

ORDINANCE NO. 90-34

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, CONSTITUTING A DEVELOPMENT ORDER FOR THE TIERRA VERDE MARINE CENTER, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING GENERAL CONDITIONS REGARDING PORT FACILITIES; PROVIDING GENERAL CONDITIONS REGARDING ENVIRONMENTAL AND NATURAL RESOURCES INCLUDING WATER QUALITY, FLOODPLAINS AND DISASTER PREPAREDNESS, VEGETATION AND WILDLIFE, AND AIR QUALITY; PROVIDING FOR EMPLOYMENT OPPORTUNITY; PROVIDING GENERAL CONDITIONS REGARDING PUBLIC FACILITIES INCLUDING WASTEWATER MANAGEMENT, WATER SUPPLY, SOLID WASTE, ENERGY MANAGEMENT, RECREATION AND OPEN SPACE, HEALTH CARE, POLICE AND FIRE, TRANSPORTATION; PROVIDING SPECIFIC CONDITIONS REGARDING PREVIOUSLY ISSUED PERMITS, INFRASTRUCTURE COMMITMENTS, PROPOSED CHANGES, OUTSTANDING ACCOUNTS BILLS; PROVIDING FOR AN ANNUAL REPORT; PROVIDING FOR DEFINITIONS; PROVIDING FOR TIMING OF DEVELOPMENT; PROVIDING FOR REZONING; IDENTIFYING THE DEVELOPER, ITS REPRESENTATIVES AND PROVIDING FOR THE BINDING OF ASSIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR RENDERING, FILING AND EFFECTIVE DATES; PROVIDING FOR LAND USE TABLES; PROVIDING FOR SEVERABILITY.

WHEREAS, on August 16, 1989, Island Marina Developers (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses is referred to as the "ADA") for a Development of Regional Impact ("DRI") with Pinellas County, ("Pinellas County"), the Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Chapter 380, Florida Statutes (1989), ("Chapter 380"); and

WHEREAS, the ADA proposes the expansion of the existing Tierra Verde Marina Center (the "Development"), which Development would add 384 dry slips with dockmaster facilities, 6,240 square

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feet of commercial space and 1,560 square feet of office space to the existing 110 wet slips and 20,000 square feet of commercial space; and

WHEREAS, the Board of County Commissioners of Pinellas County ("County Commission") is the governing body of the local government having jurisdiction over the Development and is authorized and empowered to consider ADAs and to issue DRI development orders which permit development consistent with the ADA; and

WHEREAS, the public notice requirements of Chapter 380 have been satisfied; and

WHEREAS, on March 12, 1990, the TBRPC considered and approved the DRI Final Report and transmitted same to Pinellas County; and

WHEREAS, on May 15, 1990, the County Commission held a public hearing relating to the Development and has heard and considered testimony and documents received thereon; and

WHEREAS, the County Commission has received and considered the Final Report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing before the County Commission relating to the Development;

NOW, THEREFORE, be it ordained by the County Commission of the County of Pinellas, Florida:

Section 1. Findings of Fact

Pursuant to Section 380.06(15), Florida Statutes (1989), the County Commission makes the following findings of fact with respect to the Development:

A. This Ordinance shall constitute the DRI development order ("Development Order") of the County Commission, issued in response to the ADA filed by the Developer for the Development. The scope of development to be permitted pursuant to the Development Order includes the land use operations and activities described in the ADA, which ADA is attached hereto as Exhibit "A" and incorporated herein.

B. The real property which is the subject of the ADA, ("Property") is located within the unincorporated area of Pinellas County and is legally described as set forth on Exhibit "B" attached hereto and incorporated herein.

C. The Development will consist of a 384 dry slip marina facility with dockmaster facilities, 6,240 square feet of commercial space and 1,560 square feet of office space, which Development shall be added to the 110 wet slip marina and 20,000 square feet of commercial space which already exists on the Property.

D. The proposed Development is not in an area of critical state concern as defined by Chapter 380.

E. All development shall occur in accordance with this Development Order and the ADA.

F. A comprehensive review of the impacts generated by the Development has been conducted by Pinellas County, the TBRPC and other relevant state, regional and local agencies.

G. The Development is in the public interest in that it helps to meet the increasing need for marina facilities in the Tampa Bay region and further meets the desirable site

characteristics as promulgated by the United States Environmental Protection Agency, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, the TBRPC and Pinellas County, as follows:

1. The Property is zoned C-2 with an approved Special Exception for a commercial marina. As of March 1, 1990, marinas are considered "permitted uses" in C-2 zones.
2. The Pinellas County Future Land Use Element indicates that the Property carries a "General Commercial" land use designation.
3. The Property has been designated "commercial" since 1963 and has long been utilized for commercial purposes. Although adjacent uses are residential, no conflicts are anticipated because of extensive landscaping and efficient master planning.
4. The Property has been previously dredged, filled, bulkheaded and developed as a marina.
5. All associated non-water dependent uses are to be situated on uplands.
6. Adequate uplands and parking exist for all proposed facilities. In addition, the existing impervious surface parking lot will be retrofitted for stormwater treatment.
7. The level of service for State Road 682 and State Road 679 currently meet or exceed the

LOS-C daily and LOS-D peak hour standards established by TBRPC.

8. The City of St. Petersburg Southwest Wastewater Treatment Plant has adequate capacity to serve the proposed new development.
9. The marina currently complies with the FDER Permit No. 521600839 condition requiring a spill contingency program.
10. The Property is located in the Pinellas County Urban Aquatic Preserve, as well as Class II waters. However, because no dredging or filling is required, and because the marina basin is exceedingly well-flushed, environmental impacts are expected to be minimal. On three occasions, the Governor and Cabinet made findings that the existing marina is in the public interest by approving a Sovereign Land Lease and modifications.
11. All on-site structures will comply with the coastal construction code. Service area roadways all meet or exceed LOS standards. Well marked navigable waterways to safer waters are nearby.
12. Existing depth contours in the marina basin and adjacent channels far exceed a minimum depth of 4-feet MLW.

13. No dredging or filling is required for the existing or proposed marina basin and access channel. Existing channel is well scoured and does not require maintenance dredging.
14. No historic or archaeological resources are located on-site.
15. The on-site shoreline is bulkheaded and is not subject to erosion.
16. Well posted and federally maintained access channels exist directly adjacent to the marina.
17. The Property is accessible to the entire population of Pinellas and north Manatee Counties, and provides ready navigable access to the Gulf of Mexico.
18. The deficit of marina slips in Pinellas County is well documented.
19. The Development will be open to the public.

