent permitted by applicable law, neither the city nor its officials, consultants, agents, or employees have any liability to the provider for any claims, damages, costs, expenses, or losses resulting from the city's breakage, removal, alteration, or relocation of any facility which arose out of or in connection with any emergency situation or, in the sole discretion of the city manager, or designee, deemed necessary to facilitate any public works project, public improvement, alteration of a city structure, change in the grade or line of any public right-of-way, or the

elevation of any public right-of-way, or was found by the city commission to be in the best interest of the health, safety or general welfare of the public.

- (2) *Non-emergency situations.* Except in the case of an emergency, any person who obstructs or excavates a right-of-way or otherwise performs work in violation of this Code without a permit must subsequently obtain a permit, pay five times the normal fee for said permit (if applicable), pay five times all the other fees required by the Code of Ordinances, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

Sec. 132-1314. - Inspections, enforcement, stop work orders, and revocation of permit.

(a) *Inspection/stop work orders.*

- (1) Within one week prior to the time the work under any permit hereunder is to commence, the provider shall notify the city manager, or 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 provider shall notify the city manager, or designee.
- (3) The provider shall make the work site available to the city's 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 city's inspector may issue an order to the provider for correction of any work that does not conform to the applicable standards, permit conditions or codes. Failure to correct the violation may result in the issuance of a red tag or be cause for revocation of the permit.
- (5) ~~Work on any facility within the right-of-way that is being done contrary to the provisions of this chapter, or the terms and conditions of the permit, may be immediately stopped upon the following conditions:~~ The city inspector 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 city requirements.
 - a. In an emergency situation that may have a serious effect on health or safety;
 - b. When irreversible or irreparable harm may result, in the reasonable opinion of the city manager, or designee, and immediate cessation of the activity is necessary to protect the public and the right-of-way. The city shall provide written notice to the provider or the person performing the work, and the notice must state the conditions under which work may be resumed. Verbal notice will be sufficient in emergencies and written notice will follow. Written notice must be by hand delivery, electronic or standard mail, and may be posted at the job site, and given to the person performing the work and/or provider. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order and the

conditions under which the cited work will be permitted to resume. Where an emergency exists, verbal notice by the city manager, or designee, will be sufficient to require the stoppage of work; or

- f. Any person who actively continues any work after having been served with a stop work order, except such work as that person is directed by the city to remove a violation or unsafe condition, will be subject to penalties as provided in section 132-14. The city retains all available legal remedies to abate the work.

- (6) The inspection or permitting by the city of work under this chapter 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 provider. The provider retains full responsibility for information provided and the provider retains full responsibility for work performed at all times.

(b) *Revocation of permits.*

- (1) Permittee held permits issued pursuant to the Code of Ordinances 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 provider be construed to be an interest in real property of a property right subject to constitutional protection.
- (2) The city 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 providers includes, but is not limited to the following:
 - a. The violation of any material provision of the permit;
 - b. Any misrepresentation or fraud made or committed in the application for a permit or registration process;
 - c. Failure to promptly renew the registration or the ineffectiveness of registration;
 - d. The failure to maintain the required sureties or insurance;
 - e. The failure to obey a city directive to correct, relocate or remove an installation or facility in order to address a condition identified in this chapter; and
 - f. Suspension or revocation of a required federal or state certification or license.
- (3) Except in an emergency which could endanger health or safety, the city manager, or designee, shall issue a written notice to the provider of the breach, which must include the corrective actions to be taken by the provider and the time allowed for corrective action. In an emergency, no notice is required, and the city may take all such steps it deems necessary to safeguard the public.
- (4) In addition, the city 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 chapter or the permit or to enjoin any use of the right-of way.

~~Sec. 132-14. - General restrictions on city.~~

~~Pursuant to F.S. § 337.401(7), as amended, the city shall adhere to the requirements set forth below, regarding applications for right-of-way permits for small wireless facilities and micro-wireless facilities, subject to this chapter. Refer to additional requirements set forth in the respective sections noted below.~~

- ~~(1) Small wireless facilities collocation application for collocation on existing, non-city poles (refer also to section 132-17).
 - ~~a. The city may not directly or indirectly require a wireless provider applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the city, including reserving fiber, conduit, or pole space for the city;~~
 - ~~b. A wireless provider applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate said applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the small wireless facilities collocation application;~~
 - ~~c. The city may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole; and~~
 - ~~d. The city may not limit the placement of small wireless facilities by minimum separation distances; however, the city may require reasonable spacing requirements for ground mounted equipment.~~~~
- ~~(2) Small wireless facilities collocation application for new non-city utility pole to support small wireless facilities (refer also to section 132-17). The applicable requirements are set forth in subsection (1) above.~~
- ~~(3) Small wireless facilities collocation application for collocation on city pole (refer also to section 132-17). Refer to the requirements set forth in subsection (1) above.~~

~~Sec. 132-1514. - Permits required and duration.~~

~~(a) Permits required.~~

- ~~(1) Pursuant to the requirements of this chapter, any use of the public rights-of-way requires a right-of-way permit, with the exception of the activities specifically listed below:
 - ~~a. Emergency actions, with the city reserving authority to require an after-the-fact permit;~~
 - ~~b. Routine maintenance and/or repair of communications facilities and/or utility poles authorized to be located within the public rights-of-way;~~
 - ~~c. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or~~~~

- d. Installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cable strung between existing utility poles in compliance with applicable codes by or for a provider authorized to occupy the rights-of-way and who is remitting taxes pursuant to F.S. § 202.19, as amended. An initial letter from or on behalf of the provider attesting that the dimensions of the proposed installation of micro-wireless facilities comply with the size limits pursuant to F.S. § 337.401(7)(b)9. is required.
- (2) Notwithstanding this section, the city may require a right-of-way permit for work that involves excavation (regardless of time needed to perform such activity(ies) or closure of a sidewalk and/or vehicular lane(s)).
- (3) Emergency action. Any person who performs work in the public rights-of-way in connection with an emergency action without a permit shall immediately notify the city of the emergency action. The person shall cease all work immediately upon completion of emergency action. The person shall also cease all work immediately upon receipt of a city stop work order determining the situation does not involve an emergency or that the emergency action is no longer warranted.
- (b) *Permit duration.* Unless revoked by the city pursuant to this chapter, canceled or withdrawn by the wireless provider applicant, or otherwise nullified by a court of law with jurisdiction over such matters, a right-of-way permit issued pursuant to this chapter will remain effective for a maximum of one year. Extensions of time beyond the initial one-year period may be requested by the wireless provider applicant and granted in no more than three-month increments, at the discretion of the city manager or designee.

Sec. 132-1615. - Permit procedures.

- (a) *Generally.*
 - (1) Pursuant to the requirements of this chapter, F.S. § 337.401, as amended, and applicable federal law, providers may place and maintain wireless facilities, small wireless facilities, and micro-wireless facilities within public rights-of-way, subject to the specific permit requirements and procedures.
 - (2) Notwithstanding paragraph (1), the city may prohibit or limit the placement of new or additional wireless facilities within the public rights-of-way if there is insufficient space to accommodate all of the requests to place and maintain facilities and utilities in the proposed location of the public rights-of-way, or to accommodate city approved plans for public improvements, capital improvements projects or projects the city determines are in the public interest.
 - (3) Wireless facilities, including but not limited to small wireless facilities and utility poles for the collocation of small wireless facilities shall not be placed in a location which violates rules and regulations set by Occupational Safety and Health Administration or the National Electrical Safety Code or the North American Electric Reliability Corporation standards. When consultant review is necessary to ensure the effective evaluation of these rules and regulations, the provider shall be responsible for any such costs as specified in Sec. 132-24.

- (4) No communications facilities, including but not limited to small wireless facilities or utility poles for the collocation of small wireless facilities shall be placed or maintained in any location that is subject to or that would interfere with the city's drainage plan or that would interfere with the city's storm water management facilities, or flood plain management areas.
- (5) Prior to submitting a consolidated small wireless facilities collocation application, unless otherwise determined by the city, the wireless provider applicant is invited to schedule and attend a pre-application meeting with the city, in order to determine the scope of the request, efficient processing schedule, and what documentation will be necessary to support said application.
- (b) *Permit for collocation of small wireless facilities on existing non-city utility pole.* As part of any permit application to collocate a small wireless facility application on an existing, non-city utility pole, a wireless provider applicant shall include with the small wireless facility collocation (SWFC) application submittal, at a minimum, the information described below. SWFC applications that propose replacing existing, non-city poles, will be accepted and processed by the city, in accordance with subsection (c) below.
- (1) Minimum application submittal requirements. No permit shall be issued unless a wireless provider applicant submits a written application to the city, in accordance with this chapter. A SWFC application for a permit shall be filed in the form and manner specified by the city, (such as in an electronic form acceptable to the city) and contain such information as may be required by the city, including, at a minimum, the information contained in this section. The city may require the wireless provider applicant to provide such additional information as the city deems necessary to complete its review of a requested permit. ~~Pursuant to F.S. § 337.401(7)(d)(2), as amended, the city shall not require a wireless provider applicant to provide more information than is necessary to demonstrate compliance with applicable codes.~~ At a minimum, the wireless provider applicant shall submit the following information in its application:
- a. The name, address, electronic mail address, and phone number (cellular number if available) of the wireless provider applicant who is requesting the permit and written evidence that such wireless provider applicant has legal authority to place, maintain, or remove the equipment or facilities covered by the requested permit in the public rights of-way and will own and/or control all such equipment and facilities after completion of construction;
 - b. A description of the facilities/equipment, dimensions, and proposed locations of all equipment and facilities covered by the requested permit;
 - c. The specific location, depth, dimensions, and length of each proposed new or replacement duct, conduit, or other underground facility and the specific location, depth, dimensions, and height of any utility pole covered by the requested permit, to the extent necessary to demonstrate compliance with applicable codes;
 - d. A description of the manner in which the work covered by the requested permit is to be undertaken (i.e., proposed construction methods and techniques) and a proposed date for commencement of work and an estimate of the time required to complete all such work;

- e. A city-approved maintenance-of-traffic plan for vehicular, bicycle, and pedestrian traffic in the area to be affected by the proposed work (including a construction schedule and completion date);
- f. Proof of insurance, acknowledgment of indemnification, and construction bond(s);
- g. Identification and description of any utility or other distribution or transmission system to which any equipment or facility covered by the requested permit is to be connected or attached;
- h. Sufficient specificity demonstrating compliance with the Florida Building Code, most current edition, specifically including, but not limited to, terms of compliance with the high velocity zone criteria specified therein;
- i. The global positioning system (GPS) coordinates of the proposed facility. The GPS coordinates must be based on the reading from a handheld mobile GPS unit set to Datum NAD 83 and WGS 84. GPS coordinates based on Google Earth or similar software application may be used where areas of shading occur due to overhead canopy. GPS coordinates must be provided in decimal degrees at a six decimal point precision;
- j. Engineering drawings signed and sealed by a structural engineer, which depict:
 - 1. Details and specifications that demonstrate compliance with applicable codes;
 - 2. Public rights-of-way in the affected area of the proposed construction;
 - 3. A survey of locations of all existing equipment and facilities in the area of proposed construction;
 - 4. All equipment and facilities to be installed and/or removed;
 - 5. The routes of all transmission and distribution lines to be installed or removed; and
 - 6. The sites of all other equipment and facilities to be installed or removed in the public rights-of-way.
- k. Proof of pole attachment agreement and/or letter of authorization for pole attachment from pole owner or authorized agent;
- l. Payment of all uncontested money past due to the city for:
 - 1. Prior and current construction permits issued to applicant;
 - 2. Any loss, damage, or expense suffered by the city as a result of applicant's prior construction in the right-of-way or any emergency actions taken by the city; and
 - 3. Any use agreement, license, or franchise issued to the applicant.
- m. Photographic or video documentation of the pre-construction condition of the public rights-of-way in the area by the proposed work;

- n. A restoration plan and a good faith estimate of the cost of restoration of the public rights of-way. Such good faith estimate may be accepted by the city manager, or designee, unless the city determines such estimated costs are not representative of the actual costs of the restoration of the public rights-of-way. Estimates of the cost to restore the public rights-of-way shall include all costs necessary to restore the public rights-of-way to its original condition, in compliance with minimum city technical standards. Such good faith estimate may include, but are not to be limited to, costs to restore the paving, curbs/gutters, sidewalks, multi-purpose trails, and landscaping. All planted or naturally occurring shrubbery or vegetation, including sod and/or other ground cover, damaged or destroyed during work in the public rights-of-way must be replaced. Any tree pruning and/or removal approved as part of the permit must not be considered damage or impairment to be restored to the original condition, provided the provider complies with the approved mitigation plan and American National Standards Institute (ANSI) pruning standards, as applicable; and
 - o. Design standards. The wireless provider applicant shall provide ~~a description of and sufficient details and specifications~~ the items listed in section 132-7(a)(4) - (8) and (10) - (12) to demonstrate compliance with design standards to be utilized to minimize the visual impacts, in accordance with section 132-176.
- (2) *Application quantity.* A wireless provider applicant seeking to collocate small wireless facilities may, at said applicant's discretion, file a consolidated SWFC application and receive a single permit for the collocation of up to 30 small wireless facilities.
- (3) *Decision and notice for application submittal completeness.* Within 14 days after receiving a SWFC application, the city shall determine and notify the wireless provider applicant by electronic mail as to whether said application is complete.
- a. If the SWFC application is deemed incomplete, the city shall specifically identify the missing information and request that applicant waive the Florida shot clock pursuant to section 132-7(c).
 - b. If the SWFC application includes a consolidated application for multiple small wireless facilities, the city may separately address small wireless facility collocations for which incomplete information has been received pursuant to the procedures outlined in section 132-7(a)(14).
 - c. ~~A SWFC application is deemed complete if the city fails to provide notification to the wireless provider applicant within 14 days of the application filing date.~~
- (4) *Decision and notice for application (permit issuance/denial).* ~~The city shall process a A SWFC application must be processed on a nondiscriminatory basis, and is subject to the following: in accordance with the completeness review procedures outlined in section 132-7(d) and (h).~~
- a. ~~A complete SWFC application is deemed approved if the city fails to approve or deny the application within 60 days after receipt of the application.~~

- b. If the SWFC application includes a consolidated application for multiple small wireless facilities, the city may separately address small wireless facility collocations which are denied shall review the consolidated application in accordance with section 132-7(a)(14).
 - c. The city shall notify the wireless provider applicant of approval or denial by electronic mail. If the SWFC application is denied, the city shall specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the wireless provider applicant by electronic mail. The date the electronic mail is sent will be the date of denial.
 - d. If the city does not use the 30-day negotiation period provided in subsection (e) below, the parties may mutually agree to extend the 60-day application review period. The city manager, or designee, shall grant or deny the SWFC application at the end of the extended period.
 - e. The wireless provider applicant may cure the deficiencies identified by the city and resubmit the SWFC application within 30 days after notice of the denial is sent to the wireless provider applicant. The city shall ~~approve or deny the revised SWFC application within 30 days after receipt of application or it will be deemed approved~~ provide for administrative review and shall complete its review and issue a written decision within 45 days. Any subsequent review will be limited to the deficiencies cited in the denial.
- (5) *Alternative location.* Within 14 days after the date of filing the SWFC application, the city may request that either the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to "make ready" provisions), support structure, or request the wireless provider applicant to construct a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the wireless provider applicant, the wireless provider applicant must notify the city of such acceptance and the application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider applicant must notify the city of such non-agreement and the city must grant or deny the original SWFC application within 90 days after the date said application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
- (6) *Permit review criteria.*
- a. The city shall approve a SWFC application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria and applicable codes:
 - 1. The height of a small wireless facility is limited to ten feet above the existing utility pole upon which the small wireless facility is to be collocated.
 - 2. The height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade. Within 500 feet

in any direction, of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;

3. The small wireless facilities collocation application must demonstrate compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-176.
 4. The SWFC application demonstrates compliance with the requirements set forth in sections 132-221, 132-232, and 132-243 for insurance, indemnification, and construction bonds, if applicable.
 5. *Airport airspace protections.* The small wireless facilities collocation application includes evidence of and statement that any structure to be installed pursuant to this chapter must comply with F.S. ch. 333, as amended, and federal regulations pertaining to airport airspace protections.
- b. The city may deny a proposed collocation of a small wireless facility in the public rights-of-way, if the proposed collocation:
1. Materially interferes with the safe operation of traffic control equipment;
 2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code section 6.21;
 3. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;
 4. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or
 5. Fails to comply with criteria set forth in subsection (6), permit review criteria above, applicable codes, or design standards set forth in section 132-176.
- (c) *Permit for new non-city utility pole to support small wireless facilities.* As part of any permit application to place a new non-city utility pole to support the collocation of a small wireless facility(ies), a wireless provider applicant shall provide a SWFC application that includes, at a minimum, the information described below. Applications that propose replacing existing non-city poles, will be accepted and processed by the city, in accordance with this section.
- (1) *Minimum application submittal requirements.* No permit will be issued unless a wireless provider applicant submits application to the city, in accordance with this chapter. An application for a permit must be filed in accordance with submittal requirements set forth in subsection (6) below and include the following additional information:
- a. As part of the required construction plans, the survey must also include all utility poles located in the same right(s)-of-way as the proposed pole(s), identifying the height of the existing pole(s) as measured from existing grade, within 500 feet in any direction; and

- b. A SWFC application from a wireless infrastructure provider must include an attestation by an officer of the registrant that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider, to provide service, within nine months after the date the application is approved.
- (2) *Application quantity.* An application to collocate small wireless facilities on a new non-city pole will be limited to one new pole per application, unless otherwise determined by the city during the pre-application conference or in writing.
- (3) *Decision and notice for application submittal (completeness).* Refer to ~~subsection (b)(3)~~ section 132-7(d) above.
- (4) *Decision and notice for application (permit issuance/denial).* Refer to ~~subsection (b)(4)~~ section 132-7(h) above.
- (5) *Alternative location.* Within 14 days after the date of filing the SWFC application, the city may request that the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to "make ready" provisions set forth in subsection (d)(7) below, or support structure, or request the wireless provider applicant to place a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the wireless provider applicant, the wireless provider applicant must notify the city of such acceptance and the SWFC application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider applicant must notify the city of such non-agreement and the city must grant or deny the original SWFC application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
- (6) *Permit review criteria.*
 - a. The city shall approve an application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria and applicable codes:
 1. The height of a small wireless facility is limited to ten feet above the utility pole upon which the small wireless facility is to be collocated;
 2. The height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade. Within 500 feet in any direction, of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;

3. The application demonstrates compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-176;
 4. The application demonstrates compliance with the requirements set forth in sections 132-221, 132-232, and 132-243 for insurance, indemnification and construction bonds; and
 5. *Airport airspace protections.* The application includes evidence of and statements that any structure to be installed pursuant to this chapter complies with F.S. ch. 333, and federal regulations pertaining to airport airspace protections.
- b. The city may deny a proposed collocation of a small wireless facility in the public rights-of way, if the proposed collocation:
1. Materially interferes with the safe operation of traffic control equipment;
 2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code section 6.21;
 3. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;
 4. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or
 5. Fails to comply with criteria set forth in subsection (6), permit review criteria above, applicable codes, or design standards set forth in section 132-176.
- (d) *Permit for collocation of small wireless facilities on city pole.* As part of any permit application to collocate small wireless facilities on a city pole, a wireless provider applicant shall provide a permit application that includes, at a minimum, the information described below:
- (1) *Minimum application submittal requirements.* No permit will be issued unless a wireless provider applicant submits a written application to the city, in accordance with this subdivision. An application for a permit must be filed in accordance with the submittal requirements set forth in subsection (b)(1) above.
 - (2) *Application quantity.* An application must be limited to the quantity set forth in subsection (b)(2) section 132-7(a)(14) above.
 - (3) *Decision and notice for application submittal (completeness).* The city shall determine and notify the wireless provider applicant by electronic mail pursuant to the time frames set forth in subsection (b)(3) section 132-7(d) above.
 - (4) *Decision and notice for application (permit issuance/denial).* An application will be processed on a nondiscriminatory basis, subject to the following:

- a. ~~Complete application is deemed approved if the city fails to approve or deny the application within 60 days after receipt of the application. The city shall request that applicant waive the completeness review and permit review timeframes pursuant to section 132-7(c).~~
 - b. If the application includes a consolidated application for multiple small wireless facilities, the city ~~may~~ shall review the consolidated application in accordance with section 132-7(a)(14).
 - c. The city shall notify the wireless provider applicant of approval or denial by electronic mail. If the application is denied, the city shall specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to said applicant by electronic mail. The date the electronic mail is sent will be the date of denial.
 - d. If the city does not use the 30-day negotiation period provided herein, the parties may mutually agree to extend the 60-day application review period. The city manager, or designee, shall grant or deny the application at the end of the extended period.
 - e. The wireless provider applicant may cure the deficiencies identified by the city and resubmit the application within 30 days after notice of the denial is sent to the wireless provider applicant. ~~The city shall approve or deny the revised application within 30 days after receipt of the application is deemed approved~~ provide for administrative review and complete its review and issue a written decision within 45 days. Any subsequent review will be limited to the deficiencies cited in the denial.
- (5) *Alternative location.* Within 14 days after the date of filing the application, the city may request that the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to "make ready" provisions set forth in subsection (7), below, support structure, or request the wireless provider applicant to place a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if alternative location is accepted by the wireless provider applicant, said applicant must notify the city of such acceptance and the application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider applicant must notify the city of such non-agreement and the city must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
- (6) *Permit review criteria.*
- a. The city shall approve an application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria, applicable codes, and applicable make-ready provisions (refer to subsection 2. below);

1. The height of a small wireless facility is limited to ten feet above the existing utility pole upon which the small wireless facility is to be collocated;
2. The height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade, within 500 feet in any direction, of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;
3. The application demonstrates compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-176.
4. The application demonstrates compliance with the requirements set forth in sections 132-221, 132-232, and 132-243 for insurance, indemnification, and construction bonds; and
5. Airport airspace protections. The application includes evidence of and statement that any structure to be installed pursuant to this chapter complies with F.S. ch. 333, and federal regulations pertaining to airport airspace protections.

(7) City make-ready provisions.

- a. Pursuant to F.S. § 337.401(7)(f)(5)(b), as amended, for a city-owned utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. § 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement, if necessary.
- b. Pursuant to F.S. § 337.401(7)(f)(5)(c), as amended, for a city-owned utility pole that does not support an aerial facility used to provide communications services or electric service, the city shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the wireless provider applicant.
- c. Make-ready alternative. Alternatively, pursuant to F.S. § 337.401(7)(f)(5)(c), as amended, the city may require the wireless provider applicant seeking to collocate small wireless facility to provide a make-ready estimate, at said applicant's expense, for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The city may not condition or restrict the manner in which the wireless provider applicant obtains, develops, or provides the estimate or conducts the make-ready work, subject to

usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole remains the property of the city.

