

#97



CITY OF ST. PETERSBURG

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

WEB SITE: www.stpete.org Channel 35 WSPF-TV

TELEPHONE: 727 893-7171

December 19, 2012

Via Email

Mr. Manny Pumariega, Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782

Re: Extension of Intown Areawide DRI Development Order

Dear Mr. Pumariega:

The Florida Department of Economic Opportunity per Executive Orders 12-140, 12-192, 12-217 and 12-199 has authorized a 1-year and 120-day extension of all phase and expiration dates for developments of regional impact.

This letter serves as notice that the City of St. Petersburg, as the "Developer", is extending the phase build-out dates and expiration date of the Intown Areawide DRI by 1 year and 120 days as allowed. The expiration date for the DRI is now April 29, 2019.

Please contact me at 727-893-7868 or at dave.goodwin@stpete.org if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Goodwin".

David Goodwin, Director
Planning and Economic Development Dept.

cc: Rick D. Smith, City of St. Petersburg
John Meyer, Tampa Bay Regional Planning Council
Jeannette Hallock-Solomon, Florida Department of Economic Opportunity



economic development department

P.O. Box 2842
St. Petersburg, FL 33731-2842
Telephone: 727-893-7100

#97

December 2, 2011

Via Email

Manny Pumariega, Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Intown Areawide DRI Development Order Extension

Dear Mr. ^{MANNY}Pumariega:

Florida Statute 380.06 (19)(c)2, authorizes a four-year extension of all commencement, phase buildout, and expiration dates for projects that are currently valid developments of regional impact. This letter serves as notice that the City of St. Petersburg, as the "Developer", is extending the phase build-out dates and expiration date of the Intown Areawide DRI by four years as allowed. This act, combined with the three-year extension granted in 2007 by the Legislature through HB 1375, extends the expiration date of the Intown Areawide DRI to December 30, 2017.

Please contact me at 727-893-7868 or at dave.goodwin@stpete.org if you have any questions.

Sincerely,

David Goodwin, Director
Planning & Economic Development Department

DG:rs

copy: Erica Smith, City of St. Petersburg
Rick D. Smith, City of St. Petersburg
John Meyer, Tampa Bay Regional Planning Council
Brenda Winningham, Florida Department of Economic Opportunity

#97



economic development department

P.O. Box 2842
St. Petersburg, FL 33731-2842
Telephone: 727-893-7100

December 11, 2007

Mr. Manny Pumariega
Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Pinellas Park, Florida 33782

**RE: Rendering of Adopted Amendment #3
Intown Areawide DRI - St. Petersburg**

Dear Mr. Pumariega:

Pursuant to subsection 380.07 Florida Statutes, the City of St. Petersburg is providing you with a certified copy of the adopted third amendment to the Intown Areawide DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 852-G) was adopted by City Council on November 1, 2007.

If you have any questions, please contact me at (727) 893-7877 or Dave Goodwin at (727) 893-7868.

Sincerely,

Gary Jones, AICP
Planner III

Attachment

cc: David Goodwin, Director, Economic Development Department

**NOTICE OF AMENDMENT OF
DEVELOPMENT ORDER**

This is a Notice of the third Development Order Amendment (Ordinance #852-G) to the Intown Areawide Development of Regional Impact Development Order (Ordinance #1072-F), by the City Council of the City of St. Petersburg, as governing body of the City of St. Petersburg, Florida. The City Council, having jurisdiction pursuant to Section 380.06, Florida Statutes (2007), is authorized and empowered to render a decision on the Amendment to the Intown Areawide Development of Regional Impact Development Order for the defined planning area shown in Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as "property"). As required by law, Exhibit "A" includes a map of the defined planning area and a legal description generally describing the property covered by the Development Order (Ordinance #1072-F).

The Development Order Amendment (Ordinance #852-G) was adopted as amended on November 1, 2007. The Development Order (Ordinance #1072-F) was enacted by the City of St. Petersburg City Council on December 15, 1988.

The amended Development Order may be examined in the following locations:

St. Petersburg City Hall
City Clerk's Office
175 5th Street North
St. Petersburg, Florida 33701

or

St. Petersburg Economic Development Dept.
One Fourth Street North, 9th Floor
St. Petersburg, Florida 33701

The Development Order and its Amendments constitute a land development regulation applicable to the property (as shown in Exhibit "A").

In witness whereof, the City of St. Petersburg has executed this Notice of the Amendment of Development Order.

Witness:
sign: Amelia Preston
print: Amelia Preston
sign: Patricia Beneby
print: Patricia Beneby

CITY OF ST. PETERSBURG, FLORIDA
a municipal corporation
By: Rick Baker
print: Rick Baker, Mayor
address: 175 5th Street North
St. Petersburg, FL 33701

**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this 28th day of November, 2007, by Rick Baker, who is personally known to me or who has produced _____ as identification and who did take an oath.

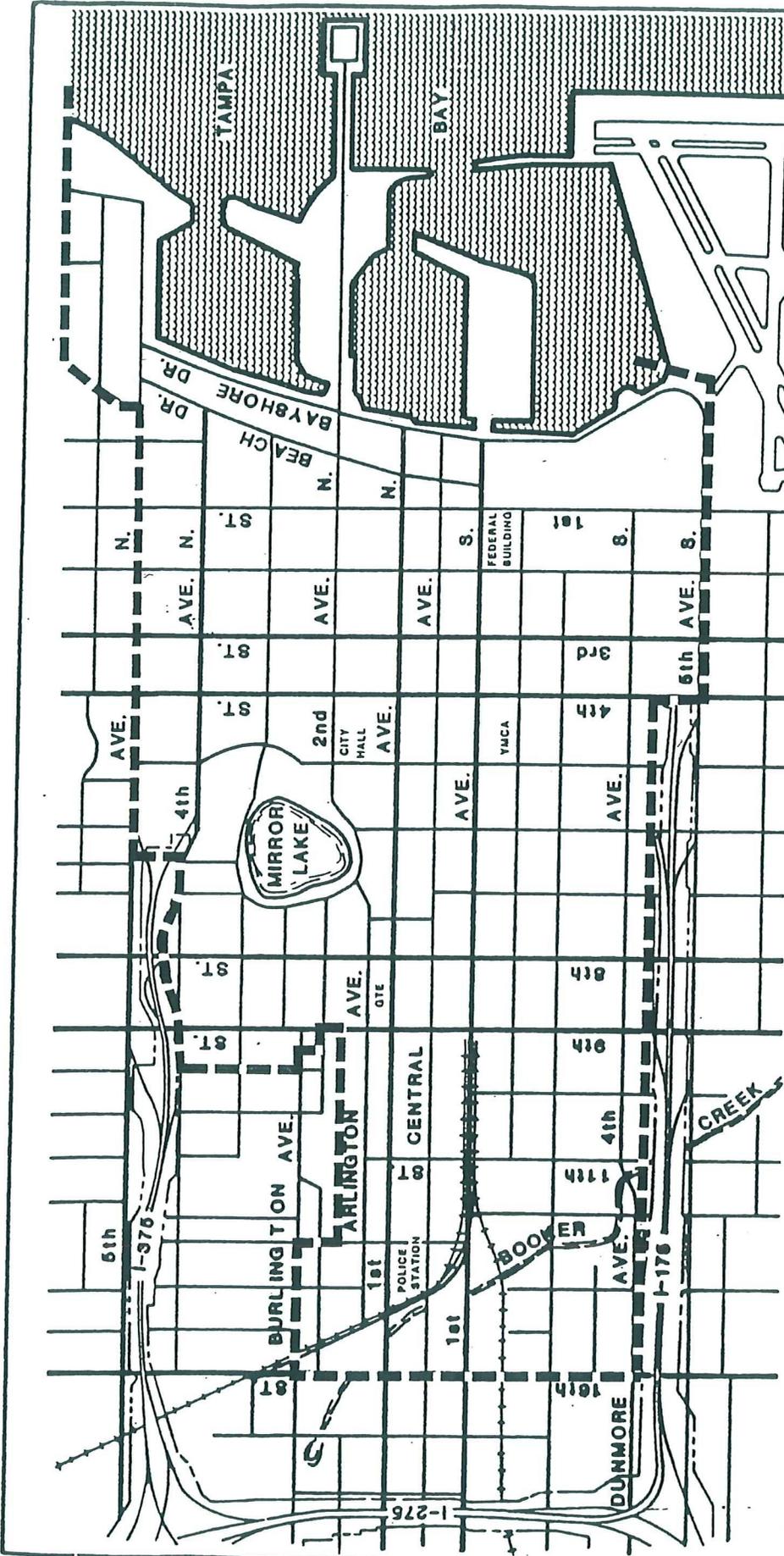
Prepared by:
Gary Jones, AICP
Economic Development Department
P.O. Box 2842
St. Petersburg, Florida 33731

NOTARY PUBLIC:

sign: Cathy E. Davis
print: Cathy E. Davis
State of Florida at Large
(SEAL)

Return to:
Amelia Preston
City Clerk's Office
175 5th Street North
St. Petersburg, Florida 33701





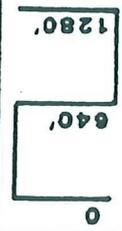
Starting at a point located at 7th Avenue NE extended and Tampa Bay moving west along 7th Avenue NE to Beach Drive, south along Beach Drive to 5th Avenue North, west along 5th Avenue North to I-375, west along I-375 to 10th Street, south along 10th Street to Burlington Avenue, east along Burlington Avenue to alley between 9th and 10th Streets North, south along the alley to 2nd Avenue North, east along 2nd Avenue North, south along 9th Street to alley between 2nd Avenue North and Arlington Avenue North, west along alley to 13th Street, north along 13th Street to Burlington Avenue North, west along Burlington Avenue North to 16th Street, south along 16th Street to I-175, east along I-175 to 5th Avenue South, east along 5th Avenue South to the eastern right-of-way line of 1st Street South, then follow the centerline of Bay Shore Drive to the right-of-way of 5th Avenue South (extended), then approximately 320 feet north to the water's edge (of the South Yacht Basin)

MAP A(1)



CITY OF ST. PETERSBURG
INTOWN ADA-DRI

AUGUST, 1987



ORDINANCE NO.852-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA; APPROVING THE THIRD AMENDMENT TO THE DEVELOPMENT ORDER FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; AMENDING THE RESERVATION PROCESS FOR BUILDING SQUARE FOOTAGE AND RESIDENTIAL DWELLING UNIT CAPACITY; PROVIDING A PROCESS FOR REMOVING RESERVED CAPACITY WHICH IS NOT UNDER CONSTRUCTION BY A SPECIFIC DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has reviewed the third amendment to the Development Order for the Intown Areawide Development of Regional Impact as set forth in this ordinance and finds that the change is consistent with the Comprehensive Plan and land development regulations of the City of St. Petersburg, does not constitute a Substantial Deviation, and does not require further development of regional impact review because the change imposes or generates no new impacts upon public facilities or environmental resources; and

WHEREAS, the change has been reviewed by the Tampa Bay Regional Planning Council, which has reported to the City and to the Florida Department of Community Affairs that the change is presumed not to be a Substantial Deviation as defined by law; and

WHEREAS, the City Council, having reviewed all relevant comments, testimony and evidence submitted by all interested parties and members of the public, and having considered the provisions of Chapter 380, Florida Statutes, regarding Substantial Deviations, finds that this amendment does not create a likelihood of regional impact; now therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. This ordinance is the third amendment to the Development Order for the Intown Areawide Development of Regional Impact, as set forth in Ordinance No. 1072-F, as amended in 1992 by the adoption of Ordinance No. 21-G and in 2005 by the adoption of Ordinance No.709-G. The Development Order, as amended, is referred to herein as "IADO."

Section 2. Subsection A.4. of Section 5 of the IADO is amended to read as follows:

4. Square footage totals shall be monitored by the ~~City Manager~~ POD according to the following procedures:

- a. Any person, corporation or government agency proposing development, redevelopment or expansion within the IAADA shall calculate the gross building square footage of each category of land use. Said square footage shall be submitted with the Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
- b. All building square footage which is constructed totals referenced in building permits issued for new development of any size within the IAADA boundaries will be subtracted from the available development capacity space established by the approved development as referenced in Exhibit III upon issuance of a Certificate of Completion or Certificate of Occupancy.
- c. Development capacity shall be reserved upon approval of the foundation or building permit for a principal structure(s). ~~Square footage shall be deemed reserved upon approval of the Site Plan (as outlined in Chapter 64, City Zoning Ordinance).~~
- d. Construction of the foundation of the principal structure(s) must commence within 6 months of permit approval and permits must remain valid for the development capacity to remain reserved. If commencement of construction of the foundation has not occurred within 6 months or if the permit becomes invalid, the development capacity reserved will be returned to the available development capacity of the Intown Areawide Development of Regional Impact (IADRI). One permit extension not to exceed sixty days may be allowed prior to commencement of construction. If reserved development capacity is returned from a site to the available development capacity for failing to comply with this section, then no reservation of development capacity for that site shall be allowed until the commencement of construction pursuant to a foundation or building permit. "Commencement of construction" shall mean the receipt of notice of approval of the first required inspection pursuant to the foundation permit. The Site Plan and space (square footage) reservation will be valid for a period of 18 months. Construction activity must be initiated within said 18 months to insure space reservation. If construction is not initiated, the space shall automatically return to the approved development capacity or the applicant may apply for a site plan extension in accordance with Chapter 64, Zoning Ordinance.
- e. Certificate(s) of Completion or Certificate(s) of Occupancy on any project must be obtained within 36 months of the time of receipt of a building permit. If the Certificate(s) of Completion or Certificate(s) of Occupancy is not obtained or an extension is not granted by the City Manager POD then the development capacity space reserved will be returned to the available approved development capacity of the IADRI.

~~Projects that are at least 80% of DRI thresholds (DRI-sized projects) may apply for an Advance Reservation of square footage.~~

- ~~1. In order to make an Advance Reservation, DRI-sized projects shall obtain and file the appropriate form with the City Manager. The City Manager will respond in writing within thirty days (30) as to the availability of space. If space is available, the City Manager may reserve the requested amount and notify the "applicant" in the above stated letter of the Advance Reservation.~~
- ~~2. Advance Reservation applicants must obtain Site Plan approval within six (6) months from the effective date of the reservation or within such period of time as the City Manager designates in his response or obtain an extension from the City Manager.~~
- ~~3. If Site Plan approval or extension is not obtained within the six month period, the square footage previously reserved shall automatically be returned to the approved development capacity.~~
- ~~4. Advance Reservation for multi-phased projects will remain in effect as long as site plan approval or advance reservations have not expired.~~

Section 3. Property which has a previously approved site plan upon the effective date of this ordinance shall obtain permits for foundation or building construction within twentyfour months of the effective date of this ordinance in order to retain development capacity in accordance with the IADRI. If no permit is obtained within twentyfour months of the effective date of this ordinance, then the development capacity reserved by a previously approved site plan shall be returned to the available development capacity of the IADRI. If permits are obtained within twentyfour months, then the property shall thereafter be subject to Sections 5.A.4. as amended by this ordinance. If permits are not obtained within twentyfour months and the reserved development capacity is returned to the available development capacity, then the property with the previously approved site plan shall no longer have any reserved development capacity and shall thereafter be subject to all the requirements of the IADRI, as amended. No extension to this twentyfour month period shall be allowed.

Section 4. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 5. Words that are ~~struck through~~ shall be deleted from the existing ordinance and language which is underlined shall be added to the existing ordinance.

Section 6. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective on the sixth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading conducted on the 18th day of October, 2007.

Adopted by St. Petersburg City Council on second and final reading on the 1st day of November, 2007.


James S. Bennett Chair-Councilmember
Presiding Officer of the City Council

ATTEST: 
Eva Andujar City Clerk
Title Published: Times 1-t 10/22/2007



Not vetoed. Effective date Thursday, November 8, 2007 at 5:00 p.m.

I, EVA ANDUJAR, CITY CLERK 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 CITY CLERK OF THE CITY OF ST. PETERSBURG, FLORIDA. WITNESS MY HAND AND SEAL OF THE CITY THIS 14th DAY OF November A.D. 2007

EVA ANDUJAR, CITY CLERK
CITY OF ST. PETERSBURG, FLORIDA

BY 



#97



CITY OF ST. PETERSBURG

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

Web Site: www.stpete.org Channel 35 WSPF • TV

TELEPHONE: 727 893-7171

January 18, 2005

Ms. Marina Pennington
Florida Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Adopted Amendment #2 to the Intown Areawide DRI, St. Petersburg, Florida
(City File INADRI/NOPC #2)

MARINA
Dear Ms. Pennington:

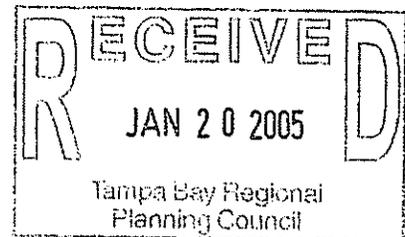
Pursuant to subsection 380.07 Florida Statutes, the City of St. Petersburg is providing you with a certified copy of the adopted second amendment to the Intown Areawide DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 709-G) was adopted by the St. Petersburg City Council on January 6, 2005. A copy of the amendment has been forwarded to the Tampa Bay Regional Planning Council.

If you have any questions, please contact me at (727) 893-7868 or Paul Geisz at (727) 551-3396.

Sincerely,

David S. Goodwin
Assistant Director, Development Services Department

/pfg



Attachment: certified Ordinance 709-G

cc: Manny Pumariega, Tampa Bay Regional Planning Council (with attachment)
Rick Mussett (w/o attachment)
Julie Weston (w/o attachment)

ORDINANCE NO. 709-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA; APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT ORDER FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; EXTENDING THE EXPIRATION DATE FROM DECEMBER 31, 2005, TO DECEMBER 30, 2010; EXTENDING THE BUILDOUT DATE FROM DECEMBER 31, 2000, TO DECEMBER 30, 2010; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has reviewed the second amendment to the Development Order for the Intown Areawide Development of Regional Impact as set forth in this ordinance and finds that the change is consistent with the Comprehensive Plan and land development regulations of the City of St. Petersburg, does not constitute a Substantial Deviation, and does not require further development of regional impact review because the change imposes or generates no new impacts upon public facilities or environmental resources; and

WHEREAS, the change has been reviewed by the Tampa Bay Regional Planning Council, which has reported to the City and to the Florida Department of Community Affairs that the change is presumed not to be a Substantial Deviation as defined by law; and

WHEREAS, the City Council, having reviewed all relevant comments, testimony and evidence submitted by all interested parties and members of the public, and having considered the provisions of Chapter 380, Florida Statutes, regarding Substantial Deviations, finds that this amendment does not create a likelihood of regional impact; now therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. This ordinance is the second amendment to the Development Order for the Intown Areawide Development of Regional Impact, as set forth in Ordinance No. 1072-F, as amended in 1992 by the adoption of Ordinance No. 21-G. The Development Order, as amended, is referred to herein as "IADO."

Section 2. Section 13 of the IADO is amended to read:

Exhibit 1

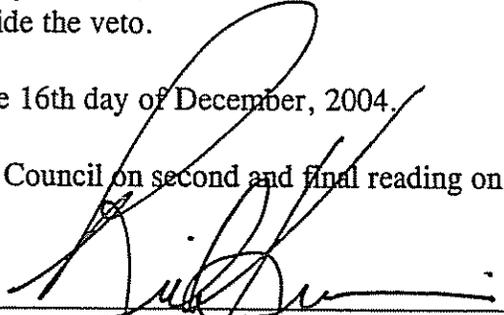
SECTION 13. Expiration Date and Buildout Date. Unless amended pursuant to the procedures outlined in Section 380.06, Florida Statutes (1987), the terms and conditions of this Development Order shall expire on December 30, 2010~~December 31, 2005~~. The buildout date for development is also December 30, 2010. The City reserves the right to rescind the Development Order at any time, so long as the impacts of any level of development which has been approved pursuant to this Development Order have been mitigated.

Section 3. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading conducted on the 16th day of December, 2004.

Passed by St. Petersburg City Council on second and final reading on the 6th day of January, 2005.


Chair-Council member
Presiding Officer of the City Council

ATTEST: 
City Clerk

Title Published: Times 1-t 12/27/2004



Not vetoed. Effective date Thursday, January 13, 2005 at 5:00 p.m.

CERTIFICATION

I, EVA ANDUJAR, CITY CLERK 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 City Clerk of the City of St. Petersburg, Florida, Witness my hand and seal of the City this 12th day of January A.D., 2005.