Section 2. Conclusions of Law

Pursuant to Section 380.06(15), Florida Statutes (1989), the County Commission, having made the above findings of fact, draws the following conclusions of law:

A. The proceedings regarding the ADA have been duly conducted pursuant to applicable law and regulations, including Rule 9J-2.025, FAC, and, based upon the record in these proceedings, the Developer and the various departments of Pinellas County are authorized to conduct development as

described herein, subject to the conditions, restrictions, commitments and limitations set forth in this Development Order.

B. Review by Pinellas County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the Development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Development Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

C. The proposed Development will not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. This Development Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Florida Statutes.

E. The Developer shall honor its commitments set forth in the ADA, except as they may be superseded by the specific items of this Development Order, a copy of which commitments is attached hereto as Exhibit "C" and incorporated herein.

F. The Development is consistent with Pinellas County's Comprehensive Plan adopted pursuant to Chapter 163 Florida Statutes (1989), the goals and policies of the Comprehensive Regional Policy Plan, the State Comprehensive Plan, and local land development regulations.

Section 3. Specific and General Conditions

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following specific and general conditions, restrictions and limitations:

A. Port Facilities

1. Live-aboards shall not be permitted at the Tierra Verde Marine Center until such time as approval for same has been granted by the Department of Environmental Regulation ("DER"). Live-aboard activities, if so allowed, shall be subject to all applicable conditions included in the Development Order and shall not exceed 30 in number, as committed in the ADA.
2. The Tierra Verde Marina "Contractual Rules and Regulations" numbers 2, 5, 7, 8, 15, and 16 regarding marina operations, as well as the "Proposed Additions to Dockage Lease" as listed in Exhibit S-16 of the First Sufficiency Response, shall remain in effect for the life of the marina project. The Developer shall modify the "Contractual Rules and Regulations" to be consistent with Development Order conditions. A copy of the marina rules and regulations consistent with the requirements of the Development Order

shall be included in the first annual report following Development Order approval. Any revised lease agreements or internal marina rules shall be provided in the next annual report after drafting of the revision(s), or upon adoption, if after project build-out.

B. ENVIRONMENT AND NATURAL RESOURCES

1. Water Quality

a. Prior to the issuance of any permits, the Final Drainage Plan for the Tierra Verde Marine Center shall be submitted to TBRPC for review and to Pinellas County and DER for approval, as applicable. The following parameters shall be included in the Master Drainage Plan.

1) The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code ("FAC"), and 40D, Rules of Southwest Florida Water Management District ("SWFWMD") and Pinellas County Ordinance 90-17. The proposed stormwater management system shall accommodate the entire development, including retrofitting to accommodate the

vested portion of the site, as committed by the Developer.

- 2) Best Management Practices for reducing water quality impacts, as recommended by Pinellas County and SWFWMD, shall be implemented including a cleaning program for parking areas within the Development.
- 3) In order to protect water quality in Boca Ciega Bay there shall be no degradation of water quality below state water quality standards by stormwater exiting the site. Therefore, it is mandatory that the Developer provide for a surface water quality monitoring program. Water quality data provided in this ADA shall represent baseline ambient conditions. This program shall be instituted upon construction of the marine center expansion (one sampling event). Following a certificate of occupancy being issued for the marine center expansion, the sampling program shall continue quarterly,

immediately after a one-half inch or greater rainstorm event, for the greater of one year or that period required by the local permitting process and shall include one 24-hour (four sample) sampling event (four total samples taken in six hour intervals) during summer conditions. Any violation of Chapter 17-3, FAC, shall require corrective measures as set forth by DER. The following shall apply:

- a) Samples shall be taken from a station in Boca Ciega Bay adjacent to the stormwater outfall from the site.
- b) Sampling parameters shall include:
 - oils and grease
 - total nitrogen
 - total phosphorous
 - phenols
 - lead
 - copper
 - zinc
 - fecal coliform/total coliform

- dissolved oxygen
 - temperature
 - salinity
- c) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
- d) The monitoring results shall be submitted to Pinellas County and DER, and shall also be included in each annual report. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Pinellas County immediately and all construction by the Developer within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction, operation or maintenance activities can be identified as causing the

violation, all such specific activity shall cease until the violation is corrected.

- b. All on-site sewage pump-out, boat maintenance and cleaning activities for the project's dry storage watercraft must be accomplished on upland areas. Fueling of the dry storage watercraft will be provided and shall be encouraged to happen on upland areas. Stormwater treatment for any upland fueling area(s) shall be provided to remove petroleum products.
- c. The Developer shall be responsible for utilizing only licensed contractors for the pumping and disposal of the waste petroleum products in the on-site collection containers and tanks.
- d. The Developer shall comply with Chapter 17-61, FAC, which mandates preventative measures and spill containment associated with underground storage tanks.
- e. In order to minimize the potential for water quality degradation, the fueling and sewage pump-out facilities shall only be operated by trained marina staff and shall be properly illuminated during

operation. Such facilities shall be locked or otherwise inoperative whenever a trained staff person is not available to operate them.

f. Minor boat or motor repair (i.e., small engine rebuilding, lower unit repair, non-extensive hull repair, minor painting) shall be conducted pursuant to Pinellas County Zoning Regulations. Boats requiring major repairs shall be transported to off-site facilities for service. No activities requiring the use of hazardous materials shall be conducted on-site, except for boat fueling. No boat cleaning materials containing phosphates shall be utilized on-site. Treatment for the boat wash area shall be provided to remove contaminants.

g. Any upland fill necessary for the expansion of the Tierra Verde Marine Center shall be obtained from a site approved by Pinellas County, and shall be clean fill.

2. Floodplains/Disaster Preparedness

a. The "Draft Hurricane Preparedness Guide" ("Hurricane Guide") for the Tierra Verde Marine Center (Exhibit Number S-7 of the

First Sufficiency Response) has been revised and submitted to the TBRPC and Pinellas County Emergency Management Administration for final review and approval. The Hurricane Guide is attached hereto as Exhibit D and incorporated herein. The Hurricane Guide shall be included with the slip lease rules of the Tierra Verde Marine Center, provided to every lessee, tenant and employee of the Tierra Verde Marine Center, and shall be posted in a prominent place on-site.

The biannual public boater safety program required by Sovereignty Submerged Lands Lease Number 520265869 shall include hurricane preparedness information. The required public information kiosks shall also include hurricane preparedness information.