- d. Pursuant to F.S. § 337.401(7)(f)(5)(d), as amended, the city shall not require more make-ready work than is required to meet applicable codes and/or industry standards. Fees for make-ready work will not include costs related to pre-existing damage or prior noncompliance. Fees for make-ready work, including any pole replacement, will not exceed annual costs or the amount charged to communication services providers, other than wireless services providers, and will not include any consultant fee or expense.
- e. The city may reserve space on city utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the city utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole must accommodate the future public safety use.

(8) Collocation of small wireless facilities on city utility poles is subject to the following requirements:

- a. The city shall not enter into an exclusive arrangement with any person for the right to attach equipment to city utility poles.
- b. The rates and fees for collocations on city utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

(9) The city may deny a proposed collocation of a small wireless facility in the public rights-of-way, if the proposed collocation:

- a. Materially interferes with the safe operation of traffic control equipment;
- b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code section 6.21;
- c. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;
- d. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or
- e. Fails to comply with criteria set forth in subsection (6) above, applicable codes, or design standards set forth in section 132-176.

Sec. 132-1716. - Design standards.

(a) *Purpose and intent.* Above ground and underground facilities, communication facilities, utility poles, and associated facilities and equipment must be designed in such a manner to ensure such

facilities and poles are placed in locations that do not interfere with the safe operation of traffic control equipment and movement of the traveling public. These facilities and poles must be designed to maximize compatibility with the affected area (a 500-foot radius of the proposed location) and to minimize any negative visual impact on that area. Pursuant to F.S. § 337.401(7), as amended, the following design standards must apply, ~~unless waived pursuant to section 132-19.~~

(b) *General placement requirements within public rights-of-way.*

- (1) *Above ground facilities, communication facilities, utility poles, and associated ground mounted facilities and equipment.* Such facilities and equipment must not create any safety hazard(s) or physical or visual obstruction to vehicular, bicycle, and/or pedestrian traffic.
- (2) *Communications facilities placement within public rights-of-way.* Communications facilities must be placed between the property line and the curb line of all streets and must not be within the roadway recovery or road shoulder area. ~~Setbacks from property lines shall be based on site-specific aesthetic and concerns but for the purposes of structural safety there shall be a minimum setback of at least 125% of the height of the facility from any existing developed structure or structure for which a site plan or permit has been submitted and deemed complete, as measured from the closest point of the structure which is the minimum distance necessary, as determined by the city, to satisfy the structural safety or aesthetic concerns that are to be protected by the setback.~~
- (3) Underground cables, where required, must have consistent alignment parallel with the edge of pavement, a 36-inch depth of cover for the paved portion of roadways, a 24-inch to 30-inch depth of cover in all areas except the paved portion of roadways, and must have a two-foot horizontal clearance from other underground utilities and their appurtenances.
- (4) *Grounding rods and pull boxes.* 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 the ground rod must be inside an underground conduit. All pull boxes must be vehicle load bearing, comply with Florida Department of Transportation (FDOT) Standard Specification 635 and be listed on the FDOT Approved Products List. A concrete pad must be installed around all pull boxes not located in the sidewalk. No new or replacement pull boxes must be located in pedestrian ramps.
- (5) *Signs.* No signs may be permitted on or attached to communications facilities or utility poles in public rights-of-way, unless otherwise required by federal or state law. Any existing facility or structure that lawfully supports signs may continue to support such signs, as otherwise permitted by city code or state or federal law, as amended.
- (6) *Other associated ground mounted facilities and equipment.* Ground-mounted equipment for small wireless facilities must be located within a ten-foot radius of the utility pole supporting such facility and, if possible, in areas with existing foliage or other aesthetic features to obscure the view of the ground-mounted equipment. The ground-mounted equipment ~~must~~ may use either wrap or paint, that is similar to the pole color or other alternatives. If the city has a planned future project to replace facilities or equipment in the subject public rights-of-way, the replacement facilities or equipment proposed in the application or SWFC application must conform to the city's updated design, material, and color.

Commented [RB2]: Moved to chapter 131 only

- (7) *Separation from driveways and hydrants.* Communications facilities and utility poles must be located at least three feet from a driveway apron and at least four feet from a fire hydrant.
- (8) *New and replacement utility poles; general, city-wide placement and maintenance standards.*
- a. New utility poles, where permitted, must be placed between the property line and the curb line of all streets and may not be within the roadway recovery area. The lowest wire on any of such poles, placed in any public rights-of-way open to vehicular, bicycle, and/or pedestrian traffic may not be less than 18 feet from the ground and, whenever telephone and electric power wires cross each other, wires must cross and be maintained in accordance with ~~the National Electrical Code, the National Electrical Safety Code and the "Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines" established by the Department of Commerce, Bureau of Standards of the United States, as amended~~ applicable codes;
 - b. New utility poles, where permitted, must be made of the similar design, material, and color as other utility poles within the same public right-of-way (within 500 feet in any direction along that right-of-way). When colocation on an existing pole with existing lighting fixture, the lighting fixture shall be replaced if necessary and desired by the city or adjacent property owner. ~~When poles within this radius are predominantly light poles, the new utility pole shall provide a lighting fixture of similar sheathing and shielding design, color, and height relative to other poles unless waived by the city.~~ Where no utility poles exist within the aforementioned right-of-way, black enamel/paint-clad metal or concrete poles are required, and such poles are generally preferred throughout the city, as applicable;
 - c. All applications to place new poles shall include a full color photo-simulation showing the proposed new pole, facility, and/or wireless support structure installed in accordance with the application from the point of view of properties adjacent to the proposed site;
 - d. Newly-installed poles, towers and wireless communications facilities should be located in areas with existing foliage or other aesthetic features to the extent possible in order to obscure the view of the pole, tower or wireless communications facility.
 - e. Landscaping, shall be restored after any installation in a manner and degree approved by the city and shall meet all city right of way landscaping requirements, ~~shall be required to mitigate the visual impact of a new wireless communications facility, its supporting structure and all equipment associated therewith. The registrant and permittee shall be responsible for maintaining and replacing or expanding if needed as determined by the city, landscaping shielding views of the wireless communications facility, its supporting structure and equipment.~~
 - f. New poles, where permitted, must adhere to the protection and pruning standards, as set forth in Land Development Code section 22.10, located in the public rights-of-way and/or on private property. A provider shall not prune, remove, or irreversibly damage any protected tree, as defined in Land Development Code sections 22.11 through 22.14, unless such activity is authorized by a permit issued by the city;

- g. Replacement utility poles must be of similar design, material, and color of the existing pole being replaced; however, black enamel/paint-clad metal or concrete poles, are preferred. The replacement pole must be located in approximately the same location as the existing pole. When the predominant or ancillary purpose of the replaced pole is to provide street or pedestrian lighting, the replacement utility pole shall provide a lighting fixture of similar sheathing and shielding design, color, and height relative to other poles unless waived by the city. The replacement pole must continue to serve its primary function. If the city has a planned future project to replace utility poles in the subject public rights-of-way, the replacement poles proposed in the application or small wireless facilities collocation application must conform to the city's updated design, material, and color;
- h. At-grade facilities, aerial wireline facilities and utility poles in the right-of-way shall comply with undergrounding requirements of the city that prohibit above ground structures in the right-of-way, as applicable; and
- i. Guidance for location. The city strongly encourages:
 1. Utility poles should be placed equal distance between existing utility poles, if any, within the right-of-way;
 2. ~~For placement within residential-zoned districts. At grade facilities and utility poles should be placed either at the common property line of the parcels that abut the right-of-way or another location that demonstrates the least impact to access such parcels. At grade facilities and utility poles should be placed such that the view from principal structures within the residential districts are not significantly impaired; and With respect to location, ground-mounted small wireless facilities up to 28 cu. ft. in dimension shall be located within a ten (10) foot radius of the existing structure or utility pole for the collocated small wireless facility. Registrants are encouraged to locate new ground-mounted small wireless facilities with reasonable spacings at of at least three hundred (300) feet technically feasible, alternative locations from other ground-mounted small wireless facilities in the public rights-of-way. Such ground-mounted small wireless facilities shall be installed in a location that is substantially similar to the location used for the installation of other ground-mounted equipment in the public rights-of-way meets the locational requirements . By way of example, if a ground-mounted equipment cabinet associated with a utility pole is installed in the bulb-out within the public rights-of-way, a ground-mounted small wireless facility shall be installed in a bulb-out and shall be concealed with substantially similar landscaping in accordance with the city code and maintained by the registrant at its cost and expense for as long as the facility remains in the public rights-of-way to ensure pursuant to Florida Statutes sections 337.401(7)(g) and (h) the placement of proposed ground equipment and communications facilities does not:~~
 - ~~a. Materially interfere with the safe operation of traffic control equipment.~~
 - ~~b. Materially interfere with sight lines or clear zones for transportation, pedestrians, or public safety purposes.~~
 - ~~c. Materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.~~
 - ~~d. Materially fail to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.~~

- e. Fail to comply with applicable codes.
- f. Fail to comply with objective design standards authorized under 337.401(7)(r).

~~2.~~

3. Non-residentially zoned districts. At grade and utility poles should be placed either at the common property line of the parcels that abut the right-of-way or another location that demonstrates the least impact to access such parcels.

(c) ~~No placement in residential districts. The city strongly discourages placement in residential districts. When a small wireless facility is proposed to be installed within a residential district within the extent described in Section 7.2. of the Land Development Code, the City shall as part of its Section 132-7 timeframe extension request ask the provider to relocate the facility to a nonresidential district. General stealth design requirements within public rights-of-way, city-wide.~~

- (1) The small wireless facility, electric meters and disconnect switches may be mounted on the exterior of the pole and must be concealed with use of shrouds that are similar to the pole color and texture;
- (2) No exposed wires, cables, conduits, etc., attached to poles; preferred if such are placed internal to pole, but if not possible then such attachments must be concealed with use of shrouds that are similar to the pole color and texture;
- (3) Other components, such as back-haul, where housed above-ground, must be placed within a cabinet box, or other such container that are concealed with durable materials or paint that are similar to the pole color or includes other imagery in context with the location of equipment (i.e., imagery of vegetation, architectural/geometrical patterns, or equivalent); and
- (4) Unless otherwise provided by state or federal laws or regulations, a small wireless facility is prohibited from having any type of light, lighted signal, or illumination.

(d) ~~The City shall be eligible to waive objective design standards subject to the considerations of F.S. 337.401.(r).~~

~~Sec. 132-18. - Waiver of objective design standards for small wireless facilities.~~

- (a) ~~Objective design standards provided in section 132-17 may be waived by the city manager, or designee, upon the wireless services provider demonstrating to the city, that the objective design standards are not reasonably compatible for the particular location of a small wireless facility or that the objective design standards impose an excessive expense. The objective design standards may also be waived to comply with 47 U.S.C. § 332 pertaining to gap in coverage.~~
- (b) ~~A request for a waiver must be filed contemporaneously with the SWFC application. The request for waiver must contain each section or subsection for which a waiver is being sought. A request for a waiver must include a detailed explanation, which supporting engineering or other data, as to why a waiver from the requirements of this chapter is required. For waivers based on 47 U.S.C. § 332, the request for waiver must demonstrate that denial of the SWFC application will result in a~~

~~significant gap in a wireless service provider's coverage, and that the proposed facility is the least intrusive means for closing that gap within said wireless service provider's network.~~

~~(c) In granting any waiver, the city may impose conditions to the extent the city concludes such conditions are necessary to minimize any adverse effects of the proposed small wireless facility within a 500-foot radius of the proposed location, or to protect the health, safety, and welfare of the public.~~

~~(d) The city shall grant or deny a request for a waiver within 45 days after receiving such request.~~

Sec. 132-1918. - Administratively approved uses.

The following use may be approved by the city manager, or designee after conducting an administrative review:

- (1) Locating antennas on existing structures or towers consistent with the terms of below:
 - a. Antennas on existing non-tower structures. Any antenna which is attached to an existing non-tower structure shall be approved by the city manager, or designee, as an accessory use to any commercial, or institutional, or multifamily structure of eight or more dwelling units, provided:
 1. The antenna does not extend more than 30 feet above the highest point of the structure;
 2. The antenna complies with all applicable FCC and FAA regulations; and
 3. The antenna complies with all applicable ~~building~~ codes.

Upon receipt of an application for such above use, the city manager shall notify the city commissioner of the district in which the proposed use is located.

Sec. 132-2019. - Appeals.

Any person adversely affected by a decision of the city manager, or designee, in the permitting, enforcement or interpretation of any of the terms or provisions of this chapter may appeal that decision to the city commission if an appeal to the City Commission is not preempted by Florida Statutes, as may be amended from time to time. Such appeal must be taken by filing written notice with the city manager, or designee, with a copy to the city clerk, within 30 days after the decision of the city manager, or designee. Each appeal must 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. Where a notice of appeal to the city manager, or designee, is not timely filed as provided in this section, such right to appeal is waived. If an appeal is preempted by Florida Statutes, then an appeal shall be filed with a court of competent jurisdiction.

Sec. 132-2120. - Insurance.

- (a) A provider shall provide, pay for, and maintain with companies satisfactory to the city, the types of insurance described in this section. All insurance must be from responsible companies duly authorized to do business in the state and having a financial rating in Best's Insurance Guide of B+

Class VI A-Class VII or better. All liability policies must provide that the city is an additional insured as to such provider's operations in the public rights-of-way and must provide the severability of interest provision. The required coverages must be evidenced by properly executed certificates of insurance on forms furnished by the official. Certified copies of the policies required by this section are acceptable in lieu of such certificates of insurance and must be furnished at the time of application to the official within five days of the city's request therefore. Renewal certificates must be provided to the city at least ten days' prior to the expiration of the current coverages. The certificates must be manually signed by the authorized representative of the insurance company. Thirty days' advanced written notice by registered or certified mail must be given to the city of any cancellation intent not to renew or reduction in the policy coverages. Provider shall also notify risk management within 24 hours after the receipt of any notices of expiration, cancellation, non-renewal or material management. Companies issuing the insurance policies must have no recourse against the city for payment or premiums or assessments or for any deductibles which are the sole responsibility and risk of the provider. The policy clause "other insurance" will not apply to any insurance coverage currently held by the city, to any such future coverage, or to the city's self-insured retentions of whatever nature.

- (b) The limits and types of coverage of insurance required will not be less than the following:
- (1) *Commercial general liability insurance.* Commercial general liability insurance must be written on ISO Occurrence Form CG 00 01 or an equivalent substitute form to cover liability arising from premises and operations, independent contractors, products and completed operations, personal and advertising injury, blanket contractual, and XCU exposures, unless waived by the city. Completed operations liability coverage must be maintained for a minimum of one year following the cessation of the placement of communications facilities in the public rights-of way. The combined bodily injury and property damage limit must not be less than \$5,000,000.00 each occurrence and annual aggregate and must apply specifically to the provider's activities in the public rights-of-way.
 - (2) *Automobile liability insurance.* Automobile liability insurance must be maintained in accordance with the laws of the state as to the ownership, maintenance and use of all owned, non-owned, leased and hired vehicles. The combined bodily injury and property damage limit must not be less than \$5,000,000.00 each accident.
 - (3) *Workers' compensation/employer's liability insurance.* Workers' compensation insurance must cover all employees engaged in work for the provider in accordance with the laws of the state. The employer's liability limit must not be less than \$500,000.00 disease each employee, \$500,000.00 disease aggregate and \$500,000.00 each accident.
 - (4) *Environmental pollution liability Insurance.* The permittee shall procure and maintain at its expense or cause its contractor or subcontractor to procure and maintain throughout the term of this permit, Contractors Pollution Liability Insurance including contractual liability coverage to cover liability and legal expenses arising out of cleanup, removal, storage, or handling of hazardous or toxic chemicals, materials, substances, or any other pollutants by the permittee or any subcontractor resulting from pollution conditions associated with the personal wireless services facility in an amount not less than \$1,000,000 each occurrence combined single limit for bodily injury and property damage.

- (c) Notwithstanding the foregoing, a provider may provide such coverage through an actuarially sound and prudent self-insurance program that is satisfactory to the city.

Sec. 132-~~222~~1. - Construction bond.

- (a) The city may shall require a construction bond in compliance with F.S. § 337.401, as amended, to secure restoration of the postconstruction rights-of-way to the preconstruction condition.
- (b) The construction bond must be limited to not more than 18 months after the construction to which the bond applies is completed.
- (c) For any financial obligation required by an authority allowed under this section, the city shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile.
- (d) A provider of communications services may add an authority to any existing insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority's negligence, gross negligence, or willful conduct.

Sec. 132-~~232~~2. - Indemnification.

- (a) By reason of the acceptance of a registration or a permit under this chapter, the city does not assume liability for injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or for claims or penalties of any sort resulting from the installation, placement, maintenance, and/or operation of communication facilities by registrants or activities of registrants.
- (b) To the fullest extent permitted by state law, a registrant shall defend, indemnify, and hold the city whole (including the members of its commission, board, its officers, officials, agents and employees) and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, placement, installation, maintenance, repair or operation of its communications facilities, whether any act or omission complained of is authorized, allowed, or prohibited by a permit, inspection of plans or work by the city, except to the extent that such claims are caused by the sole negligence or willful misconduct of the city. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the city; and the registrant, in defending any action on behalf of the city, shall be entitled to assert in any action every defense or immunity that the city could assert in its own behalf. The provisions of this section include, but are not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding(s).
- (c) The city agrees to notify the registrant, in writing, within 30 days of the city receiving notice, of any issue it determines may require indemnification.

- (d) This indemnification obligation is not limited in any way by a limitation of the amount or type of damages or compensation payable by or for the registrant under workers' compensation, disability, or other employee benefit acts, or the acceptance of insurance certificates required under this chapter, or the terms, applicability, or limitations of any insurance held by the registrant.
- (e) The registrant shall investigate, handle, respond to, provide defense for, and defend any such claims at its sole expense and shall bear all other costs and expenses related thereto, even if the claim is groundless, false, or fraudulent, and if called upon by the city, the registrant shall assume and defend not only itself but also the city, in connection with any such claims and any such defenses shall be at no cost or expense whatsoever to the city, provided the city retains the right to select counsel of its own choosing. The city may not settle or compromise any matter for which a registrant is obligated to indemnify without the prior written consent of the registrant. The registrant shall not unreasonably withhold such consent.
- (f) The city does not waive any rights against the registrant, which it may have because of this indemnification, or because of the acceptance by, or the registrant's deposit with the city of any of the insurance policies required by this chapter for registration.
- (g) This indemnification by the registrant applies to all damages and claims for damages of any kind suffered regardless of whether such insurance policies have been determined to be applicable to any such damages or claims for damages.
- (h) Nothing contained in this section will be construed or interpreted as denying to either party any remedy or defense available to such party under the laws of the State of Florida or as a waiver of sovereign immunity beyond the waiver provided in F.S. § 768.285, as amended.
- (i) The indemnification requirements under this section and this chapter will survive and be in full force and effect after the termination or cancellation of a registration.

Sec. 132-2423. - Reservation of rights.

The city hereby expressly reserves all of the following rights:

- (1) To exercise its municipal home rule powers, now or hereafter, to the fullest extent allowed by law with regard to the access, use and regulation of the public rights-of-way.
- (2) To amend this chapter as it finds necessary in the lawful exercise of its municipal authority.
- (3) To adopt or enact by resolution or ordinance, in addition to the provisions contained herein and in any existing applicable ordinances, such additional reasonable regulations as city commission finds necessary in the exercise of the city's police powers.
- (4) To exercise the power of eminent domain, consistent with applicable federal and state law, to acquire property that may include that property owned or leased by a communications service provider.
- (5) As and when deemed necessary by city commission to be in the interest of the city or its residents, to abandon portions of the public rights-of-way within the proper exercise of its municipal authority

and without notice to or the consent of any communications service provider. The city will not be responsible for any costs, damages, loss or other expense to the communications services provider as a result of the city's abandonment of any public rights of-way.

- (6) To place and maintain, and franchise or permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables or conduit, and to do, and to permit to be done, any underground and overheard installation or improvement that may be deemed necessary or proper by the city in the public rights-of-way occupied by any communications service provider.
- (7) Without limitation, the right to alter, change, or cause to be changed, the grading, installation, relocation, or width of any public rights-of-way within the city limits and within said limits as the same may from time to time be altered.
- (8) To require a reseller to register in accordance with section 132-5 to the extent such reseller wants the right to place or maintain facilities in the public rights-of-way. Any person using or leasing facilities owned by a registered communications services provider is not, therefore, entitled to any rights to place or maintain communications facilities in the public rights-of way, unless such person registers with the city.

Sec. 132-24. - Review fees and costs.

. To the extent allowed by federal and state law, the Applicant shall be responsible and pay an application fee and Development review costs incurred by the city relating directly to the review, processing, and inspection of an application or facility relating to an application, proposal, or project, including, but not limited to

- (a) *In-House Costs* which mean the costs to the city of the administrative and meeting time spent by city staff reviewing and processing an application, proposal, or project, and
- (b) *Consultant Costs* which mean the direct expenses incurred by the city, or the reasonable value of services, as the case may be, for consultants who review the specific application, proposal, or project at the direction of the city related to the review of an application, proposal, or project.

(b)

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Resolution 2026-04: Accepting the Finding of Necessity report for a proposed Community Redevelopment Area

Action Request: Motion to approve Resolution 2026-24.

Strategic Objective: Economic Development and Smart Growth

Date: February 10, 2026

Prepared By: Gilbert Martinez, Senior Planner

Through: Kristin Coman, Planning Manager
Laura Canary, Community Development Director

Summary of Issue: The City Commission is asked to consider a resolution accepting a Finding of Necessity report prepared by Stantec Consulting Services Inc. for a proposed Community Redevelopment Area (CRA) within the City of St. Pete Beach, as required by Chapter 163, Part III, Florida Statutes. The report documents the presence of blighted conditions within the proposed area, including deteriorated and inadequate infrastructure, unsafe or unsanitary conditions, elevated Florida Building Code violations, and development patterns that hinder the City's sound growth and public welfare. Following a duly noticed public hearing, the resolution would declare resiliency and hazard mitigation, infrastructure improvements and modernization, housing, and economic development as the primary redevelopment purposes; determine that establishment of a CRA and a Community Redevelopment Agency is necessary; and direct the City Manager to take the actions required to proceed with creation of the CRA and initiation of a Community Redevelopment Plan, including coordination with affected taxing authorities.

