

ORDINANCE NO. 1009-F

AN ORDINANCE AMENDING ORDINANCE NO. 944-F, RELATING TO THE DEVELOPMENT ORDER FOR THE HARBORAGE AT BAYBORO DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; ADOPTING AMENDMENTS TO SECTION FOUR OF THE DEVELOPMENT ORDER.

WHEREAS, on October 23, 1986, the City Council of the City of St. Petersburg passed Ordinance 944-F, the Development Order for the Harborage at Bayboro Development of Regional Impact; and

WHEREAS, on September 1, 1987, the developer of the Harborage at Bayboro requested the City's consideration of Minor Modifications to the previously approved Development Order; and

WHEREAS, the developer seeks to alter the water quality monitoring program required in the development order; and

WHEREAS, the developer and the City seek to delete a requirement for utilization of masthead strobe lights on developer-hosted sailboats; and

WHEREAS, the City Council of the City of St. Petersburg, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to render a decision on the requested Minor Modifications; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the City Council has on November 5, 1987, held a duly noticed public hearing on the request, as hereinafter defined, and has heard and considered public comments and documents received incident thereto; and

WHEREAS, the City has solicited, reviewed and considered reports, comments and recommendations from interested citizens, the Tampa Bay Regional Planning Council and State review agencies; and

WHEREAS, the City Council has determined that the requested Minor Modifications do not constitute a Substantial Deviation (pursuant to Section 380.06(19), F.S.) of the previously approved development order; and

WHEREAS, after due consideration, the City Council has determined that the Minor Modifications, as hereinafter defined, should be approved.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Changes to the Development Order. The changes hereinafter defined shall apply to SECTION 4, (Conditions of Development Approval). Condition #1A shall delete Priority Three:

~~1. A. Priority Three: Sailboat Masthead Strobe Lighting~~

~~The following requirement shall be in all leases: "Mandatory utilization of high intensity strobe lights (fixed or portable) at masthead height is required during all channel transits between the period one-half hour before sunset until one-half hour after sunrise on all applicant-hosted sailboats with mast heights 25 feet and greater."~~

~~A sign to this effect shall also be posted by the Developer on the marina property.~~

Condition #10 shall be modified as follows:

10. Water Quality

A. The developer shall prepare a water quality study to be reviewed by the City of St. Petersburg, the Tampa Bay Regional Planning Council and the Department of Environmental Regulation, which focuses on changes in water quality conditions through build-out and full occupancy of the proposed project.

(1) The study shall include the following analyses at a minimum:

a. Establishment of baseline ambient water quality conditions and worst case (summer) conditions within Bayboro Harbor.

b. Measurement of inflow volumes (tidal prism and tributary discharges) and outflow volumes (tidal flushing) within Bayboro Harbor.

c. Documentation of water quality changes in Bayboro Harbor throughout project build-out and occupancy and for two years following project completion.

d. Correlation analysis of water quality changes with rainfall and other relevant natural and anthropogenic events.

(2) The study shall include a comprehensive sampling program including at minimum, the sampling specified below:

a. Bi-monthly Bi-annual (wet and dry season) monitoring at six (6) stations within Bayboro Harbor, the locations of which are shown in Exhibit 5. Samples--are--to be-taken-from-the-surface-and--one--meter off-the-bottom--at--each--station--except where-in-situ--metering--indicates--well-mixed-conditions,--In-such-cases--samples will-be-taken-at-mid-depth. Samples are to be collected on each tide change over a 24-hour diurnal period. The parameters to be monitored include:

Slack tide

- (1) Dissolved oxygen
- (2) Total and Fecal Coliforms
- (3) Chlorophyll - a
- (4) Heavy Metals
 - aluminum
 - arsenic
 - zinc
 - cadmium
 - chromium
 - copper
 - iron
 - mercury
 - lead
- (5) Anthropogenic hydrocarbons
- (6) Total Suspended Particulates
- (7) Total organic carbon
- (8) Nutrients
 - Ammonia
 - Total N
 - Kjeldahl N
 - Nitrate and nitrite
 - Total P
 - Inorganic P
- (9) Biochemical Oxygen Demand (5 day)
- (10) Temperature
- (11) Salinity
- (12) Light-attenuation Turbidity

Dissolved oxygen, temperature and salinity will be measured at one meter intervals throughout the water column. Nutrients, turbidity and heavy metals will be sampled at the surface and one meter off the bottom. All other parameters will be measured at the surface. Anthropogenic hydrocarbons will be sampled in accordance with the Dept. of Environmental Regulation (DER) specifications.

b. Bi-annual monitoring of sediments and interstitial water quality. Core samples are to be taken at each station and analyzed for the following parameters:

- (1) Grain size distribution
- (2) Total carbonate carbon
- (3) Total organic carbon
- (4) Heavy metals (as above)

c. Hydraulic analysis to quantify changes in tidal mixing and volume exchange rates within Bayboro Harbor. On a quarterly bi-annual (wet and dry season) basis the following hydraulic parameters will be sampled over a complete tidal cycle:

- (1) Discharge volumes from Salt Creek, Booker Creek and the north stormwater outfall.
 - (2) Tidal exchange volumes at the mouth of the west basin of Bayboro Harbor.
 - (3) Temperature-salinity profiles to discern degree of density stratification and tidal mixing.
- d. Samples shall be immediately returned to a state-certified laboratory for analysis. All water quality analytical methods and procedures shall be thoroughly documented and comply with EPA/DER quality control standards and requirements.
- (3) ~~Quarterly~~ Bi-annual sampling reports and annual progress reports will be submitted to the City of St. Petersburg and TBRPC for review and approval.
 - (4) If any ~~quarterly~~ bi-annual sampling results indicate that the project has caused measurable degradation of ambient water quality, the Applicant shall be required to identify the source of degradation. If the source of degradation is the marina or vessels moored at the marina then the Developer shall correct the degradation with appropriate improvements or mitigation measures as necessary to regain ambient water quality conditions.

SECTION 2. Words stricken through shall be deleted.

Underscored words constitute the amendment. Remaining provisions are now in effect and remain unchanged.

SECTION 3. This amendment shall supersede the previously adopted sections of the Development Order and all conflicting ordinances and portions thereof shall be repealed.

SECTION 4. Severability Clause. The provisions of this ordinance shall be deemed severable; and the invalidity of any section, clause or provision of this ordinance shall not affect the validity of any other portion of Ordinance No. 944-F.