- b. All deeds for sale of land and/or structures in the Tierra Verde Marine Center must be accompanied by a hazard disclosure statement generally describing the property(ies)' relative probability of damage from hurricane surge.

- c. Elevations for all habitable structures shall be at or above the base flood elevation.

3. Vegetation and Wildlife

- a. In the event that any species listed in Sections 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/ mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").
- b. Any construction affecting the submerged sovereign lands of the Tierra Verde Marine Center site shall comply with the "Manatee Protection Construction Conditions and Caution Signs/Information Display Requirements" and "Manatee Protection General Aquatic Construction Conditions" listed in the June 21, 1989 memorandum from DNR, as attached to the Tampa Bay Regional Planning Council Final Report.
- c. The Developer shall be required to implement, at minimum, the measures listed on pages 18-8 through 18-12 of the ADA for protection of the West Indian Manatee.

d. The "Public Awareness Program", Exhibit Number S-8 of the First Sufficiency Response, shall be made an exhibit of the on-site public information kiosks, and shall also be included with each slip lease issued by the marine center.

4. Air Quality

a. Pinellas County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

b. The measures to reduce erosion, fugitive dust and air emissions referenced on page II-21 of the Sufficiency Response, at minimum, shall be implemented.

C. EMPLOYMENT OPPORTUNITY

The Tierra Verde Marine Center will provide for non-discriminatory employment opportunities within the Development.

D. PUBLIC FACILITIES

1. Wastewater Management

a. Slip leases shall require vessels to be equipped with U.S. Coast Guard-approved marine sanitation devices.

b. Prior to the dry storage of watercraft at the Tierra Verde Marine Center, upland

sewage pump-out facilities shall be operational, and shall empty into the sanitary sewer system. The landside sanitary pump-out station shall be retained on-site, and shall empty into the sanitary sewer system. The Developer shall ensure that all live-aboard vessels docked at the facility in excess of 72 hours shall have direct sewage connection, as required in the project's Submerged Lands Lease. All slips proposed to berth such live-aboard vessels shall be directly connected to a landside sanitary pump-out station. Portable sewage pump-out facilities shall be made available to all other vessels berthed in wet slips, unless the permitting agencies require that a different system be utilized.

2. Water Supply

- a. The developer shall furnish proof of adequate fire flow and potable water supply along with six (6) sets of construction plans and two (2) completed General Permit forms for Drinking Water Distribution System to the Pinellas County Water System prior to the issuance

of any building permits for the project. In addition, no building permits shall be issued until a construction permit for the subaqueous crossing for the Tierra Verde intertie is issued to Pinellas County by the Florida Department of Environmental Regulation. All modifications to Pinellas County Water System mains, including new main extensions and increasing existing main sizes to obtain adequate fire flow will be at the developer's expense. The annual report shall furnish information regarding the adequacy of fire flow and potable water supply.

- b. Tierra Verde Marine Center shall utilize the lowest quality water reasonably available and suitable for irrigation and other non-potable uses.
- c. The Developer shall be responsible for maintenance and operation of any on-site wells.
- d. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 533.14, Florida Statutes 1985) and xeriscape vegetation shall be used in landscaping. The Developer shall abide by any applicable water conservation measures imposed by SWFWMD for the Northern Tampa Bay Water Use Caution Area and by Pinellas County.

3. Solid Waste

- a. The Developer shall provide to all Tierra Verde Marine Center slip lessees, tenants, and employees information that indicates the types of materials that are considered to be hazardous, flammable and "special" and are to be stored or disposed of only in specially-designed containers/areas to be located on-site.
- b. The Developer shall comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act.

4. Energy Management

- a. All Tierra Verde Marine Center tenants and businesses shall be encouraged to:
 - Use energy alternatives, such as solar energy, where economically feasible;
 - Obtain energy audits provided by energy companies or other qualified agencies;
 - Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

- Use landscaping and building orientation to reduce heat gain, where feasible, for all project construction;
 - Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - Institute and utilize recycling programs; and
 - Utilize energy-efficient packaging and/or recyclable materials.
- b. The energy conservation measures referenced on page 25-3 of the ADA shall be included in each annual report.
- c. Tierra Verde Marine Center should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses and industry. An energy audit by Florida Power Corporation may satisfy part of this recommendation.

5. Recreation and Open Space

- a. The Developer shall be responsible for maintenance of all common areas on the Property.
- b. Tierra Verde Marine Center shall comply with all applicable open space and recreational area requirements of the Pinellas County Comprehensive Plan adopted pursuant to Chapter 163, Florida Statutes.

6. Health Care, Police and Fire

- a. The capability to provide police, fire and emergency medical service to the Development shall be confirmed, in writing, to Pinellas County, by the Developer from the appropriate government agency prior to site plan approval. The annual report shall furnish information that this capacity remains adequate.
- b. The Development of Tierra Verde Marine Center shall not lower the level of service of the fire, police and emergency medical services in Pinellas County below acceptable standards as reasonably determined by Pinellas County or the appropriate government agency responsible for such services.

- c. Final Site Plan approval for the Tierra Verde Marine Center expansion shall be contingent upon adequate fire protection services, including adequate water pressure and flow to the site, as determined by Pinellas County based upon engineering reviews conducted by the Developer of the marine center. The Tierra Verde Marine Center shall be designed and constructed to meet or exceed the National Fire Protection Association standards for boatyards/marinas. Project design and construction shall allow and ensure adequate land access to the marina for fire-protection vehicles and fire-fighting purposes.
- d. The Tierra Verde Marine Center shall enforce the "no-wake" zone within the perimeters of the marina site, and the project's "Contractual Rules and Regulations" shall include "no-wake" requirements and enforcement measures.
- e. The Developer shall accommodate the use of one slip at the marina to be shared by the Pinellas County Sheriff's Department and/or Marine Patrol, as well as other permitting and enforcement agencies.

7. Transportation

- a. Prior to requesting building permits, the Developer shall request from Pinellas County and/or from the Florida Department of Transportation, a determination as to whether a Driveway Permit modification is necessary. In the case of State Highways, Pinellas County will review and comment, and the recommendation will be forwarded to FDOT's District 7 for approval. That determination shall also be required if the Developer implements any land use trade-off mechanism, since the trade-off could affect the operation and safety of already permitted driveways by effecting changes to directional approaches and departures.
- b. Upon 90 percent occupancy of the Tierra Verde Marine Center, a Manual on Uniform Traffic Control Devices warrant study of the S.R. 679/Madonna Boulevard intersection shall be conducted. The results shall be submitted to the Florida Department of Transportation ("DOT") within 30 days of conducting the study. The Developer shall be responsible for no more than the project's share of

improvements, if any, that are deemed appropriate by DOT, based upon this study. This portion shall be determined as a percentage of project traffic to total traffic utilizing the intersection at the time of the study.