EVA ANDUJAR, City Clerk
City of St. Petersburg, Florida

By Amelia Presto
Deputy City Clerk



October 2, 1992

Certified Mail

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

DRI#97

Thomas Beck
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

RE: Rendering of Adopted Amendment
Intown Areawide DRI
St. Petersburg, Florida

Dear Ms. *Greene* and Mr. *Beck*:

Pursuant to section 380.07 Florida Statutes, the City of St. Petersburg is providing each of your respective agencies with certified copies of the adopted first amendment to the Intown Areawide DRI, thus beginning the 45 day appeal period.

The amendment (Ordinance 21-G) was adopted as amended by unanimous vote of City Council on October 1, 1992.

If you have any questions, please contact Dave Goodwin at (813) 893-7868.

Sincerely,



Ralph Stone
Planning Director

rendered 10/2/92
received 10/5/92

Attachment

cc: Rick Mussett, Administrator, Community Development
Michael R. Dove, Assistant Planning Director

DG:CAWPMINADRIARENDER

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING SECTION 5.B.1 OF ORDINANCE NO. 1072-F, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT ORDER FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg (City Council), as the governing body of the City of St. Petersburg (City) having jurisdiction pursuant to Section 380.06, Florida Statutes (1989), is authorized and empowered to render a decision on changes to the Intown Areawide Development of Regional Impact (Intown ADRI) Development Order (hereinafter IADO); and

WHEREAS, following a public hearing and first and second reading the City Council passed and adopted Ordinance No. 1072-F which is the IADO on February 1989, which approves the terms and conditions for development within the Intown ADRI; and

WHEREAS, on April 27, 1992, the City filed a Notification of a Proposed Change to a previously approved Development of Regional Impact (NOPC) for the IADO; and

WHEREAS, on June 18, 1992 the City Council held a duly noticed public hearing on the proposed amendment and heard and considered the testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the comments of the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (DCA) on the proposed amendment; and

on the proposed amendment to the IADO before the City Council.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That this ordinance shall constitute the first amendment to the Development Order for the Intown Areawide Development of Regional Impact (hereinafter IADO) as set forth in Ordinance 1072-F.

SECTION 2. That the City Council having reviewed all relevant comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, regarding substantial deviations, finds that there is substantial competent evidence to support the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 1072-F are hereby affirmed and incorporated herein by reference.
- B. The substantial deviation criteria of Chapter 380.06 Florida Statutes (1991) does not apply to this amendment.
- C. This amendment does not negatively impact traffic mitigation for the IADO for the following reasons:
 - development has occurred at a slower pace than estimated in the IADO, thus fewer trips have been generated by the project;
 - traffic volumes on 54th Avenue show a slower than expected increase;
 - 54th Avenue North is currently operating at an acceptable LOS (C peak hour); and,

of the IADO project allows the two projects to be designed and constructed more efficiently.

- D. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.
- E. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development regulations.

SECTION 3. That the City Council having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations.
- B. That the review by the City, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes (1991), within the terms and conditions of the IADO, as amended.
- C. The City has, in its proceedings, considered this amendment and determined that such amendment does not constitute a substantial deviation from the IADO requiring further DRI review, pursuant to Chapter 380.06 Florida Statutes (1991).
- D. Nothing in this amendment shall limit or modify the rights originally approved by the development order or the protection afforded under Chapter 163.3167 (8), Florida Statutes (1989).

are now in effect and remain unchanged.
SECTION 6. The provisions of this ordinance shall be deemed to be severable and the invalidity of any provision shall not affect the remaining provisions.

SECTION 7. This Ordinance shall become effective immediately upon its adoption.

Passed by St. Petersburg City Council on first reading on the 28th day of May, 1992.

Passed by St. Petersburg City Council on second and final reading on the 16th day of July, 1992.

Reconsidered and readopted, as amended, by St. Petersburg City Council on the 1st day of October, 1992.

/s/ David J. Fischer
Mayor-Councilmember
Presiding Officer of the City Council

ATTEST: /s/ Jane K. Brown
Clerk of the City Council

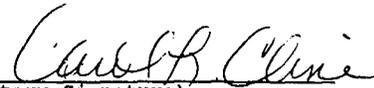
Title Published: Times 1-t 6/8/92

I, JANE K. BROWN, Clerk of the City Council 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 Clerk of City Council of the City of St. Petersburg, Florida. Witness my hand and seal of City this 2nd day of October A.D., 19 92.
JANE K. BROWN, Clerk of the City Council
City of St. Petersburg, Florida

By: Debra S. Surprenant

CERTIFICATION

I hereby certify that the attached document is a true and correct copy of the Settlement Agreement executed January 1, 1992 by the City of St. Petersburg, Tampa Bay Regional Planning Council, State of Florida Department of Community Affairs, and Vinoy Resort Partners.



(Notary Signature)

Carol L. Cline

(Notary Name Printed)

NOTARY PUBLIC STATE OF FLORIDA

Commission No. Notary Public, State of Florida
 My Commission Expires June 17, 1993
Revised This Tray Form - Insurance fee.

(NOTARY SEAL)

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by t
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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Settlement Agreement") is entered into this 1 day of JANUARY, 1992, by and between City of St. Petersburg ("City"), Tampa Bay Regional Planning Council ("TBRPC"), State of Florida Department of Community Affairs ("DCA"), and Vinoy Resort Partners, a Florida general partnership ("Vinoy").

W I T N E S S E T H:

WHEREAS, the City has previously submitted an Intown Areawide Application for Development Approval ("IAADA") which was approved with conditions by, among others, the TBRPC and the DCA; and

WHEREAS, as a result of the IAADA, St. Petersburg City Ordinance 1072-F ("Development Order") was issued and adopted by the City and approved by TBRPC and DCA; and

WHEREAS, Vinoy is the successor lessee to a Lease recorded in Official Records Book 7116, at Page 2184, and amended by Addendum recorded in Official Records Book 7116, at Page 2198, of the Public Records of Pinellas County, Florida (the Lease as amended and assigned to Vinoy being hereinafter referred to as the "Lease") which Lease provided for the construction of a floating dock with seventy-four (74) boat slips ("Dock Facility") on that real property ("Real Property") described in the Lease; and

WHEREAS, the Real Property and Dock Facilities are within the boundaries of the area described in the Development Order; and

WHEREAS, the City, Vinoy, TBRPC and DCA are in disagreement as to whether the development, construction, maintenance and operation of the Dock Facilities are subject to or exempt from the Development Order and the jurisdiction of TBRPC and DCA; and

WHEREAS, City, Vinoy, TBRPC and DCA (hereinafter sometimes jointly referred to as the "Parties") are desirable of

and have reached an amicable settlement of their dispute which insures that any adverse regional impact which the Dock Facilities might have will be adequately mitigated.

NOW, THEREFORE, in consideration of the promises, covenants and matters set forth herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

1. The above recitals are true and correct.
2. The City shall prepare a manatee protection plan ("Plan") within six (6) weeks after execution of this Agreement by all Parties and submit the Plan to the Department of Natural Resource ("DNR") for review and approval. Thereafter the City shall diligently and expeditiously take such actions as may be reasonably necessary to obtain approval of the Plan by DNR and to implement the Plan. If Vinoy occupies the Dock Facility prior to implementation of the Plan, Vinoy shall, at or before occupancy, implement its own manatee protection plan ("Vinoy Plan"). Vinoy shall continually comply with all aspects of the Vinoy Plan until the Plan is approved by DNR and implemented by the City. A copy of the Vinoy Plan is attached hereto as Exhibit "B".
3. Completion of construction of the Dock Facility and occupancy and operation of the Dock Facility may begin only after the City has prepared its Plan and submitted it to the DNR for review and approval. The City agrees, upon approval of its Plan by the DNR, to expeditiously implement the Plan.
4. Vinoy shall conduct, at its sole expense, the Water Quality Monitoring Program for the Vinoy Docks ("Monitoring Program") described in Exhibit "A" attached hereto and hereby made a part hereof. The test results required to be obtained under the Monitoring Program shall be delivered by Vinoy or its agents to the City and TBRPC each quarter at no expense to either.

5. If the results from the Monitoring Program establish that the Dock Facilities cause a material, adverse effect on water quality in the Vinoy Basin, Vinoy shall take actions to remediate such adverse effect. Vinoy shall prepare a mitigation plan to remedy such adverse effects and shall implement the measures approved by the City, the Pinellas County Department of Environmental Management and Tampa Bay Regional Planning Council.

6. Vinoy agrees that the Dock Facilities will not be used for the mooring of more than 74 boats.

7. Vinoy agrees that no refueling facilities will be installed on or operated from the Dock Facilities.

8. Vinoy and the City agree that any proposal to construct future docks or slips at this facility, or within the boundaries of the St. Petersburg Areawide DRI, will require review and approval pursuant to St. Petersburg City Ordinance 1072-F prior to issuance of any development approvals.

9. As a result of this Agreement, any adverse regional impact resulting from the Dock Facility will be mitigated pursuant to the requirements of this Agreement. For this reason, the Development Order for the St. Petersburg Intown Areawide DRI (Ordinance No. 1072-F) need not be amended as permitted under Condition 5.N. of that Order.

10. This Agreement constitutes the entire Agreement of the Parties and supersedes any previous written or oral agreements concerning the Dock Facilities. This Agreement may only be amended or modified by a document in writing signed by an authorized representative of each of the Parties.

11. Any Party to this Agreement shall be entitled to bring an action against any other Party to this Agreement for breach of this Agreement in law or in equity or for damages or to require specific performance of any obligation set forth in this Agreement.

12/20/9

12. it shall be necessary for a Party to the Agreement to bring suit to enforce any provisions of the Agreement for damages or account of any breach of this Agreement by the other Party. The prevailing Party in any such litigation and any appeals therefrom shall be entitled to recover from the Party in breach of this Agreement, in addition to any other damages or other relief granted as a result of such litigation, all costs and expenses of such litigation and reasonable attorneys' fees as fixed by the court.

13. This Agreement may be executed in one or more duplicate counterparts, each of which shall, upon execution by all Parties, be deemed to be an original.

14. Any notice or communication permitted or required to be given hereunder by one Party to the other shall be in writing and shall be hand delivered or mailed by registered or certified United States mail, postage prepaid, return receipt requested to the Party entitled or required to receive the same at the address specified below or at such other address as may hereafter be designated in writing by any such writing to-wit:

CITY:

City of St. Petersburg
Attention: Ralph Stone
Post Office Box 2842
St. Petersburg, FL 33731

with a copy to:

Mark A. Winn, Assistant City Attorney
City of St. Petersburg
Post Office Box 2842
St. Petersburg, FL 33731

TBRPC:

Tampa Bay Regional Planning Council
Attention: Suzanne T. Cooper
9455 Koger Boulevard
St. Petersburg, FL 33702

DCA:

State of Florida Department of Community Affairs
Attention: Thomas Beck
2740 Centerview Drive
Tallahassee, FL 32399

VINOY:

St. Petersburg Hotel Partners Limited Partnership
29800 Bainbridge Road
Solon, OH 44139

with a copy to:

Wayne Erdelack, Esquire
c/o Nestle U.S.A., Inc.
Vice President, and Deputy General Counsel
30003 Bainbridge Road
Solon, OH 44139

with a copy to:

Richard T. Fulton, Esquire
Baker & Hostetler
200 South Orange Avenue
Suite 2300
Orlando, FL 32802

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

Richard Douglas
Witness

Jeanne C. Huskins
Witness

Joseph J. Koller
Witness

Joseph J. Koller
Witness

James R. Bart
Witness

Richard T. Fulton
Witness

CITY OF ST. PETERSBURG, FLORIDA

BY: *David L. McKee*

As Its: *Interim City Manager*

ATTEST: *Janet K. Brown*
Clerk of Council

TAMPA BAY REGIONAL PLANNING COUNCIL

BY: *Julia E. Greene*

As Its: *Executive Director*

STATE OF FLORIDA, DEPARTMENT OF
COMMUNITY AFFAIRS

BY: *William E. Sedwick*

As Its: *Secretary*

VINOY RESORT PARTNERS, a Florida
general partnership

BY: SHC ST. PETERSBURG HOTEL PARTNERS
LIMITED PARTNERSHIP, an Ohio
limited partnership, its managing
general partner

BY: SHC ST. PETERSBURG CORPORATION,
a Delaware corporation, its
general partner

James Mahoney
Witness
Laura J. Banks
Witness

BY: [Signature]
As Its: Vice President

STATE OF FLORIDA)
COUNTY OF Pinellas) SS.

The foregoing instrument was acknowledged before me this
18th day of September, 1991, by
Don McRae as Interim City Manager
of The City of St. Petersburg, Florida, on behalf of the City.

[Signature]
Notary Public
My Commission Expires:
Notary Public, State of Florida
My Commission Expires Oct. 4, 1991
Bonded thru Troy Fawcett Insurance Inc.

STATE OF FLORIDA)
COUNTY OF Pinellas) SS.

The foregoing instrument was acknowledged before me this
day of September, 1991, by
[Signature] as Executive Director
of Tampa Bay Regional Planning Council, on behalf of the Planning
Council.

[Signature]
Notary Public
My Commission Expires:
Notary Public, State of Florida
My Commission Expires April 13, 1994
Bonded thru Troy Fawcett Insurance Inc.

STATE OF FLORIDA)
COUNTY OF Leon) SS.

10th The foregoing instrument was acknowledged before me this
day of December, 1991, by
William C. Dadeville as Secretary
of the State of Florida, Department of Community Affairs, on behalf
of the Department of Community Affairs.

Janet East
Notary Public, State of Florida
My Commission Expires: June 24, 1992
Notary Public - State of Florida
My Commission Expires: June 24, 1992
Bureau of Notary Public - Tallahassee, Fla.

STATE OF ~~FLORIDA~~ ^{OHIO})
COUNTY OF CUYAHOGA) SS.

The foregoing instrument was acknowledged before me this
6th day of September, 1991, by
Thomas G. Stauffer, as Vice
Petersburg Corporation, as the general partner of SHC St.
Petersburg Hotel Partners Limited Partnership, as the managing
general partner of the Vinoy Resorts Partners, a Florida general
partnership, on behalf of the partnership.

David E. Jordan
Notary Public
My Commission Expires:

DAVID E. JORDAN, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R. C.

WP-0790RTF/30116/89001.RTF
08/26/91.clc

EXHIBIT "A"

WATER QUALITY MONITORING PROGRAM FOR THE VINOX DOCKS

The applicant shall monitor the following water quality parameters during an incoming tide. During the first year, prior to occupancy, monitoring shall occur quarterly at the four designated sites and samples shall be taken at the water surface and one foot above the water/sediment interface. Monitoring results shall be submitted as soon as possible after the sampling event. *and during initial (see final paragraph)

After the first year of sampling has been completed, the monitoring program shall be evaluated by TRRC, City of St. Petersburg, and Pinellas County Department of Environmental Management staff to determine whether or not to continue monitoring at both the surface and one foot above the water/sediment interface. Evaluation will be based upon sampling results and baseline conditions.

Regardless of any modification to the sampling depths, monitoring shall continue on a quarterly basis at the four designated sites for an additional two years.

At the end of three years of monitoring, the program shall be reevaluated to determine the need for the continued monitoring of all four sites on a quarterly basis. Evaluation of the appropriate sites and frequencies will be accomplished based upon sampling results and baseline conditions.

The modified monitoring program shall continue for an additional two years in order to document water quality changes associated with the Vinox dock facility.

Four stations shall initially be established from which to collect water samples and field measurements. The suggested sampling stations are marked on the attached map. These stations were selected to monitor the average basin water quality, water quality within the marina proper and the quality of water with which the basin mixes.

The dock facility shall not be occupied until two quarterly samples (one in July and one in October) have been taken. Once the second sample has been taken, up to 37 slips at the marina may be occupied. No further slips will be occupied until third and fourth samples are taken in January and April. The marina may be fully occupied once the fourth sample is taken.

In-situ Parameters (These measurements shall be done simultaneously with water sample collection):

- dissolved oxygen
- salinity
- temperature
- water depth at each station
- tidal stage
- time
- weather

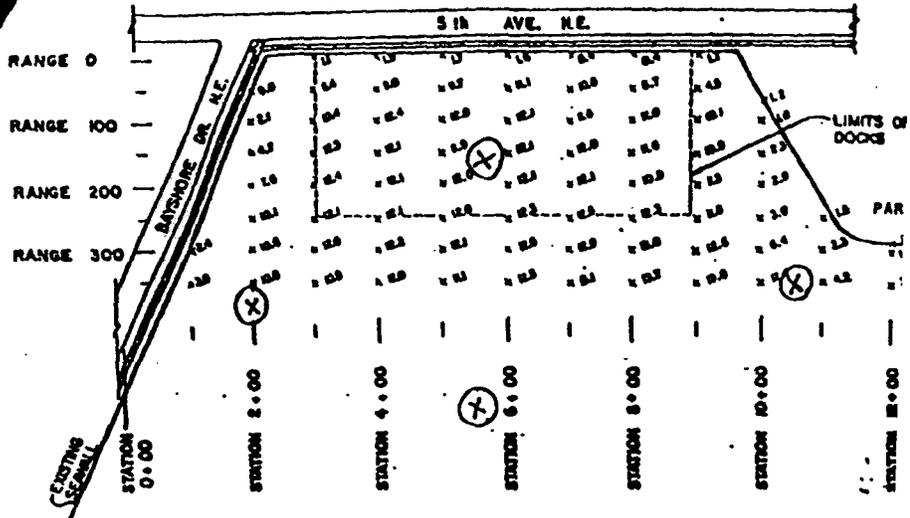
Water Quality Parameters:

- turbidity
- biochemical oxygen demand
- total suspended solids
- total nitrogen
- total phosphorus
- total coliforms
- chlorophyll-a
- zinc
- copper
- lead
- iron
- oil and grease (surface sample only)

Samples shall be taken 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.

NOTE:

ALL ELEVATIONS SHOWN HEREON ARE MINUS (-) M.L.W. UNLESS OTHERWISE SHOWN.



BATHYMETRIC SURVEY

PREPARED BY:
 GLACE & RADCLIFFE, INC.
 5544 CENTRAL AVENUE
 ST. PETERSBURG, FLORIDA
 33707

Carl R. Montego 1/3/05
 CARL R. MONTEGO P.E. DATE: 5
 FLORIDA REG. NO. 8787

PROPOSED VINOY DOCKS
 ST. PETERSBURG
 COUNTY OF PINELLAS
 STATE OF FLORIDA

APPLICATION BY:
 THE VINOY PARK PARTNERS
 COMR. ADRIAN S. BACON
 R.F. BOX 8378
 2308 FIRST AVENUE NORTH
 ST. PETERSBURG, FLORIDA
 33733-3578

EXHIBIT "B"

MANATEE PROTECTION PLAN

Specific provisions for the protection of the West Indian Manatee are listed below.

Vinoy will immediately request the City and/or the Coast Guard to designate and post the Vinoy Basin as an idle speed zone by the U.S. Coast Guard. The Coast Guard and Florida Marina Patrol will enforce the speed designation.

Posting and maintenance of Manatee warning and regulatory signs in and around the marina will be provided, funded, and maintained by the marina owners. The Florida Department of Natural Resources ("FDNR") will be consulted regarding the appropriate placement of signs.

A dockmaster will be on duty at the marina at all times when access or occupancy of the dock or vessels at the dock is allowed. The dockmaster will be responsible for enforcement of all marina regulations and for reporting regulation infractions.

Educational exhibits on the West Indian Manatee will be on display at the marina. These exhibits will include basic information about the Manatee, boater information, and the "Manatee Hotline" phone numbers.

FDNR Manatee educational materials will be available at the dockmaster's office.

To aid in Manatee research efforts, a boater designation questionnaire will be available for boaters who wish to participate in this effort. The questionnaire would be used to develop and identify trends regarding the destination of boats in relation to location of Manatees. The marina owner will make every effort to encourage all boats to participate in this effort.

The permittee agrees to install and maintain awareness signs at prominent locations within the area/facility. The permittee will send a project site plan to FDNR Marine Mammal Recovery Program (100 Eighth Avenue, S.E., St. Petersburg, Florida 33701-5095). FDNR personnel will specify sign locations.