SECTION 5. The cost of defense of any administrative appeal and/or lawsuits arising from this Ordinance by parties with standing, shall be borne by the Developer. The City shall reasonably cooperate with the Developer in any such proceeding, including without limitation, the appointment of special counsel to the City to defend any such proceeding subject to the City's and the Developer's consent.

SECTION 6. This Ordinance shall become effective upon the expiration of the appeal period under Section 380.07, Florida Statutes (1985), without an appeal having been taken, or if taken, dismissed or this Ordinance affirmed.

Passed by St. Petersburg City Council on first reading on the 22nd day of October, 1987.

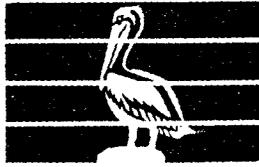
Passed by St. Petersburg City Council on second and final reading, as amended, on the 5th day of November, 1987.


Mayor-Councilman
Chairman of the City Council

ATTEST: 
Clerk of the City Council

Title Published: Times/Ind. 1-t 10/26/87

ORD3^BAYBORO



CITY OF ST. PETERSBURG

October 27, 1986

Ms. Julia Greene, Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order (Ordinance No. 944-F) for the Harborage
at Bayboro Development of Regional Impact (DRI #134)

Dear Ms. Greene:

Julia

The St. Petersburg City Council adopted Ordinance No. 944-F, adopting a Development Order for the Harborage at Bayboro Development of Regional Impact, October 23, 1986. Pursuant to Chapter 380, Florida Statutes, a copy of the Development Order and all associated exhibits are enclosed.

If you have any questions concerning this Development Order, please contact Michael R. Dove, the City's DRI Coordinator, at 893-7153.

Sincerely,

Ralph Stone

Ralph Stone
Planning Director

RES:KM:bb

cc: Robert D. Obering, City Manager
Brenda Jividen, Clerk of Council
Michael R. Dove, Manager, Advance Planning

DO944FLTRS

WHEREAS, the City Council has received and considered the report and recommendations of the Tampa Bay Regional Planning Council (TBRPC); and

WHEREAS, the City has solicited, reviewed, and considered reports, comments, and recommendations from interested citizens, Pinellas County and City agencies as well as the review and report of the City Manager (which term shall also be deemed to include his designees); and

WHEREAS, after due consideration, the City Council has determined that the Application, as hereinafter defined, should be approved with conditions.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1: Findings of Fact. Pursuant to Section 380.06(15), Florida Statutes (1985), the City makes the following findings of fact with respect to the Development:

1. The Applicant submitted to the City an ADA, a response to ADA sufficiency review, and a response by John Zumwalt (Regional Manager, Post, Buckley, Schuh, and Jernigan, Inc.), dated June 24, 1986, which are identified as Exhibits "A", "B", and "C", respectively attached hereto and made a part hereof. The term "Application" as used in this Development Order, shall refer to the ADA, the response to sufficiency review and the response of Mr. Zumwalt.
2. The real property which is the subject of the Application is located within the municipal boundaries of the City of St. Petersburg.
3. The real property which is the subject of the Application is legally described on Exhibit "1" attached hereto and made a part hereof.
4. The proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1985).
5. All development will occur in accordance with this Development Order and the Application as amended by the June 24, 1986, letter from Mr. Zumwalt.
6. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the Development.
7. The Harborage at Bayboro will make positive contributions to the economy of the region, the City of St. Petersburg, and the Bayboro Harbor Redevelopment area.

8. The location of a marina facility in Bayboro Harbor is consistent with the recommendations of the TBRPC Tampa Bay Regional Marina Siting Study. The location of the marina facility is also consistent with the 1981 marina siting study completed by the City of St. Petersburg.
9. The Development is located in an area that is designated a regional activity center as defined by the TBPRC's "Future of the Region."
10. The Harborage at Bayboro site is designated as Class II waters. The water quality of Bayboro Harbor does not now or has not historically met Class II standards.
11. The marina project will upgrade stormwater management of existing land uses which currently discharge untreated stormwater directly into Booker Creek and Bayboro Harbor. These land uses include the Baker Equipment Company and a boat maintenance facility.
12. The marina will provide sewage pump-out and treatment facilities for all vessels utilizing Bayboro Harbor and the general public.

SECTION 2: Conclusions of Law. Pursuant to Section 380.06(15), Florida Statutes (1985), City Council makes the following conclusions of law with respect to the Development:

1. A comprehensive review of the impact generated by the Development as proposed by the Applicant has been conducted by the City, the TBRPC, and other appropriate governmental agencies.
2. The Development generally furthers the achievement of the objectives of the State Land Development Plan.
3. In order for the proposed Development to be consistent with the adopted comprehensive plan, Bayboro Harbor Redevelopment Plan and development regulations of the City it is necessary to impose on the approval of the Application the conditions and restrictions contained in this Development Order.
4. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, the City considered the criteria stated in Section 380.06, Florida Statutes (1985).
5. The Development Order is consistent with the local comprehensive plan, Bayboro Harbor Redevelopment Plan and local land development regulations.

6. The review by the City, TBRPC, and other participating agencies and interested citizens shows that the impacts of the Development are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes (1985), by the terms and conditions of this Development Order.
7. The Application is approved subject to all terms and conditions of this Development Order.
8. The Development is consistent with the report and recommendations of the TBRPC.

SECTION 3: General Provisions. The following General Provisions shall govern the administration of this Development Order:

1. The provisions of this Development Order affect the real property described on Exhibit 1 which is attached hereto and made a part hereof. This real property is within the municipal limits of the City.
2. All provisions contained within the Application shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
3. This Ordinance, including all exhibits attached hereto, shall constitute the Development Order of the City in response to the Application.
4. The definitions contained in Chapter 380, Florida Statutes (1985), govern and apply to this Development Order. Terms not defined in Chapter 380, Florida Statutes (1985), shall have the meanings assigned to them by the Code of Ordinances of the City (City Code), including the Zoning Code.
5. This Development Order shall be binding upon the Applicant. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possess any of the powers and duties of, any branch of government or governmental agency.
6. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

7. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the City Council as well as all governmental agencies and departments set forth under applicable laws and rules governing DRI's.
8. In each instance in this Development Order where the Applicant is responsible for ongoing maintenance of facilities at the Development, the Applicant may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate public or private body created, in whole or in part, to perform such responsibilities. Before such transfer may be effective, however, the body to which responsibility has been or will be transferred must be approved by the City Council, or any other affected governmental agency, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
9. This Development Order shall remain in effect for a period of five (5) years from the effective date hereof. Any development activity for which a site plan has been submitted to the City for review and approval prior to the expiration date of this Order may be completed, if approved, subject to existing City regulations applicable to the expiration of said approval. This Order may be extended by the City Council on the finding of excusable delay in any proposed development activity.
10. The City agrees that prior to five (5) years from the effective date of this Development Order, the Development shall not be subject to down-zoning, unless the City can demonstrate that substantial changes in the conditions underlying the approval of this Development Order have occurred or the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by the City to be essential to the public health, safety, or welfare [Section 380.06 (15)(c)3, Florida Statutes, (1985)].
11. Upon adoption, this Development Order shall be transmitted by the Clerk of the City Council by certified mail to the DCA, the TBRPC, the Applicant and Pinellas County.