- c. Any land use trade-off mechanism adopted as part of the Development Order for utilization by the Developer shall be based on the subject land uses generating equivalent dominant movement peak hour trips based on Institute of Transportation Engineers ("ITE") trip generation rates. The land use trade-off mechanism shall only be allowed for commercial and office uses assessed in the ADA and must adequately mitigate public facility impacts. No trade-offs shall be allowed involving wet or dry slips.

Section 4. Specific Conditions

A. The following Specific conditions shall remain in effect for the duration of the project, unless made more stringent by the permitting agencies:

- Numbers 2, 3, 6 and 7.a through 7.d of DER Permit Number 521600839

- Numbers 28 and 29.a through 29.h of DNR Permit Number 520265869

Notice of any proposed permit modification shall be provided to Pinellas County, DCA and TBRPC for review prior to submittal to the permitting agencies.

B. Excess infrastructure capacity constructed to potentially serve development beyond the quantities estimated in the ADA shall be at the Developer's risk and shall not vest additional development rights.

C. In addition to the criteria established in Chapter 380.06(19), Florida Statutes, any proposed change to the project which departs significantly from the parameters set forth in the ADA, as reasonably determined by Pinellas County, shall require a substantial deviation determination.

D. Any outstanding amounts for initial review by TBRPC shall be paid within fifteen (15) days of billing. Payment for any future activities of the TBRPC with regard to this Development including, but not limited to, monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the DRI Fee Schedule.

Section 5. Annual Report

The Developer shall submit an annual report relating to the DRI to Pinellas County, the TBRPC and the DCA not later than sixty (60) days following the anniversary of the effective date of this Development Order for each year up to and including such time as all terms and conditions of this Development Order are satisfied or this Development Order has expired by its terms,

whichever is earlier. Such report shall be submitted for review to ensure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any County Commission hearing wherein such report is to be reviewed. Every annual report shall include the following:

- (a) Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of land purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;
- (e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;
- (f) Any known incremental DRI applications for development approval or requests for a substantial deviation

- determination that were filed in the reporting year and to be filed during the next year;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - (h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose or each;
 - (i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
 - (j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - (k) The results of the water quality sampling program as described in Condition 3.B.1.a of this Development Order;
 - (l) Any revised lease agreement or internal marina rules.

Section 6. Definitions

The definitions contained in Chapter 380 shall control the interpretation and construction of the terms of this Development Order.

Section 7. Timing of Development

- A. Construction of the Development shall commence on or before January 1, 1991.
- B. This Development Order shall expire five (5) years after its effective date. This expiration date reasonably reflects the time required to complete the Development. Any development activity for which plans have been submitted to Pinellas County for approval prior to the expiration of this Development Order may be completed, if approved. This Development Order may be extended by the Pinellas County Commission upon the finding of excusable delay in any proposed development activity.

Section 8. Rezoning

During the effective period of this Development Order, Pinellas County shall not rezone or otherwise reduce the intensity or density permitted by this Development Order, nor otherwise decrease the development rights approved by this Development Order unless the local government can demonstrate:

- A. that substantial changes and conditions underline the approval of the development order have occurred; or
- B. the development order was based on substantially inaccurate information provided by the developer; or

- C. that the change is clearly established by Pinellas County to be essential to the public health, safety, or welfare.

Nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer under this Development Order.

Section 9. Developer, Representatives and Assigns

A. The Developer agrees that its authorized agent shall be Arnold E. Kraag. Mr. Kraag can be located at Island Marina Developers, 18 Madonna Boulevard, Tierra Verde, FL 33715. All correspondence relating to this Development shall be sent to Mr. Kraag with copies to his legal representative, Steven M. Seibert, Esq., 911 Chestnut Street, Clearwater, Florida 34616.

B. This Development Order shall be binding upon the Developer, its assigns or successors in interest.

Section 10. Additional Conditions

A. If the provisions of this Development Order are in conflict with any local government land development regulations, the more stringent requirements shall apply to the development.

B. The conditions contained in Pinellas County Board of Adjustment Approval No. 22-2-89, attached as Exhibit E, shall apply to the development and no permits shall be issued which are in conflict with said Board of Adjustment action. In addition, no ingress/egress shall be permitted onto 1st Avenue North.

Section 11. Enforcement and Penalties

A. The County Administrator of Pinellas County is responsible for ensuring compliance with this Development Order and otherwise monitoring the Development. Monitoring shall be accomplished by review of the annual report, building permits, certificates of occupancy, plats, if applicable, on-site observation and by any other appropriate means.

B. Violations of this Ordinance shall be subject to prosecution pursuant to Section 125.69, Florida Statutes, and upon conviction, shall be punished by a fine not to extend \$500, or by imprisonment in the County Jail for a term not to exceed sixty (60) days or by both such fine and imprisonment.

C. In the addition to the penalties provided by subsection B of this Section 11 for violation of this ordinance, any violation of this Ordinance shall be subject to appropriate civil action in the court of appropriate jurisdiction.

D. The authorized representatives, agents or employees of the County, may enter and inspect any property, premises or place, including improvements thereon, for the purpose of inspecting the same to determine whether a violation of this ordinance is occurring, or to verify achievement of compliance as directed by the County Administrator or his designee. Inspections conducted pursuant to this section shall be limited to obtaining that information which is reasonably necessary for the above purposes and shall be conducted in such a manner as to assure minimal interference with normal business operations of the premises. The owner or operator of the premises shall, upon

request receive a report setting forth all facts found which relate to compliance status.

Section 12. Rendering, Filing and Effective Dates

A. This Development Order shall be deemed rendered upon transmittal of copies of this Development Order to the recipients specified in Chapter 380 and Rule 9J-2.025, FAC.

B. The County Administrator, or his designee, is hereby directed to send certified copies of this Development Order within five (5) days after the passage of this ordinance to the Developer, the TBRPC, and the DCA.

C. The Developer shall record a Notice of Adoption of this Development Order pursuant to Chapter 380, and shall furnish the County Administrator a copy of the recorded notice.

D. A certified copy of this capital Ordinance shall be filed with the Secretary of State.

E. This Development Order shall become effective on the date the statutory appeal period expires as set forth in Chapter 380 or, if an appeal is filed, at the conclusion of such appeal, whichever is later.