The signs shall be 3" x 4', 125 gauge 61TS aluminum, covered with white, engineer grade, reflective sheeting; black painted lettering; black screened-design; and orange, engineer grade, reflective tape border. The 3' x 4' "Caution Manatee Area" signs shall conform to the Florida Uniform Waterway Marking System in accordance with F.S. 327.40-1. The installation of the 3' x 4' signs shall be made in accordance with the specifications of FDNR for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

Placement and installation of signs will be certified as on designated stations to FDNR by the project Professional Engineer before the marina facility is in use. Signs and pilings are to remain the responsibility of the Owner and are to be maintained for the life of the marina in a manner acceptable to FDNR.

The permittee agrees to establish and maintain a permanent educational display at a prominent location to increase the awareness of boaters using the facility of the presence of Manatees and need to minimize the threat of boats to these animals. A permanent educational display is required for marinas of 30 slips or more for areas regularly used by Manatees. The display should

include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to Manatees and the "Manatee Hotline" number (1-800-342-1821). The FDNR personnel will specify educational display locations when caution sign location siting is done. Other information which may aid in the conservation of the species may be obtained from the FDNR.

Educational displays are to remain the responsibility of the Owner and are to be maintained for the life of the marina in a manner acceptable to the FDNR.

The Manatee Protection Plan will remain in affect and will be carried out at the expense of the marina owner until the City Manatee Protection Plan is approved and implemented.



City of St. Petersburg
Office of the City Attorney

February 7, 1989

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

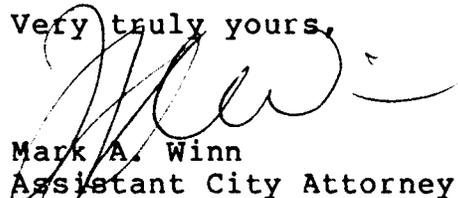
Re: Development Order for the Intown Areawide Development
of Regional Impact

Dear Ms. Greene:

My correspondence to you of February 6, 1989,
inadvertently omitted the certified copy of the Development
Order. Enclosed herewith please find a certified copy of
the Development Order. All ordinances and exhibits
referenced in the Development Order are attached.

Please contact me if you have any questions concerning this
matter.

Very truly yours,



Mark A. Winn
Assistant City Attorney

MAW/jlt
enclosure

ORDINANCE NO. 1072-F

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, RENDERING A DEVELOPMENT ORDER FOR THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg (City Council), as the governing body of the City of St. Petersburg (City) having jurisdiction pursuant to Section 380.06, Florida Statutes (1987), is authorized and empowered to render a decision on the Intown Areawide Application for Development Approval (IAADA); and

WHEREAS, on May 5, 1983 by Resolution No. 83-353 the City Council initiated the Intown Application for Development Approval (IADA) for the Intown Development of Regional Impact, legally described in Exhibit I; and

WHEREAS, the IADA was previously submitted by the Community Redevelopment Agency (CRA) as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985; and notice was given to the CRA of sufficiency on December 20, 1985; and,

WHEREAS, at the request of Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA) the City agreed to resubmit the IADA as an Areawide Application for Development Approval; and,

WHEREAS, the City Council approved converting the Intown DRI (#97) to an Areawide Development of Regional Impact (ADRI) and approved Resolution No. 87-716; and

WHEREAS, on January 8, 1988 the City filed the IAADA supplemented by sufficiency responses filed on June 1 and August 25, 1988, which IAADA together with such sufficiency responses and all other submitted supporting documents constitute Exhibit II (hereinafter collectively referred to as IAADA); and

WHEREAS, the City has provided the IAADA including the sufficiency responses to all applicable agencies and interested parties as identified by the TBRPC; and,

WHEREAS, on August 27, 1987, the City of St. Petersburg as the Applicant held a duly noticed public hearing for the Intown Areawide Application for Development Approval (IAADA) for a Development of Regional Impact (DRI) pursuant to the provisions of Subsection 380.06 (25), Florida Statutes, and Chapter 9J-3, Florida Administrative Code (FAC), and the interpretation of the Department of Community Affairs; and

WHEREAS, the City gave notice to all property owners within the area of the Intown Areawide DRI, as recorded on the Pinellas County ad valorem tax roll, by certified mailing with a copy of Resolution No. 87-716, initiating the Intown Areawide DRI; and,

WHEREAS, the notification procedures included the City notifying all property owners within the boundaries of the Intown Areawide DRI (as recorded by the July, 1987, Pinellas County ad valorem tax roll) by certified mail prior to the August 27, 1987, public hearing to consider initiating the Intown Areawide DRI; and,

WHEREAS, the City Council heard and considered public comments and documents thereto on August 27, 1987; and

WHEREAS, the City Council determined that the development proposed in the Intown Areawide DRI is consistent with the State Land Development Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, St. Petersburg's Comprehensive Plan, and the City's local land development regulations; and

WHEREAS, the area is recognized as an Interim Regional Activity Center in both the City of St. Petersburg's Comprehensive Plan and the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, entitled Future of the Region; and

WHEREAS, based on these criteria and the comments received from the public and other agencies, the defined planning area (as described in Exhibit I) and the anticipated development therein are of a character, magnitude and location such that the proposed Intown Areawide DRI meets the standards and criteria (pursuant to Rule 9J-3.005, F.A.C.) for determining that the Intown Areawide DRI would be in the public interest; and

WHEREAS, the City Council has on December 15, 1988, conducted a duly noticed public hearing on the IAADA, and has heard and considered public comments and documents received incident thereto; and

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, governmental agencies and City agencies; and

WHEREAS, after due consideration, the City Council has determined that the IAADA should be approved with conditions.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1: That this Ordinance, including all exhibits hereto, shall constitute the Development Order (Order) of the City issued in response to the IAADA filed by the City of St. Petersburg. By reference, the exhibits to this Order, and the IAADA itself, are hereby incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the IAADA, as modified herein.

SECTION 2: Findings of Fact. Pursuant to Section 380.06, Florida Statutes (1987), the City makes the following findings of fact:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property which is the subject of the Application is located within the municipal boundaries of the City of St. Petersburg.
- C. The real property which is the subject of the Application is legally described on Exhibit "I" attached hereto and made a part hereof; as required by Subsection 380.06 (15), F.S., (1987).
- D. The Intown Application for Development Approval was previously submitted by the Community Redevelopment Agency as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985,; and notice was given to the CRA of sufficiency on December 20, 1985; and,
- E. The City filed the IAADA pursuant to the Area-wide Development of Regional Impact (ADRI) subsection of Section 380.06, F.S., which authorizes a local government to apply for areawide development approval and receive an ADRI development order for a specific area.

- F. The City has demonstrated its legal, financial, and administrative ability to perform the commitments made in the IAADA and the conditions of this Development Order.
- G. The Intown Areawide DRI is not located in an Area of Critical State Concern as defined by Section 380.05, Florida Statutes, and meets all requirements of Subsection 380.06 (14), F.S., (1987).
- H. No interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals.
- I. All development will occur in accordance with this Development Order and the IAADA unless the IAADA is inconsistent with the terms and conditions of this Development Order in which case the terms and conditions of this Development Order shall control.
- J. The purpose of the IAADA is to identify and assess probable regional impacts and to obtain approval for development in accordance with the general guidelines as developed in the IAADA. The concept is to recognize the Intown area as a single area of high intensity development and to review and assess impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the area.
- K. Development within the Intown has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the IAADA. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- L. The area and the anticipated development are consistent with local, regional and state comprehensive plans and local land development regulations.
- M. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the anticipated development.

- N. The Intown Areawide DRI will make positive contributions to the economy of the region, the City of St. Petersburg, and the Intown Redevelopment area.
- O. The real property which is the subject of the IAADA is located in an area that is designated an Interim Regional Activity Center as defined by the TBRPC's Comprehensive Regional Policy Plan entitled "Future of the Region" and the City's Comprehensive Plan.
- P. All proposed development is required by conditions of this Order, to be consistent with all applicable local, regional, and state land development laws and regulations.
- Q. The anticipated development does not interfere with the achievement of the objectives of the adopted State land development plan applicable to the area.

SECTION 3: Conclusions of Law. Having made the findings of fact contained in SECTION 2 above, City Council makes the following conclusions of law:

- A. The City Council of the City of St. Petersburg is authorized by Chapter 380, Florida Statutes (1987), to file an areawide application for development approval and render a development order.
- B. Review by the City, the TBRPC, DCA and other participating agencies and interested citizens reveals that through the application of the terms and conditions of the IAADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380 Florida Statutes (1987).
- C. In considering whether the IAADA should be approved subject to conditions, restrictions, and limitations, the City considered the criteria stated in Section 380.06, Florida Statutes (1987).
- D. The IAADA is consistent with the report and recommendations of the TBRPC.
- E. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in this Order.

SECTION 4: General Provisions. The following General Provisions shall govern the administration of this Development Order.

- A. The provisions of this Development Order affect the real property described in Exhibit I which is attached hereto and made a part hereof. This real property is within the municipal limits of the City of St. Petersburg.
- B. All provisions contained within the IAADA 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.
- C. This Ordinance, including all exhibits attached hereto, shall constitute the Development Order of the City in response to the IAADA.
- D. The definitions contained in Chapter 380, Florida Statutes (1987), govern and apply to this Development Order. Terms not defined in Chapter 380, Florida Statutes (1987), shall have the meanings assigned to them by the Code of ordinances of the City (City Code), including the Zoning Ordinance, Chapter 64 of the City Code.
- E. This Development Order shall be binding upon the City. 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.
- F. 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.
- G. 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.

- H. This Development Order shall remain in effect until the expiration date of this Development Order. 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. Any subthreshold development activity which has received site plan approval prior to this Order may be completed subject to those conditions that may have been required at the time of site plan approval. This Order may be extended by the City Council on the finding of excusable delay in any proposed development activity.
- I. Upon adoption, this Development Order shall be transmitted by the Clerk of the City Council by certified mail to the DCA, the TBRPC, and Pinellas County.

SECTION 5: Conditions of Development Approval.

That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the IAADA is hereby approved, subject to the following conditions:

A. Land Use

1. This Order is rendered in respect to the total quantities of approved development for the given land use categories set forth below and as further described in Exhibit III hereto.

| | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> | <u>Total</u> |
|--|----------------|-----------------|------------------|--------------|
| Dwelling units | 2,400 | | | 2,400 |
| Rooming units | 700 | | | 700 |
| Retail/Sales service (sq. ft.) | 1,200,000 | | | 1,200,000 |
| Offices (sq.ft.) | 1,374,379 | 489,438 | 936,183 | 2,800,000 |
| Industrial (sq.ft.) | 230,000 | | | 230,000 |
| Public/Semi-Public Public Safety & Util. (sq. ft.) | 108,000 | | | 108,000 |
| Boat Slips | 141 | | | 141 |
| Museum (sq.ft.) | 86,000 | | | 86,000 |
| Trade Exhibit (sq.ft.) | 50,000 | | | 50,000 |

2. Credits for transportation impact fees for existing square footage shall be handled in a manner consistent with the Pinellas County Countywide Transportation Impact Fee.
3. Development credit against approved development amounts will be allowed for all structures for which a Certificate of Occupancy existed in December 1986. Credit to be applied to a different land use category (i.e., existing office use to be converted to retail use) will be based on the trade-off mechanism described in Exhibit IV.
4. Square footage totals shall be monitored by the City Manager according to the following procedures:

- a. Any person, corporation or government agency proposing development, redevelopment or expansion within the IAADA area shall calculate the gross building square footage of each category of land use. Said square footage shall be submitted with the Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
- b. All square footage totals referenced in building permits issued for new development of any size within the IAADA boundaries will be subtracted from the available space established by the approved development as referenced in Exhibit III.
- c. Square footage shall be deemed reserved upon approval of the Site Plan (as outlined in Chapter 64, City Zoning Ordinance).
- d. The Site Plan and space (square footage) reservation will be valid for a period of 18 months. Construction activity must be initiated within said 18 months to insure space reservation. If construction is not initiated, the space shall automatically return to the approved development capacity or the applicant may apply for a site plan extension in accordance with Chapter 64, Zoning Ordinance. Certificate(s) of Occupancy on any project must be obtained within 36 months of the time of receipt of a building permit. If the Certificate(s) of Occupancy is not obtained or an extension is not granted by the City Manager then the space reserved will be returned to the approved development capacity.
- e. Projects that are at least 80% of DRI thresholds (DRI-sized projects) may apply for an Advance Reservation of square footage.
 1. In order to make an Advance Reservation, DRI-sized projects shall obtain and file the appropriate form with the City Manager. The City Manager will respond in writing within thirty (30) days as to the availability of space. If space is available, the City

Manager may reserve the requested amount and notify the "applicant" in the above stated letter of the Advance Reservation.

2. Advance Reservation applicants must obtain Site Plan approval within six (6) months from the effective date of the reservation or within such period of time as the City Manager designates in his response or obtain an extension from the City Manager.
 3. If Site Plan approval or extension is not obtained within the six month period, the square footage previously reserved shall automatically be returned to the approved development capacity.
 4. Advance Reservation for multi-phased projects will remain in effect as long as site plan approval or advance reservations have not expired.
5. Trade-offs will be permitted as provided below:
- a. The trade-offs among all uses are established as set forth in Exhibit IV. To the extent that square footage amounts remain in the development totals authorized herein, trade-offs among uses shall be automatically applied at the time of the reservation of square footage referred to above.
 - b. The process for receiving and processing trade-offs for land uses other than those shown on Exhibit IV shall be as follows:
 1. Applicant shall apply in writing requesting a trade-off.
 2. The City Manager shall review the request and advise the applicant of the recommendation in writing within thirty (30) days of its receipt.
 3. If approved, the City Manager shall make the trade-off and reserve the space. If the City Manager recommends against the trade-off, the

applicant may appeal to the City Council within fifteen (15) days of notification of the City Manager's recommendation by filing a written notice of appeal with the Clerk of Council. A public hearing on the appeal shall be held with notice being given to the applicant and City Manager.

B. Transportation

1. The City will mitigate the phase I impact by assessing all development in the IAADA area impact fees as identified in the current Pinellas County Countywide Transportation Impact Fee Ordinance. The following improvements will be completed, or under construction, by December 31, 1993:

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT.</u> |
|-------------|--------------------------|------------------------------|
| 6th St.S | 32nd Av.S. 39th Av.S. | Construct to 4 lane und. |
| 54th Av.N | I-275 to Haines Rd. | Construct 6 lane div. |

| <u>INTERSECTION LOCATION</u> | <u>IMPROVEMENT</u> |
|-------------------------------------|------------------------------------|
| 9th Street at 22nd Avenue North* | Add right turn lane northbound. |

However, in no event shall the City be required to construct this intersection improvement until intersection LOS becomes D peak hour.

2. Prior to the issuance of any construction permits for phase II, funding commitments for the projects identified in Phase II will be specified in the CIP for that Phase. Projects will be constructed, or under construction, prior to issuing any construction permits for phase III.

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT</u> |
|-------------|---------------------------------|-----------------------------|
| 38th Av.N. | I-275 to 28th St.N. | Construct 6 lane div. |
| 54th Av.N | Haines Road to 28th St.N. | Construct 4 lane div. |
| 54th Av.N | 28th St.N. to U.S. 19 | Construct 4 lane div. |

3. Prior to the issuance of any construction permits for phase III, funding commitments for projects identified in Phase III will be specified in the CIP for that Phase. Projects will be constructed, or under construction, within three years of issuing any construction permits for the level of development that would trigger that transportation improvement for Phase III, or any subphase thereof.

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT.</u> |
|-------------|--------------------------------|------------------------------|
| I-275 | 38th Av.N. to 22nd Av.N. | Construct 8 lane fwy. |
| 22nd Av.N. | I-275 to 28th St.N. | Construct 6 lane div. |
| 38th Av.N. | I-275 to U.S.19 | Construct 6 lane div. |

| <u>INTERSECTION</u> | <u>IMPROVEMENT</u> |
|-----------------------|--|
| U.S. 19 at 62nd Ave N | Construct left turn lane and right turn lane SB. Construct right turn lane NB and EB. |
| I-274 at Gandy Blvd | Construct two through lanes EB and WB. |

4. Development will be staged in three phases. Upon completion of any phase, the City may conduct a F.S. 380.06 analysis of the transportation network. The transportation analysis methodology will be developed in conjunction with the TBRPC, Florida Department of Transportation (FDOT), and Metropolitan Planning Organization (MPO). The

results of this study will be utilized to determine the project priority for the transportation improvements in the succeeding phase. If the study shows that some or all of the transportation improvements scheduled for the succeeding phases are not necessary, then the City reserves the right to amend the Development Order and identify alternative transportation improvements. Amendments to change transportation improvements shall not constitute a substantial deviation under F.S. 380.06.

5. A study of site-specific transportation improvements necessitated by development within the IAADA area may be required by the City Planning Department at the time of Site Plan Review. The purpose of such study is to identify non-regional transportation improvements. Improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; and (5) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Planning Department as a condition to Site Plan Approval.

C. Public Facilities and Services

1. The City of St. Petersburg shall provide police, fire, EMS rescue, both potable and non-potable water, sewer, and solid waste collection services to the IAADA area.
2. The City shall review all applications for development to assure emergency access to all facilities.
3. Individual applicants for development (pursuant to this DO) will be responsible for the construction and installation of all internal (i.e., from public right-of-way to site) sanitary sewer, potable water systems and attendant improvements. Internal water systems shall be constructed and installed in such a manner as to maintain an adequate water flow for fire protection.
4. The responsible entities shall provide capacity for the IAADA area, as set forth below:

| | <u>Total</u> |
|--|--------------|
| <u>Water</u> - Million Gallons Per Day | 4.32 |
| <u>Wastewater</u> - Million Gallons Per Day | 4.25 |
| <u>Solid Waste</u> - Tons Per Day | 170 |
| <u>Electrical</u> - Kilowatt (Thousands) Hours Per Day | 307.3 |

5. The total daily water requirements set forth in above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
6. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the IAADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by

the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.

7. The collection of the total daily generation of solid waste, as set forth above, shall be provided in accordance with applicable ordinances of the City at the standard charges for solid waste collection. The City Sanitation Department shall continue to have the authority not to allow disposal of any hazardous material. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
8. The responsible entity for electrical service is the Florida Power Corporation (FPC). The City will coordinate with FPC related to each application to ensure adequate electrical service. No certificate of occupancy (CO) will be issued without assurance of adequate electrical service.
9. The City shall encourage the implementation of energy conservation techniques proposed in the IAADA.

D. Stormwater Management

1. The City has adopted a master storm drainage plan for the Intown area drainage basin. All improvements shall be consistent with this plan, or any future update of this plan. The City will also encourage individual sites to be retrofitted to provide best management practices as identified by the City and SWFMD. The developers of specific projects within the IAADA area shall meet all applicable local, regional, state and federal laws, rules and regulations relative to stormwater management/water quality in effect at the time of permitting including Chapter 40D-4, Rules of SWFWMD, Chapter 17-25, F.A.C., and Chapter 17.3, F.A.C. Any proposed retention/ detention systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978) to the extent that those Guidelines are not inconsistent with applicable City policies. The City shall continue measures to ensure the protection of the water quality, including, but not limited to, public street and public parking lot cleaning, and clearance of storm sewers on a regular basis.

2. The City reserves the right to establish and assess a stormwater-as-utility fee.
3. Responsibility for providing maintenance of internal drainage facilities shall be the responsibility of individual applicants developing pursuant to the Order.
4. Any necessary off-site drainage improvements required to mitigate any incremental impacts of a Development, including the modification of existing drainage facilities, shall be provided at the expense of individual applicants. Provision shall be made for any off-site drainage improvements required to mitigate the incremental impacts of a particular portion of a Development prior to the issuance of certificates of occupancy.
5. Redevelopment projects within the IAADA area shall provide or support stormwater improvements within the affected drainage basin, irrespective of previous impervious cover thru the use of techniques identified by the City, including, but not limited to:

Additional landscaping requirements.

Use of below ground storage/infiltration systems.

Use of porous pavement.

Storage of runoff on rooftops.

Improvement of offsite drainageways.

Construction of parking lots to accomodate ponding.

Additional erosion and sedimentation controls.

6. Acceptable maintenance easements shall be provided for all publicly dedicated drainage improvements.

E. Architectural, Historic, and Archaeological Resources.

1. The City of St. Petersburg will continue to enforce Historic Preservation Ordinance No. 832-F and Ordinance No. 567-F.
2. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the City. Disposition of such resources shall be consistent with applicable federal, state and local regulations.