Funding: Previously Approved

Attachments:

1. FON Presentation Final
2. Resolution 2026-04
3. EXHIBIT "A" Finding of Necessity Report

4. EXHIBIT" B" PROPOSED CRA Area Map

City of St. Pete Beach Community Redevelopment Area – Finding of Necessity

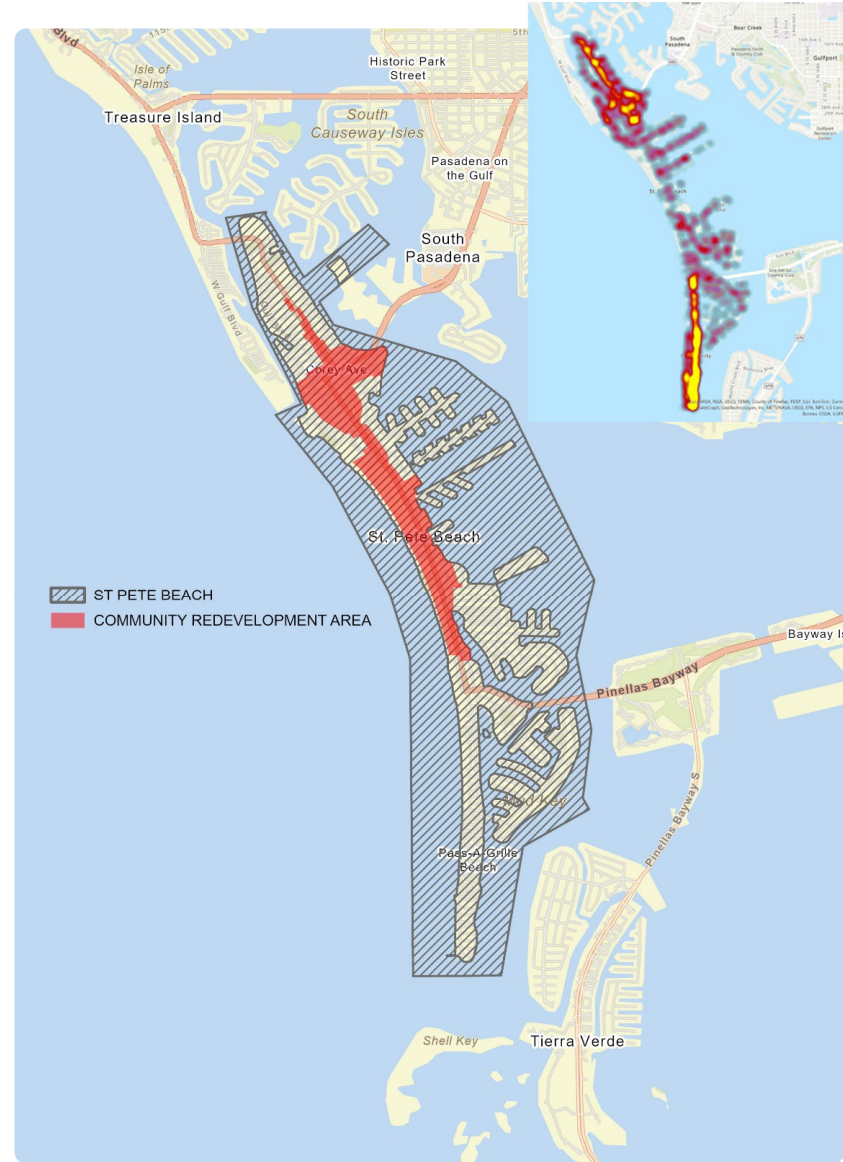


CITY OF ST. PETE BEACH CRA



Purpose

- **Community Redevelopment Area (CRA) Establishment** through a Finding of Necessity, in accordance with FS §163 Part III.
- **Objective of CRA Establishment**
The CRA aims to secure funding for infrastructure, resilience, and economic revitalization in St. Pete Beach.
- **Legal Requirements**
Florida Statute §163.355 requires data-supported resolution confirming slum or blighted areas or inadequate housing conditions.





Why St. Pete Beach Needs a CRA

High Tourism Demand Impact

St. Pete Beach hosts tens of thousands of visitors monthly, stressing infrastructure beyond its original design.

Geographic Constraints

The barrier island's narrow geography limits infrastructure expansion and increases vulnerability to storms.

Fiscal Limitations

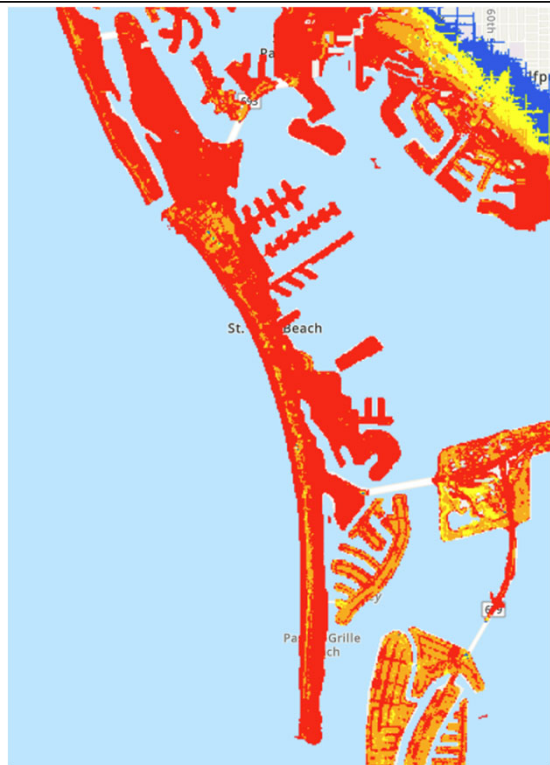
Limited fiscal capacity and mismatched revenue challenge maintenance of necessary infrastructure improvements.

Creating a CRA will provide vital funds to modernize infrastructure and improve resilience sustainably.

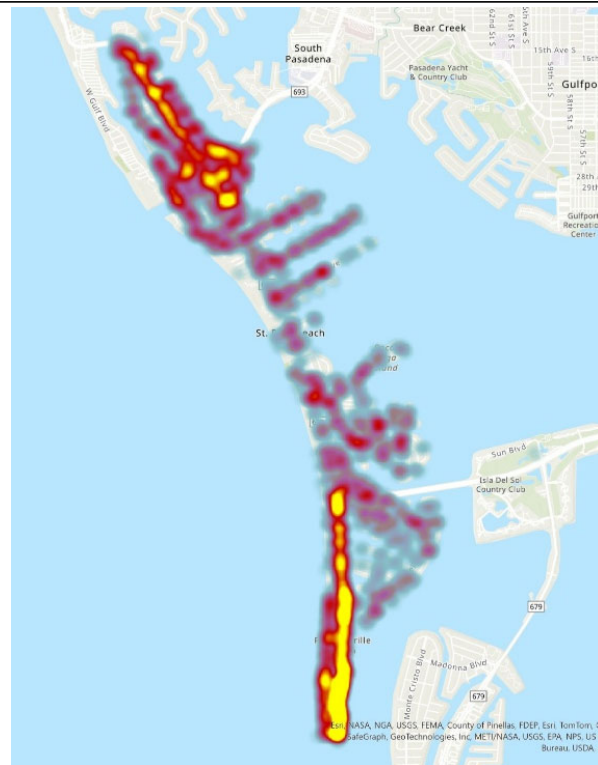
Factor	St. Pete Beach	St. Petersburg	Clearwater
Population Base	Very Small	Large	Medium
Tourism Density	Extremely High	Moderate	High, More Distributed
Geography	Barrier Island	Mainland	Mainland & Beach Zones
Infrastructure Age	Older Coastal Systems	Mixed	Mixed
System Redundancy	Limited	High	Moderate



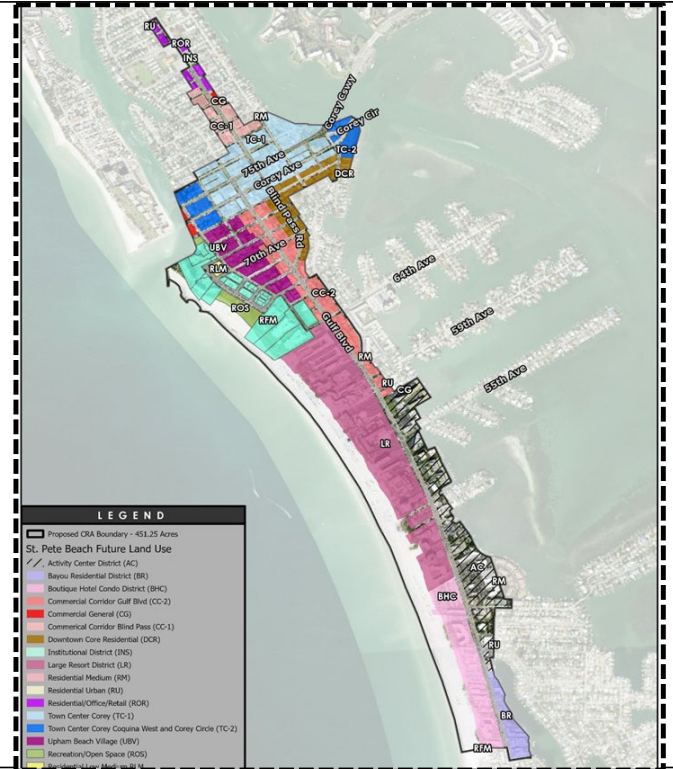
CRA Boundary



Category 3 Hurricane: >9 feet inundation



FEMA Infrastructure Damage Assessment



LEGEND

- Proposed CRA Boundary - 431.25 Acres
- St. Pete Beach Future Land Use
 - Activity Center District (AC)
 - Bayou Residential District (BR)
 - Boutique Hotel Condo District (BHC)
 - Commercial Corridor Gulf Blvd (CC-2)
 - Commercial General (CG)
 - Commercial Corridor Blind Pass (CC-1)
 - Downtown Core Residential (DCR)
 - Institutional District (INS)
 - Large Resort District (LR)
 - Residential Medium (RM)
 - Residential Urban (RU)
 - Residential/Office/Retail (ROR)
 - Town Center Coney (TC-1)
 - Town Center Coney Gosaline West and Coney Circle (TC-2)
 - Lighthouse Beach Village (LBV)
 - Recreation/Open Space (RGS)



Tourism Impact and Economic Role

- Bed tax revenue comparable to, and in some months exceeding, that of much larger cities despite a small permanent population.
- Intensified demands on local infrastructure and services without corresponding population-based fiscal capacity to support them.

City	Approximate Population	Tourism Role in Local Economy	Relative Hotel Revenue / Bed Tax Generation	Bed Tax Impact per Resident	Infrastructure & Capacity Context
St. Pete Beach	~9,000	Tourism-dominant (primary economic driver)	High – comparable to or exceeding larger cities in many months	Very High (10–15× higher per resident)	Aging coastal infrastructure ; barrier island; limited redundancy and tax base
St. Petersburg	~260,000	Diversified economy (tourism one of many sectors)	High in absolute terms	Low–Moderate	Large land area; diversified revenues; greater infrastructure redundancy
Clearwater	~117,000	Mixed economy with strong tourism component	Moderate; generally below St. Pete Beach	Moderate	More distributed footprint; broader population base

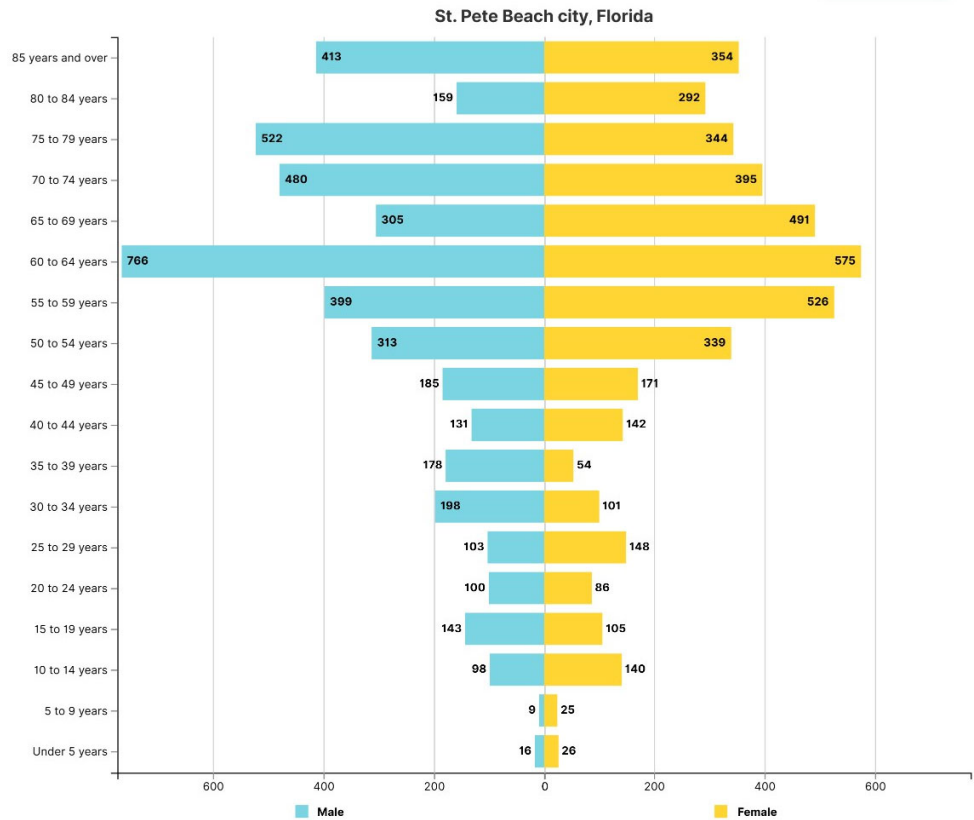


Vulnerable Population

- Approximately 42% of Residents are 65 or older
- Countywide tourism-driven impacts fall disproportionately on a small, aging population with limited physical and fiscal resilience
- Accessibility issues highly impactful for aging population

Population Pyramid: Population by Age and Sex in St. Pete Beach city, Florida

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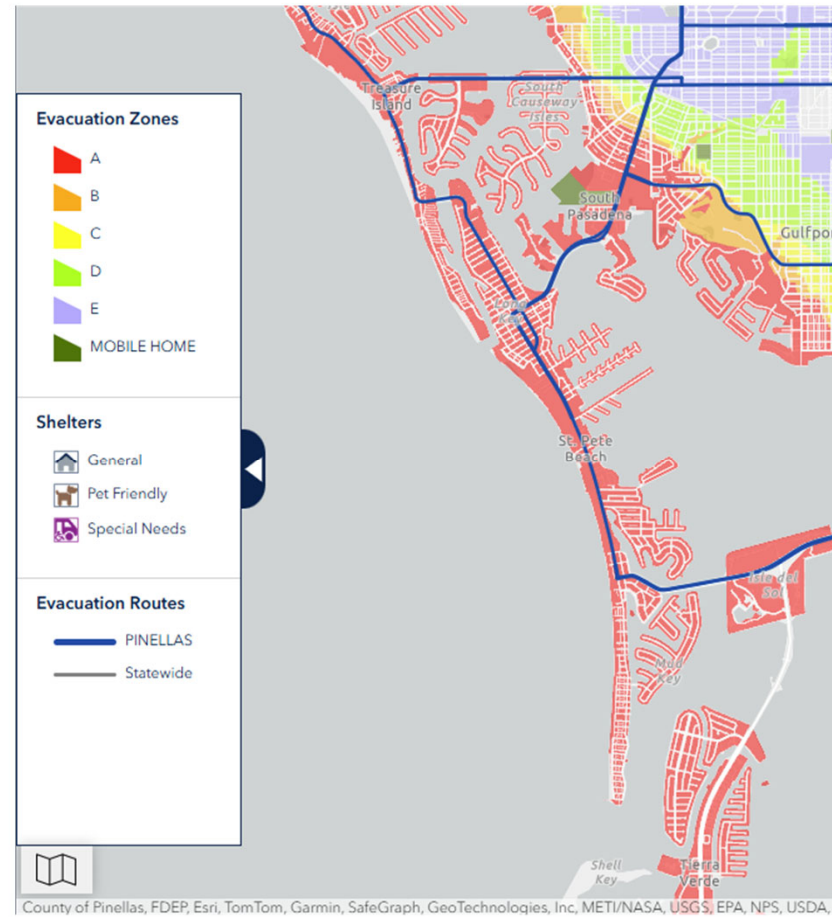


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Vulnerability and Resilience Needs

- Geographic Vulnerability**
 St. Pete Beach is within Evacuation Zone A, highly vulnerable to storm surge and flooding during hurricanes.
- Impact of Recent Hurricanes**
 Hurricanes Helene and Milton in 2024 caused flooding, utility failures, and widespread property damage in St. Pete Beach.
- Climate Change Amplification**
 Climate change is increasing the frequency and severity of storms, escalating risks to public safety and infrastructure.
- Resilience-Focused Redevelopment**
 Establishing a CRA supports investments in stormwater management, seawall reinforcement, dune restoration, and utility upgrades.





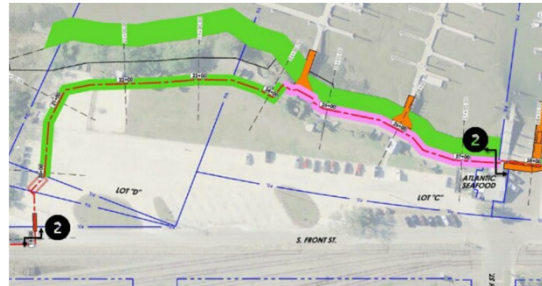
CRAs Fund Resiliency

Amelia River Waterfront CRA (Fernandina Beach)

Fernandina Beach enhanced storm resilience through seawall repairs, utility undergrounding, and park renovations.



Boardwalk and Seawall Repair (Amelia River Waterfront CRA)



Waterfront Park, Living Shoreline Project (Amelia River Waterfront CRA)

North Beach CRA (Miami Beach)

Resiliency-focused projects including:

- Town center resiliency (elevate roads, water pumps)
- Public Seawalls
- Waterway Restoration

TIFs Fund Resiliency

Bay Park Improvement District (Sarasota)

Sarasota leveraged TIF bonds to support shoreline conversion and install green infrastructure for sustainability.

Anacostia Waterfront Initiative (Washington DC)

Used project-level TIF to advance waterfront plan, including LID strategies

City-County Interlocal Agreement (Gainesville)

Committed \$70 Million in equal contributions to support community reinvestment



History and Prior Planning Efforts

- Special Planning Area FLU district



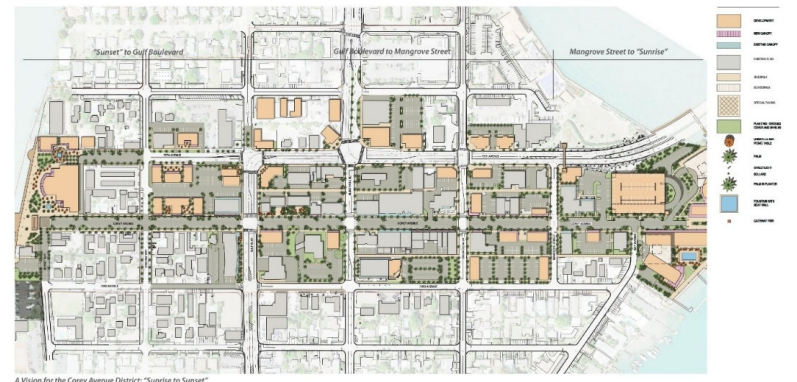
Map 2-1. City of St. Pete Beach 2045 Future Land Use Map (FLUM)



Map 1. Special Planning Area 1 Character Districts



- Previous CRA Proposals (2005 and 2013)
- Corey Avenue Vision Plan





CRA Designation Procedure

Florida Statute §163.355

Finding necessity by county or municipality. —No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, **supported by data and analysis**, which makes a legislative finding that the conditions in the **area meet the criteria described in s. 163.340(7) or (8)**. The resolution must state that:

- 1) *One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and*
- 2) *The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.*

This Finding of Necessity study evaluates these conditions and has determined that statutory criteria for CRA designation are met.



Statutory Criteria Met

FS §163.340 (7) and (8) conditions primarily stem from inadequate and unsafe infrastructure and building conditions, largely due to its coastal location and vulnerability to severe storms.

FS §163.340(7) Factors

- a) Inadequate provision for ventilation, light, air, sanitation, or open spaces.
- c) The existence of conditions that endanger life or property by fire or other causes.

FS §163.340(8) Factors

- a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- d) Unsanitary or unsafe conditions.
- e) Deterioration of site or other improvements
- i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.



FS §163.340 (7)(c): The existence of conditions that endanger life or property by fire or other causes.

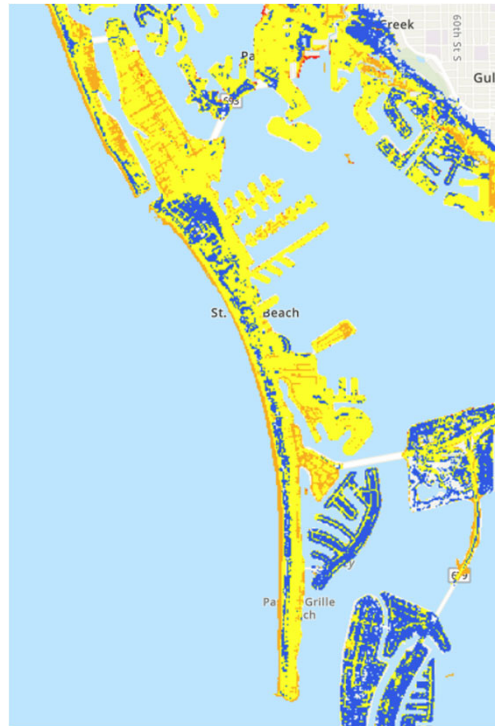
- High Risk of flooding, severe storms, and tropical storms.
- Moderate vulnerability to erosion, extreme heat, and wildfire.

Barrier Island Exposure

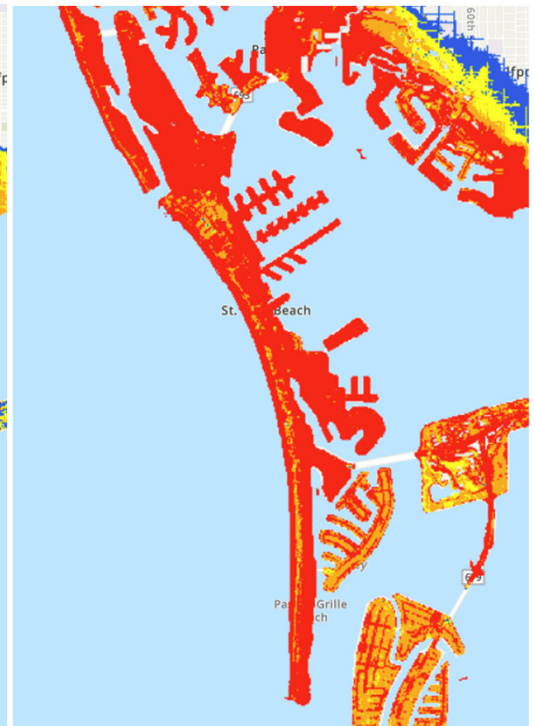
- St. Pete Beach faces **amplified** risk due to its geography.
- Entire city lies within **Evacuation Zone A** (highest storm surge risk).