Section 13. Land Use Table

In accordance with Rule 9J-2.025(4)(b)5, FAC, the Developer provided a Land Use Table and extensive description of the Development in the ADA at pages 12-1 thru 12-5 (with accompanying maps) and in the "Response to Request for Additional Information" at pages II-11 thru II-15 (with accompanying maps).

Section 14. Severability

Should any part or provision of this ordinance be declared by a court or administrative agency of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid; provided, however, that any such finding of invalidity shall automatically authorize Pinellas County, the TBRPC, the DCA or the Developer to request a determination under the provisions of Chapter 380 relative to substantial deviation.

ATTEST:

ATTEST: KARLEEN F. DeBLAKER, CLERK

By: B. K. Nest
Deputy Clerk

KARLEEN F. DeBLAKER,
CLERK OF THE CIRCUIT COURT

APPROVED AS TO FORM:

James L. Bennett
ASSISTANT COUNTY ATTORNEY

050890 d-15
911\SMS/29445ASD01
80832 (MME)

[Signature]
CHAIRMAN,
PINELLAS COUNTY
COMMISSION

I, KARLEEN F. DeBLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida.
Witness my hand and seal of said County.

this 17th day of May, A.D. 1990.
KARLEEN F. DeBLAKER, Clerk of the Circuit Court Ex-Officio, Clerk to the Board of County Commissioners, Pinellas County, Florida.

By: B. K. Nest
Deputy Clerk

EXHIBIT "A"

Application for Development
Approval

NOT INCLUDED.

EXHIBIT "B"

Upland parcel:

Lots 1 through 7 and Tract "D", Block 23, TIERRA VERDE UNIT ONE, as recorded in Plat Book 57, Pages 42 through 55 inclusive, Public Records of Pinellas County, Florida, Pinellas County, Florida, being further described as follows: Beginning at the southeast corner of said Block 23; thence along the southerly boundary of the aforescribed Block 23, N59°07'07"W, 150.00 feet to a point of curve; thence along the arc of a curve to the left, radius 550.00 feet, arc 250.21 feet, chord N72°09'05"W, 248.06 feet; thence leaving the southerly boundary along the westerly boundary of said block by a non-tangent line to the right, N01°41'22"E, 166.97 feet; thence N22°50'14"E, 174.40 feet to a point of curve; thence along the arc of a curve to the left, radius 130.00 feet, arc 143.76 feet, chord N08°50'38"W, 136.55 feet to the most westerly corner of said Tract "D"; said corner also being the southeasterly corner of Block 17, Lot 34, TIERRA VERDE UNIT ONE; thence along the common boundary of said Block 17, Lot 34, and said Tract "D"; thence along the northerly boundary of Tract "D" and continuing along the northerly boundary of the aforescribed Block 23, S67°09'46"E, 564.00 feet; thence continue along the northerly boundary of said Block 23, S49°09'46"E, 50.00 feet; thence along the easterly boundary of Block 23, S30°52'53"W, 600.00 feet to the point of beginning.

Containing 7.042 acres, more or less.

Submerged parcel:

A portion of submerged land lying in Section 17, Township 32 South, Range 16 East, Pinellas County, Florida, described as follows:

From the most northerly corner of Tract "D". Also being the most easterly corner of Lot 34, Block 17, Tierra Verde Unit One. As recorded in Plat Book 57, Pages 42 through 55 inclusive, Public Records of Pinellas County, Florida, as a point of reference; Thence S67°09'46"E along the northeasterly line of said Tract "D", 25.00 feet to the point of beginning; Thence continuing S67°09'46"E along said northeasterly line and along the northeasterly line of Lot 1, Block 23 in said subdivision, 530.00 feet; Thence N22°50'14"E, 338.00 feet; Thence N67°09'46"W, 539.00 feet; Thence S22°50'14"W, 338.00 feet to the point of beginning.

Containing 182,182 square feet more or less, or 4.18 acres more or less.

Total: 11.222 acres, more or less.

EXHIBIT "C"

The following are developer commitments set forth in the Application for Development Approval (ADA), the First Sufficiency Response (SR1) and the Second Sufficiency Response (SR2) which shall be honored by the developer, except as they may be superseded by specific terms of the Development Order.

GENERAL PROJECT DESCRIPTION

Landscaping and adequate setbacks will buffer the project from adjacent land uses. (ADA, page 12-5)

The developer will address noise considerations as well as landscaping requirements during the site plan review process. (SR2, Question 41. Pinellas County. 2.b)

SPECIFIC SR1 CATEGORIES

Boat Facilities/Marina

No dredging or filling of wetlands or state-owned submerged lands is proposed as a component of the project. (ADA, page 41-5)

Boat repairs will be conducted in an enclosed area, with a collection tank for maintenance runoff provided to capture any spills. No work will be performed in the boat storage area. The stormwater treatment system will treat runoff from the parking areas and should not contain any toxins. Six twelve-inch diameter inspection cores will be imbedded into the rock beds allowing monitoring of any sand build-up or groundwater seepage in the retention system. (SR1, page II-46)

There will be no repair work within the dry storage building. (SR1, page II-55)

The marina rules and regulations will be enforced by threat of eviction. (SR1, page II-67)

Noise generated by outboard engine testing/flushing will be minimized through the use of five-foot-by-five-foot, 450-gallon water capacity noise-insulated tank. In addition, the engine testing/flushing area will directly face the open water, and will be buffered from the residential areas to the west by a wall and a landscaped noise buffer. (SR1, page II-68)

At least 50% of the 100 wet slips will be available to the public on a first-come, first-served basis. (SR1, page II-69)

ENVIRONMENT AND NATURAL RESOURCES

Air

Exposed soils subject to wind erosion will be sodded and sprayed during construction. (SR1, page II-22)

Water Quality

A mobile sanitary pump-out station shall be used to remove domestic sewage from vessel holding tanks. All live-aboard slips will be retrofitted with direct sanitary sewer hook-ups. (ADA, page 15-6)

The two existing 6,000-gallon underground storage tanks will continue to be monitored daily for fuel levels which are then logged and compared to daily pumping records ... Daily logs are available for inspection. (SR1, II-24)

Extensive hull repair, sand blasting and fiberglassing will not be performed on-site. (SR1, pages II-12 and II-13)

The collection tank for runoff from the maintenance area will be pumped out, and the residue will be transported and appropriately treated off-site. (SR1, page II-25)

Maintenance of the proposed retention/treatment facility will be the responsibility of the marina owner and operator. The exposed filter media is readily accessible for maintenance. Six inspection cores will be constructed to allow monitoring of filter plugging and groundwater levels. (SR1, page II-26)

Standard measures, such as the placement of silt screens and hay bales, will be utilized to further minimize any adverse water quality impacts during construction. (SR1, page II-26)

The water quality monitoring program specified in the current DER Permit Number 521600839 shall resume, beginning at project build-out and extending for one year thereafter. All monitoring results will be compiled and presented in the applicable annual report. (SR3, Question 15.1.b.)