3. Proposed significant exterior alteration or demolition of any resource either determined eligible for or listed on the National Register of Historic Places will be assessed in cooperation with the Florida Division of Historical Resources. In order to provide adequate notification and time for this assessment the City's property card for each property on the National Register of Historic Places or property determined eligible for the National Register of Historic Places, that has not previously been the subject of an application for local landmark designation, will contain a notice that all permits for significant exterior alteration or demolition will be delayed for ten working days after application. The City will provide written notification by first class mail and telephone notification to the Florida Division of Historical Resources with copies of the written notification to the St. Petersburg Historic Preservation Commission and any preservation organization that has registered for such notification with the Planning Department. This notification will be mailed within two working days of the permit application. The determination of significant alteration will be made by the City Planning Department based on guidelines contained in Ordinance 832-F which are based on the Department of Interior Standards. The permit may be granted after ten working days if no other action has occurred that would preclude the issuance of such permit.

F. Hazardous Waste

1. All development will be required to comply with the City's Hazardous Materials Ordinances No. 937-F and 938-F.

G. Recreation/Open Space

1. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by Intown ADRI development, unless the project is specifically approved by the City Council following established procedures.

H. Hurricane Evacuation

1. Individual developers within the IAADA area shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is

issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be reviewed by and provided to the City's Disaster Preparedness Coordinator and included in the first annual report submitted after occupancy of each applicable development.

I. Housing

1. No specific housing units are proposed to be removed at this time. However, should any units be demolished as a result of City acquisition the City will comply with federal guidelines for relocation assistance where federal funds are used and the City's Relocation Policy for all other City actions.
2. The City shall develop a program for private development caused residential displacement that shall require a minimum 60 day notice to tenants in advance of the need to vacate the unit including information explaining sources of relocation assistance and assistance in identifying comparable replacement housing in terms of cost, proximity to amenities, unit size, project demographics, mass transit, shopping and personal services. This program shall be in addition to the requirements of the State Landlord - Tenant Act.
3. The City will monitor development and redevelopment activities and report any loss of permanent housing units within the IAADA area in the Annual Status Report.
4. The City will actively support and seek new funding sources for low and moderate income housing, including support for appropriate proposed programs of the State Legislature.

J. Capital Improvement Program

1. Exhibit V, provides a listing of the City's commitments to the IAADA area.
2. The City currently identifies necessary improvements for water, wastewater, drainage, police services, and fire protection in the City's Capital

Improvements Program. The CIP is reevaluated by the City Council each year. The City Council has the authority to add projects and reschedule at an earlier date to ensure full compliance with the intent of this DO. The annual report will include any projects for the IAADA not currently included in the CIP contained in this development order.

- K. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
- L. All development pursuant to this Order shall be subject to and in accordance with applicable building codes, land development regulations, ordinances and other laws.
- M. The City shall produce, print and make available to all landowners, developers and interested parties, a brochure explaining the IAADA and summarizing its procedures and conditions. Said brochure shall be completed no later than sixty (60) days from the end of the appeal period.
- N. Prior to construction of additional boat slips the City will prepare a manatee protection plan and submit it to the Florida Department of Natural Resources for review and approval and shall conduct a F.S. 380.06 analysis and amend the Development Order. If TBRPC determines that there are no regional impacts as a result of construction of additional boat slips, the City shall not amend the Development Order.

SECTION 6: After this Development Order is issued, changes to the areawide development plan shall be subject to the provisions of Subsection 380.06 (19), Florida Statutes (1987), except that the percentages and numerical criteria shall be double those listed in Subsection 380.06 (19)(b), Florida Statutes (1987).

SECTION 7: This Order shall not repeal, nor amend in any way, any currently effective DRI Development Orders for development within the IAADA Area, previously rendered by the City Council pursuant to Chapter 380, Florida Statutes (1987); nor shall it repeal or amend in any way any approved site plan.

SECTION 8: 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, resolutions and ordinances in effect at the time of such review.

SECTION 9: Monitoring. Pursuant to Subsection 380.06 (17), Florida Statutes (1987), the City Manager or his designee, as the representative of the City shall be responsible for monitoring of 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, DCA 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 Subsection 380.06 (19), Florida Statutes (1987).
3. After review pursuant to Subsection 380.06 (19), F.S., (1987), the City Manager may recommend that the City Council establish a hearing to consider changes which constitute a substantial deviation from the Development Order (D.O.)

SECTION 10: Annual Reports. The Applicant shall file an annual report in accordance with Subsection 380.06 (18), Florida Statutes (1987), and applicable rules and regulations thereunder. Such report shall be submitted by the City Manager to the City Council for review. 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. 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 (1987); and
2. A summary of:
 - a. Authorized development within the ADRI, for the past reporting year and cumulatively; and
 - b. Remaining surplus development capacities within the established thresholds; and

- c. The status of any requirements of this Order which were to have been acted upon during the past 12 months.
 - d. Summary of land use categories for which approved site plans were filed during the year;
 - e. Summary of land use categories constructed during the year for both the area inside and outside the boundaries of the Intown Redevelopment area;
 - f. Summary of status of transportation facilities.
 - g. A status report of CIP improvements.
3. The annual reports will be due on January 31 each year.

SECTION 11: Substantial Deviation. Any development activity constituting a substantial deviation from the terms or conditions of this Development Order which meets the criteria set forth in Subsection 380.06 (19), F.S. (1987) and Subsection 380.06 (25)(n), F.S. (1987) 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 12: Effective Date. This Development Order shall become effective upon the expiration of the appeal period under Section 380.07, Florida Statutes (1987), without an appeal having been taken, or if taken, dismissed or this Development Order affirmed.

SECTION 13: Expiration Date. Unless amended pursuant to the procedures outlined in Section 380.06, Florida Statutes (1987), the terms and conditions of this Development Order shall expire on December 31, 2005. The City reserves the right to rescind the Development Order at any time, so long as the impacts of any level of development which has been approved pursuant to this Development Order have been mitigated.

Passed by the St. Petersburg City Council on first reading
on the 1st day of December, 1988.

Passed by the St. Petersburg City Council on second reading,
as amended, on the 15th day of December, 1988.

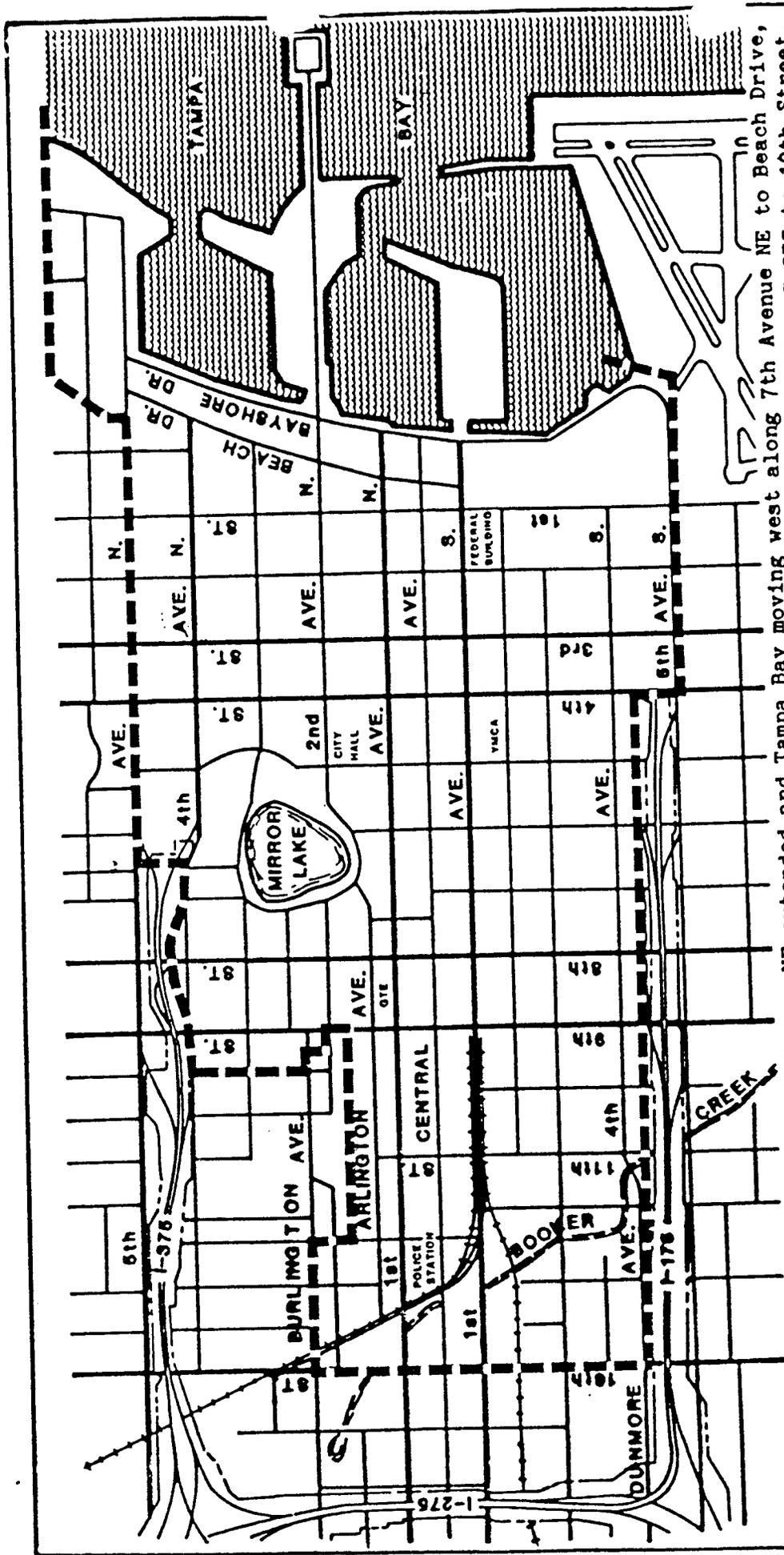
Reconsidered and adopted as revised on the 2nd day of
February, 1989.


MAYOR-Councilmember

ATTEST:


Clerk of City Council

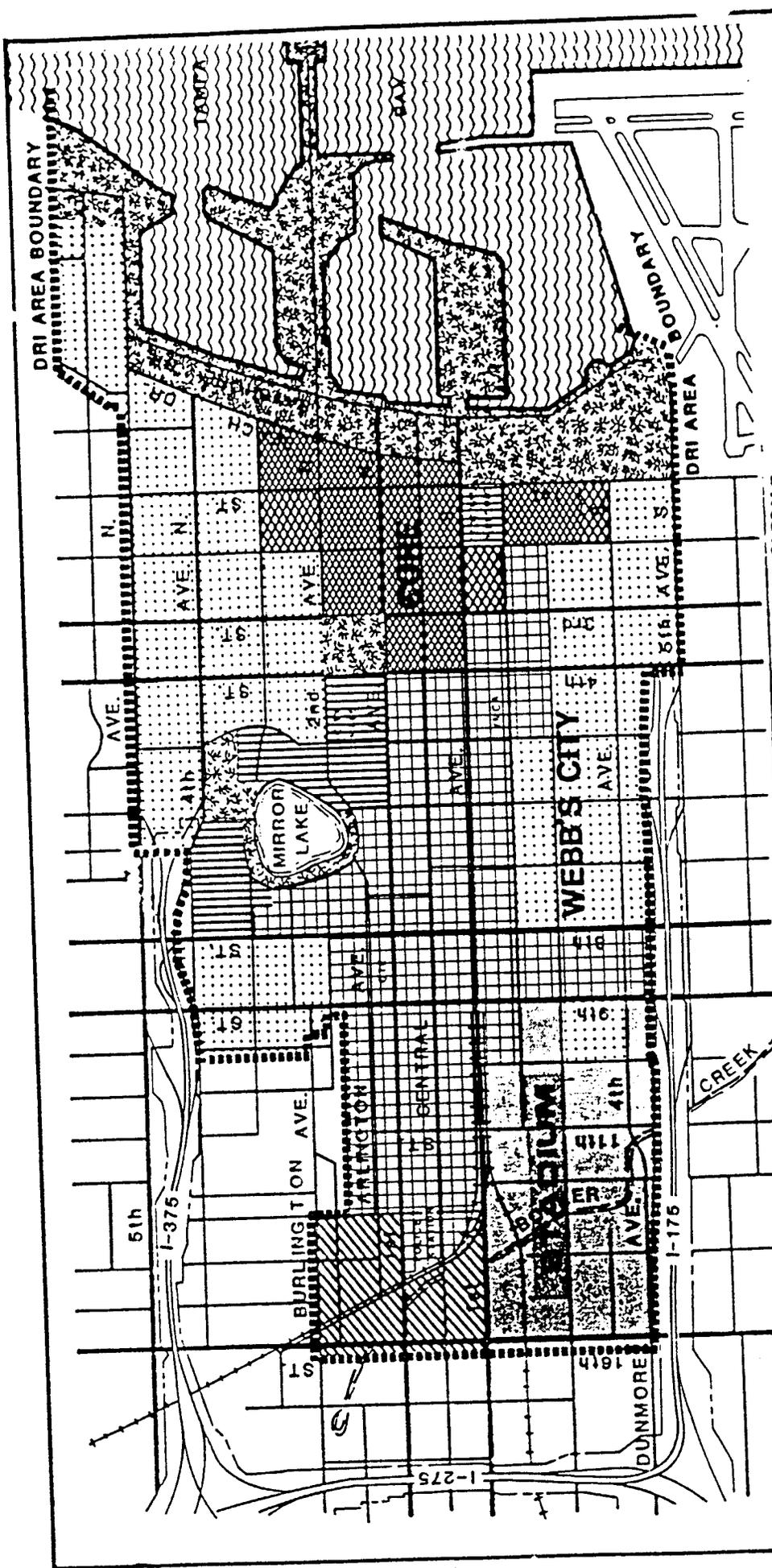
EXHIBIT I
LEGAL DESCRIPTION AND MAP



Starting at a point located at 7th Avenue NE extended and Tampa Bay moving west along 7th Avenue NE to Beach Drive, south along Beach Drive to 5th Avenue North, west along 5th Avenue North to I-375, west along I-375 to 10th Street, south along 10th Street to Burlington Avenue, east along Burlington Avenue to alley between 9th and 10th Streets south along 10th Street to Burlington Avenue, east along Burlington Avenue North to 9th Street, south along 9th Street North, south along the alley to 2nd Avenue North, east along 2nd Avenue North to 9th Street, north along 13th Street to alley between 2nd Avenue North and Arlington Avenue North, west along alley to 13th Street, north along 13th Street to Burlington Avenue North, west along Burlington Avenue North to 16th Street, south along 16th Street to I-175, east along I-175 to 5th Avenue South, east along 5th Avenue South to the eastern right-of-way line of 1st Street South, then follow the centerline of Bay Shore Drive to the right-of-way of 5th Avenue South (extended), then approximately 320 feet north to the water's edge (of the South Yacht Basin)

MAP A(1)





- HIGH DENSITY RESIDENTIAL
- OFFICE, RETAIL, INDUSTRY — MANUFACTURING AND WHOLESALE
- SUPPORT — RETAIL AND OFFICE, WEBB'S CITY MULTI-USE REDEVELOPMENT
- MULTI-PURPOSE STADIUM
- PARKLAND — RECREATIONAL AND LEISURE ATTRACTONS
- PUBLIC/SEMI-PUBLIC
- RESIDENTIAL — REHABILITATION, REDEVELOPMENT AND INFILL

GENERAL DEVELOPMENT CONCEPT

DECEMBER 1988

**CITY OF ST. PETERSBURG
INTOWN ADA-DRI**

645
1280



EXHIBIT II
COMPOSITE OF IAADA AND SUFFICENCY RESPONSES
ON EXHIBIT IN THE CITY CLERKS OFFICE

EXHIBIT III
APPROVED DEVELOPMENT CAPACITY

| | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> | <u>Total</u> |
|--|----------------|-----------------|------------------|--------------|
| Dwelling units | 2,400 | | | 2,400 |
| Rooming units | 700 | | | 700 |
| Retail/Sales service (sq. ft.) | 1,200,000 | | | 1,200,000 |
| Offices (sq.ft.) | 1,374,379 | 489,438 | 936,183 | 2,800,000 |
| Industrial (sq.ft.) | 230,000 | | | 230,000 |
| Public/Semi-Public Public Safety & Util. (sq. ft.) | 108,000 | | | 108,000 |
| Boat Slips | 141 | | | 141 |
| Museum (sq.ft.) | 86,000 | | | 86,000 |
| Trade Exhibit (sq.ft.) | 50,000 | | | 50,000 |

EXHIBIT IV
TRADE-OFF MECHANISM

TRADE-OFF MECHANISM

The process for receiving and processing trade-offs for land uses shall be as follows:

- A. Developer shall apply in writing requesting a trade-off.
- B. The City Manager shall review the request and advise the applicant of the recommendations in writing within 30 days.
- C. If approved, the City Manager will adjust the land use thresholds for the trade-off and recalculate the total increment. If the City Manager recommends against the trade-off, the applicant may appeal to the City Council.
- D. Trade-offs will be based on the attached table. The achievement of the total increment of square feet of gross floor area in any land use category may be subject to the application of the trade-off mechanisms established herein.
- E. Trade-offs will be calculated as follows:
 1. For each 1,000 square feet of gross floor area in the land use category (Column 1) find the land use trade-off equivalency in Columns 2-11. Residential uses are expressed in units. For example:
 - (1) A developer may propose to trade-off 1,000 square feet of gross floor area of retail for the equivalent in square feet of office, i.e. 1,230 square feet of gross floor area.
- F. All conversions are based on ITE Trip Generation, 3rd Edition.

| LAND USE CATEGORY FROM | TO | RETAIL | OFFICE | INDUSTRY | COMPL. CTR | CHURCH | SERVICES | MUSEUM | EXPO | TOTAL INCREMENT (S.F.) | TRIP RATE (S.F.) | PEAK TRIPS |
|-------------------------------------|----|--------|--------|----------|------------|--------|----------|--------|------|---------------------------|---------------------|------------|
| RETAIL (1000 S.F.) | | 0 | 1230 | 2390 | 6122 | 12350 | 3862 | 9654 | 881 | 1,200,000 | 0.00251 | 3,012 |
| OFFICE (1000 S.F.) | | 813 | 0 | 1943 | 4976 | 10200 | 3138 | 7846 | 716 | 2,800,000 | 0.00204 | 5,712 |
| INDUSTRIAL (1000 S.F.) | | 418 | 515 | 0 | 2561 | 5250 | 1615 | 4038 | 368 | 230,000 | 0.00105 | 242 |
| COMMUNITY CENTER (1000 S.F.) | | 163 | 201 | 390 | 0 | 2050 | 631 | 1577 | 144 | 120,000 | 0.00041 | 50 |
| CHURCH (1000 S.F.) | | 80 | 98 | 190 | 488 | 0 | 308 | 769 | 70 | 250,000 | 0.00020 | 51 |
| PUBLIC SAFETY & UTILITY (1000 S.F.) | | 259 | 319 | 619 | 1585 | 3250 | 0 | 2500 | 228 | 108,000 | 0.00063 | 70 |
| CHILDREN'S MUSEUM (1000 S.F.) | | 104 | 127 | 248 | 634 | 1300 | 400 | 0 | 91 | 84,000 | 0.00026 | 22 |
| TRADE EXPO (1000 S.F.) | | 1135 | 1377 | 2714 | 6951 | 14250 | 4385 | 10962 | 0 | 50,000 | 0.00285 | 143 |

SOURCE: ITE Trip Generation, 3rd Edition;
Florida Land Design & Engineering

EXHIBIT V
CAPITAL IMPROVEMENTS PROGRAM

INTOWN AREA CAPITAL IMPROVEMENTS PROJECTS
000's

| <u>Project</u> | <u>*FY89</u> | <u>I</u> <u>Thru 93</u> | <u>II</u> | <u>Phases</u> <u>III</u> |
|--|--------------|----------------------------|-----------|-----------------------------|
| 1 Intown Utility Relocation | 125 | 275 | | |
| 2 Albert Whitted Treatment Plant Injection Wells | 50 | 50 | | |
| 3 54th Avenue North (I-275 to Haines Road) | | 442 | | |
| 4 6th Street South (32nd Ave. S. to 39th Ave. S.) | | 312 | | |
| 5 Intersection of 9th Street at 22nd Ave. N. | | 275 | | |
| 6 38th Avenue North (I-275 to 28th Street North | | | TBD | |
| 7 54th Avenue North (28th St. N. to U.S. 19) | | | TBD | |
| 8 54th Avenue North (Haines Road to 28th St. N.) | | | TBD | |
| 9 I-275 (38th Avenue N. to 22nd Avenue N.) | | | | TBD |
| 10 38th Avenue North (28th St. North to US 19 | | | | TBD |
| 11 22nd Avenue North (I-275 to 28th Street North | | | | TBD |
| Intersections | | | | |
| 12 I-275 at Gandy Boulevard | | | | TBD |
| 13 US 19 at 62nd Avenue | | | | TBD |

TBD - to be determined based on the transportation studies completed for that phase.