SECTION 4: Conditions of Development Approval. The following conditions shall constitute the conditions of development approval for the Development:

1. Boat Traffic Management Plan

- A. Prior to the issuance of any certificates of occupancy for the marina development, a boat traffic management plan shall be prepared by the developer in conjunction with the City of St. Petersburg, the U.S. Coast Guard, Florida Institute of Oceanography and Florida Department of Natural Resources and submitted to TBRPC for review and the City of St. Petersburg for approval. The management plan shall establish operating and coordination procedures for all vessel movements in the western basin of Bayboro Harbor and the connecting channel to Tampa Bay. The plan shall also affirm marina dimensions and orientation relative to existing shoreline and bulkheads proposed in the June 24, 1986 correspondence from John Zumwalt (Exhibit 2). Further, the boat traffic management plan shall set forth the procedures, protocol and entities responsible for coordinating boat and air traffic using or flying over Bayboro Channel. These procedures shall include, at a minimum, the following projects to mitigate, curtail or eliminate the intrusion of transient sailboat masts in the clear zone (approach slope) of Runway 18/36 at Albert Whitted Airport.

Priority One: FAA Approved Aircraft Approach Path Guidance Systems

Installation of Precision Approach Path Indicator (PAPI) systems on Runway 18/36. PAPI systems would accurately provide visual approach slope guidance information to landing aircraft. Approach angle would be established to maximize clearance above known sailboat mast height.

Estimated Cost: \$22,000

Funding Source: Fifty (50.0%) percent of the cost shall be paid by the applicant and the remaining fifty (50.0%) percent of the cost shall be paid by the City.

Priority Two: Lighted Channel Caution Signage

Installation of lighted caution signage at both approaches to critical channel area to alert sailboats to possible low flying aircraft.

Estimated Cost: \$15,000

Funding Source: City of St. Petersburg

Priority Three: Sailboat Masthead Strobe
Lighting

The following requirement shall be in all leases: "Mandatory utilization of high intensity strobe lights (fixed or portable) at masthead height is required during all channel transits between the period one half hour before sunset until one half hour after sunrise on all applicant-hosted sailboats with mast heights 25 feet and greater."

A sign to this effect shall also be posted by the Developer on the marina property.

- B. The Developer shall post idle speed and no wake zones from the marina site to Channel entrance.

2. Disaster Preparedness

- A. The developer shall promote awareness of, and shall cooperate with, local and state authorities having jurisdiction to issue a hurricane evacuation order. The developer shall prepare a plan to ensure the safe and orderly evacuation of all marina occupants and those employees who, for security or administrative reasons, are at the marina after an evacuation order is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.
- B. The developer/marina management shall be required to take measures to ensure the safety of marina visitors, boat owners and employees by informing them of any county hurricane evacuation order and posting public information and established procedures/plans for marina/boat safety.

3. Drainage/Stormwater Management

- A. Prior to the issuance of any permits, a Drainage Plan for the project shall be submitted to SWFWMD and TBRPC for review and comment and to the City of St. Petersburg and DER for review and approval. In order to protect and enhance water quality, the Drainage Plan shall include the following at minimum:

- (1) The developer shall implement a vacuum street sweeping program for marina parking areas.
- (2) Best Management Practices recommended by the City of St. Petersburg, with regard to drainage design shall be adhered to.
- (3) All areas utilized for upland support facilities, including but not limited to marina parking, shall be retrofitted/designed pursuant to chapter 17-25, FAC to provide retention or detention with filtration of the runoff from the first one-half inch of rainfall, regardless of the permitting status of the already paved or developed areas.

4. Environmental and Natural Resources

- A. Prior to issuance of any permits, the applicant shall submit an acceptable Manatee Protection Plan to the City of St. Petersburg, U.S. Fish and Wildlife Service, and TBRPC for review and comment and to DNR for approval. Manatees shall be protected during construction in the waters of Bayboro Harbor during the months of previous sightings and upon any sighting of a Manatee in the harbor; by appropriate posting of speed zone signs and by educational displays at the marina on the need for protecting the Manatee, legal enforcement measures and proper boating practices.
- B. In the event that any species listed in Section 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- C. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Archives, History and Records Management and the City and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City of St. Petersburg.
- D. All existing on-site mangroves shall be preserved or replaced on a 2:1 basis. All on-site Brazilian Pepper plants shall be removed from the mangrove areas. Any boardwalk erected in this area shall be designed and constructed to incorporate mangroves as a landscape feature. Enhancement of existing, or creation of new, mangrove stands shall be a priority in any plan to cure or mitigate adverse water quality impacts identified as a result of condition 10 A(4). Natural limerock rip-rap shall be provided where necessary to prevent erosion of mangrove areas.

- E. The developer shall install natural limerock rip-rap along the existing bulkhead, except where a docking conflict is demonstrated to the City or where existing rip-rap can be utilized.

5. General Standards

- A. Prior to the issuance of any building permits for this project, the applicant shall submit to DER, the City of St. Petersburg for review and approval, and TBRPC for review, competent and substantial evidence that this development will not degrade the ambient water quality of Bayboro Harbor, pursuant to Chapter 17-3, F.A.C. Approval by the DER of the dredge and fill application shall be sufficient to meet this requirement.
- B. The first annual report, after occupancy of the marina, shall include a copy of the slip lease agreement containing information regarding, at minimum, sanitation devices, Manatee protection and hurricane evacuation procedures. Any revised lease agreements shall be provided in subsequent annual reports.
- C. Any approval of the Harborage at Bayboro shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S.
- D. Any approval of this development shall require that all of the developer's commitments set forth in the ADA and described in Exhibit 6, be honored, except as they may be superseded by specific terms of this Development Order.