Climate Change Impact

- **Increasing frequency and intensity** of severe storms.
- Greater need for resilient infrastructure and building standards.



Category 1 Hurricane:
>3 feet inundation



Category 3 Hurricane:
>9 feet inundation



FS §163.340(8)(a): Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

- All streets within **Coastal High Hazard Area**
- Main Roadway Corridors are **Evacuation Routes** – roadway efficiency and safety are critical
- **Existing conditions fail to meet Modern Design Standards**
 - Inadequate sidewalk size and protection
 - Little Access to on-street parking for access and protection
 - Lack of pedestrian median protection and unprotected bike lanes





FS §163.340(8)(d): Unsanitary or unsafe conditions.

- Severe storms, flooding, and storm surge contribute to an **increase in unsanitary and unsafe conditions**
- **27% increase** in code violations following 2024 storms
 - Substandard property, unpermitted work, overgrown vegetation
- Impact on tourism – **critical economic driver** for the City
 - Reduced visitor activity and revenue compounds challenges of recovery and redevelopment

St. Pete Beach Code Violations – Pre and Post 2024 Storms

NOV 2023 - NOV 2024	Count	NOV 2024 - NOV 2025	Count
ABANDONED HOME CONSTRUCTION	1	ABANDONED HOME CONSTRUCTION	3
ANIMAL NUISANCE	1	ANIMAL NUISANCE	
BOAT DOCK	5	BOAT DOCK	5
CONSTRUCTION HOURS	6	CONSTRUCTION HOURS	
COVENANT VIOLATION		COVENANT VIOLATION	4
DUMPING OF DEBRIS	13	DUMPING OF DEBRIS	34
DUNE SYSTEM	2	DUNE SYSTEM	
FENCE DISPUTE	1	FENCE DISPUTE	1
GARBAGE SERVICE	6	GARBAGE SERVICE	4
GRADING	3	GRADING	1
ILLEGAL CONVERSION OF RESIDENCE	1	ILLEGAL CONVERSION OF RESIDENCE	
ILLEGAL SIGN	30	ILLEGAL SIGN	86
ILLICIT DISCHARGE	9	ILLICIT DISCHARGE	10
JUNK	24	JUNK	5
LIGHTING	53	LIGHTING	82
NO BTR	32	NO BTR	2
NOISE NUISANCE	2	NOISE NUISANCE	3
OVERGROWN VEGETATION	68	OVERGROWN VEGETATION	147
POOL WATER		POOL WATER	5
PORTABLE STORAGE UNIT	11	PORTABLE STORAGE UNIT	3
RED TAGE JUNK VEHICLE		RED TAG JUNK VEHICLE	24
RESTRICTED PARKING	25	RESTRICTED PARKING	18
RV, BOAT AND TRAILER STORAGE	42	RV, BOAT AND TRAILER STORAGE	7
SAFETY HAZARD	4	SAFETY HAZARD	2
SHORT TERM RENTAL	33	SHORT TERM RENTAL	6
SIDEWALK/STREET OBSTRUCTION	3	SIDEWALK/STREET OBSTRUCTION	3
SUB-STANDARD PROPERTY	148	SUB-STANDARD PROPERTY	195
TREES	4	TREES	10
WATERING SCHEDULE	10	WATERING SCHEDULE	2
WEEDS		WEEDS	2
WORKING WITHOUT PERMIT	102	WORKING WITHOUT PERMIT	140
(BLANK)	2	(BLANK)	19
Grand Total	641	Grand Total	823



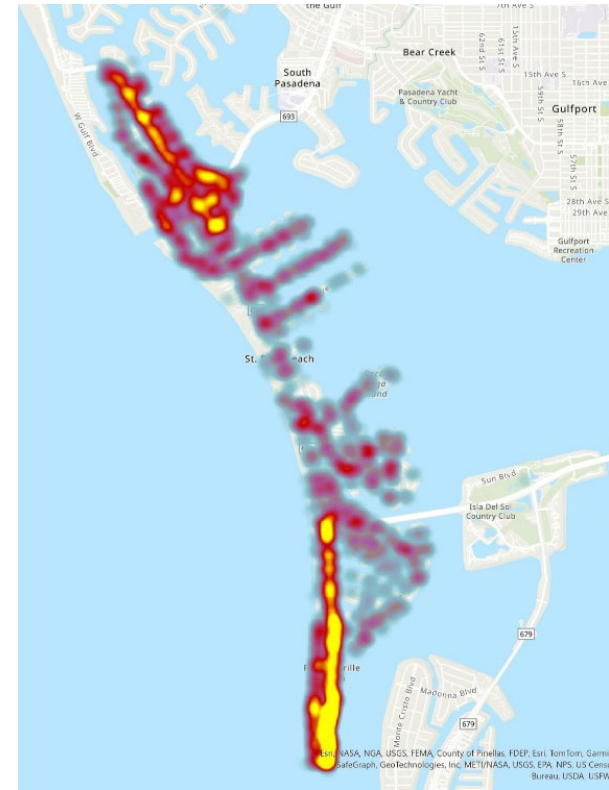
FS §163.340(8)(e): Deterioration of site or other improvements.

Escalated infrastructure deterioration due to storm events

Damage Assessment

- Major clusters near Corey Avenue downtown core and near Pass-a-Grille Beach
- 56% of damage affected utilities and 31% impacted roads and bridges – proximity to vital evacuation routes

CRA Boundary delineated to prioritize northern hub – downtown core logical focus of redevelopment and TIF investment



FEMA Infrastructure Damage Assessment



FS §163.340(8)(e): Deterioration of site or other improvements.

Damage to resilience infrastructure including dunes and seawalls, exacerbating existing vulnerabilities



Deterioration of accessibility to daily, essential needs – loss of only Grocery store in the City





FS §163.340(8)(i): Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

Residential and Commercial vacancy rates continuous problem since 2024 storms

- City Retail Vacancy – 6.4%
- Pinellas County Retail Vacancy – 4.9%
- City tracking significantly higher

Diminished Revenue from Half Cent Sales Tax

- FY2024 Actual Revenue - \$722,709
- FY 2025 Actual Revenue - \$336,467

Negative 53% Change

- Residential vacancy prevalent
- Many structures damaged, causing visual deterioration and safety concerns





FS §163.340(8)(l): A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

Age and vulnerability of building stock is high, increasing likelihood of FBC violations

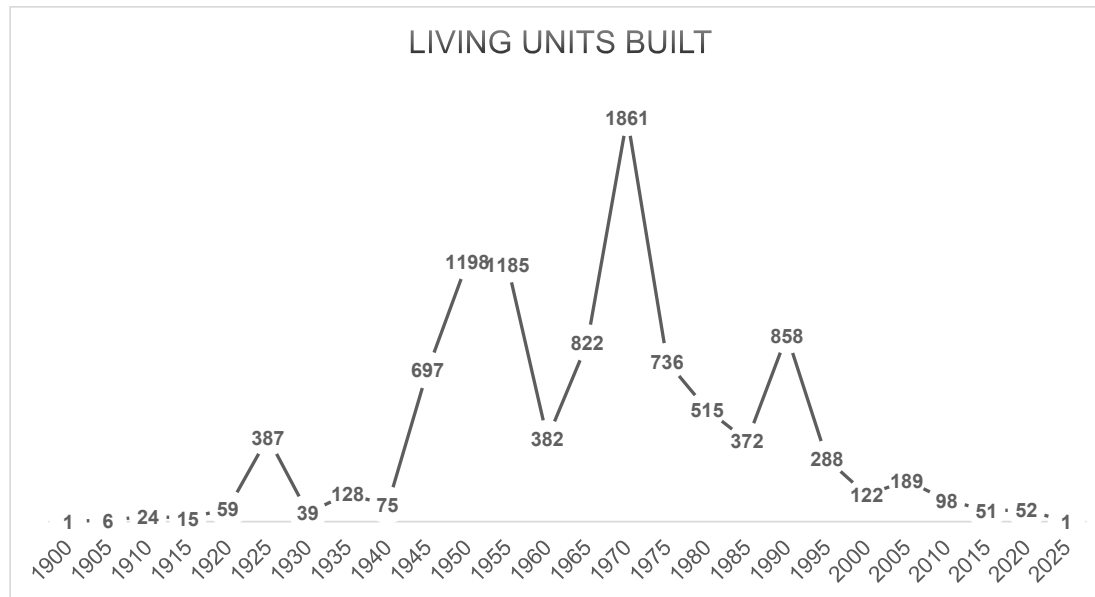
Living Units Built in the City:

- Built Prior to 1975 - 68%
- Built After 1975 – 32%

FIRM Adoption (1975) catalyzed modern floodplain management standards and stricter building codes, including elevation requirements and structural resilience measures.

Existing vulnerabilities amplified by 2024 storms

St. Pete Beach Living Units Built





CRA Meets Statutory Criteria

Proposed CRA meets Florida Statutes §163.340 criteria 7 and 8.

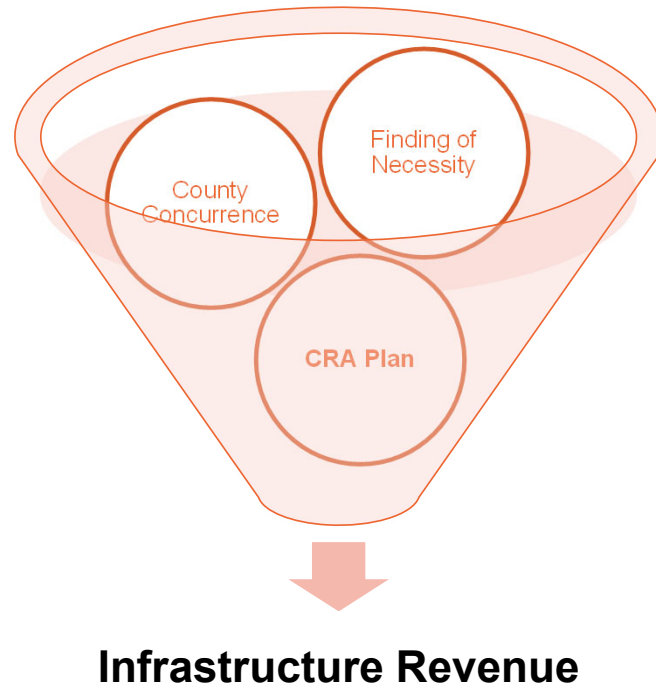
- **Vulnerable Aging Population**
- City faces **high storm surge risk** and persistent safety hazards.
- Infrastructure is **deficient and outdated**.
- Post-storm conditions show **unsanitary environments and site deterioration**.
- **Vacancy rates and economic decline** are evident.
- Large share of buildings are **older and vulnerable** to code violations.

CRA & TIF Benefits

- Enables targeted investments in **resilience, infrastructure modernization, and economic revitalization**.
- Addresses public health, safety, and welfare concerns for St. Pete Beach.



Next Steps



RESOLUTION NO. 2026-04

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, ACCEPTING THE FINDING OF NECESSITY REPORT PREPARED BY STANTEC CONSULTING SERVICES INC. FOR A PROPOSED COMMUNITY REDEVELOPMENT AREA; MAKING THE FINDINGS REQUIRED BY CHAPTER 163, PART III, FLORIDA STATUTES; FINDING THAT CONDITIONS OF BLIGHT EXIST WITHIN THE PROPOSED AREA; DECLARING RESILIENCY, INFRASTRUCTURE IMPROVEMENTS, HOUSING AND ECONOMIC DEVELOPMENT AS PRIMARY REDEVELOPMENT PURPOSES; DECLARING A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES; DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CREATION OF THE COMMUNITY REDEVELOPMENT AREA; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature duly enacted Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act") establishing the conditions and procedures for the establishment of community redevelopment areas and agencies; and finding that areas or portions thereof which are deteriorating or economically distressed could be revitalized and redeveloped in a manner that will vastly improve the economic, social and environmental conditions of the community; and

WHEREAS, the Section 163.355, Florida Statutes, requires adoption of a resolution supported by data and analysis finding that conditions in a proposed area meet the criteria in Section 163.340(7) or (8), Florida Statutes, and that rehabilitation, conservation, or redevelopment is necessary in public interest; and

WHEREAS, the City Commission of the City of St. Pete Beach directed the City’s Community Development Department to prepare a Finding of Necessity (**Exhibit “A”**) for a proposed Community Redevelopment Area within the City; and

WHEREAS, the proposed Community Redevelopment Area consisting of approximately .70 Square Acres within the City of St. Pete Beach, as described and depicted in (**Exhibit “B”**), and

WHEREAS, Stantec Consulting Services Inc. (“Stantec”), the City’s consultant, prepared the report titled “Community Redevelopment Area Finding of Necessity – City of St. Pete Beach,” dated January 20, 2026 (the “Report”), evaluating the proposed Community Redevelopment Area generally depicted in (**Exhibit “A”**); and

WHEREAS, within the Proposed CRA Area there exists a predominance of defective or inadequate street layouts, parking facilities, roadways, housing and infrastructure; and

WHEREAS, within the proposed Community Redevelopment Area there exists evidence of unsafe or unsanitary conditions; and

WHEREAS, within the Proposed CRA Area there exists a higher incidence of violations of the Florida Building Code than in the remainder of the County; and

WHEREAS the City Commission finds that conditions exist within the Proposed CRA Area that hinder the sound growth of the City of St. Pete Beach, impair appropriate development, and are detrimental to the public health, safety, morals, and general welfare; and

WHEREAS, the City Commission concurs with the Finding of Necessity Study and finds that one or more slum or blighted areas, as defined in Chapter 163, Part III, Florida Statutes, exist within the Proposed CRA Area; and

WHEREAS the City Commission finds that there is a need to establish the Proposed CRA Area as a Community Redevelopment Area, to establish a Community Redevelopment Agency, and to prepare a Community Redevelopment Plan for the Community Redevelopment Area; and

WHEREAS, following a duly noticed public hearing and review of the Report, the City Commission finds that the Proposed CRA Area meets the applicable criteria of Section 163.340(7) and/or Section 163.340(8), Florida Statutes, and that redevelopment is necessary to advance resilience and hazard mitigation, infrastructure modernization, housing and economic revitalization within the proposed CRA Area.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY RESOLVES:

SECTION 1. Incorporation of recitals.

The foregoing recitals are incorporated herein as legislative findings

SECTION 2. Acceptance Of Finding of Necessity Report.

The City Commission accepts and adopts the Report as the basis for its findings under Section 163.355, Florida Statutes. The Report may be attached as (**Exhibit “A”**) and maintained in the City’s records.

SECTION 3. Finding Necessity.

Based on the Report, the City Commission finds that conditions within the Proposed CRA Area described in (**Exhibit “B”**) satisfy the criteria in Section 163.340(7) and/or Section 163.340(8), Florida Statutes, and that rehabilitation, conservation, and redevelopment of the Proposed CRA Area is necessary in the interest of the public health, safety, morals, and welfare.

SECTION 4. Primary Redevelopment Purposes.

The City Commission states that the primary purposes of the Proposed CRA are: (1) resiliency and hazard mitigation; (2) infrastructure improvements and modernization (including transportation, stormwater, and utilities); and (3) economic development and revitalization.

SECTION 5. Notice to taxing authorities.

Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

SECTION 6. Direction To City Manager.

The City Manager, in coordination with the City Attorney, is directed to take all actions necessary and appropriate to effectuate creation of the Community Redevelopment Area and to initiate the steps required under the Act for establishment of a community redevelopment agency and preparation of a community redevelopment plan, including coordination with other taxing authorities as applicable.

SECTION 7. Scrivener’s Error.

The City Attorney may correct scrivener’s errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 8. Construction. This Resolution is to be liberally construed to accomplish its objectives

SECTION 9. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2026.

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

Adrian Petrila, Mayor

ATTEST:

Renee Rose, City Clerk

Approved as to form and legal sufficiency for the use and reliance of the City of St. Pete Beach only:

Vose Law Firm LLP, City Attorney

Community Redevelopment Area

Finding of Necessity

City of St. Pete Beach

Date:
January 20, 2026

Prepared for:
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach FL 33706

Prepared by:
Stantec Consulting Services Inc.
777 S. Harbour Island Blvd., Suite 600
Tampa, FL 33602-5729

Project/File:
238202283



Revision Record

Revision	Description	Author	Date	Quality Check	Date	Independent Review	Date

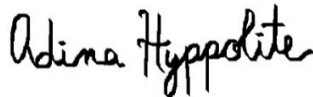
Disclaimer

The conclusions in the Report titled Community Redevelopment Area Finding of Necessity are Stantec’s professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient’s own risk.

Stantec has assumed all information received from City of St. Pete Beach (the “Client”) and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec’s contract with the Client. While the Report may be provided by the Client to applicable authorities having jurisdiction and to other third parties in connection with the project, Stantec disclaims any legal duty based upon warranty, reliance or any other theory to any third party, and will not be liable to such third party for any damages or losses of any kind that may result.

Prepared by:



Signature

Adina Hyppolite, Senior Planner

Printed Name

Reviewed and
Approved by:

Signature

Matt Lewis, AICP, Planner

Printed Name

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Acronyms / Abbreviations

Acronym / Abbreviation	Full Name
CHHA	Coastal High Hazard Area
CRA	Community Redevelopment Area
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FON	Finding of Necessity
FS	Florida Statute
NOAA	National Oceanic and Atmospheric Administration
TIF	Tax Increment Financing



1.3 Demographics and Existing Conditions

Tourism Demand on Infrastructure and Demographics

St. Pete Beach experiences exceptionally high tourism demand concentrated within a small population base and a narrow barrier island geography. While the city has approximately 9,000 permanent residents, it routinely supports tens of thousands of visitors each month. This creates infrastructure and service demands that far exceed what the city's size and fiscal capacity would normally indicate. Tourism is continuous and intensive, making it the primary driver of infrastructure use and wear.

Much of the City's transportation, water, sewer, stormwater, and public safety infrastructure was built decades ago to serve far lower levels of use and less severe environmental conditions. Today, these systems must support sustained hotel occupancy, heavy seasonal traffic, increased utility loads, and repeated storm and flooding impacts. Because this demand is concentrated within a limited land area with little system redundancy, infrastructure deterioration occurs more rapidly rather than gradually, leading to higher maintenance costs, greater risk of system failure, and increased public safety concerns.

Unlike larger municipalities, St. Pete Beach lacks the land area, system redundancy, and diversified tax base needed to spread tourism-related impacts across a broader network (Table 1). As a result, stress is placed on fewer infrastructure assets, accelerating physical deterioration and increasing overall vulnerability.

Table 1 Structural Conditions Distinguishing City of St. Pete Beach

Factor	St. Pete Beach	St. Petersburg	Clearwater
Population Base	Very Small	Large	Medium
Tourism Density	Extremely High	Moderate	High, More Distributed
Geography	Barrier Island	Mainland	Mainland & Beach Zones
Infrastructure Age	Older Coastal Systems	Mixed	Mixed
System Redundancy	Limited	High	Moderate

Bed Tax Data Confirms Tourism as the Demand Source

Tourism Economic Snapshot data shows that St. Pete Beach generates bed tax revenue comparable to, and in some months exceeding, that of much larger cities, despite having a small permanent population (Table 2). This indicates that County-scale tourism revenue is being produced within a very small municipal footprint, placing intensified demands on local infrastructure and services without a corresponding population-based fiscal capacity to support them (Table 3).

Table 2 Monthly Hotel Revenue (2025)

City	Population	Typical Monthly Hotel Revenue
St. Pete Beach	~9,000	\$6–15M+
Downtown St. Petersburg	~260,000	\$12–16M
Clearwater	~117,000	\$2–6M



Table 3 Summary of Conditions

City	Approximate Population	Tourism Role in Local Economy	Relative Hotel Revenue / Bed Tax Generation	Bed Tax Impact per Resident	Infrastructure & Capacity Context
St. Pete Beach	~9,000	Tourism-dominant (primary economic driver)	High – comparable to or exceeding larger cities in many months	Very High (10–15× higher per resident)	Aging coastal infrastructure; barrier island; limited redundancy and tax base
St. Petersburg	~260,000	Diversified economy (tourism one of many sectors)	High in absolute terms	Low–Moderate	Large land area; diversified revenues; greater infrastructure redundancy
Clearwater	~117,000	Mixed economy with strong tourism component	Moderate; generally below St. Pete Beach	Moderate	More distributed footprint; broader population base

Ageing Population

42 to 43 percent of St. Pete Beach residents are age 65 or older, with a median age of about sixty-two, making it one of the oldest communities in Pinellas County. As a result, tourism-driven impacts fall disproportionately on a small, aging population with limited physical and fiscal resilience.

Taken together, these conditions align with statutory findings commonly associated with blight, including deteriorating and inadequate infrastructure experiencing accelerated wear; unusually high service demands driven by a concentrated nonresident population; geographic and physical constraints that limit system redundancy and expansion; economic dependence on tourism without sufficient fiscal capacity; and increased public safety and resiliency risks, particularly for vulnerable populations.

These factors impair the sound growth of the community, threaten public health and safety, and cannot be effectively addressed through private investment or population-based funding mechanisms alone.

In short, St. Pete Beach generates bed tax revenue comparable to a major tourism hub yet must support that demand with the infrastructure capacity and fiscal resilience of a small, aging community. This structural mismatch meets statutory necessity criteria and supports targeted redevelopment focused on infrastructure and resilience rather than growth.

1.4 Statutory Requirements

Section 1.1 of this study outlines the statutory requirements, including the data and analysis needed, to create a CRA. These requirements focus on the identification of slum or blighted areas and the need for rehabilitation, conservation, or redevelopment of these areas in the interest of the public health, safety, morals, or welfare of City residents. FS § 163.340 (7) and (8) define a slum or blighted area, as follows:



CRA Finding of Necessity

- 7) *“Slum area” means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:*
- a) *Inadequate provision for ventilation, light, air, sanitation, or open spaces;*
 - b) *High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or*
 - c) *The existence of conditions that endanger life or property by fire or other causes.*
- 8) *“Blighted area” means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:*
- a) *Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.*
 - b) *Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.*
 - c) *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.*
 - d) *Unsanitary or unsafe conditions.*
 - e) *Deterioration of site or other improvements.*
 - f) *Inadequate and outdated building density patterns.*
 - g) *Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.*
 - h) *Tax or special assessment delinquency exceeding the fair value of the land.*
 - i) *Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.*
 - j) *Incidence of crime in the area higher than in the remainder of the county or municipality.*
 - k) *Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.*
 - l) *A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.*



CRA Finding of Necessity

- m) *Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.*
- n) *Governmentally owned property with adverse environmental conditions caused by a public or private entity.*
- o) *A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.*

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, “blighted area” means an area as defined in this subsection.

Section 4 reviews and identifies the presence of these FS §163.340(7) and (8) criteria within the proposed City CRA.