- * Project 1 - revenue bonds
- Project 2 - general fund
- Projects 3-13 - transportation impact fees

C E R T I F I C A T E

I, BRENDA J. BAIRD, do hereby certify that I am the Clerk of the City Council for the City of St. Petersburg, Florida and as such officer have in my custody the official files and records of said City Council and do further certify that the foregoing and attached is a true and correct copy of Ordinance No. 1072-F entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, RENDERING A DEVELOPMENT ORDER FOR THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE,

reconsidered and adopted as revised at a regular session of the City Council on the 2nd day of February, 1989. The original of said record 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 2nd day of February, 1989.



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

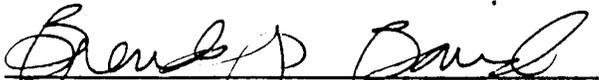
Passed by the St. Petersburg City Council on first reading
on the 1st day of December, 1988.

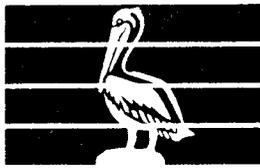
Passed by the St. Petersburg City Council on second reading,
as amended, on the 15th day of December, 1988.

Reconsidered and adopted as revised on the 2nd day of
February, 1989.


MAYOR-Councilmember

ATTEST:


Clerk of City Council



CITY OF ST. PETERSBURG

December 19, 1988

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

Re: Adoption of the Development Order (Ordinance No. 1072-F) for the
Intown Areawide Development of Regional Impact (DRI #97)

Dear Ms. Greene:

Julia
The St. Petersburg City Council adopted Ordinance No. 1072-F, a
Development Order for the Intown Areawide Development of Regional
Impact, on December 15, 1988. Pursuant to Chapter 380, Florida
Statutes, a copy of the Development Order and associated exhibits are
enclosed.

Ordinances referenced in the Development Order are provided in the
exhibits or have been provided to you previously. If additional copies
of any Ordinance(s) are needed, advise me at your earliest convenience.

If you have any questions concerning this Development Order, please
contact me, Mike Dove, or Rebecca Stewart at 893-7153.

Sincerely,

Ralph Stone
Ralph Stone
Planning Director

cc: Mark Winn, Assistant City Attorney
Brenda Baird, Clerk of Council
Michael R. Dove, Assistant Planning Director
Rebecca Stewart, Planner III

LTR^GREENE/ml

ORDINANCE NO. 1072-F

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, RENDERING A DEVELOPMENT ORDER FOR THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg (City Council), as the governing body of the City of St. Petersburg (City) having jurisdiction pursuant to Section 380.06, Florida Statutes (1987), is authorized and empowered to render a decision on the Intown Areawide Application for Development Approval (IAADA); and

WHEREAS, on May 5, 1983 by Resolution No. 83-353 the City Council initiated the Intown Application for Development Approval (IADA) for the Intown Development of Regional Impact, legally described in Exhibit I; and

WHEREAS, the IADA was previously submitted by the Community Redevelopment Agency (CRA) as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985,; and notice was given to the CRA of sufficiency on December 20, 1985; and,

WHEREAS, at the request of Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA) the City agreed to resubmit the IADA as an Areawide Application for Development Approval; and,

WHEREAS, the City Council approved converting the Intown DRI (#97) to an Areawide Development of Regional Impact (ADRI) and approved Resolution No. 87-716; and

WHEREAS, on January 8, 1988 the City filed the IAADA supplemented by sufficiency responses filed on June 1 and August 25, 1988, which IAADA together with such sufficiency responses and all other submitted supporting documents constitute Exhibit II (hereinafter collectively referred to as IAADA); and

WHEREAS, the City has provided the IAADA including the sufficiency responses to all applicable agencies and interested parties as identified by the TBRPC; and,

WHEREAS, on August 27, 1987, the City of St. Petersburg as the Applicant held a duly noticed public hearing for the Intown Areawide Application for Development Approval (IAADA) for a Development of Regional Impact (DRI) pursuant to the provisions of Subsection 380.06 (25), Florida Statutes, and Chapter 9J-3, Florida Administrative Code (FAC), and the interpretation of the Department of Community Affairs; and

WHEREAS, the City gave notice to all property owners within the area of the Intown Areawide DRI, as recorded on the Pinellas County ad valorem tax roll, by certified mailing with a copy of Resolution No. 87-716, initiating the Intown Areawide DRI; and,

WHEREAS, the notification procedures included the City notifying all property owners within the boundaries of the Intown Areawide DRI (as recorded by the July, 1987, Pinellas County ad valorem tax roll) by certified mail prior to the August 27, 1987, public hearing to consider initiating the Intown Areawide DRI; and,

WHEREAS, the City Council heard and considered public comments and documents thereto on August 27, 1987; and

WHEREAS, the City Council determined that the development proposed in the Intown Areawide DRI is consistent with the State Land Development Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, St. Petersburg's Comprehensive Plan, and the City's local land development regulations; and

WHEREAS, the area is recognized as an Interim Regional Activity Center in both the City of St. Petersburg's Comprehensive Plan and the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, entitled Future of the Region; and

WHEREAS, based on these criteria and the comments received from the public and other agencies, the defined planning area (as described in Exhibit I) and the anticipated development therein are of a character, magnitude and location such that the proposed Intown Areawide DRI meets the standards and criteria (pursuant to Rule 9J-3.005, F.A.C.) for determining that the Intown Areawide DRI would be in the public interest; and

WHEREAS, the City Council has on December 15, 1988, conducted a duly noticed public hearing on the IAADA, and has heard and considered public comments and documents received incident thereto; and

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, governmental agencies and City agencies; and

WHEREAS, after due consideration, the City Council has determined that the IAADA should be approved with conditions.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1: That this Ordinance, including all exhibits hereto, shall constitute the Development Order (Order) of the City issued in response to the IAADA filed by the City of St. Petersburg. By reference, the exhibits to this Order, and the IAADA itself, are hereby incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the IAADA, as modified herein.

SECTION 2: Findings of Fact. Pursuant to Section 380.06, Florida Statutes (1987), the City makes the following findings of fact:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property which is the subject of the Application is located within the municipal boundaries of the City of St. Petersburg.
- C. The real property which is the subject of the Application is legally described on Exhibit "I" attached hereto and made a part hereof; as required by Subsection 380.06 (15), F.S., (1987).
- D. The Intown Application for Development Approval was previously submitted by the Community Redevelopment Agency as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985; and notice was given to the CRA of sufficiency on December 20, 1985; and,

- E. The City filed the IAADA pursuant to the Area-wide Development of Regional Impact (ADRI) subsection of Section 380.06, F.S., which authorizes a local government to apply for areawide development approval and receive an ADRI development order for a specific area.
- F. The City has demonstrated its legal, financial, and administrative ability to perform the commitments made in the IAADA and the conditions of this Development Order.
- G. The Intown Areawide DRI is not located in an Area of Critical State Concern as defined by Section 380.05, Florida Statutes, and meets all requirements of Subsection 380.06 (14), F.S., (1987).
- H. No interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals.
- I. All development will occur in accordance with this Development Order and the IAADA unless the IAADA is inconsistent with the terms and conditions of this Development Order in which case the terms and conditions of this Development Order shall control.
- J. The purpose of the IAADA is to identify and assess probable regional impacts and to obtain approval for development in accordance with the general guidelines as developed in the IAADA. The concept is to recognize the Intown area as a single area of high intensity development and to review and assess impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the area.
- K. Development within the Intown has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the IAADA. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- L. The area and the anticipated development are consistent with local, regional and state comprehensive plans and local land development regulations.

- M. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the anticipated development.
- N. The Intown Areawide DRI will make positive contributions to the economy of the region, the City of St. Petersburg, and the Intown Redevelopment area.
- O. The real property which is the subject of the IAADA is located in an area that is designated an Interim Regional Activity Center as defined by the TBRPC's Comprehensive Regional Policy Plan entitled "Future of the Region" and the City's Comprehensive Plan.
- P. All proposed development is required by conditions of this Order, to be consistent with all applicable local, regional, and state land development laws and regulations.
- Q. The anticipated development does not interfere with the achievement of the objectives of the adopted State land development plan applicable to the area.

SECTION 3: Conclusions of Law. Having made the findings of fact contained in SECTION 2 above, City Council makes the following conclusions of law:

- A. The City Council of the City of St. Petersburg is authorized by Chapter 380, Florida Statutes (1987), to file an areawide application for development approval and render a development order.
- B. Review by the City, the TBRPC, DCA and other participating agencies and interested citizens reveals that through the application of the terms and conditions of the IAADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380 Florida Statutes (1987).
- C. In considering whether the IAADA should be approved subject to conditions, restrictions, and limitations, the City considered the criteria stated in Section 380.06, Florida Statutes (1987).
- D. The IAADA is consistent with the report and recommendations of the TBRPC.

- E. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in this Order.

SECTION 4: General Provisions. The following General Provisions shall govern the administration of this Development Order.

- A. The provisions of this Development Order affect the real property described in Exhibit I which is attached hereto and made a part hereof. This real property is within the municipal limits of the City of St. Petersburg.
- B. All provisions contained within the IAADA 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.
- C. This Ordinance, including all exhibits attached hereto, shall constitute the Development Order of the City in response to the IAADA.
- D. The definitions contained in Chapter 380, Florida Statutes (1987), govern and apply to this Development Order. Terms not defined in Chapter 380, Florida Statutes (1987), shall have the meanings assigned to them by the Code of ordinances of the City (City Code), including the Zoning Ordinance, Chapter 64 of the City Code.
- E. This Development Order shall be binding upon the City. 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.
- F. 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.

- G. 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.
- H. This Development Order shall remain in effect until the expiration date of this Development Order. 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. Any subthreshold development activity which has received site plan approval prior to this Order may be completed subject to those conditions that may have been required at the time of site plan approval. This Order may be extended by the City Council on the finding of excusable delay in any proposed development activity.
- I. Upon adoption, this Development Order shall be transmitted by the Clerk of the City Council by certified mail to the DCA, the TBRPC, and Pinellas County.

SECTION 5: Conditions of Development Approval.

That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the IAADA is hereby approved, subject to the following conditions:

A. Land Use

- 1. This Order is rendered in respect to the total quantities of approved development for the given land use categories set forth below and as further described in Exhibit III hereto.

| | <u>Phase I</u> | <u>Phase II</u> | <u>Total</u> |
|--------------------------------|----------------|-----------------|--------------|
| Dwelling units | 2,000 | 400 | 2,400 |
| Rooming units | 700 | | 700 |
| Retail/Sales service (sq. ft.) | 1,100,000 | 100,000 | 1,200,000 |
| Offices (sq.ft.) | 2,500,000 | 300,000 | 2,800,000 |
| Industrial (sq.ft.) | 130,900 | 99,100 | 230,000 |
| Public/Semi-Public | | | |
| Public Safety & Util.(sq.ft.) | 108,000 | | 108,000 |
| Boat Slips | 141 | | 141 |
| Museum (sq.ft.) | 86,000 | | 86,000 |
| Trade Exhibit (sq.ft.) | 50,000 | | 50,000 |

2. Development will occur in two phases. Within the phase I development capacity no more than 80% of the DRI thresholds can be constructed in the area outside of the Intown Redevelopment area. Upon reaching the 80% threshold capacity, the City will conduct an analysis of the transportation mitigation network identified in the final report of the TBRPC. The transportation analysis methodology will be developed in conjunction with the TBRPC, Florida Department of Transportation (FDOT), and Metropolitan Planning Organization (MPO). The results of this study will be utilized to determine the project priority for additional transportation improvements. The prioritized projects determined by this study will be included in a revised CIP program to be included in the annual report following the completion of the study. This action may result in the approval of additional development.
3. Credits for transportation impact fees for existing square footage shall be handled in a manner consistent with the Pinellas County Countywide Transportation Impact Fee.
4. Development credit against approved development amounts will be allowed for all structures for which a Certificate of Occupancy existed in December 1986. Credit to be applied to a different land use category (i.e., existing office use to be converted to retail use) will be based on the trade-off mechanism described in Exhibit IV.
5. Square footage totals shall be monitored by the City Manager according to the following procedures:

- a. Any person, corporation or government agency proposing development, redevelopment or expansion within the IAADA area shall calculate the gross building square footage of each category of land use. Said square footage shall be submitted with the Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
- b. All square footage totals referenced in building permits issued for new development of any size within the IAADA boundaries will be subtracted from the available space established by the approved development as referenced in Exhibit III.
- c. Square footage shall be deemed reserved upon approval of the Site Plan (as outlined in Chapter 64, City Zoning Ordinance).
- d. The Site Plan and space (square footage) reservation will be valid for a period of 18 months. Construction activity must be initiated within said 18 months to insure space reservation. If construction is not initiated, the space shall automatically return to the approved development capacity or the applicant may apply for a site plan extension in accordance with Chapter 64, Zoning Ordinance. Certificate(s) of Occupancy on any project must be obtained within 36 months of the time of receipt of a building permit. If the Certificate(s) of Occupancy is not obtained or an extension is not granted by the City Manager then the space reserved will be returned to the approved development capacity.
- e. Projects that are at least 80% of DRI thresholds (DRI-sized projects) may apply for an Advance Reservation of square footage.
 1. In order to make an Advance Reservation, DRI-sized projects shall obtain and file the appropriate form with the City Manager. The City Manager will respond in writing within thirty (30) days as to

the availability of space. If space is available, the City Manager may reserve the requested amount and notify the "applicant" in the above stated letter of the Advance Reservation.

2. Advance Reservation applicants must obtain Site Plan approval within six (6) months from the effective date of the reservation or within such period of time as the City Manager designates in his response or obtain an extension from the City Manager.
 3. If Site Plan approval or extension is not obtained within the six month period, the square footage previously reserved shall automatically be returned to the approved development capacity.
 4. Advance Reservation for multi-phased projects will remain in effect as long as site plan approval or advance reservations have not expired.
6. Trade-offs will be permitted as provided below:
- a. The trade-offs among all uses are established as set forth in Exhibit IV. To the extent that square footage amounts remain in the development totals authorized herein, trade-offs among uses shall be automatically applied at the time of the reservation of square footage referred to above.
 - b. The process for receiving and processing trade-offs for land uses other than those shown on Exhibit IV shall be as follows:
 1. Applicant shall apply in writing requesting a trade-off.
 2. The City Manager shall review the request and advise the applicant of the recommendation in writing within thirty (30) days of its receipt.

3. If approved, the City Manager shall make the trade-off and reserve the space. If the City Manager recommends against the trade-off, the applicant may appeal to the City Council within fifteen (15) days of notification of the City Manager's recommendation by filing a written notice of appeal with the Clerk of Council. A public hearing on the appeal shall be held with notice being given to the applicant and City Manager.

B. Transportation

1. The City will mitigate the phase I impact by assessing all development in the IAADA area impact fees as identified in the current Pinellas County Countywide Transportation Impact Fee Ordinance. These fees will provide at least \$1,245,000 for transportation improvements identified in the Final Report of the Tampa Bay Regional Planning Council. The City will provide funding up to the previously referenced amount of \$1,245,000 for the following improvements prior to December 31, 1993:

| <u>ROAD</u> | <u>SEGMENT</u> | DEVELOPMENT IMPACT (% OF EXIST- ING CAP.) | PROPOR- TIONATE SHARE | <u>REQUIRED IMPROVEMT.</u> | <u>TOTAL COST</u> |
|--------------|---------------------------------|--|-----------------------------|--------------------------------|-------------------|
| 6th St.S | 32nd Av.S. to 39th Av.S. | 23.9 | \$ 74,632 | Construct 4 lane und. | \$ 312,266 |
| 54th Av.N | I-275 to Haines Rd. | 35.6 | \$ 157,526 | Construct 6 lane div. | \$ 442,489 |
| 54th Av.N | Haines Road to 28th St.N. | 42.1 | \$ 61,472 | Construct 4 lane div. | \$ 146,015 |
| 54th Av.N | 28th St.N. to U.S. 19 | 40.7 | \$ 139,656 | Construct 4 lane div. | \$ 343,135 |
| TOTAL | | | | | <hr/> \$1,243,865 |

2. Upon completion of the construction of phase I and the construction of all improvements identified in B.1 above or equivalent space as identified by the trade-off mechanism, the City will conduct an analysis of the transportation mitigation network identified in the Final Report of the Tampa Bay Regional Planning Council. The results of this study shall be utilized to determine the project priority for transportation impact fee funding available for additional transportation improvements. The prioritized projects determined by this study will be included in a revised capital improvements program to be included in the annual report following the completion of the study.

3. A study of site-specific transportation improvements necessitated by development within the IAADA area may be required by the City Planning Department at the time of Site Plan Review. The purpose of such study is to identify non-regional transportation improvements. Improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; and (5) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Planning Department as a condition to Site Plan Approval.

C. Public Facilities and Services

1. The City of St. Petersburg shall provide police, fire, EMS rescue, both potable and non-potable water, sewer, and solid waste collection services to the IAADA area.

2. The City shall review all applications for development to assure emergency access to all facilities.

3. Individual applicants for development (pursuant to this DO) will be responsible for the construction and installation of all internal (i.e., from public right-of-way to site) sanitary sewer, potable water systems and attendant improvements. Internal water systems shall be constructed and installed in such a manner as to maintain an adequate water flow for fire protection.

4. The responsible entities shall provide capacity for the IAADA area, as set forth below:

| | <u>Total</u> |
|--|--------------|
| <u>Water</u> - Million Gallons Per Day | 4.32 |
| <u>Wastewater</u> - Million Gallons Per Day | 4.25 |
| <u>Solid Waste</u> - Tons Per Day | 170 |
| <u>Electrical</u> - Kilowatt (Thousands) Hours Per Day | 307.3 |

5. The total daily water requirements set forth in above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
6. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the IAADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
7. The collection of the total daily generation of solid waste, as set forth above, shall be provided in accordance with applicable ordinances of the City at the standard charges for solid waste collection. The City Sanitation Department shall continue to have the authority not to allow disposal of any hazardous material. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.

8. The responsible entity for electrical service is the Florida Power Corporation (FPC). The City will coordinate with FPC related to each application to ensure adequate electrical service. No certificate of occupancy (CO) will be issued without assurance of adequate electrical service.
9. The City shall encourage the implementation of energy conservation techniques proposed in the IAADA.

D. Stormwater Management

1. The City has adopted a master storm drainage plan for the Intown area drainage basin. All improvements shall be consistent with this plan, or any future update of this plan. The City will also encourage individual sites to be retrofitted to provide best management practices as identified by the City and SWFMD. The developers of specific projects within the IAADA area shall meet all applicable local, regional, state and federal laws, rules and regulations relative to stormwater management/water quality in effect at the time of permitting including Chapter 40D-4, Rules of SWFWMD, Chapter 17-25, F.A.C., and Chapter 17.3, F.A.C. Any proposed retention/ detention systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978) to the extent that those Guidelines are not inconsistent with applicable City policies. The City shall continue measures to ensure the protection of the water quality, including, but not limited to, public street and public parking lot cleaning, and clearance of storm sewers on a regular basis.
2. The City reserves the right to establish and assess a stormwater-as-utility fee.
3. Responsibility for providing maintenance of internal drainage facilities shall be the responsibility of individual applicants developing pursuant to the Order.
4. Any necessary off-site drainage improvements required to mitigate any incremental impacts of a Development, including the modification of existing drainage facilities, shall be provided at the expense of individual applicants. Provision shall be made for any off-site drainage improvements required to mitigate the incremental impacts of a particular portion of a Development prior to the issuance of certificates of occupancy.