6. Maintenance Dredging

- A. Prior to the issuance of any permits for maintenance dredging, the applicant shall submit a maintenance Dredging and Spoil Disposal Plan for the Harborage at Bayboro to the Florida Department of Natural Resources and TBRPC for review and comment and to the City of St. Petersburg and DER for approval. The plan shall include the following:
 - (1) The developer shall be responsible for maintenance dredging and spoil disposal for the area identified in the lease agreement. The long-term maintenance dredging program for the port area will be determined as a part of the port master plan being developed in conjunction with the Comprehensive Plan. The expected completion date for this study is November, 1988.

- (2) Specifications of the location of the spoil disposal sites as well as a backup disposal site in the event of toxic spoil material. Spoil shall be tested for toxic materials/heavy metals prior to disposal to assure its suitability as fill, and the route to the disposal site shall be identified.
- (3) Definite spoil disposal plans for the materials to be dredged at the mouths of Booker and Salt Creeks.
- (4) A long-term spoil disposal commitment by the developer which details anticipated amounts of maintenance dredge spoil material and disposal site criteria.
- (5) Design specifications of the proposed spoil disposal site(s) indicating dewatering and run-off control measures.
- (6) Best Management Practices as recommended by DER, including the use of turbidity curtains, shall be required during dredging/construction operations.

7. Public Facilities and Services

- A. The City of St. Petersburg shall provide police, fire, EMS rescue, water, sewer, and solid waste services to the site.
- B. The developer shall coordinate with the City to assure emergency access to all facilities.
- C. The project's fire system shall be a separate system from the normal domestic water lines due to the requirement of a siamese at shore and possible Fire Department pump-up conditions of 200 pounds per square inch (p.s.i.). The system shall meet the City of St. Petersburg's Fire Code and National Fire Protection Association's Section 303, "Marinas and Boatyards" requirements.
- D. The developer shall be responsible for the maintenance of docks, piers and parking areas.
- E. The developer shall be responsible for the provision of spill clean-up services for the marina development.

8. Site Specific Requirements

- A. The maximum number of slips within the marina shall be set at 255 and the minimum distance between the proposed breakwater and the eastern seawall shall be not less than 320 feet as indicated in the revised plan submitted to TBRPC on June 24, 1986; and depicted in the site plan attached hereto as Exhibit 3.

- B. All pilings for the floating dock system shall extend 12 feet above the mean high water level.
- C. The floor elevations of any upland habitable structures shall be at or above the base flood elevation (9 feet).
- D. Public access and public use areas shall be provided within the general areas as depicted in Exhibit 4.

9. Wastewater

- A. The City of St. Petersburg shall be responsible for the provision of wastewater treatment. Prior to the issuance of any certificates of occupancy for the marina development the Florida Department of Environmental Regulation shall verify that adequate treatment and capacity is available at the Albert Whitted Treatment Facility and that said facility is not in violation of operating permits or standards.
- B. The development's permanent pump-out station shall be located on land, discharge into a sanitary sewer, and be operational prior to occupancy of the marina. Permanent individual pump-out facilities shall be provided for the five live-aboard vessel berths allowed in the marina and dockage leases shall require vessels to be equipped with approved sanitation devices.

10. Water Quality

- A. The developer shall prepare a water quality study to be reviewed by the City of St. Petersburg, the Tampa Bay Regional Planning Council and the Department of Environmental Regulation which focuses on changes in water quality conditions through build-out and full occupancy of the proposed project.
 - (1) The study shall include the following analyses at a minimum:
 - a. Establishment of baseline ambient water quality conditions and worst case (summer) conditions within Bayboro Harbor.
 - b. Measurement of inflow volumes (tidal prism and tributary discharges) and outflow volumes (tidal flushing) within Bayboro Harbor.
 - c. Documentation of water quality changes in Bayboro Harbor throughout project build-out and occupancy and for two years following project completion.

- d. Correlation analysis of water quality changes with rainfall and other relevant natural and anthropogenic events.
- (2) The study shall include a comprehensive sampling program including at minimum, the sampling specified below:
- a. Bi-monthly monitoring at six stations within Bayboro Harbor, the locations of which are shown in Exhibit 5. Samples are to be taken from the surface and one meter off the bottom at each station except where in-situ metering indicates well-mixed conditions. In such cases samples will be taken at mid-depth. The parameters to be monitored include:
 - (1) Dissolved oxygen
 - (2) Total and Fecal Coliforms
 - (3) Chlorophyll - a
 - (4) Heavy Metals
 - aluminum
 - arsenic
 - zinc
 - cadmium
 - chromium
 - copper
 - iron
 - mercury
 - lead
 - (5) Anthropogenic hydrocarbons
 - (6) Total Suspended Particulates
 - (7) Total organic carbon
 - (8) Nutrients
 - Ammonia
 - Total N
 - Kjeldahl N
 - Nitrate and nitrite
 - Total P
 - Inorganic P
 - (9) Biochemical Oxygen Demand (5 day)
 - (10) Temperature
 - (11) Salinity
 - (12) Light attenuation
 - b. Bi-annual monitoring of sediments and interstitial water quality. Core samples are to be taken at each station and analyzed for the following parameters:

- (1) Grain size distribution
- (2) Total carbonate carbon
- (3) Total organic carbon
- (4) Heavy metals (as above)

c. Hydraulic analysis to quantify changes in tidal mixing and volume exchange rates within Bayboro Harbor. On a quarterly basis the following hydraulic parameters will be sampled over a complete tidal cycle:

- (1) Discharge volumes from Salt Creek, Booker Creek and the north stormwater outfall.
- (2) Tidal exchange volumes at the mouth of the west basin of Bayboro Harbor.
- (3) Temperature-salinity profiles to discern degree of density stratification and tidal mixing.

d. Samples shall be immediately returned to a state-certified laboratory for analysis. All water quality analytical methods and procedures shall be thoroughly documented and comply with EPA/DER quality control standards and requirements.

(3) Quarterly sampling reports and annual progress reports will be submitted to the City of St. Petersburg and TBRPC for review and approval.

(4) If any quarterly sampling results indicate that the project has caused measurable degradation of ambient water quality, the Applicant shall be required to identify the source of degradation. If the source of degradation is the marina or vessels moored at the marina then the Developer shall correct the degradation with appropriate improvements or mitigation measures as necessary to regain ambient water quality conditions.

B. The applicant shall institute a program of surface water sweeping for the marina area.

SECTION 5: Expiration Date. Unless amended pursuant to the procedures outlined in Section 380.06, Florida Statutes (1985), the terms and conditions of this Development Order shall expire as of five (5) years from the effective date of this Development Order.