1.5 History and Prior Planning Efforts

2024 Hurricanes

In the Fall of 2024, the City experienced severe impacts from two major hurricanes, Helene and Milton, within a span of two weeks. Hurricane Helene, a Category 4 storm, made landfall in Florida’s Big Bend region in September with an estimated peak wind speed of 140 mph and generating catastrophic storm surge along the Gulf Coast. This surge inundated residential and commercial areas on St. Pete Beach, causing extensive flooding of ground-level structures and rendering major roadways impassable. The storm also led to widespread power outages and temporary shutdowns of wastewater treatment facilities, compounding the disruption to essential services. Structural damage to homes, businesses, and coastal infrastructure was significant, with many properties requiring complete reconstruction.

Before recovery efforts could gain momentum, Hurricane Milton struck in October as a Category 3 system near Siesta Key. Milton delivered nearly 10-15 inches of rainfall and wind gusts exceeding 100 mph, exacerbating the damage inflicted by Helene. Communities still in the early stages of cleanup faced additional flooding, sand deposition in streets and residences, and further destruction of vegetation and utility infrastructure. The cumulative effect of these storms created a prolonged recovery timeline for the City and the region.

Post-storm recovery initiatives included the removal of more than 213,000 cubic yards of debris (as of December 2024) in the City and the allocation of substantial federal assistance through FEMA for housing, infrastructure repair, and debris management. Despite this assistance and recovery work, significant damage is still present throughout the City, underscoring the need for continued resilience work.



Special Planning Area Future Land Use District

The proposed CRA aligns with the objectives of the Special Planning Area 1 (SPA-1) Future Land Use district, as outlined in the City’s Comprehensive Plan. SPA-1 was established to identify areas appropriate for designation as community core areas and to guide development and redevelopment through targeted character district plans (Figure 2). By focusing on sustainable, high-quality growth that enhances economic vitality, livability, and visual appeal, SPA-1 provides a policy foundation for the CRA’s mission. The CRA builds on this framework by implementing a financial mechanism that advances SPA-1’s goals. These goals include promoting reinvestment, improving infrastructure, and fostering vibrant mixed-use environments within the Gulf Boulevard Redevelopment and Downtown Development districts and their 11 specific character districts (Figure 3). Together, these efforts will deliver long-term benefits to residents and businesses while reinforcing the City’s vision for cohesive, resilient redevelopment.



Figure 2 2045 Future Land Use Map

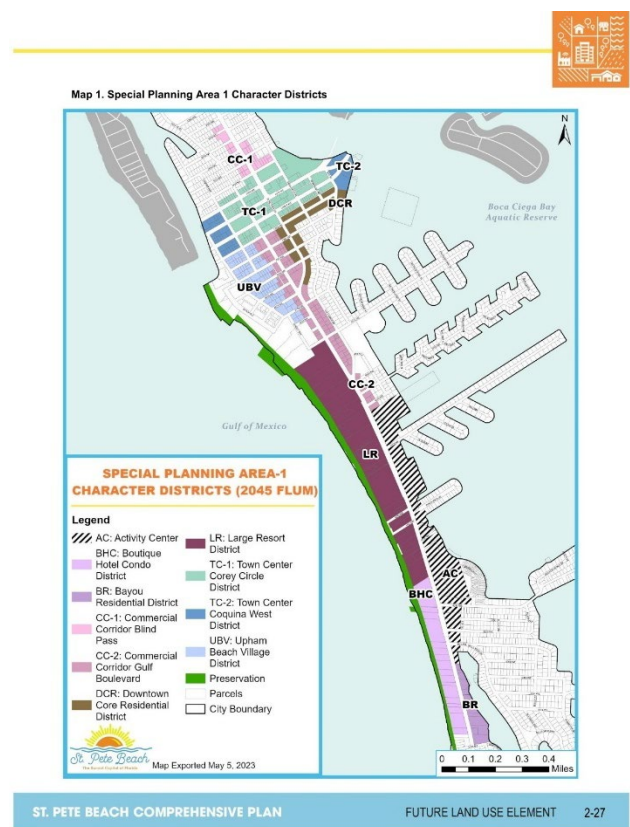


Figure 3 Special Planning Area 1 Character Districts



Corey Avenue Vision Plan

The Corey Avenue Historic District has long been recognized as a cultural and economic anchor within the community. The 2015 Corey Avenue Vision Plan established a forward-looking framework to revitalize this historic main street by infusing it with new life through redevelopment. The vision and goals for the district are identified below and visualized in Figure 4:

- Enhance character, sense of place, and image
- Provide additional amenities
- Create gateways
- Capitalize on the “sunrise to sunset” features
- Take advantage of redevelopment opportunities
- Provide guidance for new architecture and land use
- Become more pedestrian and bicycle friendly
- Enhance mobility and connectivity
- Improve parking

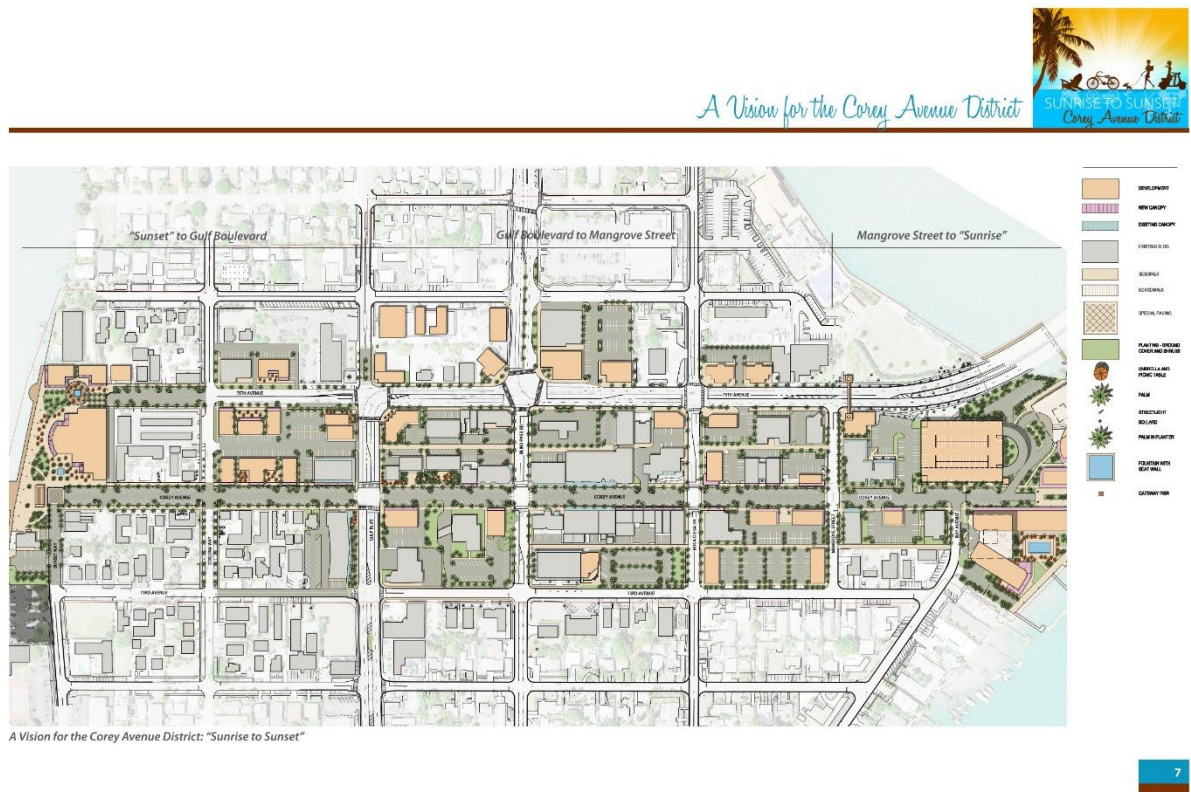


Figure 4 Corey Avenue District Vision



This vision reflects the City’s commitment to transforming Corey Avenue into a vibrant, pedestrian-oriented destination. Designating Corey Avenue as part of a CRA will provide the financial structure needed to transform the district’s vision into reality.

2 Resilience-Focused Community Redevelopment Areas

Community Redevelopment Areas with a focus on resilience are growing in Florida due to the rising vulnerabilities from storms, flooding, and climate change. Resilient-focused CRAs mainly focus on physical conditions that decrease public health and safety due to weaknesses in infrastructure and buildings. This directly relates to FS §163.340 (7) condition c, “*The existence of conditions that endanger life or property by fire or other causes.*” Florida communities, especially those located in coastal positions, are increasingly vulnerable to severe storms which endanger life and property through physical hazards like high winds, storm surge, and flooding, as well as secondary and long-term impacts from these hazards like power outages, contaminated water, transportation disruption, economic loss, and displacement.

Resilience may be integrated into a CRA plan in a variety of ways. Some CRAs, like the City of Port Richey CRA, have chosen to integrate resiliency into their vision through prioritization of resilience-focused projects in their budget and adding a CRA and resiliency coordinator to their team.

Port Richey CRA Approves \$4.9 Million Budget With Focus on Resiliency and Community Development

Figure 5 Port Richey CRA Focus (CRA Budget Hearing 9-5-24)

The addition of resilience-focused projects as a priority of a CRA plan is also seen in the City Fernandina Beach in their Amelia River Waterfront CRA. In their 2004 Finding of Necessity, resiliency concerns were a key aspect in their review of FS §163.340(8) condition e, *deterioration of site or other improvements*. These findings identified the need for resiliency initiatives in the CRA like the extension and undergrounding of utilities, renovation of the waterfront park, and boardwalk and seawall improvements (See Figure 6 and Figure 7).



Figure 6 Boardwalk and Seawall Repair (Amelia River Waterfront CRA)



Figure 7 Waterfront Park, Living Shoreline Project (Amelia River Waterfront CRA)



The North Beach CRA in the City of Miami Beach identifies resilience, with a sustainable development component, at the core of their CRA plan. This core principle is seen in their primary resilience and infrastructure plans which focus on climate change adaptation, water pollution, traffic mitigation, and resource reuse and energy efficiency, as well as their projected redevelopment opportunities (Figure 8).

FIGURE 33: PROJECTED REDEVELOPMENT COSTS

Project Name	Location	Project Cost
Infrastructure and Resiliency		
Normandy Isle resiliency: elevate roads, stormwater, neighborhood improvements	Normandy Isle	\$ 50,000,000
Town Center resiliency: elevate roads, stormwater pumps, capacity improvements	Town Center	\$ 30,000,000
Landscape improvements (above ground)	71st St Street	\$ 10,000,000
Water Towers replacement / pump stations	75th Street and Dickens Ave	\$ 10,000,000
Public seawalls (Living Shoreline)	Seawall (72nd to 77th Street)	\$ 6,000,000
North Beach Oceanside Park enhancement and improvements	North Beach Oceanside Park	\$ 5,000,000
Landscape (underground) water storage and street protection (suspended pavement)	North & South of 71 Street	\$ 5,000,000
Neighborhood design and traffic measures	CRA districtwide	\$ 4,000,000
North Beach Oceanside Park Beachwalk (w/G.O. Bond)	North Beach Oceanside Park	\$ 2,200,000
Unidad facility improvements	Senior Center	\$ 3,000,000
Beachshell renovations and improvements	73rd Street	\$ 2,000,000
Beachwalk security cameras	63rd-6700 Block	\$ 1,900,000
Seawalls (private property)	waterfront	TBD
Canal dredging	72nd - 77th	TBD
Waterway restoration	CRA districtwide	TBD

Figure 8 Projected Redevelopment Costs (North Beach CRA)

3 Value Capture Instruments

While CRAs are a common mechanism for implementing TIF, they are not the only approach. Florida and other regions showcase alternative models for utilizing TIF in resilience-focused and more general reinvestment projects. For example, the City of Sarasota’s Bay Park Improvement District has been highly funded using a TIF-backed City of Sarasota bond. This TIF helps to fund a resilient shoreline conversion along the bayfront, integrating green space, walking paths, and stormwater features to mitigate flooding and storm surge impacts. Similarly, the Anacostia Waterfront Initiative in the Washington, D.C. area applies project-level TIF to advance its comprehensive waterfront plan, incorporating low-impact development strategies at Navy Yard with robust multi-level funding streams. In Gainesville, an Interlocal Agreement between the City and County demonstrates another collaborative approach, committing \$70 million in equal contributions to support community reinvestment. These examples illustrate the flexibility of TIF as a tool for advancing sustainability, resilience, and economic revitalization beyond traditional CRA frameworks.

4 Finding of Necessity – Resilience Factors

FS §163.340 (7) and (8) conditions in the City of St. Pete Beach proposed CRA primarily stem from inadequate and unsafe infrastructure and building conditions, largely due to its coastal location and vulnerability to severe storms.

4.1 FS §163.340(7) Factors

FS §163.340 (7)(a): Inadequate provision for ventilation, light, air, sanitation, or open spaces.

In the proposed CRA, sanitation issues are evident specifically when discussing the short term and long term impacts of the 2024 hurricane season. These storms caused widespread infrastructure damage and severe sanitation challenges. Debris removal became a major public health concern, with over 213,000 cubic yards of storm debris collected in the City alone, requiring thousands of truckloads and months of cleanup. Compounding this, Hurricanes Helene and Milton damaged wastewater infrastructure causing equipment failures, damage to control panels, and shutdown of operations. Regionally, Tampa Bay communities reported tens of millions of gallons of wastewater overflow during these storms, with St. Pete Beach



CRA Finding of Necessity

contributing to the problem. The city's damage assessment recorded 547 points of impact within the proposed CRA boundaries, 65% of which were utility-related, underscoring systemic vulnerabilities in essential services. These failures demonstrate that the area lacks adequate sanitation provisions, meeting statutory criteria for this factor and justifying CRA designation to fund resilience and infrastructure improvements through mechanisms such as TIF.

FS §163.340 (7)(c): The existence of conditions that endanger life or property by fire or other causes.

In general, Pinellas County is highly vulnerable to flooding, severe storms, tropical storms and moderately vulnerable to erosion, extreme heat, and wildfire – all conditions that significantly impact the life and property of people in this region.

This flooding, storm, and erosion risk is especially prevalent for the City as a barrier island. National Hurricane Center Storm Surge Risk Maps identify that nearly the entire City would experience an inundation height greater than 3 feet above ground (yellow in Figure 9) from a Category 1 Hurricane and an inundation height greater than 9 feet above ground (red in Figure 10) from a Category 3 hurricane. Naturally, these physical constraints yield a City that is entirely within an Evacuation Zone A, the most vulnerable area to storm surge during a severe storm.

These conditions yield a City that is highly vulnerable to dangerous events, on a nearly annual basis. Furthermore, climate change is increasing the rate and power of these events necessitating resilient infrastructure and buildings at a higher frequency. By implementing a CRA in the City's core downtown district, resilience projects may be more easily planned and funded, increasing the safety and long term stability of the City.

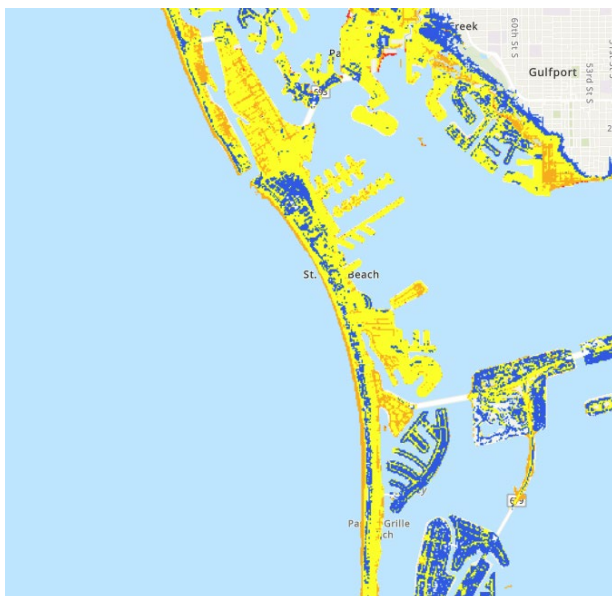


Figure 9 Category 1 Storm Surge Inundation (NOAA)



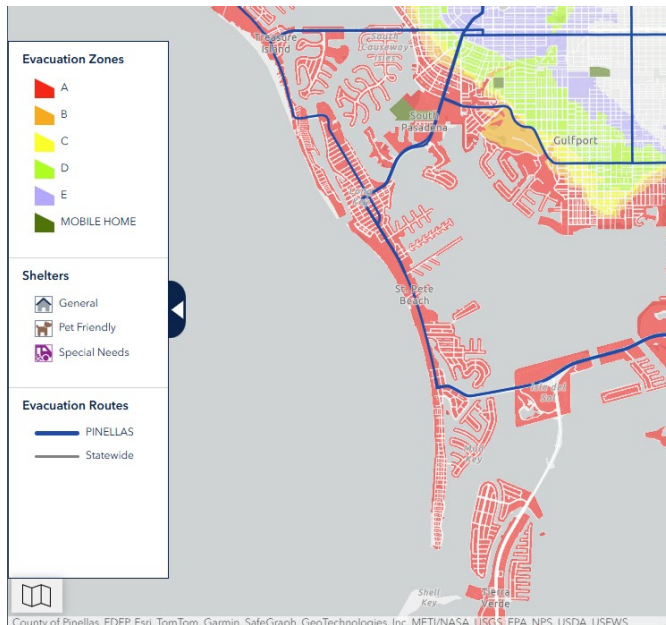
Figure 10 Category 3 Storm Surge Inundation (NOAA)



4.2 FS §163.340(8) Factors

FS §163.340(8)(a): Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

The City demonstrates conditions consistent with FS §163.340(8)(a) due to inadequate street and pedestrian infrastructure within the proposed CRA. All streets within the City are in the Coastal High Hazard Area (CHHA) and main roadway corridors Blind Pass Road, Gulf Boulevard, and 75th Avenue serve as primary evacuation routes, making roadway efficiency and safety critical (Figure 11). However, existing conditions fail to meet



FDOT design standards for the area's context classifications, creating significant compliance and safety issues. Main thoroughfares within the proposed CRA are classified, as follows:

- Blind Pass Road/Gulf Boulevard, between 87th Avenue and 68th Avenue: C-5 Urban Center.
- Gulf Boulevard, south of 68th Avenue: C-4 Urban General
- 75th Avenue: C-4 Urban General

Sidewalks are predominantly five feet wide or less, falling short of the required six feet for C4 and ten feet for C5 zones, which compromises pedestrian comfort and accessibility. Additionally, on-street parking, identified by FDOT as a critical element for speed management and pedestrian protection, is not prioritized, reducing both functionality and resilience of the corridor. These

Figure 9 Evacuation Zones and Routes

deficiencies, combined with the lack of traffic-calming features such as pedestrian refuge islands at crosswalks, result in an environment that does not align with state design guidance and undermines efforts to create a safe, multimodal street network and reflect a systemic inadequacy in street layout and infrastructure, satisfying FS §163.340(8) Factor (a) under Florida law.

Figures 12, 13, 14, and 15 below identify these deficiencies at various locations within the CRA. These photos display the average condition of the main thoroughfares and adjacent neighborhoods in the City. Inadequately sized sidewalks with little protection from car traffic, lack of median protection, as well as unprotected bike lanes, are seen in these photographs.

CRA Finding of Necessity



Figure 12 Blind Pass Road and 78th Avenue, looking north



Figure 13 7700 Block of Blind Pass Road



Figure 14 Gulf Boulevard and Corey Avenue, looking south



Figure 15 Neighborhoods near Corey Avenue typically lack pedestrian amenities

FS §163.340(8)(d): Unsanitary or unsafe conditions.

The City and the proposed CRA are highly vulnerable to severe storm events, flooding, and storm surge. These hazards contribute to an increase in unsanitary and unsafe conditions for residents.

Hurricanes Helene and Milton, which struck the area in September and October of 2024, significantly impacted infrastructure and building conditions within the CRA. According to code enforcement data, the City experienced a 27% increase in code violations following these storms. Common violations included substandard property conditions, unpermitted work, and overgrown vegetation. Additional issues that escalated post-storms included illegal dumping, illicit discharge, and abandoned construction sites. Table 4 provides a comparison of code violations before and after the 2024 storms.



CRA Finding of Necessity

Table 4. City of St. Pete Beach Code Violations – Pre and Post 2024 Storms

NOV 2023 - NOV 2024	Count	NOV 2024 - NOV 2025	Count
ABANDONED HOME CONSTRUCTION	1	ABANDONED HOME CONSTRUCTION	3
ANIMAL NUISANCE	1	ANIMAL NUISANCE	
BOAT DOCK	5	BOAT DOCK	5
CONSTRUCTION HOURS	6	CONSTRUCTION HOURS	
COVENANT VIOLATION		COVENANT VIOLATION	4
DUMPING OF DEBRIS	13	DUMPING OF DEBRIS	34
DUNE SYSTEM	2	DUNE SYSTEM	
FENCE DISPUTE	1	FENCE DISPUTE	1
GARBAGE SERVICE	6	GARBAGE SERVICE	4
GRADING	3	GRADING	1
ILLEGAL CONVERSION OF RESIDENCE	1	ILLEGAL CONVERSION OF RESIDENCE	
ILLEGAL SIGN	30	ILLEGAL SIGN	86
ILLICIT DISCHARGE	9	ILLICIT DISCHARGE	10
JUNK	24	JUNK	5
LIGHTING	53	LIGHTING	82
NO BTR	32	NO BTR	2
NOISE NUISANCE	2	NOISE NUISANCE	3
OVERGROWN VEGETATION	68	OVERGROWN VEGETATION	147
POOL WATER		POOL WATER	5
PORTABLE STORAGE UNIT	11	PORTABLE STORAGE UNIT	3
RED TAGE JUNK VEHICLE		RED TAG JUNK VEHICLE	24
RESTRICTED PARKING	25	RESTRICTED PARKING	18
RV, BOAT AND TRAILER STORAGE	42	RV, BOAT AND TRAILER STORAGE	7
SAFETY HAZARD	4	SAFETY HAZARD	2
SHORT TERM RENTAL	33	SHORT TERM RENTAL	6
SIDEWALK/STREET OBSTRUCTION	3	SIDEWALK/STREET OBSTRUCTION	3
SUB-STANDARD PROPERTY	148	SUB-STANDARD PROPERTY	195
TREES	4	TREES	10
WATERING SCHEDULE	10	WATERING SCHEDULE	2
WEEDS		WEEDS	2
WORKING WITHOUT PERMIT	102	WORKING WITHOUT PERMIT	140
(BLANK)	2	(BLANK)	19
Grand Total	641	Grand Total	823

As a beach community, these conditions are particularly detrimental due to their effect on tourism - a critical economic driver for the City. Visit St. Pete-Clearwater reported an \$11.2 billion economic impact from tourism in 2024 across the County. However, following Hurricanes Helene and Milton, tourism declined sharply due to widespread rebuilding efforts, property damage, and the temporary closure of accommodations and service-related businesses.