The marina's slip lease rules will prohibit work which causes pollution, in addition to dirt, noise, nuisance or hazard. (SR2, Question 41. TERPC. 3)

Wetlands

No dredging or filling of wetlands is proposed for the project. (ADA, page 16-2)

Floodplains/Disaster Preparedness

The base floor elevations of all habitable structures will be constructed at or above the 100-year base flood elevation. (ADA, page 17-2)

The proposed marina will be designed to be "hurricane-proof" to the greatest extent possible, and will be built to withstand hurricane-force winds as required by state and local code. In the event of a hurricane, all registered dry storage boats will be secured in the on-site storage facility rather than moved off-site. At the discretion of the lessee, the wet storage boats will either be secured on-site or moved off-site to safer waters. The underground fuel tanks are currently located underneath an asphalt paved area which will provide protection from a storm surge. The fuel pump will be disconnected from the fuel tanks prior to evacuation from the site. (ADA, page 17-2)

The marina operator will assist boat owners in securing their vessels on-site prior to a hurricane or tropical storm, if requested. However, it is the ultimate responsibility of each boat owner to secure and/or move their vessel, as appropriate, to avoid storm damage. (SR1, page II-30)

A Hurricane Evacuation Plan will accompany the new Dockage Lease. (SR1, page III-4)

A hazard disclosure statement generally describing the property's relative probability of damage from hurricane surge will be incorporated into the Dockage Lease. (SR1, page III-5)

The Developer will encourage marina center office and commercial occupants to comply with Pinellas County Emergency Management guidelines. (SR2, Question 31)

Vegetation and Wildlife

Because public education of boaters, and their reduction of boat speeds, is critical to reducing manatee mortality, the following measures will be implemented with the expansion of the marina:

Display of boater safety and manatee warning signs in and around the marina.

The marina envelope will be designated and posted as an idle speed zone, and the speed zone will be enforced by marina personnel.

Security will be available on-site 24-hours-a-day, and will be responsible for enforcement of all marina regulations.

The developer will construct, install and maintain at the upland access point of both main access docks two covered kiosks, for public education and information, of a size not less than four

feet by eight feet. Manatee educational exhibits on the marina grounds will contain basic information on manatee ecology, boater information, and the DNR "Manatee Hotline" phone numbers.

DNR will be consulted regarding the appropriate design and placement of educational exhibits and warning signs.

The developer will conduct two biannual public boater safety and manatee awareness programs on-site and at no expense to the public, in cooperation with staff of DNR, for the period of the submerged land lease.

The developer will provide the staff of the Bureau of Aquatic Preserves field office with temporary boat mooring and vehicle/trailer parking at no cost, for the period of the submerged land lease.

The standard DNR marina construction conditions for protecting manatees will be observed. (ADA, pages 18-8 through 18-12)

PUBLIC FACILITIES

Wastewater

Only trained and authorized Marina personnel will operate and maintain the internal collection facilities which include the mobile landside sewage pump-out facility presently in use. (ADA, page 21-2)

No septic tanks will be used. (ADA, page 21-3)

No wastewater will be generated in the dry storage building. Any dripping of oil, gas or water will be collected in the valley curbs and flow into the baffled holding tank adjacent to the storage area. This tank will be pumped periodically. (SRI, page II-43)

The slip lease agreement will require vessels to be equipped with only U.S. Coast Guard-approved marine sanitation devices, where applicable. (SRI, III-6)

Prior to the dry storage of any vessel at the Tierra Verde Marine Center, upland sewage pump-out shall be operational. (SRI, page III-7)

Drainage

The storm sewers and inlets will be designed for a 10-year storm event. (ADA, page 22-1)

The retention volume will provide for 3/4-inch stormwater retention and contain excess capacity for additional stormwater or water from the boat wash area. The water from the boat wash and motor flush will first be held in a baffled holding tank to prevent oil and grease travel to the filter. (SRI, page II-48)

All rinse water, including soaps, will discharge into the baffled holding tank. This tank will be pumped periodically, but will also have a water overflow into the rock filter which will act as a trickling filter providing biological treatment. High-pressure, low-volume washers will also be used to reduce water and soap volumes. (SR1, page II-48)

Routine maintenance on a monthly basis will consist of a visual inspection of the rock filter surface and the baffled outfall. Any debris present will be removed. Should the filter require major maintenance, a section of boats on the lower rack will be removed to allow reworking of the rock. (SR1, page II-47)

All stormwater will outfall through the existing 18-inch outfall. The existing 15-inch outfall near the northeast property corner will be abandoned and plugged. (SR1, page II-44)

The existing impervious surface parking lot will be retrofitted for stormwater treatment. (SR1, page II-72)

Water

The internal water distribution system will be maintained by the developer, Island Marina Developers, or its assigns. (ADA, page 23-2)

Water-conserving plumbing fixtures will be used throughout the development. (SR1, page II-52)

All users of the Tierra Verde Marine Center will be encouraged in the Marina Rules and Regulations to conserve potable water whenever possible. (SR1, page II-52)

The developer will provide xeriscape landscaping to the greatest extent possible. (SR2, Question 23.1)

The developer will continue to pursue a suitable source of non-potable water. (SR2, Question 23.2)

Solid Waste

All solid waste generated by the Tierra Verde Marine Center will be stored in on-site receptacles for removal by Browning Ferris Industries Waste Systems. (ADA, page 24-2)

The developer will provide designated containers for hazardous wastes to be collected and disposed of properly. (SR1, page II-54)

The Dockage Lease provides instructions and enforcement measures to lessees on the handling and on-site disposal of any hazardous material. (SR1, II-54)

Oil, paint, batteries and like materials will be collected in marked containers for appropriate disposal, as is current practice at the Tierra Verde Marine Center. (SR1, page II-54)

The Dockmaster is responsible for enforcing waste disposal methods. (SR1, page II-55)

Energy

Tierra Verde Marine Center designers will consider various methods for achieving energy conservation and efficiency including building materials, lighting specifications and layout, and equipment selection. (ADA, page 25-3)

Recreation and Open Space

Island Marina Developers or its assigns will provide ongoing maintenance of all marina facilities and support uses. (ADA, page 27-2)

Police

However, a private 24-hour security monitoring system will be utilized. (ADA, page 29-1)

Pipe

A gas- or diesel-powered back-up generator will be installed on-site. (SR1, page II-61)

Developer clarification: A gas- or diesel-powered back-up generator will be installed on-site if required by the appropriate regulatory agencies, in order to meet NFPA standards.