SECTION 6: Exceptions. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, resolution or ordinance of the City or other affected governmental agencies, and, to the extent that further review is provided for in this Development Order or required by the City or by other affected governmental agencies, said review shall, unless otherwise specified herein, be subject to all applicable rules, regulations, resolution and ordinances in effect at the time of such review.

SECTION 7: Monitoring. No permits or approvals shall be granted or issued, and no extension of services shall be authorized if the Applicant fails to act in substantial compliance with this Development Order. Pursuant to Section 380.06(17), Florida Statutes (1985), the City Manager shall be responsible for monitoring of the Development and enforcing the provisions of this Development Order. In fulfillment of this requirement, the following procedures shall apply:

1. For purposes of this procedure, the City Manager may rely upon or utilize information supplied by the TBRPC or any City department or agency having particular responsibility over the area involved.
2. The City Manager shall report to the City Council any findings of material noncompliance with the terms and conditions of this Development Order other than any deviation from the terms hereof which would be subject to being dealt with pursuant to Section 380.06(19), Florida Statutes (1985).
3. The City Manager shall issue a written notice of such material noncompliance to the Applicant.
4. If the material noncompliance is not corrected within a reasonable amount of time, as established by the City Manager after consultation with the Applicant, the Manager shall recommend that the City Council establish a hearing to consider such material noncompliance and to take any action necessary and appropriate to insure compliance with this Development Order including termination of any further Development.

SECTION 8: Annual Reports. The Applicant shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and applicable rules and regulations thereunder. Such report shall be due on the anniversary of the effective date of this Development Order until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the City Manager who shall, after appropriate review, submit it for review by City Council. The City Council shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Applicant shall be notified of any City Council hearing wherein such report is to be reviewed. The receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of the Development Order. This report shall contain:

1. The information required by the DCA to be included in the annual report, which information is described in the rules and regulations promulgated by the DCA pursuant to Section 380.06, Florida Statutes (1985); and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following to the submittal of the annual report; and
3. A statement setting forth the name(s) and address(es) of any heir, assignment or successor in interest to this Development Order or any portion of this Development Order.
4. Such other and further information as may be reasonably required by City Council.

SECTION 9: Substantial Deviation. Any development activity constituting a substantial deviation from the terms or conditions of this Development Order or any change to the approved development plans or Application or additional proposed development by Hunnicutt Equities, Inc., Florida Progress, or affiliated companies, acting solely or in conjunction with other developers within 500 feet of the

Harborage at Bayboro or development activity which meets the criteria set forth in Subsection 380.06(19), F.S. shall be subject to a substantial deviation determination. Construction of those portions of the Development which are not affected by the proposed change may continue, as approved, during the DRI review of the proposed change.

SECTION 10: The cost of defense of any administrative appeal and/or lawsuits arising from this Development Order by parties with standing, shall be borne by the Developer. The City shall reasonably cooperate with the Developer in any such proceeding, including without limitation, the appointment of special counsel to the City to defend any such proceeding and the amendment of this Development Order, subject to the City's and the Developer's consent.

SECTION 11: Approval of this project shall be subject to the City approval of a lease for City-owned land and the securing of all appropriate permits.

SECTION 12: This Development Order shall become effective upon the expiration of the appeal period under Section 380.07, Florida Statutes (1985), without an appeal having been taken, or if taken, dismissed or this Development Order affirmed.

Passed by St. Petersburg City Council on first reading on the 9th day of October, 1986.

Passed by St. Petersburg City Council on second and final reading on the 23rd day of October, 1986.


Mayor-Councilman
Chairman of the City Council

ATTEST: 
Clerk of the City Council

Title Published: Ind. 1-t 10/13/86

ORD~HARBAY2

C E R T I F I C A T E

I, Brenda Jividen, do hereby certify that I am the Clerk of the City Council for the City of St. Petersburg, Florida, and do further certify that the foregoing and attached is a true and correct copy of Ordinance No. 944-F,

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE HARBORAGE AT BAYBORO DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Passed by St. Petersburg City Council on second and final reading on the 23rd day of October, 1986. The original of said document being on file and of record in my office.

Given under my hand and the official seal of the City of St. Petersburg, Florida, this 29th day of October, 1986.



Clerk of the City Council
City of St. Petersburg, Florida

EXHIBIT 1

LEGAL DESCRIPTION - BAYBORO HARBOR

A parcel of submerged lands lying in Bayboro Harbor, as shown on the plat of Map of Bayboro Addition to St. Petersburg, Florida, as recorded in Plat Book 3, Page 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Lot 1, Block 17, of said plat of Map of Bayboro Addition to St. Petersburg, Florida; thence N 89°23' 08" E for 149.92 feet more or less to a point on the waters face of seawall, and said point being the POINT OF BEGINNING; thence N 89°24' 05" E for 74.92 feet; thence N 11°22' 37" E for 412.33 feet; thence S 79°10' 44" E for 348.20 feet; thence S 40°49' 41" E for 80.63 feet; thence East for 143.03 feet; thence S 44°59' 59" E for 105.61 feet; thence South for 565.07 feet to a point being the prolongation of the waters face of seawall; thence along said waters face of seawall, and its prolongation, the following ten (10) courses: 1) S 88°41' 23" W for 507.18 feet more or less; 2) thence N 00°12' 32" W for 22.97 feet more or less; 3) thence S 89°48' 59" W for 63.63 feet more or less; 4) thence N 89°48' 08" W for 119.91 feet more or less; 5) thence S 89°56' 52" W for 38.02 feet more or less; 6) thence S 89°35' 47" W for 27.36 feet more or less; 7) thence S 89°56' 48" W for 14.86 feet more or less; 8) thence N 01°54' 08" E for 59.30 feet more or less; 9) thence N 06°49' 57" E for 4.09 feet more or less; 10) thence N 00°02' 58" W for 286.46 feet more or less to the POINT OF BEGINNING.



POST, BUCKLEY, SCHUH & JERNIGAN, INC.

2451 DUTCHMAN ROAD, SUITE B
CLEARWATER, FLORIDA 33575-3012
813/796-7275
TELEX 808435

EXHIBIT 2

June 24, 1986

Ms. Shiela Benz
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Harborage at Bayboro

Dear Ms. Benz:

We are providing further clarification to the ADA/DRI for the Harborage at Bayboro, specifically concerning the setback distances of the marina, the size of the proposed dockmaster's office, and the parking lot designated to serve the marina.