5. Acceptable maintenance easements shall be provided for all publicly dedicated drainage improvements.

E. Architectural, Historic, and Archaeological Resources.

1. The City of St. Petersburg will continue to enforce Historic Preservation Ordinance No. 832-F and Ordinance No. 567-F.
2. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the City. Disposition of such resources shall be consistent with applicable federal, state and local regulations.
3. Proposed significant exterior alteration or demolition of any resource either determined eligible for or listed on the National Register of Historic Places will be assessed in cooperation with the Florida Division of Historical Resources. In order to provide adequate notification and time for this assessment the City's property card for each property on the National Register of Historic Places or property determined eligible for the National Register of Historic Places, that has not previously been the subject of an application for local landmark designation, will contain a notice that all permits for significant exterior alteration or demolition will be delayed for ten working days after application. The City will provide written notification by first class mail and telephone notification to the Florida Division of Historical Resources with copies of the written notification to the St. Petersburg Historic Preservation Commission and any preservation organization that has registered for such notification with the Planning Department. This notification will be mailed within two working days of the permit application. The determination of significant alteration will be made by the City Planning Department based on guidelines contained in Ordinance 832-F which are based on the Department of Interior Standards. The permit may be granted after ten working days if no other action has occurred that would preclude the issuance of such permit.

F. Hazardous Waste

1. All development will be required to comply with the City's Hazardous Materials Ordinances No. 937-F and 938-F.

G. Recreation/Open Space

1. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by Intown ADRI development, unless the project is specifically approved by the City Council following established procedures.

H. Hurricane Evacuation

1. Individual developers within the IAADA area shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be reviewed by and provided to the City's Disaster Preparedness Coordinator and included in the first annual report submitted after occupancy of each applicable development.

I. Housing

1. No specific housing units are proposed to be removed at this time. However, should any units be demolished as a result of City acquisition the City will comply with federal guidelines for relocation assistance where federal funds are used and the City's Relocation Policy for all other City actions.
2. The City shall develop a program for private development caused residential displacement that shall require a minimum 60 day notice to tenants in advance of the need to vacate the unit including information explaining sources of relocation assistance and assistance in identifying comparable replacement housing in terms of cost, proximity to amenities, unit size, project demographics, mass transit, shopping and personal services. This program shall be in addition to the requirements of the State Landlord - Tenant Act.

3. The City will monitor development and redevelopment activities and report any loss of permanent housing units within the IAADA area in the Annual Status Report.
4. The City will actively support and seek new funding sources for low and moderate income housing, including support for appropriate proposed programs of the State Legislature.

J. Capital Improvement Program

1. Exhibit V, provides a listing of the City's commitments to the IAADA area.
 2. The City currently identifies necessary improvements for water, wastewater, drainage, police services, and fire protection in the City's Capital Improvements Program. The CIP is reevaluated by the City Council each year. The City Council has the authority to add projects and reschedule at an earlier date to ensure full compliance with the intent of this DO. The annual report will include any projects for the IAADA not currently included in the CIP contained in this development order.
- K. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
- L. All development pursuant to this Order shall be subject to and in accordance with applicable building codes, land development regulations, ordinances and other laws.
- M. The City shall produce, print and make available to all landowners, developers and interested parties, a brochure explaining the IAADA and summarizing its procedures and conditions. Said brochure shall be completed no later than sixty (60) days from the end of the appeal period.
- N. Prior to construction of additional boat slips the City will prepare a manatee protection plan and submit it to the Florida Department of Natural Resources for review and approval.

SECTION 6: After this Development Order is issued, changes to the areawide development plan shall be subject to the provisions of Subsection 380.06 (19), Florida Statutes (1987), except that the percentages and numerical criteria shall be double those listed in Subsection 380.06 (19)(b), Florida Statutes (1987).

SECTION 7: This Order shall not repeal, nor amend in any way, any currently effective DRI Development Orders for development within the IAADA Area, previously rendered by the City Council pursuant to Chapter 380, Florida Statutes (1987); nor shall it repeal or amend in any way any approved site plan.

SECTION 8: 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, resolutions and ordinances in effect at the time of such review.

SECTION 9: Monitoring. Pursuant to Subsection 380.06 (17), Florida Statutes (1987), the City Manager or his designee, as the representative of the City shall be responsible for monitoring of 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, DCA 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 Subsection 380.06 (19), Florida Statutes (1987).
3. After review pursuant to Subsection 380.06 (19), F.S., (1987), the City Manager may recommend that the City Council establish a hearing to consider changes which constitute a substantial deviation from the Development Order (D.O.)

SECTION 10: Annual Reports. The Applicant shall file an annual report in accordance with Subsection 380.06 (18), Florida Statutes (1987), and applicable rules and regulations thereunder. Such report shall be submitted by the City Manager to the City Council for review. 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. 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 (1987); and
2. A summary of:
 - a. Authorized development within the ADRI, for the past reporting year and cumulatively; and
 - b. Remaining surplus development capacities within the established thresholds; and
 - c. The status of any requirements of this Order which were to have been acted upon during the past 12 months.
 - d. Summary of land use categories for which approved site plans were filed during the year;
 - e. Summary of land use categories constructed during the year for both the area inside and outside the boundaries of the Intown Redevelopment area;
 - f. Summary of status of transportation facilities.
 - g. A status report of CIP improvements.
3. The annual reports will be due on January 31 each year.

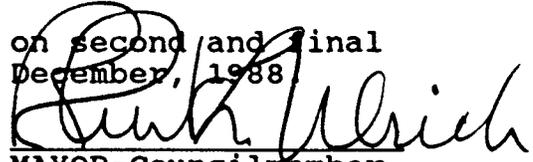
SECTION 11: Substantial Deviation. Any development activity constituting a substantial deviation from the terms or conditions of this Development Order which meets the criteria set forth in Subsection 380.06 (19), F.S. (1987) and Subsection 380.06 (25)(n), F.S. (1987) shall be subject to a substantial 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 12: Effective Date. This Development Order shall become effective upon the expiration of the appeal period under Section 380.07, Florida Statutes (1987), without an appeal having been taken, or if taken, dismissed or this Development Order affirmed.

SECTION 13: Expiration Date. Unless amended pursuant to the procedures outlined in Section 380.06, Florida Statutes (1987), the terms and conditions of this Development Order shall expire on December 31, 2010. The City reserves the right to rescind the Development Order at any time, so long as the impacts of any level of development which has been approved pursuant to this Development Order have been mitigated.

Passed by the St. Petersburg City Council on first reading on the 1st day of December, 1988.

Passed by the St. Petersburg City Council on second and final reading, as amended, on the 15th day of December, 1988.


MAYOR-Councilmember
Chairman of City
Council

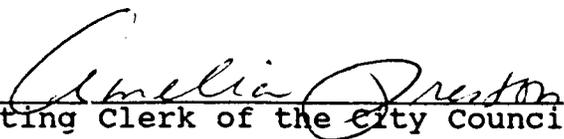
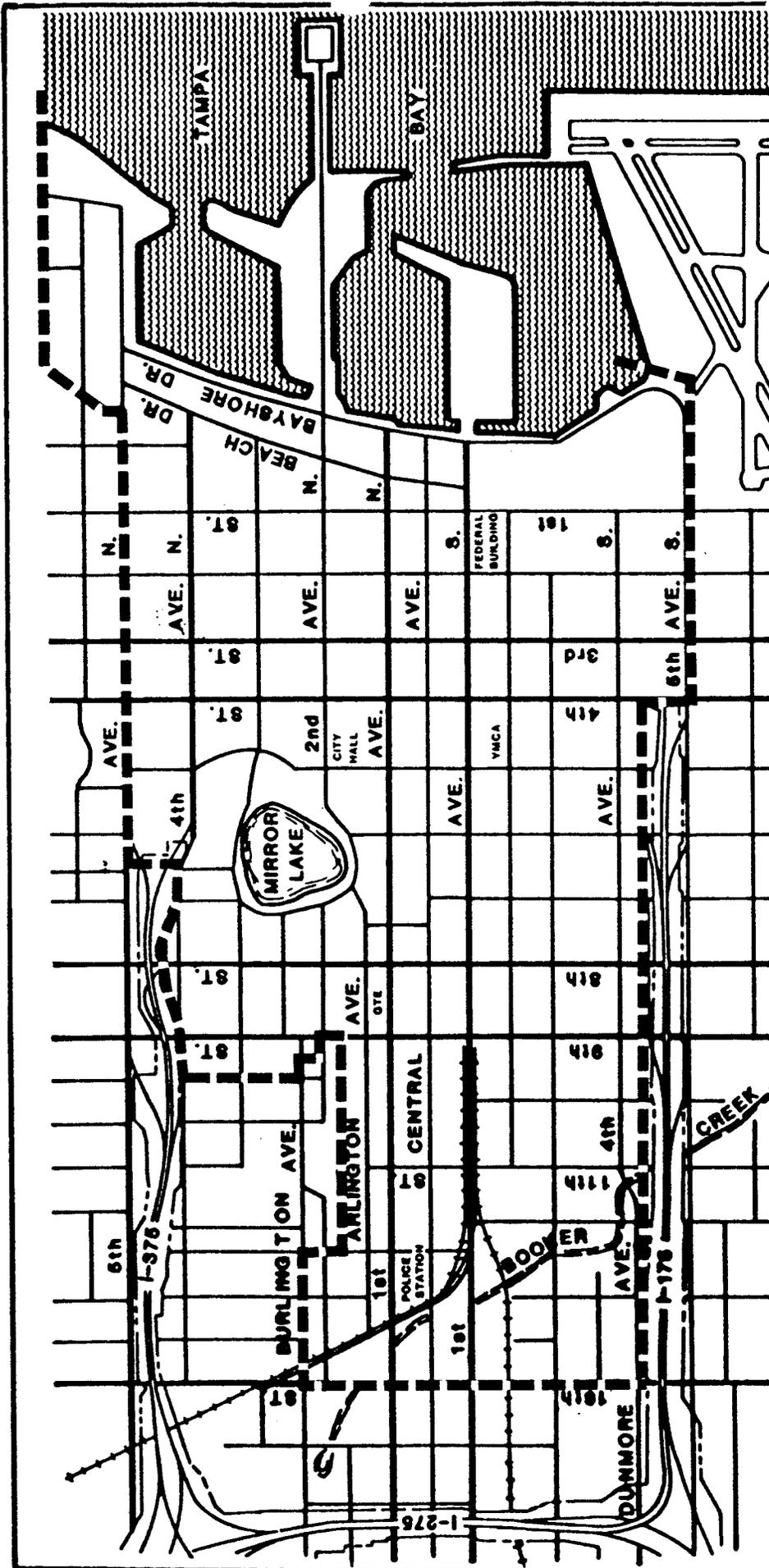
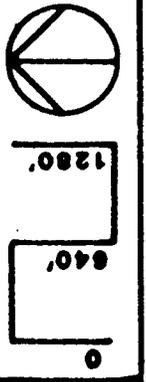
ATTEST: 
Acting Clerk of the City Council

EXHIBIT I
LEGAL DESCRIPTION AND MAP



Starting at a point located at 7th Avenue NE extended and Tampa Bay moving west along 7th Avenue NE to Beach Drive, south along Beach Drive to 5th Avenue North, west along 5th Avenue North to I-375, west along I-375 to 10th Street, south along 10th Street to Burlington Avenue, east along Burlington Avenue to alley between 9th and 10th Streets North, south along the alley to 2nd Avenue North, east along 2nd Avenue North to 9th Street, south along 9th Street to alley between 2nd Avenue North and Arlington Avenue North, west along alley to 13th Street, north along 13th Street to Burlington Avenue North, west along Burlington Avenue North to 16th Street, south along 16th Street to I-175, east along I-175 to 5th Avenue South, east along 5th Avenue South to the eastern right-of-way line of 1st Street South, then follow the centerline of Bay Shore Drive to the right-of-way of 5th Avenue South (extended), then approximately 320 feet north to the water's edge (of the South Yacht Basin)

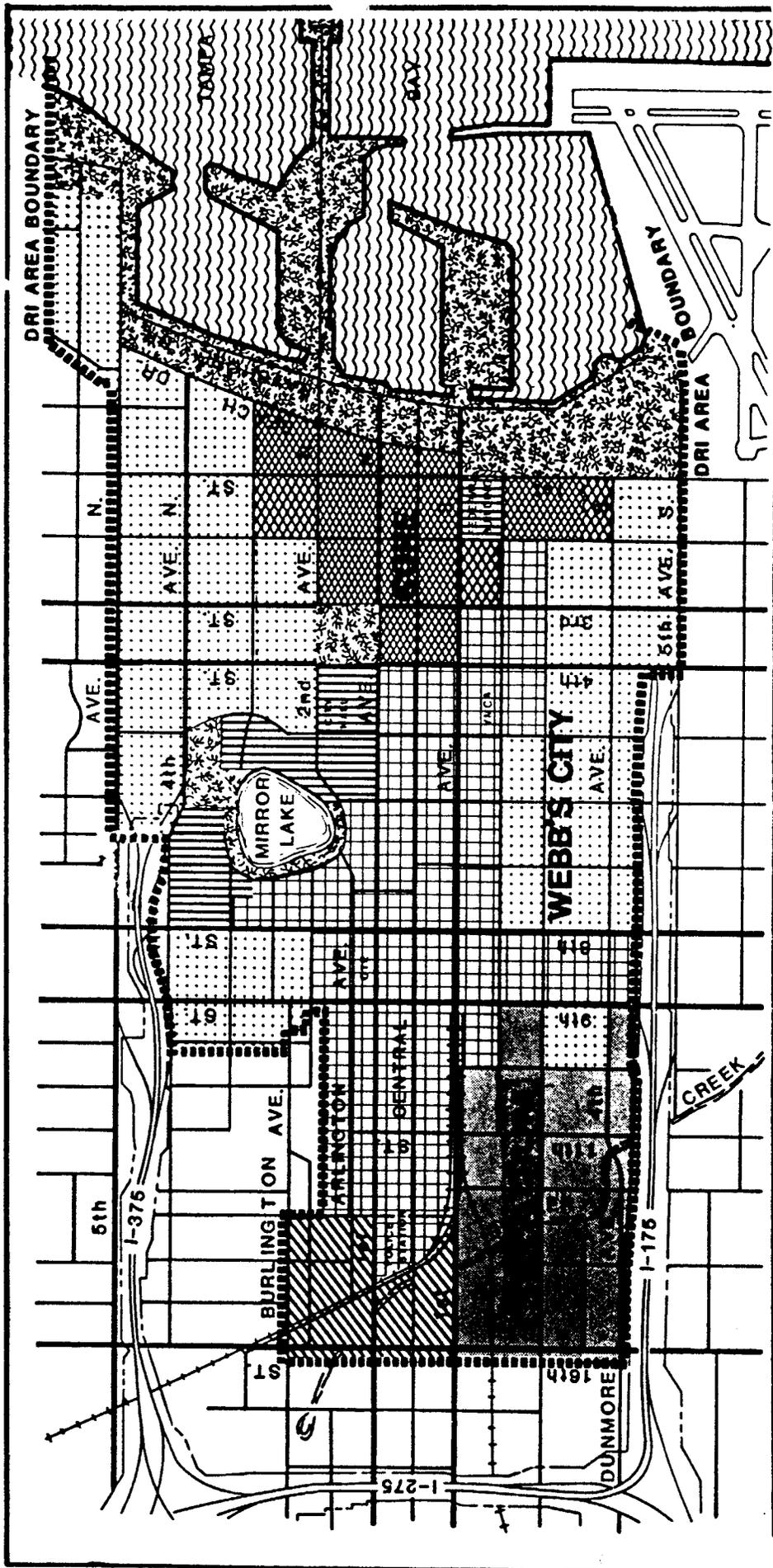
MAP A(1)



AUGUST, 1987

CITY OF ST. PETERSBURG
INTOWN ADA-DRI





- RESIDENTIAL
- OFFICE, RETAIL, SUPPORT -- RETAIL AND OFFICE, WEBB'S CITY MULTI-USE REDEVELOPMENT
- PARKLAND -- RECREATIONAL AND LEISURE ATTRACTIONS
- PUBLIC/SEMI-PUBLIC
- INDUSTRY -- MANUFACTURING AND WHOLESALE MULTI-PURPOSE STADIUM
- RESIDENTIAL -- REHABILITATION, REDEVELOPMENT AND IN-FILL



DECEMBER 1988

CITY OF ST. PETERSBURG
INTOWN ADA-DRI

GENERAL DEVELOPMENT CONCEPT

EXHIBIT II
COMPOSITE OF IAADA AND SUFFICENCY RESPONSES

EXHIBIT III
APPROVED DEVELOPMENT CAPACITY

| | <u>Phase I</u> | <u>Phase II</u> | <u>Total</u> |
|--|------------------|-----------------|------------------|
| <u>Dwelling units</u> | <u>2,000</u> | <u>400</u> | <u>2,400</u> |
| <u>Rooming units</u> | <u>700</u> | | <u>700</u> |
| <u>Retail/Sales service (sq.ft.)</u> | <u>1,100,000</u> | <u>100,000</u> | <u>1,200,000</u> |
| <u>Offices (sq.ft.)</u> | <u>2,500,000</u> | <u>300,000</u> | <u>2,800,000</u> |
| <u>Industrial (sq.ft.)</u> | <u>130,900</u> | <u>99,100</u> | <u>230,000</u> |
| <u>Public/Semi-Public</u> | | | |
| <u>Public Safety & Util.(sq.ft.)</u> | <u>108,000</u> | | <u>108,000</u> |
| <u>Boat Slips</u> | <u>141</u> | | <u>141</u> |
| <u>Museum (sq.ft.)</u> | <u>86,000</u> | | <u>86,000</u> |
| <u>Trade Exhibit (sq.ft.)</u> | <u>50,000</u> | | <u>50,000</u> |

**EXHIBIT IV
TRADE-OFF MECHANISM**

TRADE-OFF MECHANISM

The process for receiving and processing trade-offs for land uses shall be as follows:

- A. Developer shall apply in writing requesting a trade-off.
- B. The City Manager shall review the request and advise the applicant of the recommendations in writing within 30 days.
- C. If approved, the City Manager will adjust the land use thresholds for the trade-off and recalculate the total increment. If the City Manager recommends against the trade-off, the applicant may appeal to the City Council.
- D. Trade-offs will be based on the attached table. The achievement of the total increment of square feet of gross floor area in any land use category may be subject to the application of the trade-off mechanisms established herein.
- E. Trade-offs will be calculated as follows:
 1. For each 1,000 square feet of gross floor area in the land use category (Column 1) find the land use trade-off equivalency in Columns 2-11. Residential uses are expressed in units. For example:
 - (1) A developer may propose to trade-off 1,000 square feet of gross floor area of retail for the equivalent in square feet of office, i.e. 1,230 square feet of gross floor area.
- F. All conversions are based on ITE Trip Generation, 3rd Edition.

| LAND USE CATEGORY FROM | TO | RETAIL | OFFICE | INDUSTRY | COMM. CTR | CHURCH | SERVICES | MUSEUM | EXPO | TOTAL INCREMENT (S.F.) | TRIP RATE (/S.F.) | PEAK TRIPS |
|-------------------------------------|----|--------|--------|----------|-----------|--------|----------|--------|------|---------------------------|----------------------|------------|
| RETAIL (1000 S.F.) | | 0 | 1230 | 2390 | 6122 | 12350 | 3862 | 9654 | 881 | 1,200,000 | 0.00251 | 3,012 |
| OFFICE (1000 S.F.) | | 813 | 0 | 1943 | 4776 | 10200 | 3138 | 7846 | 716 | 2,800,000 | 0.00204 | 5,712 |
| INDUSTRIAL (1000 S.F.) | | 418 | 515 | 0 | 2561 | 5250 | 1615 | 4038 | 368 | 230,000 | 0.00105 | 242 |
| COMMUNITY CENTER (1000 S.F.) | | 163 | 201 | 390 | 0 | 2050 | 631 | 1577 | 144 | 120,000 | 0.00041 | 50 |
| CHURCH (1000 S.F.) | | 80 | 98 | 190 | 488 | 0 | 308 | 769 | 70 | 250,000 | 0.00020 | 51 |
| PUBLIC SAFETY & UTILITY (1000 S.F.) | | 297 | 319 | 619 | 1585 | 3250 | 0 | 2500 | 228 | 108,000 | 0.00065 | 70 |
| CHILDREN'S MUSEUM (1000 S.F.) | | 104 | 127 | 248 | 634 | 1300 | 600 | 0 | 91 | 86,000 | 0.00026 | 22 |
| TRADE EXPO (1000 S.F.) | | 1135 | 1377 | 2714 | 6951 | 14250 | 4385 | 10962 | 0 | 50,000 | 0.00285 | 143 |

SOURCE: ITE Trip Generation, 3rd Edition;
Florida Land Design & Engineering

EXHIBIT V
CAPITAL IMPROVEMENTS PROGRAM

INTOWN AREA CAPITAL IMPROVEMENTS PROJECTS
000's

| <u>Project</u> | <u>*FY89</u> | <u>Total 90-93</u> | <u>Thru 93</u> | <u>Phase II</u> |
|--|--------------|------------------------|----------------|---------------------|
| 1 Intown Utility Relocation | 125 | | 275 | |
| 2 Albert Whitted Treatment Plant Injection Wells | 50 | | 50 | |
| 3 6th Street South (32nd Ave. S. to 39th Ave. S.) | | 312 | 312 | |
| 4 54th Avenue North (I-275 to Haines Road) | | 442 | 442 | |
| 5 54th Avenue North (Haines Road to 28th St. N.) | | 146 | 146 | |
| 6 54th Avenue North (28th St. N. to U.S. 19) | | 343 | 343 | |
| 7 38th Avenue North (I-275 to 28th Street North | | | | |
| 8 38th Avenue North (28th St. North to US 19 | | | | |
| 9 22nd Avenue North (I-275 to 28th Street North | | | | |
| 10 I-275 (38th Avenue N. to 22nd Avenue N.) | | | | |

Intersections

- 11 I-275 at Gandy Boulevard
- 12 US 19 at 62nd Avenue
- 13 9th Street at 22nd Ave. N.