An engineering review will also be conducted to determine if a system can be designed using existing system availability with an in-line booster pump. (SR2, Question 30)

Transportation

Substantially prior to issuance of Building Permits, the developer will notify the Florida Department of Transportation to determine whether a Driveway Permit modification is necessary. (SR1, page II-66)

EXHIBIT "D"

HURRICANE PREPAREDNESS GUIDE

Most of us in the Tampa Bay area are accustomed to storms and lightning, ranging from afternoon thunderstorms, which are a regular occurrence during certain times of the year, to large hurricanes, which are particular threat during the summer and early fall.

Marinas are particularly susceptible to hurricane damage, largely as a result of storm surge, a mass of wind-driven water that produces an abnormal increase in sea level. Storm surge could conceivably reach 25 feet above sea level and can be particularly destructive when accompanied by high tide. Of course, in such an extreme event, the best preparations will make little difference. Fortunately, the Tampa Bay area has rarely experienced a direct hit by a large hurricane, and has usually experienced only high winds and tides a few feet above normal.

Hurricanes are divided into the following categories:

<u>Category</u>	<u>Wind Velocity</u>	<u>Tidal Surge</u>
I	74 - 95 mph	+5-7 feet msl
II	96 - 110 mph	+8-10 feet msl
III	111 - 130 mph	+11-12 feet msl
IV	131 - 155 mph	+13-18 feet msl
V	156+ mph	+19 feet msl

The fixed dock system of the TIERRA VERDE MARINE CENTER has been engineered to withstand a storm surge to 10 feet above mean sea level, and is the result of considerable investigation into the

effect of hurricanes on other marinas around the country. Most damage is expected from boats and debris broken loose by high winds, hence our emphasis on preparation.

If a hurricane threatens the Tampa Bay area, the TIERRA VERDE MARINE CENTER will operate according to this three-stage plan.

Stage I - Will be in effect in the event a Hurricane Watch is issued by The National Hurricane Center. All marina employees will report to the Dockmaster as quickly as possible. TIERRA VERDE MARINE CENTER dock crews will work in pairs and will (1) remove or secure loose gear or equipment on docks or upland areas, (2) remove dinghies from storage areas and secure them ashore, and (3) patrol marina and help boat owners secure boats and equipment in marina. All managers of commercial and office components of the TIERRA VERDE MARINE CENTER and all boat owners will be alerted to the possibility of an evacuation during this stage. Boats in dry storage must be removed by their owners at this time since boat trailers use up valuable road capacity in the event to an evacuation. Removal of dry storage vessels will absolutely be prohibited once Stage II goes into effect.

Stage II - Goes into effect when an evacuation of Pinellas County is ordered or when a Hurricane Watch is upgraded to a Hurricane Warning. Our Dockmaster and crews will notify any commercial and office managers, boat owners and guests that they must begin evacuation. State Roads 679 and 682 (the Pinellas Bayway), and Interstate I-275 are the designated evacuation routes from our location. Travel north on SR-679, then east on SR-682 to the Interstate ramp, then north to the highest ground (see attached map). A current list of available shelters and means of transportation to these shelters will be provided to all live-

aboard tenants. This information will also be posted in the Dockmaster's office. At this stage, the Assistant Dockmaster and marina office personnel will lock valuables in the safe and secure the premises. Our dock crews will secure landside facilities and disconnect all fuel pumps from the fuel storage tanks. All preparations and evacuation shall be completed prior to the arrival of gale force winds (sustained 40 mph) provided sufficient warning has been given by Pinellas County officials.

Stage III - Evacuation of all personnel will be implemented by the Dockmaster early enough to allow employees to return home and evacuate themselves and their families. The Dockmaster will maintain close contact with public authorities, and will immediately notify marina personnel upon notice from these authorities. Before evacuating, the Dockmaster will ensure that all security gates are locked, water mains are turned off, and electrical power to docks is disconnected.

PREPARATIONS PRIOR TO HURRICANE SEASON

Always make sure your boat is in good repair and shipshape condition

1. Examine the structural condition of your vessel and repair as needed.
2. Check all through-hull fittings, shafts, props, stuffing boxes etc. In the event of a storm, everything except the bilge pump outlets and cockpit drains should be securely closed.
3. Make sure your vessel has proper grounding for lightning protection.
4. Disconnect radio antennas from instruments before the storm.
5. Make sure bilge pumps are in working order and batteries are properly charged.
6. Prepare a checklist of equipment needed to secure the vessel before the storm and store the equipment in a readily accessible location.
7. Purchase any supplies or equipment well in advance. Stock additional lengths of mooring lines, screw anchors, fenders, fender boards, chafing gear and anchors. Limited supplies will run out quickly once a warning is announced.
8. Make an inventory of things to be removed from your boat.

AVAILABLE OPTIONS

Three options are available to our boating customers.

- I. You may simply plan to better secure the boat when a storm is threatening.
- II. You may consider an alternate and "safer" dockage site.
- III. You may relocate to a "hurricane" anchorage, which is a more reasonable alternative for larger vessels (40-foot or larger).

Regardless of the chosen alternative, prepare a written plan for what you are going to do when a hurricane is threatening. There is not time to consider an alternative when clouds are gathering. Also, have a friend ready to follow up with your plan in case you are absent.

Rehearse your plan with your friend and family. Try to think through what you will need to adequately secure your boat for a hurricane and how much time to allow. Perhaps have two plans, one in the event time is available, and a second if there is no time.

CHOOSE YOUR OPTION

- I. If you plan to secure your boat in the TIERRA VERDE MARINE CENTER:
 - A. Make plans to double your docklines before a storm.
 1. The second set should be one size larger.
 2. The docklines should be nylon (preferably 3-strand twist for extra chafe protection). Chafing is the main cause of line failure = make sure you install chafe protection, such as leather or an old garden hose anywhere a line may touch the boat, dock or another line.