A revised marina layout has been submitted to you showing the new marina layout and setback distances. The new envelope for the marina can now be more particularly defined as follows: (reference Exhibit A)

Beginning at the westerly edge of Salt Creek at the approximate intersection of 13th Avenue South and 1st Street, the fixed breakwater structure and walkway extends north approximately 730 feet to Pt. A, then northwest approximately 90 feet more or less parallel to and a distance of 320 feet from the existing bulkhead of the University of South Florida Bayboro peninsula (Pt. B), then west northwest approximately 225 feet to Pt. C known as the most northeasterly corner of the northernmost floating finger pier (and wave barrier) of the westerly half of the marina, then west northwest approximately 320 feet to Pt. D 160 feet from the bulkhead fronting on the Dali Museum and approximately 700 feet from the north bulkhead of Bayboro Harbor, thence south southwest approximately 500 feet to the approximate location of the existing service docks (Pt. E) of the Harborage at Bayboro (and allowing of the necessary envelope to house the proposed dockmaster's office) which will approximate 1,500 square feet (SF).

We estimate the new envelope will accommodate approximately 255 slips, a reduction of 15 percent from our original layout showing 300 slips.

cw:ADMIN13:R

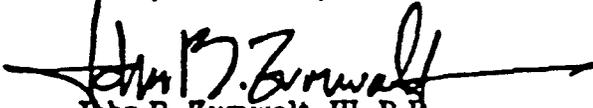
Ms. Shiela Benz
June 24, 1986
Page 2

The designated parking for the marina is the Baker Equipment property across the street from the Harborage at Bayboro offices. The existing storage yard at Baker's, which would be restriped and retrofitted to meet City and DER stormwater requirements, and improved to accommodate parking for the new marina is approximately 52,500 SF, providing a minimum of 51 parking spaces with room for additional spaces. The City's reported parking requirement of one space per five slips will require approximately 20,000 SF (allowing 300 SF per space and an allowance for entrance drives, etc).

We hope the above answers your questions and should you require any additional information, please contact our office.

Very truly yours,

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

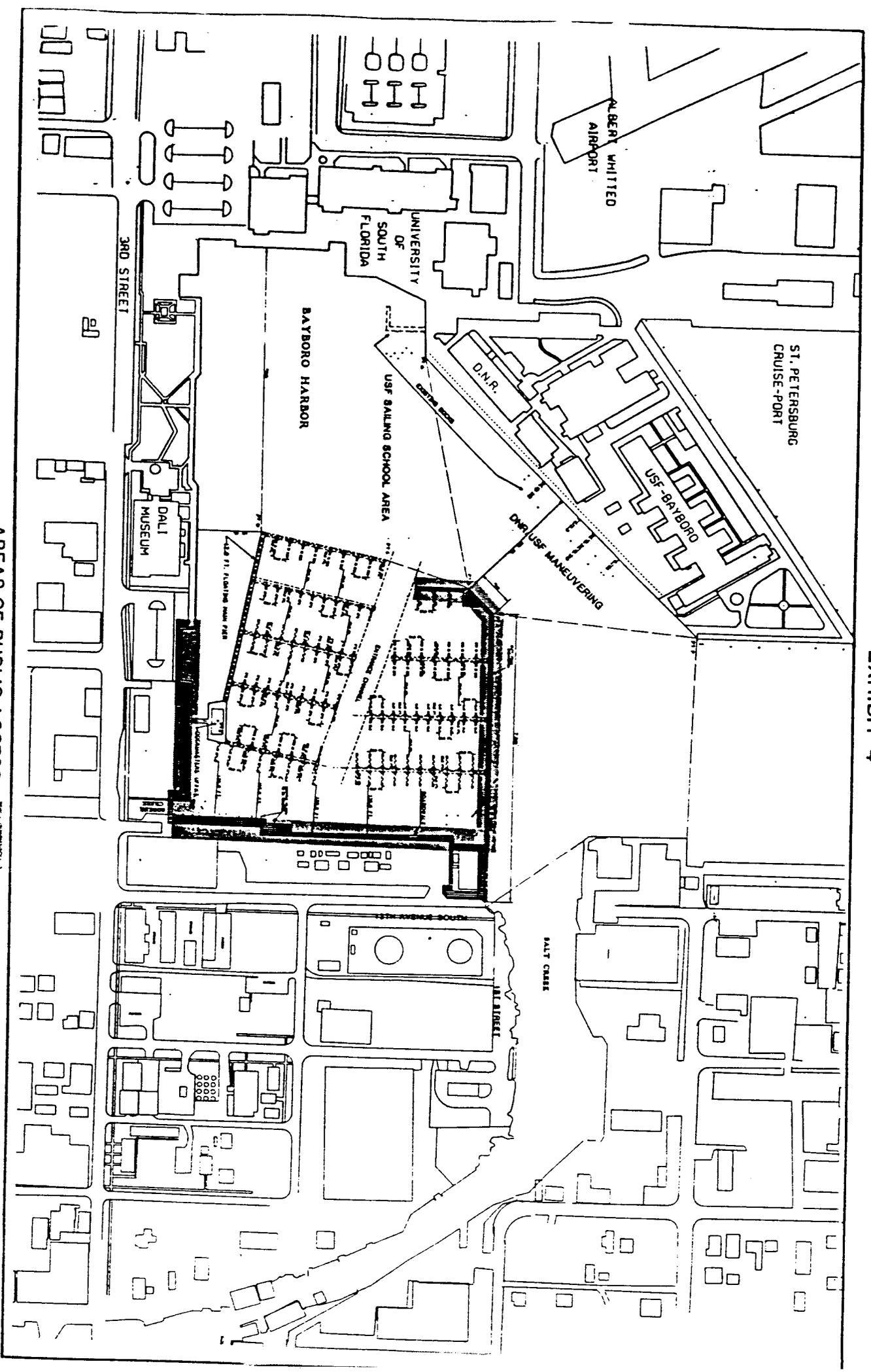

John B. Zumwalt, III, P.E.
Regional Manager

JBZ/ch
Attachment

c: Linwood Gilbert
Clint Brown
William Ockunzzi
Julia Green
Roger Tucker
Jack Varn