CRA Finding of Necessity

The combination of storm vulnerability, increased code violations, and tourism decline underscores the severity of FS §163.340(8) conditions within the proposed CRA. Hurricanes Helene and Milton amplified existing infrastructure weaknesses, leading to unsafe and unsanitary environments for residents. The 27% surge in code violations reflects the strain on local resources and regulatory systems. Furthermore, the economic repercussions are significant: as a beach destination reliant on tourism, the City faces reduced visitor activity and revenue, compounding the challenges of recovery and redevelopment. These factors collectively demonstrate the urgent need for targeted revitalization strategies to improve safety, economic vitality, and community resilience.

FS §163.340(8)(e): Deterioration of site or other improvements.

Infrastructure deterioration within the proposed CRA has escalated significantly due to recent storm events, particularly Hurricanes Helene and Milton in 2024. A City of St. Pete Beach Damage Assessment conducted after these storms identified major damage clusters in the Corey Avenue downtown core and near Pass-a-Grille Beach, south of the Pinellas Bayway (see Figure 16). This assessment focused on infrastructure damage, revealing that 56% of damage affected utilities and 31% impacted roads and bridges in the City. These findings are especially concerning given the proximity of damaged infrastructure to vital evacuation routes.

Based on these damage patterns, the CRA boundary was strategically delineated to prioritize the northern hub, which consists primarily of commercial and non-residential uses. Residential areas are concentrated in the southern and eastern portions of the City, making the downtown core the most logical focus for redevelopment and TIF investment.

The storms also severely damaged resilience infrastructure such as dunes and seawalls, exacerbating existing vulnerabilities. Figures 17, 18, 19, and 20 display examples of this damage, seen throughout the CRA. Revitalizing seawalls and dunes presents a significant opportunity to enhance safety and structural resilience.

Additionally, accessibility to essential goods has deteriorated. The only grocery store (Publix) and CVS pharmacy burned down in May 2025, eliminating a critical hub for food and medication. This loss disproportionately affects residents displaced by the hurricanes or those without vehicles, creating a food desert within the CRA (Figure 21).

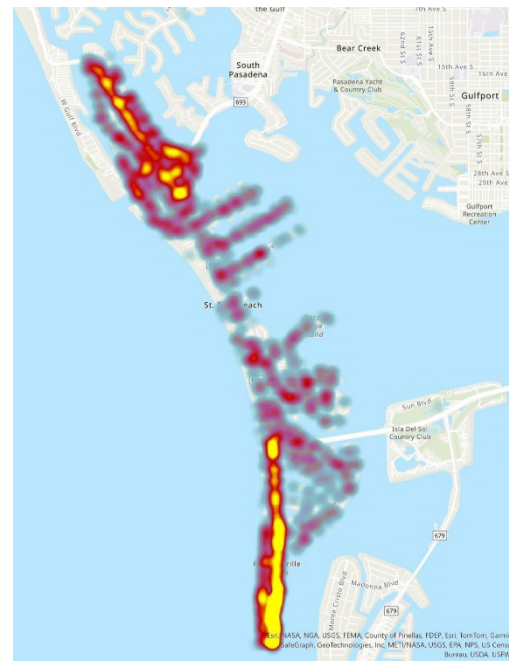


Figure 16 FEMA Damage Assessment Heatmap





Figure 17 Sunset Park Seawall Damage



Figure 18 Sunset Park Seawall and Parking Lot Damage



Figure 19 Bay St and Corey Avenue Dock Damage



Figure 20 St Pete Beach Dune Damage



Figure 21 Publix Damage, Currently Closed



Figure 22 75th St Flooding After Hurricane Milton



CRA Finding of Necessity

FS §163.340(8)(i): Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

Residential and commercial vacancy rates were severely impacted following the 2024 storms. These impacts are still showing today, a year later. According to CoStar Realty Information Inc., the Proposed CRA has a retail vacancy rate of 6.4%, compared to the County-wide rate of 4.9%. This vacancy aligns with the City's 2025/2026 Adopted Budget showing diminishing revenue from the Half Cent Sales Tax, a tax collected on qualifying retail purchases. According to the 2025/2026 budget, FY 2024 had an actual revenue of \$722,709 and FY 2025 had an actual revenue of \$336,467, a percent change of -53%. This revenue decline is in line with City of St. Pete Beach internal tracking of 343,886 vacant commercial square feet as of January 2026. This city tracked number is an order of magnitude higher than CoStar estimates. Commercial vacancy and diminished revenue is a continuous problem for the City and CRA.

Additionally, the Pinellas County Property Appraiser identifies that 148 residential parcels in the proposed CRA are vacant. On top of these vacancy numbers, many structures were damaged beyond repair and demolished or remain standing, causing visual deterioration and safety concerns (See Figures 22-30). Since the 2024 hurricanes, the City of St. Pete Beach has issued 34 non-residential substantial determination letters and 65 residential substantial determination letters, confirming the extent of structural loss and reinforcing the



Figure 22 Clay House Residences, Severely Damaged, Bay Street and 73rd Avenue.

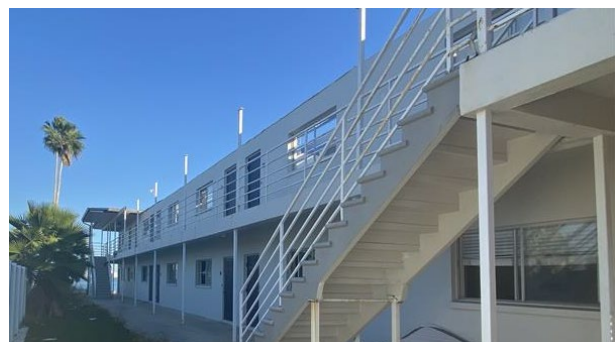


Figure 23 Clay House Residences, Severely Damaged, dumping, overgrown vegetation, and safety concerns.



Figure 24 Severely Damaged Residential, 73rd Avenue and Sunset Avenue.



Figure 25 Severely Damaged Residential, Corey Avenue and Coquina Way.



CRA Finding of Necessity



Figure 26 Historic Woody's Restaurant, Severely Damaged and Closed. Sunset Beach.



Figure 27 Vacant Residences, Severely Damaged, 73rd Avenue.



Figure 28 Vacant Commercial, Blind Pass Road between 76th and 77th Avenue.



Figure 29 Vacant Commercial Blind Pass Road between 77th and 78th Avenue.



Figure 30 Brownfield Site, Planned Development, Corey Avenue and Bay Street.



CRA Finding of Necessity

Elevated vacancies within the proposed CRA have significantly weakened the City's economic base. The loss of active businesses and residential occupancy reduces property tax revenues, diminishes consumer spending, and undermines tourism, the City's primary economic driver. These conditions create a cycle of disinvestment, where declining economic activity further delays property rehabilitation and redevelopment.

FS §163.340(8)(I): A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

The City meets FS §163.340(8) Factor I due to the age and vulnerability of its building stock, which results in a higher likelihood of Florida Building Code violations compared to the remainder of Pinellas County. According to the Pinellas County Property Appraiser, 10,161 living units have been constructed in the City between 1900 and 2025, with 6,879 units (68%) built prior to 1975 and only 3,282 units (32%) constructed after that date.

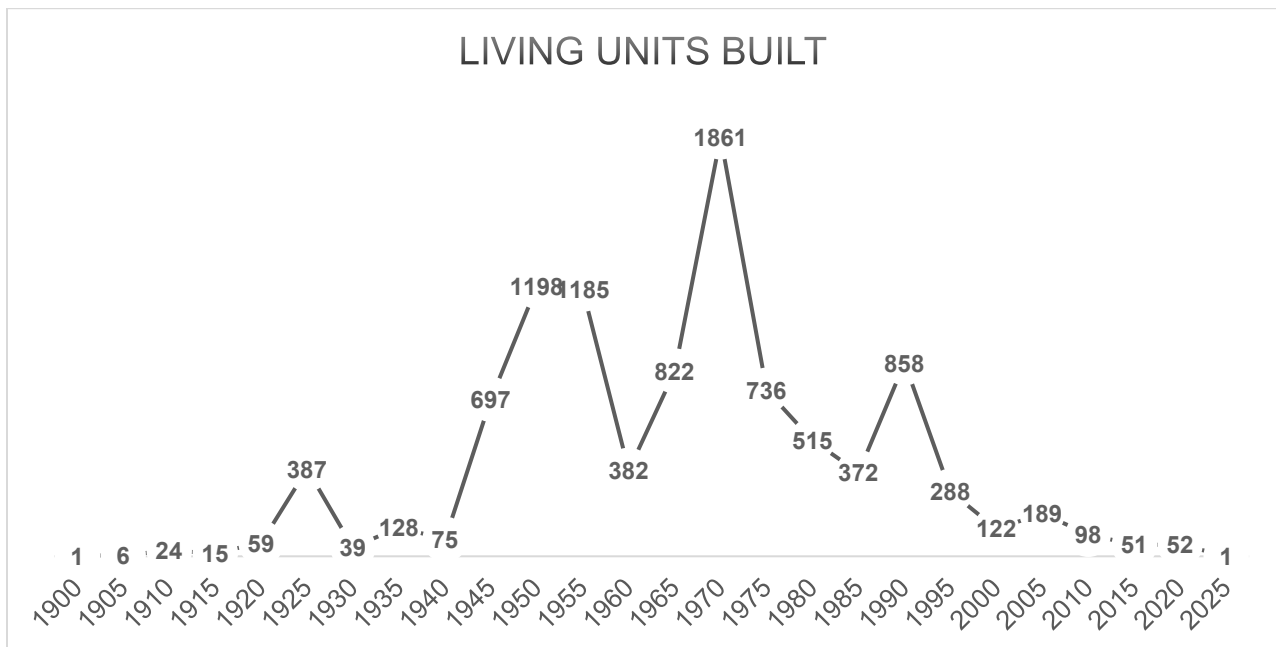


Figure 31 Living Units Built (Pinellas County Property Appraiser)

This is significant because 1975 marks the period following Flood Insurance Rate Map (FIRM) adoption which catalyzed modern floodplain management standards and stricter building codes, including elevation requirements and structural resilience measures.

FEMA defines Pre- and Post-FIRM buildings, as follows:

Pre-FIRM Building: A building for which construction or substantial improvement occurred on or before December 31, 1974 or before the effective date of an initial Flood Insurance Rate Map (FIRM). Pre-Flood Insurance Rate Map (FIRM) buildings are those built before the effective date of the first Flood Insurance Rate Map (FIRM) for a community. This means they were built before detailed flood hazard data and flood elevations were provided to the community and usually before the community enacted comprehensive regulations on floodplain regulation. Pre-FIRM buildings can be insured



using "subsidized" rates. These rates are designed to help people afford flood insurance even though their buildings were not built with flood protection in mind.

Post-FIRM building: A building for which construction or substantial improvement occurred after December 31, 1974 or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later. Post-Flood Insurance Rate Map (FIRM) buildings are new construction and those built after the effective date of the first FIRM for a community.

Pre-FIRM buildings built before these standards were implemented are more susceptible to deficiencies such as inadequate wind load resistance, non-compliance with elevation requirements in Coastal High Hazard Areas, and outdated electrical and plumbing systems. These vulnerabilities have been amplified by recent storm events, as evidenced by a 27% increase in code violations following Hurricanes Helene and Milton in 2024, including unsafe structures, unpermitted work, and substandard property conditions. The predominance of Pre-FIRM buildings combined with documented increases in violations demonstrates that the City has a greater concentration of potential Florida Building Code non-compliance, satisfying the statutory criteria for FS §163.340(8) Factor I and underscoring the need for targeted redevelopment and resilience improvements through a CRA.

5 Summary of Findings

The analysis conducted for the City of St. Pete Beach demonstrates that the proposed CRA meets the statutory criteria outlined in Florida Statutes §163.340 for slum and blight conditions. The findings are supported by data and observations across multiple factors:

- FS §163.340(7) Conditions: The City and proposed CRA exhibits conditions that endanger life and property due to its high vulnerability to storm events, storm surge, and flooding. Nearly the entire City is vulnerable to storm surge inundation greater than 3 feet from Category 1 storms and 9 feet from Category 3 storms, placing all residents in Evacuation Zone A. These hazards create persistent risks to public health and safety.
- FS §163.340(8) Conditions:
 - Deficient Infrastructure (Factor a): Streets and pedestrian facilities within the CRA fail to meet FDOT context classification standards, with inadequate sidewalk widths and lack of protective features along evacuation routes.
 - Unsanitary and Unsafe Conditions (Factor d): Hurricanes Helene and Milton in 2024 caused widespread damage, leading to a 27% increase in code violations, including substandard property, unpermitted work, and overgrown vegetation.
 - Deterioration of Site and Improvements (Factor e): Post-storm damage assessments revealed significant damage to utilities, roads, seawalls, and dunes, particularly in the downtown core. These damages reduce the City's resilience to future storm events, reduce resident and visitor access to necessary services like groceries, and overall increase visual deterioration.



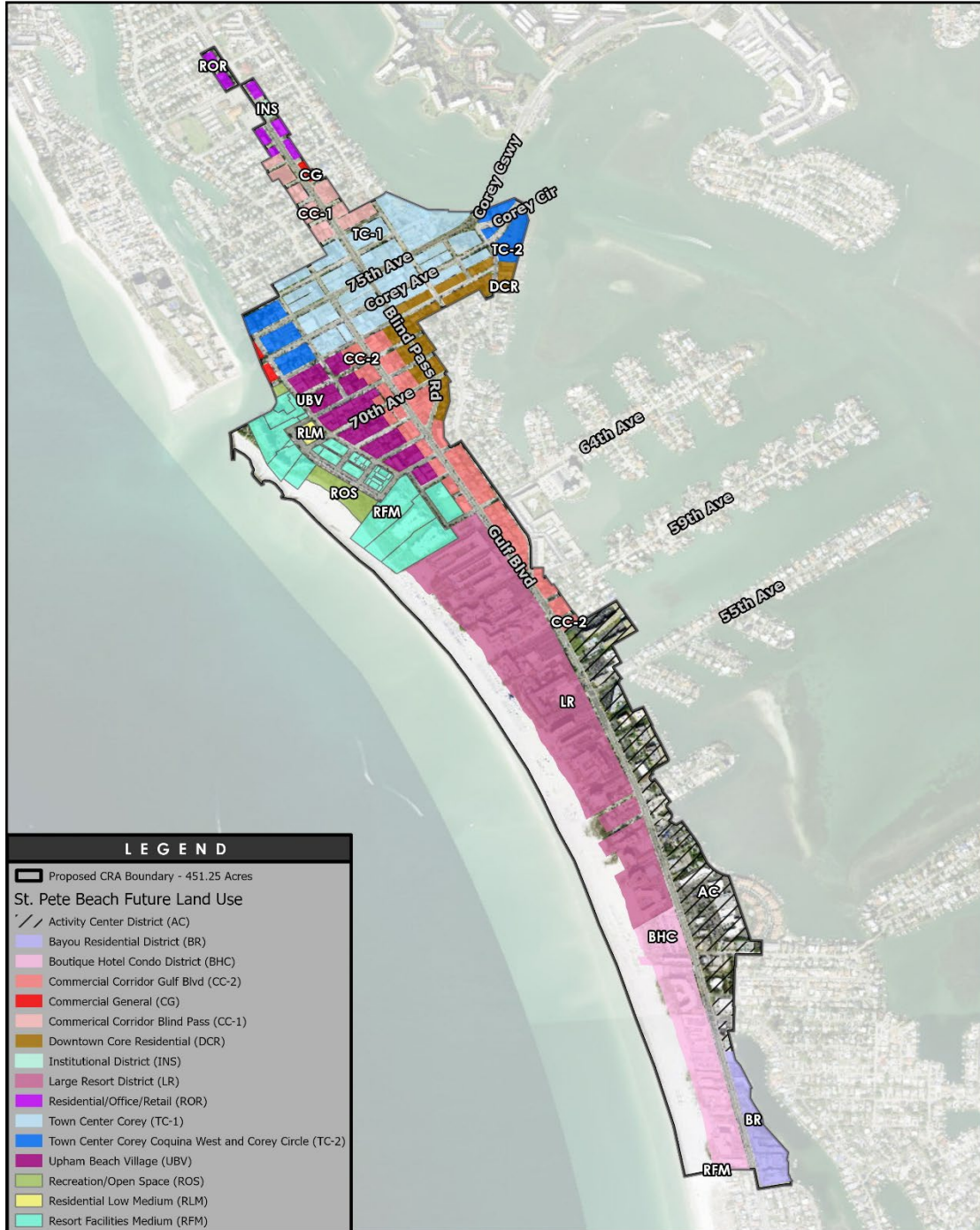
CRA Finding of Necessity

- Vacancy and Economic Decline (Factor i): Elevated vacancy rates persist, with excessive commercial vacancy and diminished sales tax revenue reflecting economic distress and disinvestment.
- Florida Building Code Violations (Factor I): Of 10,161 living units in the City, 68% were built prior to 1975, before modern floodplain and building standards were adopted. This predominance of older structures correlates with increased vulnerability and documented code violations following recent storms.

These conditions collectively demonstrate systemic infrastructure deficiencies, heightened storm vulnerability, and economic decline within the proposed CRA. Establishing a CRA and implementing a TIF program will enable targeted investments in resilience, infrastructure modernization, and economic revitalization, addressing public health, safety, and welfare concerns for the City of St. Pete Beach.



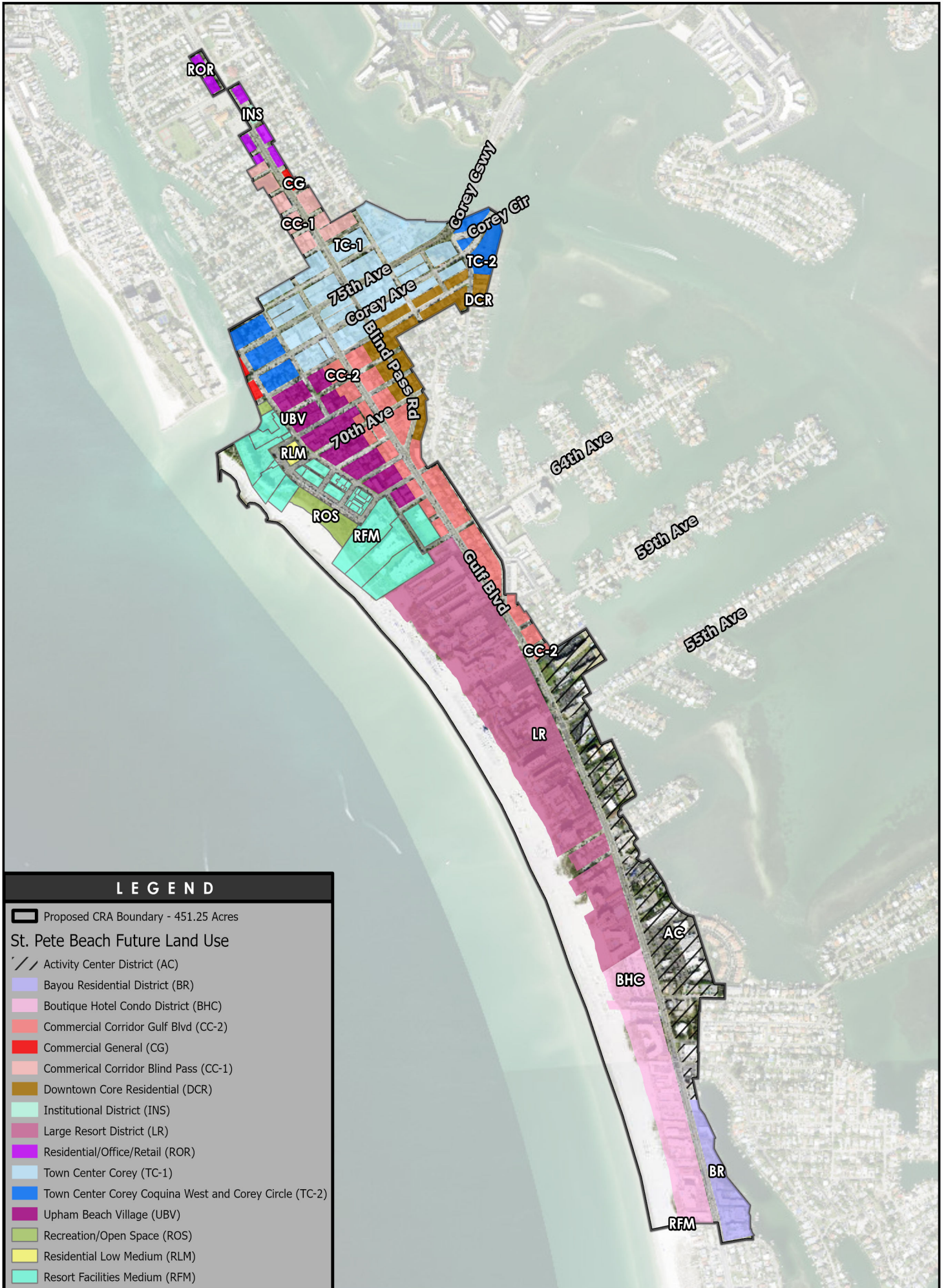
6 Proposed CRA Area






















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LEGEND

-  Proposed CRA Boundary - 451.25 Acres
- St. Pete Beach Future Land Use**
-  Activity Center District (AC)
-  Bayou Residential District (BR)
-  Boutique Hotel Condo District (BHC)
-  Commercial Corridor Gulf Blvd (CC-2)
-  Commercial General (CG)
-  Commercial Corridor Blind Pass (CC-1)
-  Downtown Core Residential (DCR)
-  Institutional District (INS)
-  Large Resort District (LR)
-  Residential/Office/Retail (ROR)
-  Town Center Corey (TC-1)
-  Town Center Corey Coquina West and Corey Circle (TC-2)
-  Upham Beach Village (UBV)
-  Recreation/Open Space (ROS)
-  Residential Low Medium (RLM)
-  Resort Facilities Medium (RFM)

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Notes:
 1. Coordinate System: GCS North American 1983
 2. Source data: City of St. Pete Beach, Pinellas County
 3. Imagery: ESRI Imagery

Exhibit B - Proposed CRA Area
 St. Pete Beach, FL

January 2026

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 Fax 813.223.0009



**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue)

Action Request: Motion to adopt Resolution 2026-01.

Strategic Objective: Recovery, Resiliency & Sustainability

Date: February 10, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: This resolution and request have not been altered since the January 27, 2026 City Commission meeting.

The Sunset Park area of Pass A Grille underwent replatting in 1926 and included numerous general easements on the replat, one of which runs along the rear of the four lots of Block C that face the currently-named Pass A Grille Way between 24th and 25th Avenues.

The property of 103 24th Avenue contains all of Lot 7 of Block C and the rear 22 feet of both Lots 5 and 6. The partial lots under ownership were platted with a three-foot unspecified-to-purpose easement at their rear. This property's ownership configuration has been in place since at least 1978, the earliest deed record readily available for the property. The owners of the property are seeking to redevelop the property with a new residence that will be located within the specified easement, and seek a vacation of the easement.