Note: The costs for projects identified for Phase II will be determined at the time of the required transportation study.

- * Project 1 - revenue bonds
- Project 2 - general fund
- Projects 3-13 - transportation impact fees

ORDINANCE NO. 1072-F

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, RENDERING A DEVELOPMENT ORDER FOR THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg (City Council), as the governing body of the City of St. Petersburg (City) having jurisdiction pursuant to Section 380.06, Florida Statutes (1987), is authorized and empowered to render a decision on the Intown Areawide Application for Development Approval (IAADA); and

WHEREAS, on May 5, 1983 by Resolution No. 83-353 the City Council initiated the Intown Application for Development Approval (IADA) for the Intown Development of Regional Impact, legally described in Exhibit I; and

WHEREAS, the IADA was previously submitted by the Community Redevelopment Agency (CRA) as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985; and notice was given to the CRA of sufficiency on December 20, 1985; and,

WHEREAS, at the request of Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA) the City agreed to resubmit the IADA as an Areawide Application for Development Approval; and,

WHEREAS, the City Council approved converting the Intown DRI (#97) to an Areawide Development of Regional Impact (ADRI) and approved Resolution No. 87-716; and

WHEREAS, on January 8, 1988 the City filed the IAADA supplemented by sufficiency responses filed on June 1 and August 25, 1988, which IAADA together with such sufficiency responses and all other submitted supporting documents constitute Exhibit II (hereinafter collectively referred to as IAADA); and

WHEREAS, the City has provided the IAADA including the sufficiency responses to all applicable agencies and interested parties as identified by the TBRPC; and,

WHEREAS, on August 27, 1987, the City of St. Petersburg as the Applicant held a duly noticed public hearing for the Intown Areawide Application for Development Approval (IAADA) for a Development of Regional Impact (DRI) pursuant to the provisions of Subsection 380.06 (25), Florida Statutes, and Chapter 9J-3, Florida Administrative Code (FAC), and the interpretation of the Department of Community Affairs; and

WHEREAS, the City gave notice to all property owners within the area of the Intown Areawide DRI, as recorded on the Pinellas County ad valorem tax roll, by certified mailing with a copy of Resolution No. 87-716, initiating the Intown Areawide DRI; and,

WHEREAS, the notification procedures included the City notifying all property owners within the boundaries of the Intown Areawide DRI (as recorded by the July, 1987, Pinellas County ad valorem tax roll) by certified mail prior to the August 27, 1987, public hearing to consider initiating the Intown Areawide DRI; and,

WHEREAS, the City Council heard and considered public comments and documents thereto on August 27, 1987; and

WHEREAS, the City Council determined that the development proposed in the Intown Areawide DRI is consistent with the State Land Development Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, St. Petersburg's Comprehensive Plan, and the City's local land development regulations; and

WHEREAS, the area is recognized as an Interim Regional Activity Center in both the City of St. Petersburg's Comprehensive Plan and the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, entitled Future of the Region; and

WHEREAS, based on these criteria and the comments received from the public and other agencies, the defined planning area (as described in Exhibit I) and the anticipated development therein are of a character, magnitude and location such that the proposed Intown Areawide DRI meets the standards and criteria (pursuant to Rule 9J-3.005, F.A.C.) for determining that the Intown Areawide DRI would be in the public interest; and

WHEREAS, the City Council has on December 15, 1988, conducted a duly noticed public hearing on the IAADA, and has heard and considered public comments and documents received incident thereto; and

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, governmental agencies and City agencies; and

WHEREAS, after due consideration, the City Council has determined that the IAADA should be approved with conditions.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1: That this Ordinance, including all exhibits hereto, shall constitute the Development Order (Order) of the City issued in response to the IAADA filed by the City of St. Petersburg. By reference, the exhibits to this Order, and the IAADA itself, are hereby incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the IAADA, as modified herein.

SECTION 2: Findings of Fact. Pursuant to Section 380.06, Florida Statutes (1987), the City makes the following findings of fact:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property which is the subject of the Application is located within the municipal boundaries of the City of St. Petersburg.
- C. The real property which is the subject of the Application is legally described on Exhibit "I" attached hereto and made a part hereof; as required by Subsection 380.06 (15), F.S., (1987).
- D. The Intown Application for Development Approval was previously submitted by the Community Redevelopment Agency as a downtown DRI on June 28, 1985, with additional information on July 26 and November 21, 1985; and notice was given to the CRA of sufficiency on December 20, 1985; and,
- E. The City filed the IAADA pursuant to the Area-wide Development of Regional Impact (ADRI) subsection of Section 380.06, F.S., which authorizes a local government to apply for areawide development approval and receive an ADRI development order for a specific area.

- F. The City has demonstrated its legal, financial, and administrative ability to perform the commitments made in the IAADA and the conditions of this Development Order.
- G. The Intown Areawide DRI is not located in an Area of Critical State Concern as defined by Section 380.05, Florida Statutes, and meets all requirements of Subsection 380.06 (14), F.S., (1987).
- H. No interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals.
- I. All development will occur in accordance with this Development Order and the IAADA unless the IAADA is inconsistent with the terms and conditions of this Development Order in which case the terms and conditions of this Development Order shall control.
- J. The purpose of the IAADA is to identify and assess probable regional impacts and to obtain approval for development in accordance with the general guidelines as developed in the IAADA. The concept is to recognize the Intown area as a single area of high intensity development and to review and assess impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the area.
- K. Development within the Intown has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the IAADA. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- L. The area and the anticipated development are consistent with local, regional and state comprehensive plans and local land development regulations.
- M. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the anticipated development.

- N. The Intown Areawide DRI will make positive contributions to the economy of the region, the City of St. Petersburg, and the Intown Redevelopment area.'
- O. The real property which is the subject of the IAADA is located in an area that is designated an Interim Regional Activity Center as defined by the TBRPC's Comprehensive Regional Policy Plan entitled "Future of the Region" and the City's Comprehensive Plan.
- P. All proposed development is required by conditions of this Order, to be consistent with all applicable local, regional, and state land development laws and regulations.
- Q. The anticipated development does not interfere with the achievement of the objectives of the adopted State land development plan applicable to the area.

SECTION 3: Conclusions of Law. Having made the findings of fact contained in SECTION 2 above, City Council makes the following conclusions of law:

- A. The City Council of the City of St. Petersburg is authorized by Chapter 380, Florida Statutes (1987), to file an areawide application for development approval and render a development order.
- B. Review by the City, the TBRPC, DCA and other participating agencies and interested citizens reveals that through the application of the terms and conditions of the IAADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380 Florida Statutes (1987).
- C. In considering whether the IAADA should be approved subject to conditions, restrictions, and limitations, the City considered the criteria stated in Section 380.06, Florida Statutes (1987).
- D. The IAADA is consistent with the report and recommendations of the TBRPC.
- E. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in this Order.

SECTION 4: General Provisions. The following General Provisions shall govern the administration of this Development Order.

- A. The provisions of this Development Order affect the real property described in Exhibit I which is attached hereto and made a part hereof. This real property is within the municipal limits of the City of St. Petersburg.
- B. All provisions contained within the IAADA 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.
- C. This Ordinance, including all exhibits attached hereto, shall constitute the Development Order of the City in response to the IAADA.
- D. The definitions contained in Chapter 380, Florida Statutes (1987), govern and apply to this Development Order. Terms not defined in Chapter 380, Florida Statutes (1987), shall have the meanings assigned to them by the Code of ordinances of the City (City Code), including the Zoning Ordinance, Chapter 64 of the City Code.
- E. This Development Order shall be binding upon the City. 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.
- F. 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.
- G. 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.

- H. This Development Order shall remain in effect until the expiration date of this Development Order. 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. Any subthreshold development activity which has received site plan approval prior to this Order may be completed subject to those conditions that may have been required at the time of site plan approval. This Order may be extended by the City Council on the finding of excusable delay in any proposed development activity.
- I. Upon adoption, this Development Order shall be transmitted by the Clerk of the City Council by certified mail to the DCA, the TBRPC, and Pinellas County.

SECTION 5: Conditions of Development Approval.

That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the IAADA is hereby approved, subject to the following conditions:

A. Land Use

1. This Order is rendered in respect to the total quantities of approved development for the given land use categories set forth below and as further described in Exhibit III hereto.

| | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> | <u>Total</u> |
|------------------------------------|----------------|-----------------|------------------|--------------|
| Dwelling units | 2,400 | | | 2,400 |
| Rooming units | 700 | | | 700 |
| Retail/Sales service (sq. ft.) | 1,200,000 | | | 1,200,000 |
| Offices (sq.ft.) | 1,374,379 | 489,438 | 936,183 | 2,800,000 |
| Industrial (sq.ft.) | 230,000 | | | 230,000 |
| Public/Semi-Public | | | | |
| Public Safety & Util. (sq. ft.) | 108,000 | | | 108,000 |
| Boat Slips | 141 | | | 141 |
| Museum (sq.ft.) | 86,000 | | | 86,000 |
| Trade Exhibit (sq.ft.) | 50,000 | | | 50,000 |

2. Credits for transportation impact fees for existing square footage shall be handled in a manner consistent with the Pinellas County Countywide Transportation Impact Fee.
3. Development credit against approved development amounts will be allowed for all structures for which a Certificate of Occupancy existed in December 1986. Credit to be applied to a different land use category (i.e., existing office use to be converted to retail use) will be based on the trade-off mechanism described in Exhibit IV.
4. Square footage totals shall be monitored by the City Manager according to the following procedures:

- a. Any person, corporation or government agency proposing development, redevelopment or expansion within the IAADA area shall calculate the gross building square footage of each category of land use. Said square footage shall be submitted with the Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
- b. All square footage totals referenced in building permits issued for new development of any size within the IAADA boundaries will be subtracted from the available space established by the approved development as referenced in Exhibit III.
- c. Square footage shall be deemed reserved upon approval of the Site Plan (as outlined in Chapter 64, City Zoning Ordinance).
- d. The Site Plan and space (square footage) reservation will be valid for a period of 18 months. Construction activity must be initiated within said 18 months to insure space reservation. If construction is not initiated, the space shall automatically return to the approved development capacity or the applicant may apply for a site plan extension in accordance with Chapter 64, Zoning Ordinance. Certificate(s) of Occupancy on any project must be obtained within 36 months of the time of receipt of a building permit. If the Certificate(s) of Occupancy is not obtained or an extension is not granted by the City Manager then the space reserved will be returned to the approved development capacity.
- e. Projects that are at least 80% of DRI thresholds (DRI-sized projects) may apply for an Advance Reservation of square footage.
 1. In order to make an Advance Reservation, DRI-sized projects shall obtain and file the appropriate form with the City Manager. The City Manager will respond in writing within thirty (30) days as to the availability of space. If space is available, the City

Manager may reserve the requested amount and notify the "applicant" in the above stated letter of the Advance Reservation.

2. Advance Reservation applicants must obtain Site Plan approval within six (6) months from the effective date of the reservation or within such period of time as the City Manager designates in his response or obtain an extension from the City Manager.
 3. If Site Plan approval or extension is not obtained within the six month period, the square footage previously reserved shall automatically be returned to the approved development capacity.
 4. Advance Reservation for multi-phased projects will remain in effect as long as site plan approval or advance reservations have not expired.
5. Trade-offs will be permitted as provided below:
- a. The trade-offs among all uses are established as set forth in Exhibit IV. To the extent that square footage amounts remain in the development totals authorized herein, trade-offs among uses shall be automatically applied at the time of the reservation of square footage referred to above.
 - b. The process for receiving and processing trade-offs for land uses other than those shown on Exhibit IV shall be as follows:
 1. Applicant shall apply in writing requesting a trade-off.
 2. The City Manager shall review the request and advise the applicant of the recommendation in writing within thirty (30) days of its receipt.
 3. If approved, the City Manager shall make the trade-off and reserve the space. If the City Manager recommends against the trade-off, the

applicant may appeal to the City Council within fifteen (15) days of notification of the City Manager's recommendation by filing a written notice of appeal with the Clerk of Council. A public hearing on the appeal shall be held with notice being given to the applicant and City Manager.

B. Transportation

1. The City will mitigate the phase I impact by assessing all development in the IAADA area impact fees as identified in the current Pinellas County Countywide Transportation Impact Fee Ordinance. The following improvements will be completed, or under construction, by December 31, 1993:

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT.</u> |
|-------------|--------------------------|------------------------------|
| 6th St.S | 32nd Av.S. 39th Av.S. | Construct to 4 lane und. |
| 54th Av.N | I-275 to Haines Rd. | Construct 6 lane div. |

| <u>INTERSECTION LOCATION</u> | <u>IMPROVEMENT</u> |
|-------------------------------------|------------------------------------|
| 9th Street at 22nd Avenue North* | Add right turn lane northbound. |

However, in no event shall the City be required to construct this intersection improvement until intersection LOS becomes D peak hour.

2. Prior to the issuance of any construction permits for phase II, funding commitments for the projects identified in Phase II will be specified in the CIP for that Phase. Projects will be constructed, or under construction, prior to issuing any construction permits for phase III.

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT</u> |
|-------------|---------------------------------|-----------------------------|
| 38th Av.N. | I-275 to 28th St.N. | Construct 6 lane div. |
| 54th Av.N | Haines Road to 28th St.N. | Construct 4 lane div. |
| 54th Av.N | 28th St.N. to U.S. 19 | Construct 4 lane div. |

3.

Prior to the issuance of any construction permits for phase III, funding commitments for projects identified in Phase III will be specified in the CIP for that Phase. Projects will be constructed, or under construction, within three years of issuing any construction permits for the level of development that would trigger that transportation improvement for Phase III, or any subphase thereof.

| <u>ROAD</u> | <u>SEGMENT</u> | <u>REQUIRED IMPROVEMENT.</u> |
|-------------|--------------------------------|------------------------------|
| I-275 | 38th Av.N. to 22nd Av.N. | Construct 8 lane fwy. |
| 22nd Av.N. | I-275 to 28th St.N. | Construct 6 lane div. |
| 38th Av.N. | I-275 to U.S.19 | Construct 6 lane div. |

| <u>INTERSECTION</u> | <u>IMPROVEMENT</u> |
|-----------------------|--|
| U.S. 19 at 62nd Ave N | Construct left turn lane and right turn lane SB. Construct right turn lane NB and EB. |
| I-274 at Gandy Blvd | Construct two through lanes EB and WB. |

4. Development will be staged in three phases. Upon completion of any phase, the City may conduct a F.S. 380.06 analysis of the transportation network. The transportation analysis methodology will be developed in conjunction with the TBRPC, Florida Department of Transportation (FDOT), and Metropolitan Planning Organization (MPO). The

results of this study will be utilized to determine the project priority for the transportation improvements in the succeeding phase. If the study shows that some or all of the transportation improvements scheduled for the succeeding phases are not necessary, then the City reserves the right to amend the Development Order and identify alternative transportation improvements. Amendments to change transportation improvements shall not constitute a substantial deviation under F.S. 380.06.

5. A study of site-specific transportation improvements necessitated by development within the IAADA area may be required by the City Planning Department at the time of Site Plan Review. The purpose of such study is to identify non-regional transportation improvements. Improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; and (5) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Planning Department as a condition to Site Plan Approval.

C. Public Facilities and Services

1. The City of St. Petersburg shall provide police, fire, EMS rescue, both potable and non-potable water, sewer, and solid waste collection services to the IAADA area.
2. The City shall review all applications for development to assure emergency access to all facilities.
3. Individual applicants for development (pursuant to this DO) will be responsible for the construction and installation of all internal (i.e., from public right-of-way to site) sanitary sewer, potable water systems and attendant improvements. Internal water systems shall be constructed and installed in such a manner as to maintain an adequate water flow for fire protection.
4. The responsible entities shall provide capacity for the IAADA area, as set forth below:

| | <u>Total</u> |
|--|--------------|
| <u>Water</u> - Million Gallons Per Day | 4.32 |
| <u>Wastewater</u> - Million Gallons Per Day | 4.25 |
| <u>Solid Waste</u> - Tons Per Day | 170 |
| <u>Electrical</u> - Kilowatt (Thousands) Hours Per Day | 307.3 |

5. The total daily water requirements set forth in above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
6. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the IAADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by

the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.

7. The collection of the total daily generation of solid waste, as set forth above, shall be provided in accordance with applicable ordinances of the City at the standard charges for solid waste collection. The City Sanitation Department shall continue to have the authority not to allow disposal of any hazardous material. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations that exist now or that may exist in the future.
8. The responsible entity for electrical service is the Florida Power Corporation (FPC). The City will coordinate with FPC related to each application to ensure adequate electrical service. No certificate of occupancy (CO) will be issued without assurance of adequate electrical service.
9. The City shall encourage the implementation of energy conservation techniques proposed in the IAADA.

D. Stormwater Management

1. The City has adopted a master storm drainage plan for the Intown area drainage basin. All improvements shall be consistent with this plan, or any future update of this plan. The City will also encourage individual sites to be retrofitted to provide best management practices as identified by the City and SWFMD. The developers of specific projects within the IAADA area shall meet all applicable local, regional, state and federal laws, rules and regulations relative to stormwater management/water quality in effect at the time of permitting including Chapter 40D-4, Rules of SWFWMD, Chapter 17-25, F.A.C., and Chapter 17.3, F.A.C. Any proposed retention/ detention systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978) to the extent that those Guidelines are not inconsistent with applicable City policies. The City shall continue measures to ensure the protection of the water quality, including, but not limited to, public street and public parking lot cleaning, and clearance of storm sewers on a regular basis.

2. The City reserves the right to establish and assess a stormwater-as-utility fee.
3. Responsibility for providing maintenance of internal drainage facilities shall be the responsibility of individual applicants developing pursuant to the Order.
4. Any necessary off-site drainage improvements required to mitigate any incremental impacts of a Development, including the modification of existing drainage facilities, shall be provided at the expense of individual applicants. Provision shall be made for any off-site drainage improvements required to mitigate the incremental impacts of a particular portion of a Development prior to the issuance of certificates of occupancy.
5. Redevelopment projects within the IAADA area shall provide or support stormwater improvements within the affected drainage basin, irrespective of previous impervious cover thru the use of techniques identified by the City, including, but not limited to:
 - Additional landscaping requirements.
 - Use of below ground storage/infiltration systems.
 - Use of porous pavement.
 - Storage of runoff on rooftops.
 - Improvement of offsite drainageways.
 - Construction of parking lots to accomodate ponding.
 - Additional erosion and sedimentation controls.
6. Acceptable maintenance easements shall be provided for all publicly dedicated drainage improvements.

E. Architectural, Historic, and Archaeological Resources.

1. The City of St. Petersburg will continue to enforce Historic Preservation Ordinance No. 832-F and Ordinance No. 567-F.
2. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the City. Disposition of such resources shall be consistent with applicable federal, state and local regulations.