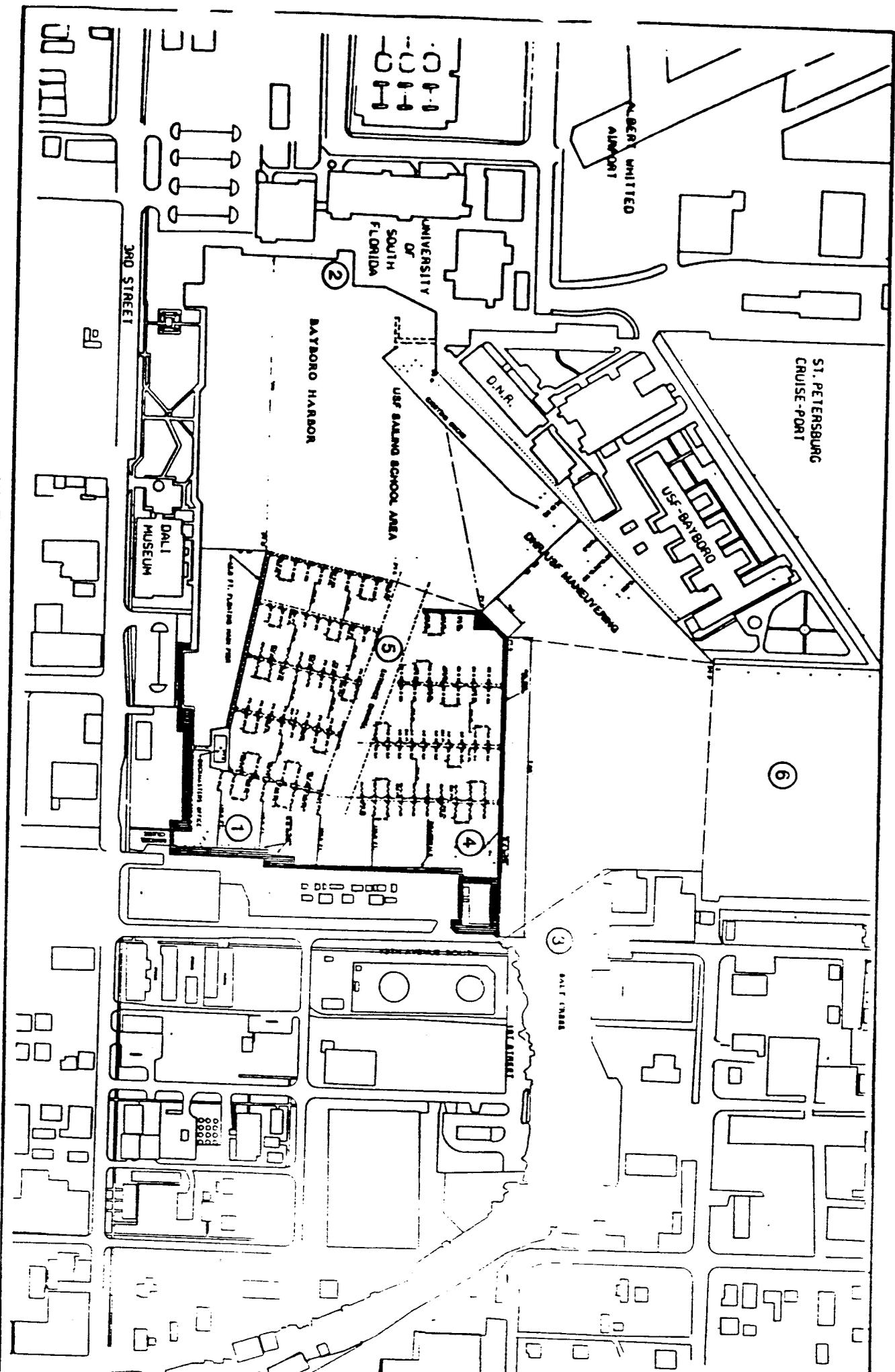
05-5 15.00

cw:ADMIN13:R



AREAS OF PUBLIC ACCESS

The actual Public Access area will be limited to the walkways which will be within the depicted area.



WATER QUALITY MONITORING STATIONS ①

DEVELOPER COMMITMENTS

1. General Project - "The proposed marina will not affect the use of Bayboro Harbor by research vessels associated with the University of South Florida, the Department of Natural Resources and the Florida Institute of Oceanography." (Page 12-2, Responses to Preliminary Assessment (RPA))

The breakwater to be constructed in the easternmost fixed pier will be designed to allow tidal flow through the harbor to simulate existing conditions. (Page 12-3, Application for Development Approval (ADA))

The breakwater will consist of four-foot panels and will not impact any other harbor docking facilities. (pg. 14-1, RPA)

"It will be marina policy not to allow live-aboards with the exception of the 5 slips." (pp. 12-2 and 12-3, RPA)

Transient users will be limited to 90 consecutive days at the marina by lease or dockage agreement which will be monitored by marina staff. (pg. 12-3, RPA)

The fuel storage facility and the sanitary pump-out station will not be located over water. (PART II, RPA)

Rip-rap on a 2-foot horizontal to 1-foot vertical slope will be used where feasible along the existing bulkhead, however, deep draft will be necessary adjacent to the seawall in certain locations to allow access. (Part II, RPA)

2. Air Quality - "The marina will not generate auto trips that would adversely impact the environment." (pg. 13-3, ADA)
3. Land - "Approximately 9,000 cubic yards of bottom sediments will be dredged from depositional areas at the mouths of Booker and Salt Creeks. (pg. 14-1, RPA)

"Dredged material will be deposited behind a bermed area in an upland portion of the site and disposed of at an approved landfill." (pg. 14-1, RPA) Developer clarification - This commitment was made under the assumption that sediments were toxic, however, recent analyses indicate they are not toxic and are suitable as fill. Therefore, this commitment should be deleted.

"The spoil disposal site will be designed to guarantee that no direct runoff will enter adjacent surface waters." (PART II, RPA)

4. Water Quality - "No domestic sewage will be discharged into the harbor..." (pg. 15-4, ADA)

The marina will provide a sanitary pump-out station designed in accordance with appropriate building codes. (pg. 15-1, RPA)

"The applicant will cooperate with reasonable efforts that the City deems necessary to alleviate surface water quality problems resulting from the project." (pg. 15-1, RPA)

"Use of landside sanitary facilities will be available to marina users 24 hours a day. There will be no marine repairs or maintenance facilities at the Harborage at Bayboro. Design of the docks will maintain existing tidal flushing and circulation characteristics." (pg. 15-4, ADA)

The developer will comply with a Development Order condition regarding monitoring during construction. (pg. 15-2, RPA)

The applicant will cooperate with the City of St. Petersburg in revegetating areas which would be appropriate for revegetation and restoration. (pg. 15-3, RPA)

Should the applicant decide to install fueling facilities, design will be in accordance with appropriate State and Federal requirements. (pg. 15-4, RPA)

The following measures will be incorporated during construction:

- 1) Pilings will be driven into position and not jetted to prevent additional turbidity.
 - 2) Silt screens will be placed around the perimeter of all dredge sites.
 - 3) Docks will be constructed on land and floated into place. All pilings will be driven from a barge, and no over-water construction on docks except for the fixed piers and dockmaster's building will occur." (pg. 15-7, RPA)
5. Wetlands - "The proposed marina expansion will not require any filling in Bayboro Harbor." (pg. 16-1, ADA)
6. Floodplains/Disaster Preparedness - "All base floor elevations for habitable structures will be at or above the base flood elevations." (pg. 17-1, RPA) Developer clarification - This commitment was intended to include only upland habitable structures, not the dockmaster's office.