The owners have received letters of no conflict from Duke Energy, Frontier Communications, TECO Peoples Gas, and Pinellas County Utilities in support of the vacation request. Charter Communications (Spectrum) also provided a no conflict letter, stating that

easements may be required on the subject property in the future to accommodate their facilities.

Staff has no concerns with the request. Although the original purpose of the easement is unspecified, the City has no present need for the easement to be maintained as a drainage easement, as the property will need to be swaled to direct water to the street when redeveloped which will fulfill the drainage improvement requirement applicable to new single-family homes. At the property's size and present zoning, it could not be permitted any use other than a single-family home, so it is unlikely that the property could be later developed with a more intensive use which would require a more robust drainage solution.

Approval of this request will permanently vacate the easement that currently intersects the eastern 19 feet of the property from the 50x100' Lot 7 that presently contains the 1925-built home, which is being contemplated for either demolition or relocation at the time of drafting this report. When the easement is vacated, the applicant will be able to proceed with development on the site to the typical zoning setback and lot coverage standards. The existing three-foot platted easement that runs along the entire rear (north side) of the Lot 7 portion of the property will remain unaffected.

The new residence has proceeded through design review with the Historic Preservation Board, and the permit authorizing the development of the new home is pending approval of the subject easement vacation request.

Pursuant to Sec. 1.03. of the St. Pete Beach Charter, the subject easement vacation requires an affirmative vote of at least four members of the City Commission to authorize. Notice has been provided to owners within 300 feet as required. The Planning Board will review and recommend the subject request at their January 26th meeting, and their recommendation will be shared at the adoption hearing.

Funding:

No known fiscal impact to the City.

Attachments:

1. Resolution 2026-01
2. Sunset Park Replat
3. Pinellas County Utilities - Letter of No Objection
4. Duke Energy - Letter of No Objection

5. Frontier Communications - Letter of No Objection
6. TECO Peoples Gas - Letter of No Objection
7. Charter Communications - Conditional Letter of No Objection
8. Survey Showing Easement Location
9. Proposed Site Plan

RESOLUTION NO. 2026-01

A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING A THREE-FOOT PLATTED EASEMENT AT THE REAR OF LOTS 5 AND 6 OF BLOCK C OF SUNSET PARK REPLAT, RECORDED IN PLAT BOOK 18, PAGE 6, OF PINELLAS COUNTY PUBLIC RECORDS, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 103 24TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

WHEREAS, the owners of the property at 103 24th Avenue desire to redevelop their property with a single-family residence and accessory structures.

WHEREAS, the property contains all of a single platted lot, and the western 22 feet of two platted lots that contain at their western rear boundary a three-foot unspecified easement that was designated on the Sunset Park Replat in 1926.

WHEREAS, the owner has obtained letters of no objection from Duke Energy, Pinellas County, Charter Communications (Spectrum), TECO Peoples Gas, and Frontier Communications for the proposed vacation, being the five utilities currently active in St. Pete Beach.

WHEREAS, Staff has no concerns regarding the vacation of the proposed easement and finds that single-family drainage improvements will be required for the new development regardless of the presence of the easement.

WHEREAS, the proposed new development on the subject property has been reviewed and accepted by the Historic Preservation Board, and its construction is contingent on the vacation of the subject easement.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY RESOLVES:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City Commission authorizes the vacation of the subject three-foot easement, which has a length of 100 feet, width of three feet, and begins 19 feet from the eastern property boundary of 103 24th Avenue as depicted on the accompanying survey and recorded Sunset Park plat.

SECTION 3. This request does not vacate any of the platted three-foot-wide, 50-foot-long easement that runs along the northern side of Sunset Park Replat Block C, Lot 7, connecting with an easement of the same size on Lot 8 that leads to the right-of-way of Sunset Way.

SECTION 4. A copy of the accompanying development order to this request shall be recorded prior to issuance of any permit that will develop the land on which the easement is currently located.

SECTION 5. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 6. Construction. This Resolution is to be liberally construed to accomplish its objectives.

SECTION 7. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2026.

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

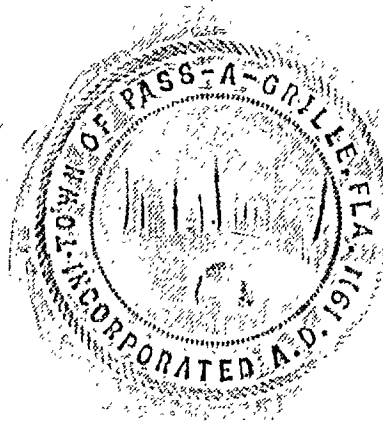
Adrian Petrila, Mayor

ATTEST:

Renee Rose, City Clerk

Approved as to form and legal sufficiency for the
use and reliance of the City of St. Pete Beach only:

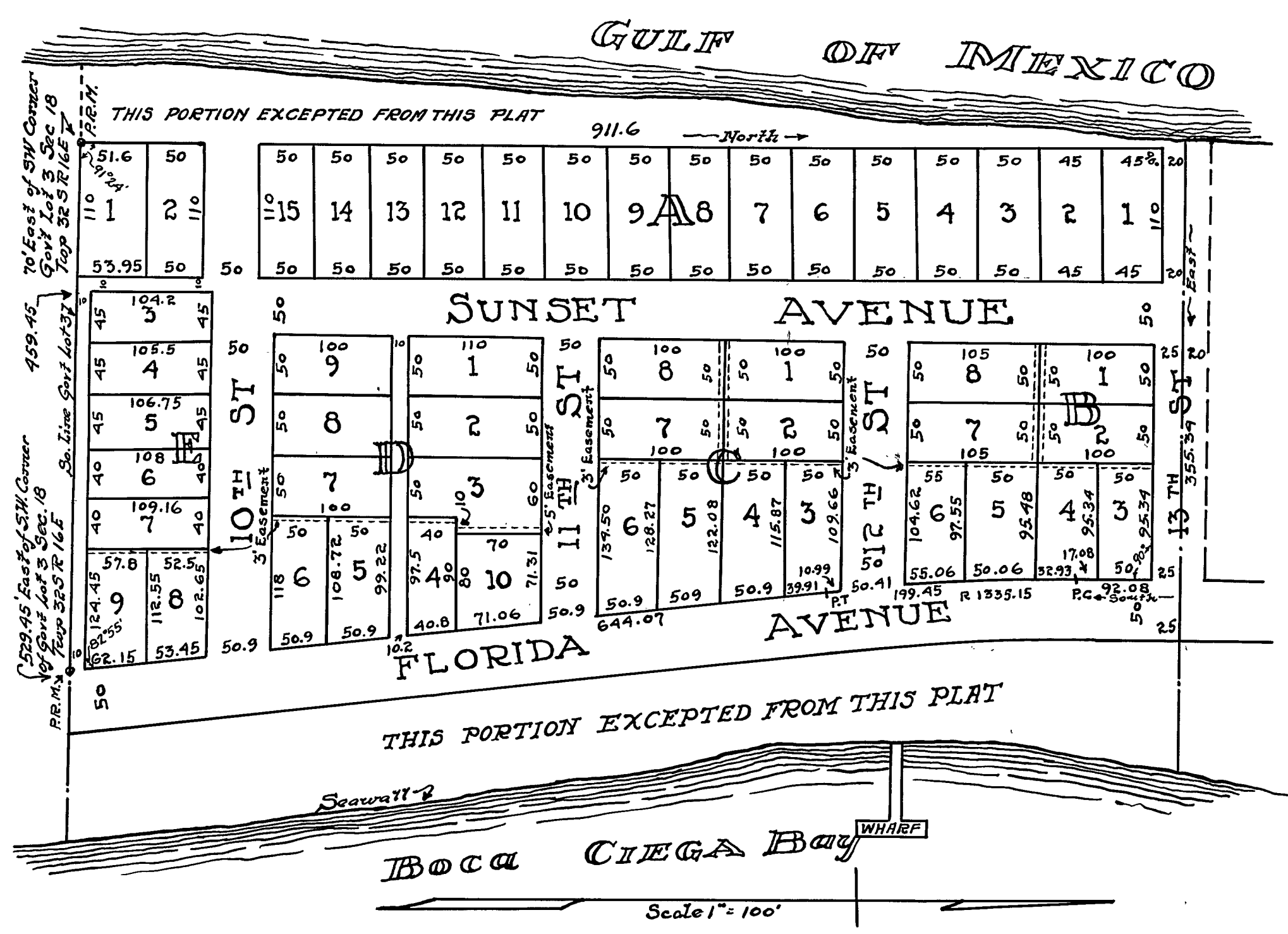
Vose Law Firm LLP, City Attorney



Accepted for the City of Pass-a-Grille
 E. K. Meredith Mayor Pro Tem
 F. E. Hallock Commissioner
 J. E. Wallock Clerk

I hereby certify that on this 14 day of April A.D. 1926 this property was surveyed and staked and that monuments were set as indicated and that the dimensions and lengths are correct. This report made for the purpose of changing the alignment of Florida Avenue.

J. F. Valentine
 City Exp # 462



A REPLAT
 OF
SUNSET PARK
 Pass-a-Grille Pinellas County Florida.

Being a replat of a portion of all lots in Blocks A.-B.-C.-D. and E of Sunset Park as filed in Book 12, Page 100 Pinellas County Records.

Further described as follows:
 Beginning at a point 70 feet East of SW corner of Govt Lot 3, Sec. 18 - Twp 32S - R. 16 E. run North 911.6 feet; thence East 355.34 feet; thence South 92.08 feet to P.C.; thence running on a curve to the left of radius 1335.15 feet a distance of 199.45 feet to P.T.; thence Southeast 644.07 feet to the South line of Govt Lot 3; thence West along South line of Govt Lot 3 a distance of 459.45 feet to point of Beginning.

We the undersigned hereby certify that we are the owners in fee simple of the lands above described hereby platted as "A Replat of Sunset Park" that we hereby dedicate to the public all streets and public places shown on this plat of the sub-division of the same; it being stipulated that a right of way be reserved as shown for the location of public utilities including poles and conduits for wires and pipes, and that the sub-division is permanently marked upon the ground by concrete monuments in the locations shown on said plat and that the dimensions angles and lengths and the connections with and witness marks of monuments as shown are correct and entirely within the boundaries of said tract as above described.

Witness our hand and official seal at St Petersburg, Florida this day of April A.D. 1926

Signed, sealed and delivered in presence of
 C. Lester Ford (Seal)
 Elizabeth G. Ford (Seal)
 C. E. Redington (Seal)
 Hazel A. Redington (Seal)
 Mary Lou Gray (Seal)
 Erwin C. Price (Seal)
 E. K. Meredith (Seal)
 Trustees of School District #12 Pinellas County, Florida.

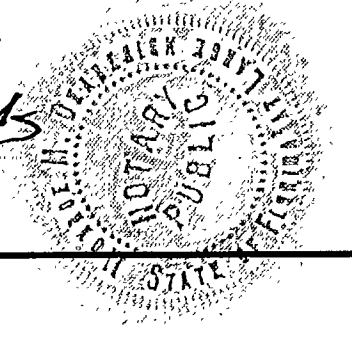
Erwin C. Price (Witness)
 M. M. Deaderick (Witness)

State of Florida,
 County of Pinellas.
 I hereby certify, that on this 17th day of April A.D. 1926 before me, the undersigned authority, personally appeared C. Lester Ford and Elizabeth G. Ford, his wife, C. E. Redington and Hazel A. Redington, his wife for themselves and Erwin C. Price, E. K. Meredith, and Mary Lou Gray as Trustees of School District #12 Pinellas County, Florida, and severally acknowledged that they executed this plat of Sunset Park as and for their free act and deed, and the said Erwin C. Price, E. K. Meredith and Mary Lou Gray acknowledged that they executed the same in behalf of School District No. 12 Pinellas County, Florida.

I further certify that the said Elizabeth G. Ford, Hazel A. Redington wives of the said C. Lester Ford and C. E. Redington respectively, on an examination taken and made separately and apart from their said husbands, each acknowledged to me that she executed this instrument for the purpose of renouncing and relinquishing her dower and rights of dower and separate estate in and to the lands, tenements, and hereditaments therein described, and that she executed said instrument freely and voluntarily, and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal this date aforesaid.

My commission expires Dec 1 1928
 Monroe M. Deaderick
 Notary Public State at Large



Book 18 Page 6
 229798
 FILED APR 20 1926 10:00 A.M.
 AND RECORDED IN THE PUBLIC RECORDS OF
 PINELLAS COUNTY, FLORIDA IN THE BOOK
 AND ON THE PAGES DESIGNATED ABOVE.
 E. B. O'QUINN, Clerk Circuit Court
 D. C.

August 27, 2025

Att: Gina Pezza
Email: ginap@groundpros.com
103 24th Avenue, St. Pete Beach, Fl. 33706

Re: Letter of No Objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6),

Dear Property Owner,

We have received your request for a letter of no objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6), as depicted in the attached exhibit(s).

Pinellas County does not have any utilities, or stormwater facilities in the right-of-way and has no future plans for utilities, or stormwater facilities in the easement. Therefore, Pinellas County has no objection to the proposed vacation.

If you have any questions, or if we may be of further assistance, please feel free to contact me at (727) 464-3169.

Sincerely,



Briana Dachniewicz
Development Project Manager I
Petition to Vacate Coordinator
Pinellas Building & Development Review Services

440 Court Street
Clearwater, FL 33756
Phone (727) 464-3888
V/TDD (727) 464-4062
www.pinellascounty.org



2166 Palmetto Street
Clearwater, FL 33765
Mail Code: CWBAYG
Office-727-893-9262

Email: Jonathan.Kasper@Duke-Energy.com

August 29, 2024

PEZZA, MICHAEL J
PEZZA, GINA M

RE: *Approval of a Platted Utility Easement Vacation*
Parcel ID: 18-32-16-88056-003-0070
Address: 103 24TH AVE., ST PETE BEACH, FL 33706
Legal: SUNSET PARK REPLAT BLK C, LOT 7 & W 22FT OF LOTS 5 & 6

Dear Mr. and Mrs. Pezza,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has “**NO OBJECTIONS**” to the 3’ wide platted utility easement vacation, lying along the Westerly boundary of Lots 5 and 6, Block C, according to the plat thereof, referenced on SUNSET PARK REPLAT, Plat Book 18, Page 6, Public Records of Pinellas County Florida, further shown on accompanying exhibit.

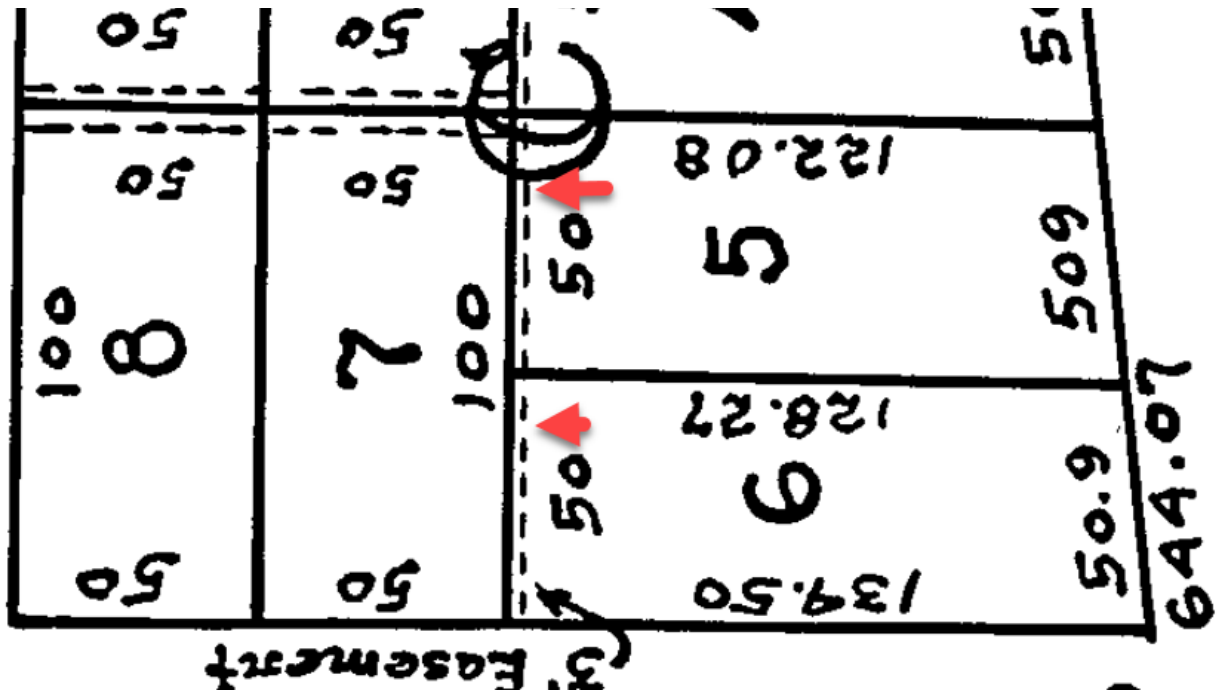
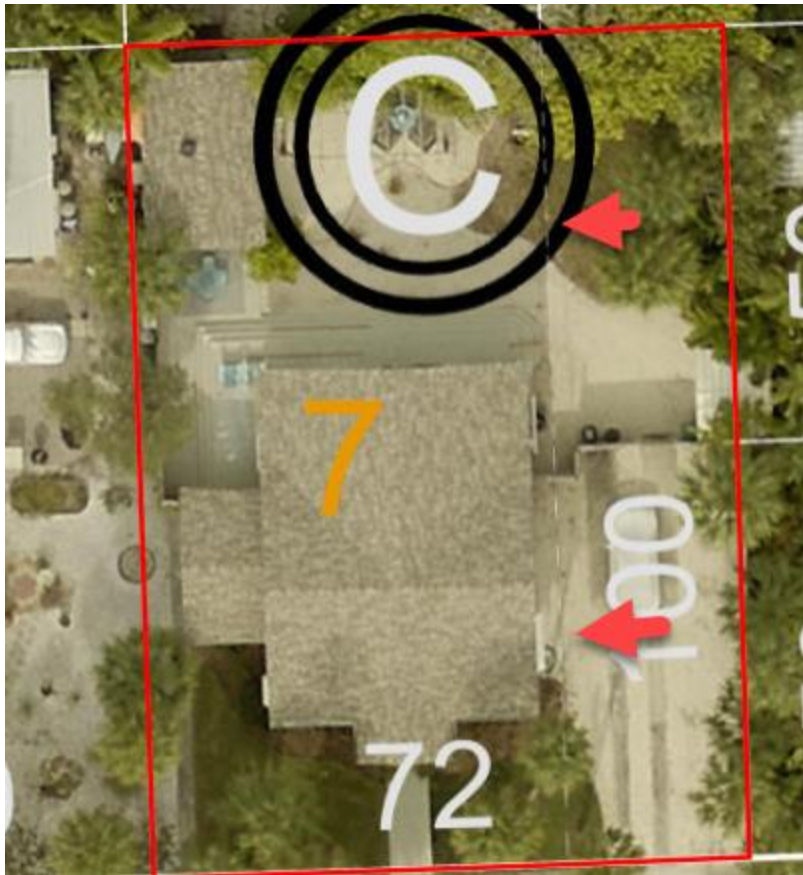
If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper
Real Estate Representative
Duke Energy Florida

Exhibit





FRONTIER

2185 Range Rd
Clearwater, FL 33765
(941) 266-9218
stephen.waidley@ftr.com

11/17/2025

Attn: Briana Dachniewicz
Development Project Manager I
Pinellas County
440 Court St
Clearwater, FL 33756

RE: Vacation of Easement - 103 24th Ave, St Pete Beach, FL

Dear Ms. Dachniewicz,

Our records do not indicate that there are Frontier facilities in the area of the Plat request as per the attachment provided.

Frontier has no objection to the above referenced request as per the attachment.

Frontier has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier facilities to remain in the proposed vacated R.O.W.

Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Engineering Department with regards to the above project.

Frontier has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley

Stephen Waidley
Frontier Florida LLC
Regional Rights of Way & Municipal Affairs Manager

August 27, 2025

Att: Gina Pezza
Email: ginap@groundpros.com
103 24th Avenue, St. Pete Beach, Fl. 33706

Re: Letter of No Objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6),

Dear Property Owner,

We have received your request for a letter of no objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6), as depicted in the attached exhibit(s).

Pinellas County does not have any utilities, or stormwater facilities in the right-of-way and has no future plans for utilities, or stormwater facilities in the easement. Therefore, Pinellas County has no objection to the proposed vacation.

If you have any questions, or if we may be of further assistance, please feel free to contact me at (727) 464-3169.