3. Place fenders at appropriate locations.
 4. Tie each vessel taut, essentially suspending the vessel in a "spider web" in the center of your slip. Spring lines are particularly important, as are elastic or rubber stoppers to absorb shock.
- B. Strip the boat decks of all sails, including roller furling jibs.
 - C. Remove any running rigging, booms, movable deck equipment, bimini tops, ventilators, anchors, and any other loose gear. Reduce windage on your boat and reduce the strain on your lines and the docking system.
 - D. Secure all hatches and tape shut.
 - E. Turn off all electricity (except bilge pumps) and disconnect power cables and hoses from dock (be sure to safely stow cables and hoses).
- II. If you plan to move to a "safer" dock site, make sure:
- A. You have extra dock lines, chafing gear and fenders, and take all precautions noted above.
 - B. You allow plenty of time to get to the dock and to evacuate the area. Remember you may be fighting wind and rain.
- III. If you plan to move to a "hurricane hole" anchorage:
- A. Select possible sites well in advance (before hurricane season). Please be aware that most bridges will be locked in the down position after an Evacuation Order is issued.

B. Make a trial run to:

1. Verify water depth, size of anchor, chain and anchor scope needed. Enough anchor chain and line for a least six (6) times the normal (7:1) scope required should be carried for laying out the anchors. At least two anchors of the proper size for the vessel should be used, three anchors are better yet.
2. Verify potential mooring structures (trees on shore)
3. Verify the time required to get to the site.
4. Figure out how to get off the boat and to a car.

THINGS TO REMEMBER

The marina staff will be very busy just taking care of marina property in the event of a storm - they will not have time to secure your boat.

Our marina is built to survive the storm surge of a Category II hurricane.

1. The boat owner will be responsible for any damage by his boat if it should break loose - so make sure it is secured properly.
2. If the presence of any boat in the marina should present a hazard to any other boat or marina equipment, the Dockmaster will notify the owner that the boat must leave the marina, and, if the owner is not available or fails to comply, the marina may take any action necessary without liability to the marina or its representative.
3. No one shall be permitted to remain on a boat in the TIERRA VERDE MARINE CENTER during a hurricane.

4. Extreme caution should be exercised in all outdoor activities. In the event of injury, outside medical aid will probably not be available.
5. Any requests for assistance must be made through the Dockmaster.
6. Lif jackets shall be worn by marina personnel when walking on the docks when wind velocities are in excess of 40 mph (tropical storm force winds).
7. The TIERRA VERDE MARINE CENTER staff will be released within at least 12 hours before the storm ETA to secure their homes and families. Everyone must evacuate the marina at the order of the Dockmaster.

For your general protection, we suggest stocking last year's picnic basket or cooler with emergency provisions and placing it in a readily accessible location. Consider purchasing a cigarette lighter plug and an emergency antenna for your VHF marine radio. This will give you weather bulletins and telephone capability. Don't forget a broadcast radio, flashlight, matches and candles, camp stove, fire extinguisher, water and purification tablets, food and utensils, medical supplies and sanitary facilities. A plastic bag draped over a small garbage can with a tight fitting lid is an excellent emergency toilet.

Again, careful planning, preparation and rehearsal will go a long way toward preventing damage or injury brought by a hurricane, and the exercise will most likely come in handy the next time you ride out a tropical storm.

Safe boating!

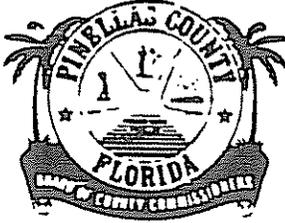


EXHIBIT "E"

BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 COURT STREET
CLEARWATER, FLORIDA 346

COMMISSIONERS

BRUCE TYNDALL · CHAIRMAN
CHARLES E. RAINEY · VICE CHAIRMAN
JOHN CHESNUT, JR.
GEORGE GREER
BARBARA SHEEN TODD

April 10, 1989

Island Marina Developers, A Fla. registered
general partnership
18 Madonna Blvd.
Tierra Verde, FL 33715

Re: Board of Adjustment Case No. BA-22-2-89

Dear Applicant:

Please be advised that by action of the Pinellas County Board of Adjustment on April 5, 1989, your request to permit the expansion of a marina as a special exception in a C-2, Commercial, General Retail and Limited Services zone was approved with the following conditions:

1. This project is a DRI and subject to review through the process required by Chapter 380, Florida Statutes.
2. Full site plan review is required. Based on the proximity to the bay, it will be required that the retention system be designed in full compliance with current regulations. No credit will be given for existing impervious areas which do not have an associated stormwater treatment facility. The project, as currently designed, does not appear to address the required stormwater treatment facilities.
3. Compliance with the intent of Ordinances 76-15 (landscaping), 73-7 (on-site detention) and 76-16 (tree protection).
4. The "wash down" racks or areas must provide for treatment of the water used prior to discharge into the bay. This may be incorporated with the stormwater treatment facility for the entire project.
5. Hours of operation to be 7:00 a.m. to 8:00 p.m., 7 days per week with a maximum of 384 storage slips.

6. The maximum building height is to be 42 ft.
7. A minimum solid 6 ft. high wall and berm is required as a buffer.
8. Staff has some concerns reference the site plan review process and modifications that may result as part of the DRI processes. These modifications may be significant enough to require further review by the Board and staff will initiate that action, if necessary.
9. The plan, as modified, changes the circumstances on site as to potential noise concerns and any action taken by the applicant is to insure compliance with the Pinellas County Noise Ordinance.
10. Building to be designed and constructed per architects rendering presented at the April 5th public hearing.

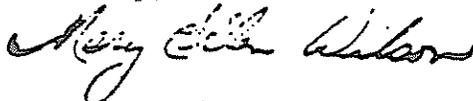
The Applicant is hereby notified that all rights and privileges granted herein shall become void if and in the event said applicant fails to commence the project contemplated herein within one (1) year from the date of this decision. An extension of one (1) year may be granted by the Board for good cause shown, in writing, by the applicant. An extension request, must be filed approximately one (1) month prior to the expiration date to enable the request to be heard by the Board.

All variances or special exceptions granted by the Board of Adjustment shall be deemed to automatically expire in the event a structure or use of land which is the subject of the variance has been vacated or abandoned for a period of 90 consecutive days.

Please be advised that any approval or conditional approval does not eliminate the necessity of compliance with other local, State or Federal laws and regulations.

If you have any questions, please don't hesitate to contact this office at 462-3403.

Sincerely,



Mary Ellen Wilson
Chairman

HEW/SW/jm

cc: Steven H. Seibert, Esq.