"The marina is designed to withstand a 12-foot hurricane surge. Each piling which anchors the floating piers will extend 12-feet above the high water line. This will keep the docks from becoming dislodged during a hurricane event." (pg. 17-1, RPA) (Note - a category 4 or 5 hurricane in this location is projected to produce a 17-foot storm surge)

"All structures in upland areas will be built in accordance with flood insurance requirements. It is the applicant's understanding that structures built waterward of the bulkhead will not be insurable under the Federal Flood Insurance Program." (pg. 17-1, RPA)

"The applicant intends to cooperate with all agencies involved in hurricane evaluation..." (pg. 17-1, RPA)

"The dockage agreement will include procedures for evacuation and safety procedures." (pg. 17-2, RPA)

7. Vegetation and Wildlife - The applicant will comply with State and Federal regulations concerning protection of the West Indian Manatee. (pg. 18-1, RPA)

"...the applicant has posted and intends to post additional "Slow Speed Zone" signs throughout the harbor and enforce this "slow speed" restriction with all who use the facility." (pg. 18-2, ADA)

8. Historical and Archaeological

"...should archaeological resources be located during project construction, the applicant agrees that the ultimate disposition of such resources would be determined in cooperation with the Division of Archives and the City of St. Petersburg." (pg. 19-1, ADA)

9. Economy - "The applicant will maintain the harbor by dredging with a sand dredger or clam shell...within established channels." (pg. 20-2, RPA) Developer Clarification - The intent of this commitment was to assume maintenance dredging responsibility within the footprint of the marina only, rather than the entire harbor.

"There will be no private yacht club. Originally, a private yacht club was being considered for a portion of the marina but it is no longer being included in the concept. The marina will be for public use". (pg. 20-1, RPA)

10. Wastewater - the applicant and/or owner or successors in interest will operate and maintain the internal collection facilities for the development that are not located within public rights-of-way or easements. (pg. 21-2, ADA)

The developer will utilize all water conservation fixtures required by local and state regulations/laws. (pg. 21-2, RPA)

11. Drainage - "Pre- and post-development flows will be the same." (pg. 22-1, RPA)

12. Water Supply - "The on-site internal water distribution system will be maintained by the applicant." (pg. 23-2, ADA)

"Fire protection for the project will be in accordance with the latest recommendation of NFPA and the City of St. Petersburg Fire Code." (pg.23-2, ADA)

13. Solid Waste - "No solid waste will be disposed of on-site." (pg. 24-1, ADA)

Boaters will be made aware of solid waste disposal regulations by way of signs and boat dockage agreements. (pg. 24-1, RPA)

14. Energy - "The project designs will consider various methods of energy efficiency through building layout and incorporation of energy-conserving materials and equipment. It should be noted that all new construction must meet City of St. Petersburg codes pertaining to energy-efficient design methods and equipment." (pg. 25-2, ADA)

15. Recreation and Open Space - "The applicant will be responsible for maintenance of the marina facilities." (pg. 27-1, RPA)

"Public access will be increased by providing public walkways and daily use and dockage in the marina. The marina will reduce the amount of open water presently available; however, this will in no way restrict ingress and egress to the harbor." (pg. 27-1, RPA)

"For the security of boat owners leasing slips, public access will be provided in specified areas as well as along the seawall and breakwater." (pg. 27-1, RPA)

"The marina and boardwalk/promenade will be maintained by the applicant or successors in interest." (pg. 27-2, ADA)

16. Port Facilities - "The marina will not require the expansion of any transportation system or facilities in the region. (pg. 41-1, RPA)

"Dredged material will be deposited behind a bermed area in an upland portion of the site and disposed of on other properties owned by the applicant. This maintenance dredging will be performed by the applicant. (pg. 41-1, ADA)

Attachment C

Summary of the Planning Commission and the Environmental Development Commission's Recommendations on The Harborage at Bayboro Development Order.
(approved at the September 11, 1986 joint session)

The following identifies the Commission's comments on the proposed development order (D.O.) and the revisions made in response to their five (5) recommendations.

1. Spill clean-up service responsibilities should be shifted back to the developer.

Section Four 7. Public Facilities and Services

E. "The developer shall be responsible for the provision of spill clean-up services for the marina development."

2. Transient boat usage should be a key element in the boat management plan and final authority should be clarified.

Section Four 1. Boat Traffic Management Plan

A. "The management plan shall establish operating and coordinating procedures for all vessel movements in the western basin of Bayboro Harbor and the connecting channel to Tampa Bay..... Further, the boat management plan shall set forth the procedures, protocol and entity(ies) responsible for coordinating boat and air traffic... over Bayboro Channel."

3. The City should provide DER with input regarding establishment of the ambient water quality in the harbor.

Section Four 5. General Standards

A. "Prior to the issuance of any building permits for this project, the applicant shall submit to DER the City of St. Petersburg and TBRPC for review and approval, competent and substantial evidence that this development will not degrade the ambient water quality of Bayboro Harbor....."

10. Water Quality

1A. "The developer shall prepare a water quality study to be reviewed by the City, TBRPC and the DER which..... shall include..... establishment of baseline ambient water quality conditions within Bayboro Harbor..."

4. The Federal Aviation Authority concern should be addressed by the City through the development order process.

Section Four 1. Boat Traffic Management Plan

1A. The procedures shall include, at a minimum, the following projects to mitigate, curtail or eliminate the intrusion of transient sailboat

masts in the clear zone (approach slope) of Runway 18/36 at Albert Whitted Airport.

Priority 1: FAA Approved Aircraft Approach Path Guidance System

Priority 2: Lighted Channel Caution Signage

Priority 3: Sailboat Masthead Strobe Lighting.

5. In the water quality section, inorganic phosphate and ammonia should be added to the list of nutrients being monitored and measured.

Section Four 10. Water Quality

- 2a. Ammonia and inorganic phosphate was added to the list of parameters to be monitored.

HARBAY^DOREC:bp2