Sincerely,



Briana Dachniewicz
Development Project Manager I
Petition to Vacate Coordinator
Pinellas Building & Development Review Services

CERTIFIED TO:
 MICHAEL J. PEZZA
 GINA M. PEZZA
 CSM CONSTRUCTION

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST



LEGAL DESCRIPTION
 LOT 7 AND THE WEST 22 FEET OF LOTS
 5 AND 6, BLOCK C, ACCORDING TO THE PLAT OF
 SUNSET PARK REPLAT
 AS RECORDED IN PLAT BOOK 18, PAGE 6 OF THE
 PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
 BOUNDARY AND TOPOGRAPHIC SURVEY
 WITH TREE LOCATION - 5/12/25

Current FEMA Flood Zone Data:
 FLOOD ZONE(S): AE(1%)
 DOES NOT LIE WITHIN COASTAL A ZONE
 COMMUNITY PANEL #123149 1210300278 H
 REVISED 8/24/21

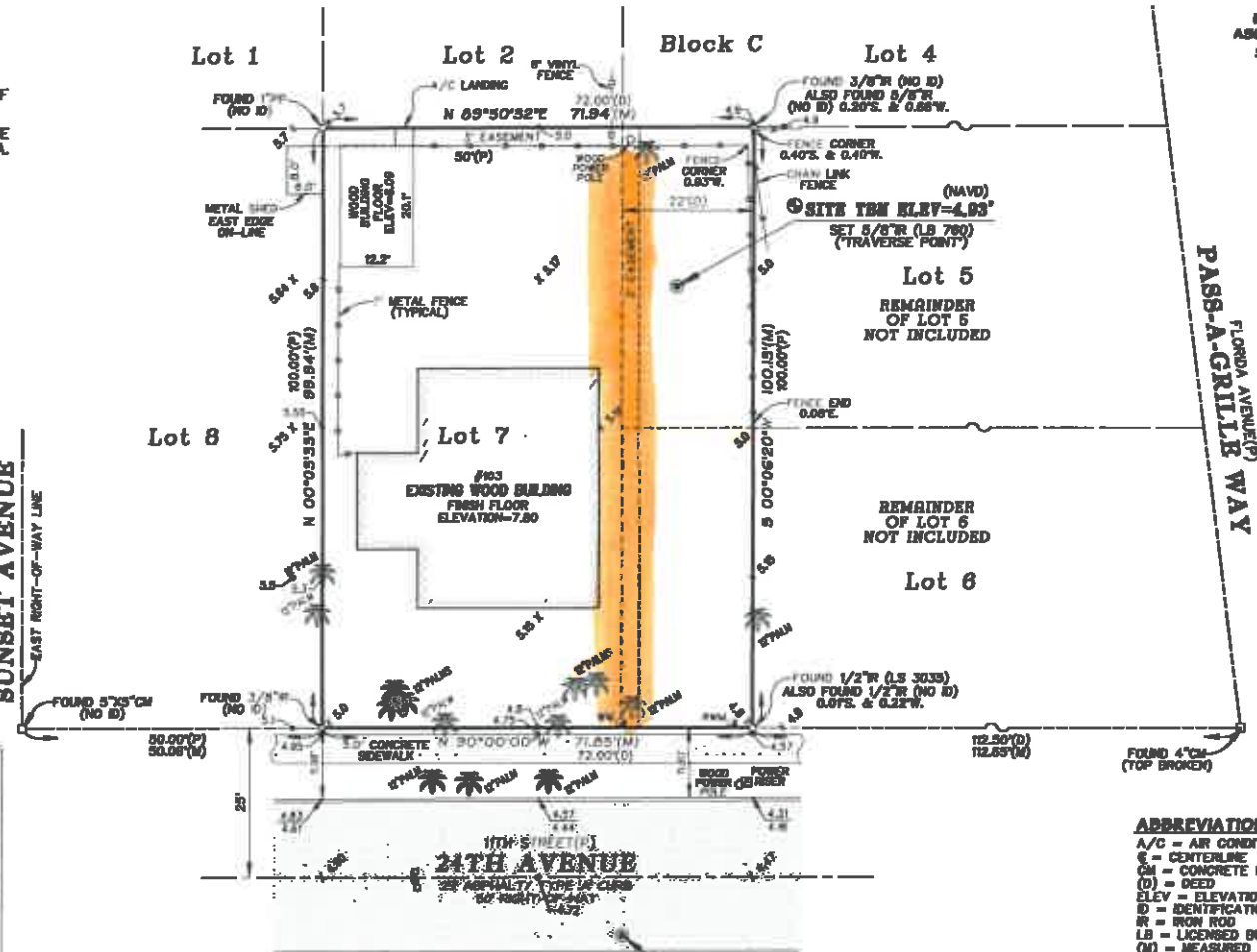
Assumed Basis of Bearings:
 NORTH RIGHT-OF-WAY LINE OF 24TH AVENUE AS BEING
 N89°00'00"W, ASSUMED. (NO RECORD PLAT BEARINGS)

Reference Benchmark:
 PINELLAS COUNTY MAP #284 (NOAA 1973)
 ELEV=7.548' NAVD, ADJUSTED TO
 ELEV=6.82' NAVD, MSL=0.00'

This survey was prepared without the benefit of a title search and is
 subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a
 Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the
 property and does those who purchase, mortgage or guarantee the title
 thereto within one (1) year from latest date shown hereon.



PASS-A-GRIFFIN WAY
 FLORIDA AVENUE (P)

ABBREVIATIONS:
 A/C = AIR CONDITIONER
 CL = CENTERLINE
 CM = CONCRETE MONUMENT
 (D) = DEED
 ELEV = ELEVATION
 ID = IDENTIFICATION
 IR = IRON ROD
 LB = LICENSED BUSINESS
 (M) = MEASURED
 (P) = PLAT
 PF = PINCH PIPE
 RWM = RECLAIMED WATER METER
 TBM = TEMPORARY BENCHMARK
 WM = WATER METER

(NAVD)
 SITE TBM ELEV=4.93'
 SET NAIL & DISK (LB 780)
 IN ASPHALT PAVEMENT

Prepared by:
JOHN C. BRENDA AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS AND MAPPERS
 405 82nd Avenue North
 Pinellas Park, Florida 33781
 phone (877) 576-7946

I hereby certify that this survey has been prepared in accordance with the
 requirements of Chapter 5J-1, Florida Administrative Code.



Job Number: 2503-55
 Drawn: DS

2503-55.CRD
 FIELD BOOK 992 PAGE(S) 36

Ticket Status Notification

To:
 Email: MIKEP@GROUNDPROS.COM

Below lists utilities that were stasured by USIC. Please note there may be other Utilities which include private facilities that may be present in the work area and are NOT the responsibility of USIC to locate or mark.

You are receiving this notification because your contact information is listed on the above ticket from the One Call System. If you have any questions regarding this notification, please contact USIC at 1-800-762-0592.

<u>Ticket</u>	<u>Address</u>			
233502566	103 24TH AVE,ST PETE BEACH,FL			
<u>Utility</u>	<u>Locate Date /</u>	<u>Status</u>	<u>Detail</u>	
Charter-Time Warner Cab	09/22/25 04:32 PM	Not Marked	4 - Excavation Site Clear	
Frontier Tel	09/22/25 04:32 PM	Not Marked	4 - Excavation Site Clear	

Stay Up-to-Date with Real-Time Access to USIC's assigned Tickets through our DigCheck Pro App. You will have the flexibility to see Open and Closed Tickets, Post Locate Photos, and Street Views! There is no cost to access our DigCheck Pro App.

Sign up by emailing DigCheck@usicllc.com and provide your
 First Name:
 Last Name:
 Company Name:
 Email Address:
 State or States:
 Phone Number:

You can download DigCheck Pro from Apple App Store or Google Play Store Now!

It's Free!



Questions or Comments:

DigCheck@usicllc.com



January 6, 2026

To: Brandon Berry
Senior Planner
City of St. Pete Beach

Re: Vacate of Easement
Address: 103 24th Ave St Pete beach ,33706

To Whom It May Concern,

Thank you for contacting Peoples Gas System, Inc. ("PGS") regarding the vacate of easement at the above reference location. After reviewing the documents provided, TECO-PGS has NO objection to this request. TECO-PGS does not have any active facilities in this specified area.

If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Briana".

Briana Velez
Peoples Gas Systems- Engineering
8416 Palm River Rd, Tampa FL 33619
Office: (813)275-3700 ext:53700
Cell: (813)460-2040



Date: 12/31/25

Re: **Request for vacation of platted residential easement - 103 24th Avenue, St. Pete Beach, 33706**

XXX Charter Communications has no objections provided easements for our facilities are Retained / granted

 Charter Communications has facilities that would need to be relocated and the applicant would be responsible for this expense. Payment in full would be required to proceed with vacation of the easement.

 In order to properly evaluate this request, Charter Communications will need detailed plans of facilities proposed for subject areas.

 Charter Communications has facilities within this area, which may conflict with subject project please call 811 to have locating. **SEE NOTES**

 Charter Communications requires 30 days written notice prior to construction start date to relocate their facilities.

NOTES:

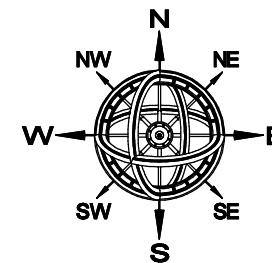
Sincerely,

Derrick Snyder

Construction Supervisor
Charter Communications
Pinellas County
Phone Number 727-329-2041

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

CERTIFIED TO:
 MICHAEL J. PEZZA
 GINA M. PEZZA
 CSM CONSTRUCTION

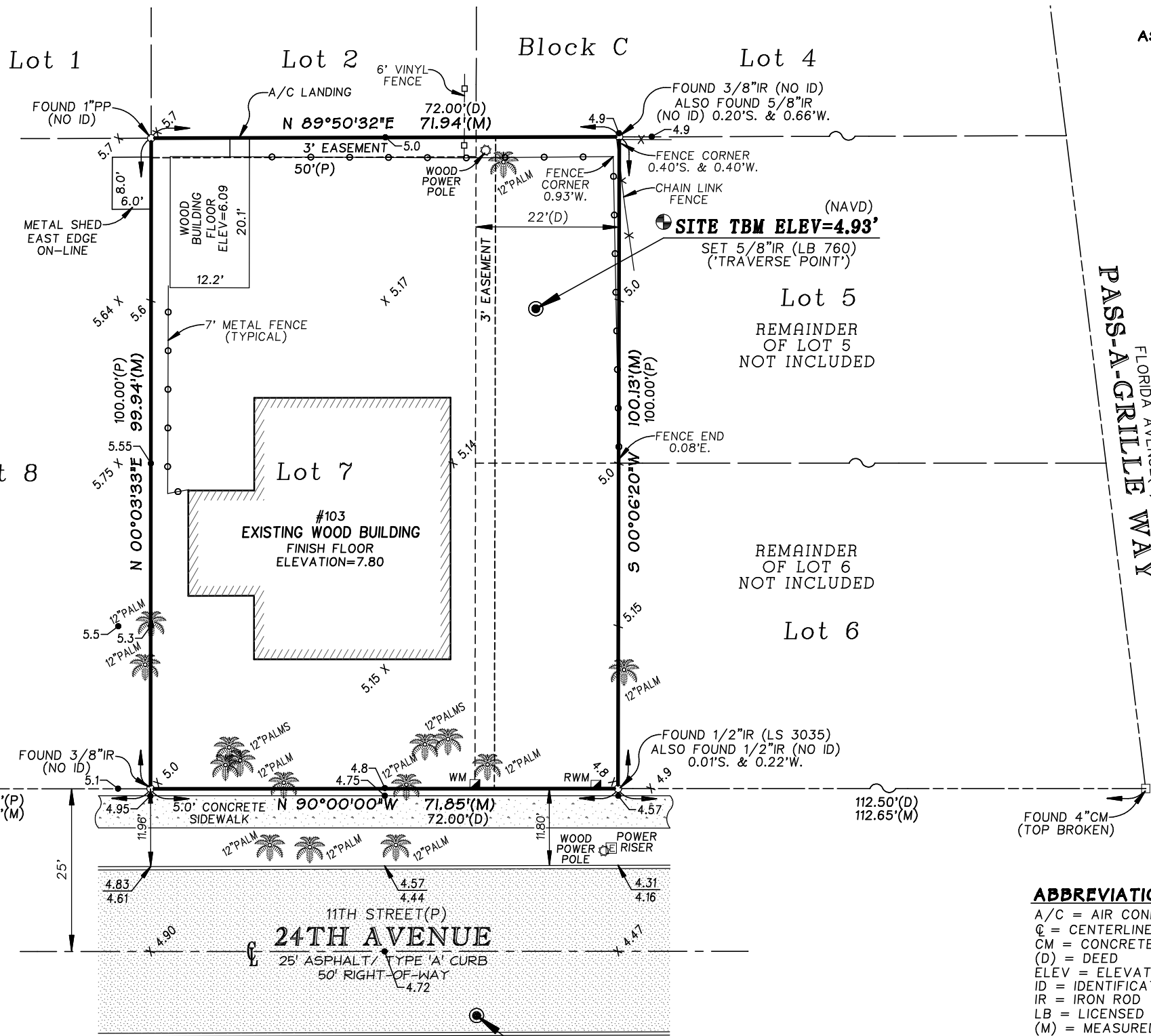


NORTH BASIS:
 ASSUMED MERIDIAN
 SCALE: 1"=20'

LEGAL DESCRIPTION

LOT 7 AND THE WEST 22 FEET OF LOTS 5 AND 6, BLOCK C, ACCORDING TO THE PLAT OF **SUNSET PARK REPLAT** AS RECORDED IN PLAT BOOK 18, PAGE 6 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATION - 5/12/25



Current FEMA Flood Zone Data:
 FLOOD ZONE(S): AE(9')
 DOES NOT LIE WITHIN COASTAL A ZONE
 COMMUNITY PANEL #125149 12103C0278 H
 REVISED 8/24/21

Assumed Basis of Bearings:
 NORTH RIGHT-OF-WAY LINE OF 24TH AVENUE AS BEING N.90°00'00"W., ASSUMED. (NO RECORD PLAT BEARINGS)

Reference Benchmark:
 PINELLAS COUNTY MAP #284 (NOAA 1973)
 ELEV=7.566' NGVD, ADJUSTED TO
 ELEV=6.82' NAVD, MSL=0.00'

This survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from latest date shown hereon.

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS AND MAPPERS
 4015 82nd Avenue North
 Pinellas Park, Florida 33781
 phone (727) 576-7546

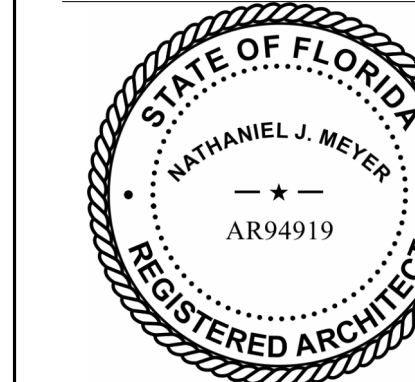
I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

No. 4601
 STATE OF FLORIDA
 JOHN O. BRENDLA
 Florida Surveyor's Registration No. 4601
 Certificate of Authorization No. 760
 SURVEYOR

Job Number: 2503-55
 Drawn: DS

2503-55.CRD
 FIELD BOOK 992 PAGE(S) 36

ABBREVIATIONS:
 A/C = AIR CONDITIONER
 C = CENTERLINE
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 RWM = RECLAIMED WATER METER
 TBM = TEMPORARY BENCHMARK
 WM = WATER METER



REVISIONS		
MARK	DATE	DESC
1	10.09.2024	ZONING REVIEW

REVISIONS		
MARK	DATE	DESC
1	10.09.2024	ZONING REVIEW

B PROPORTIONAL DESIGN ELEMENTS SHALL INCLUDE:
1 WINDOWS IN VARYING, YET SIMILAR ARRANGEMENTS.
2 APPROPRIATE VERTICAL VISUAL CONSISTENCY AT THE CENTERLINE OF THE FAÇADE.
3 APPROPRIATE RATIOS OF VISUAL WIDTH BETWEEN TOP AND BOTTOM HALVES OF THE ELEVATION (BOTTOM 1/4 CLEARLY SUPPORTS THE TOP).
4 OVERALL DESIGN SHALL BE SYMMETRICALLY OR ASYMMETRICALLY BALANCED.

C DESIGN MUST INCLUDE THE FOLLOWING RHYTHMS:
1 PROXIMITY (OBJECTS CLOSE TOGETHER COMPLEMENT EACH OTHER).
2 SIMILARITY- COMMON TEXTURES, COLORS OR FEATURES.

SHEET MANAGEMENT	
DATE:	08.28.2025
PHASE:	PERMIT-100%
SHEET TITLE	

ARCHITECTURAL SITE PLAN

SHEET NUMBER

A0.01

GENERAL NOTES - LANDSCAPING

- LANDSCAPE PLAN IS SCHEMATIC. A COMPLETE PLAN IS TO BE PROVIDED BY OTHERS PRIOR TO FINAL ZONING INSPECTION.
- SOD OR VEGETATIVE GROUNDCOVER TO BE 24% (1728SF) OF THE LOT.
- PROVIDE IRRIGATION TO ALL LANDSCAPED AREAS.
- PLANT MATERIALS USED IN CONFORMANCE WITH THE PROVISIONS OF THIS ARTICLE SHALL CONFORM TO THE STANDARD FOR FLORIDA NO. 1 OR BETTER, AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, PART I, 1963, AND PART II, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE, OR EQUAL.
- ALL TREES PLANTED UNDER THE PROVISIONS OF THIS CODE SHALL BE OF A SPECIES HAVING AN AVERAGE CROWN OF GREATER THAN 15 FEET AT MATURITY AND HAVING A TRUNK WHICH CAN BE MAINTAINED IN A CLEAN CONDITION, FREE OF BRANCHES, FROM GRADE TO FIVE FEET ABOVE GRADE.
- CANOPY TREES SHALL HAVE A MINIMUM HEIGHT OF 12 FEET AND A DBH DIMENSION OF THREE INCHES AT THE TIME OF PLANTING.
- ACCENT UNDER-STORY TREES SHALL BE A MINIMUM OF EIGHT FEET IN OVERALL HEIGHT AND A TREE DBH DIMENSION OF TWO INCHES AT THE TIME OF PLANTING.
- SHRUBS AND HEDGES SHALL BE A MINIMUM OF TWO FEET IN HEIGHT WHEN MEASURED IMMEDIATELY AFTER PLANTING.
- VEGETATIVE GROUND COVERS IN LIEU OF GRASS, IN WHOLE OR IN PART, SHALL BE PLANTED IN SUCH A MANNER AS TO PRESENT A FINISHED APPEARANCE AND REASONABLY COMPLETE COVERAGE.
- LANDSCAPE LIGHTING TO BE CONTROLLED BY TIMER.

ZONING DATA - SAINT PETE BEACH SEC. 20.20 LANDSCAPING STANDARDS

SEC. 20.21 SCREENING OF ELEVATED BUILDINGS
A - ARCHITECTURAL SCREENING SHALL:

- CREATE A VISUAL CONTINUITY THAT IS INTEGRATED WITH THE OVERALL DESIGN AND ARCHITECTURE OF THE HOME USING DOORS, GARAGE DOORS, ENTRYWAYS, STAIRCASE AND/OR ARCHWAYS.
- NO MORE THAN 20 PERCENT OF THE AREA BEING SCREENED CAN BE TRANSPARENT.

B - LANDSCAPE SCREENING SHALL BE INSTALLED:

- A MINIMUM 3-FOOT-WIDE LANDSCAPE AREA.
- ONE UNDERSTORY TREE PER 20 LINEAL FEET (OR PORTION THERE OF) OF THE ELEVATED BUILDING LENGTH/WIDTH VIEWED FROM PUBLIC RIGHTS-OF WAY.
- PLANTED WITH SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVERS TO PROVIDE 100 PERCENT COVERAGE OF THE LANDSCAPE AREA WITHIN ONE GROWING SEASON. THE LANDSCAPE DESIGN SHALL (UNLESS SPATIALLY IMPRACTICAL) PROVIDE LAYERING OF PLANT MATERIALS THAT INCLUDES LARGER BACKGROUND SHRUBS AND LOW FOREGROUND GROUNDCOVERS. ALL PLANT MATERIAL SHOULD BE FLORIDA FRIENDLY PLANTINGS AS DEFINED AND IDENTIFIED BY UNIVERSITY OF FLORIDA/IFHS HORTICULTURE EXPERTS.
- PERMANENT MULCH MATERIALS, SUCH AS ORGANIC MULCHES, STONES, AND RECYCLED INORGANIC GROUNDCOVER MATERIALS ARE NOT PERMITTED IN LIEU OF VEGETATION, UNLESS THEY ARE PROVIDED AS ACCENT OR FOCAL POINTS THAT ENHANCE THE LANDSCAPE DESIGN.

ZONING DATA - SAINT PETE BEACH SEC. 20.17 BUILDING HEIGHT

DESIGN FLOOD ELEVATION 10.0'
FINISHED GRADE X (SEE SURVEY)
HEIGHT OF FLOORS 8FT MIN 14FT MAX (LIVEABLE)
TOTAL HEIGHT 28-32FT (FROM 8FT ABOVE NATURAL GRADE)

SEC. 23.5 NUMBER OF PARKING SPACES REQUIRED

RESIDENTIAL SINGLE-FAMILY 2 SPACES PER UNIT

SEC. 23.11 PARKING CONSTRUCTION AND DESIGN REQ

90 DEGREE SPACES 9' X 20'
DRIVEWAY WIDTH 10FT MIN
20FT MAX AT PROPERTY LINE
26FT MAX AT CURB W/ 3X7 FLARES
NUMBER OF DRIVEWAYS (CORNER LOTS) 3

SEC. 6.13 RESIDENTIAL ACCESSORY STRUCTURES

ATTACHED GARAGE SHARES 75% OF COMMON WALL

POOLS MEASURED FROM EDGE OF WATER
REAR SETBACK 5FT TO WATERS EDGE, 4FT TO FRONT AND SIDE SETBACKS
SEE PRINCIPAL STRUCTURE

SEC. 6.14 RESIDENTIAL EQUIPMENT ENCROACHMENTS

GRADE ELEVATED 4FT
PROHIBITED

SEC. 6.15 FENCES AND WALLS

FRONT YARDS 4FT
MAX HEIGHT 8FT

SEC. 6.22 YARD AND MEASUREMENT REQUIREMENTS

OPEN BALCONIES 3FT FRONT / REAR ENCROACHMENT
OPEN STAIRS 3FT ENCROACHMENT
ORNAMENTAL COMPONENTS 1FT ENCROACHMENT
ROOF EAVES W/ GUTTERS 2FT ENCROACHMENT

SEC. 11.6 MIN ZONING LOT REQUIREMENTS

RLM-2
MAX RESIDENTIAL DENSITY 10 UNITS / ACRE
LOT AREA PER DWELLING UNIT 4,356SF
DWELLING UNITS ALLOWED 2 (7,000SF / 4,356SF = 1.6)

SEC. 20.22 GENERAL BUILDING DESIGN

A THE MASS OF A BUILDING MUST INCLUDE:
1 PRIMARY MASS. THE BUILDING SHALL HAVE A DISTINCT PRIMARY MASS.
2 SECONDARY MASS. A BUILDING SHOULD ALSO INCLUDE SECONDARY MASS (PRIVATE FRONTAGE REQUIREMENTS) THAT FORM THE FAÇADE OF THE BUILDING.
3 VOIDS THAT ALLOW FOR NATURAL BREAKS IN THE MASS.

SCHEDULE-IMPERVIOUS SURFACE

NAME	AREA
BUILDING FOOTPRINT	2449 SF
CONCRETE PADS	45 SF
DRIVEWAY	112 SF
EXISTING GARAGE	245 SF
POOL DECK	407 SF
POOL WATER SURFACE	525 SF
STAIRS	162 SF
WALKWAYS	183 SF
TOTAL IMPERVIOUS SURFACE	4127 SF

4,127SF / 7,200SF SITE AREA = 57% (60% MAX)

SCHEDULE-PERVIOUS SURFACE

NAME	AREA
PERVIOUS LANDSCAPE	3073 SF
TOTAL PERVIOUS SURFACE	3073 SF

3,073SF / 7,200SF = 43% PERVIOUS
SHELL GROUNDCOVER NOT TO EXCEED 20% OF REQUIRED PERVIOUS GROUNDCOVER.

SCHEDULE-PLANTS

MARK	COMMENTS
CT1	CANOPY TREE
H1	SHRUB, 3GAL MIN FORMING AN OPAQUE HEDGE
S1	SHRUB, 3GAL MIN
S2	SHRUB, 3GAL MIN
S3	SHRUB, 3GAL MIN
UT1	UNDERSTORY TREE

FINAL LANDSCAPE PLAN INCLUDING ALL PLANT AND VEGETATIVE GROUNDCOVER SPECIES AND SIZE TO BE PROVIDED BY OTHERS.