3. Proposed significant exterior alteration or demolition of any resource either determined eligible for or listed on the National Register of Historic Places will be assessed in cooperation with the Florida Division of Historical Resources. In order to provide adequate notification and time for this assessment the City's property card for each property on the National Register of Historic Places or property determined eligible for the National Register of Historic Places, that has not previously been the subject of an application for local landmark designation, will contain a notice that all permits for significant exterior alteration or demolition will be delayed for ten working days after application. The City will provide written notification by first class mail and telephone notification to the Florida Division of Historical Resources with copies of the written notification to the St. Petersburg Historic Preservation Commission and any preservation organization that has registered for such notification with the Planning Department. This notification will be mailed within two working days of the permit application. The determination of significant alteration will be made by the City Planning Department based on guidelines contained in Ordinance 832-F which are based on the Department of Interior Standards. The permit may be granted after ten working days if no other action has occurred that would preclude the issuance of such permit.

F. Hazardous Waste

1. All development will be required to comply with the City's Hazardous Materials Ordinances No. 937-F and 938-F.

G. Recreation/Open Space

1. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by Intown ADRI development, unless the project is specifically approved by the City Council following established procedures.

H. Hurricane Evacuation

1. Individual developers within the IAADA area shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is

issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be reviewed by and provided to the City's Disaster Preparedness Coordinator and included in the first annual report submitted after occupancy of each applicable development.

I. Housing

1. No specific housing units are proposed to be removed at this time. However, should any units be demolished as a result of City acquisition the City will comply with federal guidelines for relocation assistance where federal funds are used and the City's Relocation Policy for all other City actions.
2. The City shall develop a program for private development caused residential displacement that shall require a minimum 60 day notice to tenants in advance of the need to vacate the unit including information explaining sources of relocation assistance and assistance in identifying comparable replacement housing in terms of cost, proximity to amenities, unit size, project demographics, mass transit, shopping and personal services. This program shall be in addition to the requirements of the State Landlord - Tenant Act.
3. The City will monitor development and redevelopment activities and report any loss of permanent housing units within the IAADA area in the Annual Status Report.
4. The City will actively support and seek new funding sources for low and moderate income housing, including support for appropriate proposed programs of the State Legislature.

J. Capital Improvement Program

1. Exhibit V, provides a listing of the City's commitments to the IAADA area.
2. The City currently identifies necessary improvements for water, wastewater, drainage, police services, and fire protection in the City's Capital

Improvements Program. The CIP is reevaluated by the City Council each year. The City Council has the authority to add projects and reschedule at an earlier date to ensure full compliance with the intent of this DO. The annual report will include any projects for the IAADA not currently included in the CIP contained in this development order.

- K. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
- L. All development pursuant to this Order shall be subject to and in accordance with applicable building codes, land development regulations, ordinances and other laws.
- M. The City shall produce, print and make available to all landowners, developers and interested parties, a brochure explaining the IAADA and summarizing its procedures and conditions. Said brochure shall be completed no later than sixty (60) days from the end of the appeal period.
- N. Prior to construction of additional boat slips the City will prepare a manatee protection plan and submit it to the Florida Department of Natural Resources for review and approval and shall conduct a F.S. 380.06 analysis and amend the Development Order. If TBRPC determines that there are no regional impacts as a result of construction of additional boat slips, the City shall not amend the Development Order.

SECTION 6: After this Development Order is issued, changes to the areawide development plan shall be subject to the provisions of Subsection 380.06 (19), Florida Statutes (1987), except that the percentages and numerical criteria shall be double those listed in Subsection 380.06 (19)(b), Florida Statutes (1987).

SECTION 7: This Order shall not repeal, nor amend in any way, any currently effective DRI Development Orders for development within the IAADA Area, previously rendered by the City Council pursuant to Chapter 380, Florida Statutes (1987); nor shall it repeal or amend in any way any approved site plan.

SECTION 8: 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, resolutions and ordinances in effect at the time of such review.

SECTION 9: Monitoring. Pursuant to Subsection 380.06 (17), Florida Statutes (1987), the City Manager or his designee, as the representative of the City shall be responsible for monitoring of 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, DCA 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 Subsection 380.06 (19), Florida Statutes (1987).
3. After review pursuant to Subsection 380.06 (19), F.S., (1987), the City Manager may recommend that the City Council establish a hearing to consider changes which constitute a substantial deviation from the Development Order (D.O.)

SECTION 10: Annual Reports. The Applicant shall file an annual report in accordance with Subsection 380.06 (18), Florida Statutes (1987), and applicable rules and regulations thereunder. Such report shall be submitted by the City Manager to the City Council for review. 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. 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 (1987); and
2. A summary of:
 - a. Authorized development within the ADRI, for the past reporting year and cumulatively; and
 - b. Remaining surplus development capacities within the established thresholds; and

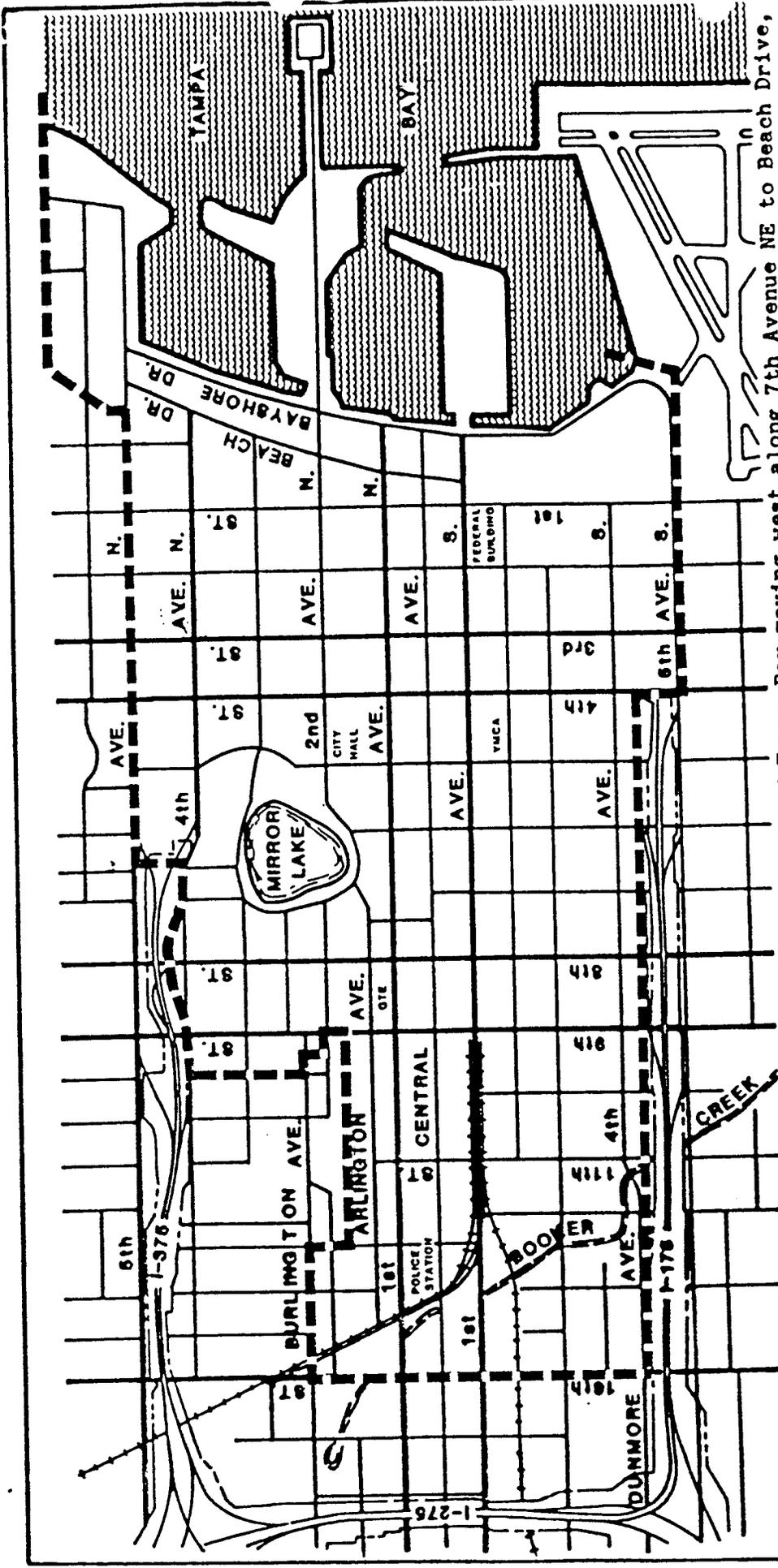
- c. The status of any requirements of this Order which were to have been acted upon during the past 12 months.
 - d. Summary of land use categories for which approved site plans were filed during the year;
 - e. Summary of land use categories constructed during the year for both the area inside and outside the boundaries of the Intown Redevelopment area;
 - f. Summary of status of transportation facilities.
 - g. A status report of CIP improvements.
3. The annual reports will be due on January 31 each year.

SECTION 11: Substantial Deviation. Any development activity constituting a substantial deviation from the terms or conditions of this Development Order which meets the criteria set forth in Subsection 380.06 (19), F.S. (1987) and Subsection 380.06 (25)(n), F.S. (1987) 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 12: Effective Date. This Development Order shall become effective upon the expiration of the appeal period under Section 380.07, Florida Statutes (1987), without an appeal having been taken, or if taken, dismissed or this Development Order affirmed.

SECTION 13: Expiration Date. Unless amended pursuant to the procedures outlined in Section 380.06, Florida Statutes (1987), the terms and conditions of this Development Order shall expire on December 31, 2005. The City reserves the right to rescind the Development Order at any time, so long as the impacts of any level of development which has been approved pursuant to this Development Order have been mitigated.

EXHIBIT I
LEGAL DESCRIPTION AND MAP



Starting at a point located at 7th Avenue NE extended and Tampa Bay moving west along 7th Avenue NE to Beach Drive, south along Beach Drive to 5th Avenue North, west along 5th Avenue North to I-375, west along I-375 to 10th Street, south along 10th Street to Burlington Avenue, east along Burlington Avenue to alley between 9th and 10th Streets south along 9th Street to Burlington Avenue, east along 2nd Avenue North to 9th Street, south along 9th Street North, south along the alley to 2nd Avenue North, east along 2nd Avenue North to 13th Street, north along 13th Street to alley between 13th and 16th Streets, west along alley to 16th Street, south along 16th Street to 13th Street to Burlington Avenue North, west along Burlington Avenue North to 16th Street, south along 16th Street to I-175, east along I-175 to 5th Avenue South, east along 5th Avenue South to the eastern right-of-way line of 1st Street South, then follow the centerline of Bay Shore Drive to the right-of-way of 5th Avenue South (extended), then approximately 320 feet north to the water's edge (of the South Yacht Basin)

MAP A(1)

CITY OF ST. PETERSBURG
INTOWN ADA-DRI

AUGUST, 1987



EXHIBIT II
COMPOSITE OF IAADA AND SUFFICENCY RESPONSES
ON EXHIBIT IN THE CITY CLERKS OFFICE

EXHIBIT III
APPROVED DEVELOPMENT CAPACITY

| | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> | <u>Total</u> |
|--|----------------|-----------------|------------------|--------------|
| Dwelling units | 2,400 | | | 2,400 |
| Rooming units | 700 | | | 700 |
| Retail/Sales service (sq. ft.) | 1,200,000 | | | 1,200,000 |
| Offices (sq.ft.) | 1,374,379 | 489,438 | 936,183 | 2,800,000 |
| Industrial (sq.ft.) | 230,000 | | | 230,000 |
| Public/Semi-Public Public Safety & Util. (sq. ft.) | 108,000 | | | 108,000 |
| Boat Slips | 141 | | | 141 |
| Museum (sq.ft.) | 86,000 | | | 86,000 |
| Trade Exhibit (sq.ft.) | 50,000 | | | 50,000 |

EXHIBIT IV
TRADE-OFF MECHANISM

TRADE-OFF MECHANISM

The process for receiving and processing trade-offs for land uses shall be as follows:

- A. Developer shall apply in writing requesting a trade-off.
- B. The City Manager shall review the request and advise the applicant of the recommendations in writing within 30 days.
- C. If approved, the City Manager will adjust the land use thresholds for the trade-off and recalculate the total increment. If the City Manager recommends against the trade-off, the applicant may appeal to the City Council.
- D. Trade-offs will be based on the attached table. The achievement of the total increment of square feet of gross floor area in any land use category may be subject to the application of the trade-off mechanisms established herein.
- E. Trade-offs will be calculated as follows:
 1. For each 1,000 square feet of gross floor area in the land use category (Column 1) find the land use trade-off equivalency in Columns 2-11. Residential uses are expressed in units. For example:
 - (1) A developer may propose to trade-off 1,000 square feet of gross floor area of retail for the equivalent in square feet of office, i.e. 1,230 square feet of gross floor area.
- F. All conversions are based on ITE Trip Generation, 3rd Edition.

ST. PETERSBURG INTRAM AREA WIDE TRANSPORTATION TRADEOFF MATRIX—P.M. PEAK
TRADEOFF IN SQUARE FEET OF BUILDABLE AREA

| LAND USE CATEGORY FROM | RETAIL | OFFICE | INDUSTRY | COMM. CTR. | CHURCH | SERVICES | MUSEUM | EXPO | TOTAL INCREMENT (S.F.) | TRIP RATE PEAK TRIPS |
|-------------------------------------|--------|--------|----------|------------|--------|----------|--------|------|---------------------------|-------------------------|
| RETAIL (1000 S.F.) | 0 | 1230 | 2390 | 6122 | 12330 | 3862 | 9654 | 881 | 1,200,000 | 0.00231 |
| OFFICE (1000 S.F.) | 813 | 0 | 1943 | 4976 | 10200 | 3138 | 7846 | 716 | 2,800,000 | 0.00204 |
| INDUSTRIAL (1000 S.F.) | 418 | 515 | 0 | 2561 | 5230 | 1415 | 4038 | 368 | 230,000 | 0.00105 |
| COMMUNITY CENTER (1000 S.F.) | 163 | 201 | 390 | 0 | 2050 | 631 | 1577 | 144 | 120,000 | 0.00041 |
| CHURCH (1000 S.F.) | 80 | 98 | 190 | 488 | 0 | 308 | 769 | 70 | 250,000 | 0.00020 |
| PUBLIC SAFETY & UTILITY (1000 S.F.) | 279 | 319 | 619 | 1585 | 3230 | 0 | 2500 | 228 | 108,000 | 0.00063 |
| CHILDREN'S MUSEUM (1000 S.F.) | 104 | 127 | 248 | 634 | 1300 | 400 | 0 | 91 | 84,000 | 0.00026 |
| TRADE EXPO (1000 S.F.) | 1135 | 1377 | 2714 | 6951 | 14250 | 4385 | 10962 | 0 | 50,000 | 0.00285 |

SOURCE: ITE Trip Generation, 3rd Edition;
 Florida Land Design & Engineering

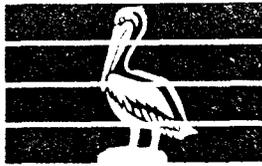
EXHIBIT V
CAPITAL IMPROVEMENTS PROGRAM

INTOWN AREA CAPITAL IMPROVEMENTS PROJECTS
000's

| <u>Project</u> | <u>*FY89</u> | <u>I</u> <u>Thru 93</u> | <u>II</u> | <u>Phases</u> <u>III</u> |
|---|--------------|----------------------------|-----------|-----------------------------|
| 1 Intown Utility Relocation | 125 | 275 | | |
| 2 Albert Whitted Treatment Plant Injection Wells | 50 | 50 | | |
| 3 54th Avenue North (I-275 to Haines Road) | | 442 | | |
| 4 6th Street South (32nd Ave. S. to 39th Ave. S.) | | 312 | | |
| 5 Intersection of 9th Street at 22nd Ave. N. | | 275 | | |
| 6 38th Avenue North (I-275 to 28th Street North) | | | TBD | |
| 7 54th Avenue North (28th St. N. to U.S. 19) | | | TBD | |
| 8 54th Avenue North (Haines Road to 28th St. N.) | | | TBD | |
| 9 I-275 (38th Avenue N. to 22nd Avenue N.) | | | | TBD |
| 10 38th Avenue North (28th St. North to US 19) | | | | TBD |
| 11 22nd Avenue North (I-275 to 28th Street North) | | | | TBD |
| Intersections | | | | |
| 12 I-275 at Gandy Boulevard | | | | TBD |
| 13 US 19 at 62nd Avenue | | | | TBD |

TBD - to be determined based on the transportation studies completed for that phase.

* Project 1 - revenue bonds
Project 2 - general fund
Projects 3-13 - transportation impact fees



✓
✓
SC ✓

CITY OF ST. PETERSBURG

September 1, 1987

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

Re: Resolution #87-716
Authorizing Intown Areawide DRI

Dear Ms. Greene:

On August 27, 1987, the St. Petersburg City Council held a duly noticed public hearing and approved the attached written order authorizing the conversion of the Intown DRI (DRI #97) to the Intown Areawide DRI.

We have appreciated TBRPC's cooperation in processing the Intown Areawide DRI and look forward to continued coordination as we develop the revised housing and transportation portions and the ADA. If you wish to discuss the Intown Areawide DRI, please contact me or Rebecca Stewart at (813) 893-7153.

Sincerely,

Michael R. Dove, AICP
DRI Coordinator/Manager, Advance Planning

cc: Ralph Stone, Planning Director
Rebecca Stewart, Planner III

LTR^GREENE/ml

*orig to master D.O.
#97
D.O. - [unclear]
[unclear]*

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, APPROVING AN ORDER INITIATED BY THE CITY OF ST. PETERSBURG FOR THE AREAWIDE DEVELOPMENT OF REGIONAL IMPACT (DRI) APPLICATION FOR DEVELOPMENT APPROVAL FOR THE INTOWN AREA, PURSUANT TO SECTION 380.06 (25), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg, as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1986) is authorized and empowered to initiate an Areawide DRI; and

WHEREAS, the developer, the City of St. Petersburg, is a general purpose local government with jurisdiction over the land area included within the areawide development proposal, pursuant to applicable Florida Statutes; and

WHEREAS, the City Council has been advised by the Florida Department of Community Affairs (DCA) that demonstration of financial capability is not applicable when the City is the developer; and

WHEREAS, the defined planning area encompasses a defined planning area pursuant to Section 380.06(25), F.S., that will include at least two or more developments; and

WHEREAS, the general legal description and location map are provided in Exhibit I, which is contained within Section 19, Township 31, Range 19 and Section 24, Township 31, and Range 16; and

WHEREAS, no interest in the land within the land area is owned, leased or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals; and

WHEREAS, the public notice requirements of Section 380.06 (25), Florida Statutes (1986) and Chapter 9J-3, F.A.C. have been satisfied; and

WHEREAS, the City Council has on August 27, 1987 held a duly noticed public hearing on the proposed Intown Areawide DRI initiated by the City of St. Petersburg and has heard and considered public comments and documents thereto; and

WHEREAS, the development proposed in the Intown Areawide DRI is consistent with the State Land Development Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, St. Petersburg's Comprehensive Plan, and the City's local land development regulations; and

WHEREAS, the area is recognized as an Activity Center (i.e., an area suitable for increased threshold intensity) in both the City of St. Petersburg's Comprehensive Plan and the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, entitled Future of the Region; and

WHEREAS, the proposed Intown Areawide DRI will address, in an appropriate and reasonable manner, construction, extension, or increase in capacity of public facilities and services, and discourage urban sprawl; and

WHEREAS, based on these criteria and the comments received from property owners, interested citizens, and City agencies as well as the review and report of the City Manager, the defined planning area (as described in Exhibit I) and the anticipated development therein are of a character, magnitude and location such that the proposed Intown Areawide DRI meets the standards and criteria (pursuant to Rule 9J-3.005, F.A.C.) for determining that the Intown Areawide DRI would be in the public interest (as described in Exhibit II); and

WHEREAS, the City Council recognizes that public interest determination under this criterion is preliminary and not binding on the Department of Community Affairs, the Tampa Bay Regional Planning Council, City of St. Petersburg or land owners within the Intown area; and

WHEREAS, an Intown Areawide DRI will provide significant benefits toward the redevelopment of downtown St. Petersburg; and

WHEREAS, the City of St. Petersburg Intown DRI (#97) is an existing DRI that has not been completed; and

WHEREAS, the City Council seeks to conclude the Intown DRI process consistent with the Areawide Development of Regional Impact legislation (Chapter 380.06 (25), F.S.).

NOW, THEREFORE, BE IT RESOLVED that the City Council approves converting the Intown DRI (#97) to an Areawide Development of Regional Impact (DRI) and the City Council has determined that the Intown Areawide DRI Application, as herein defined, will be in the public interest.

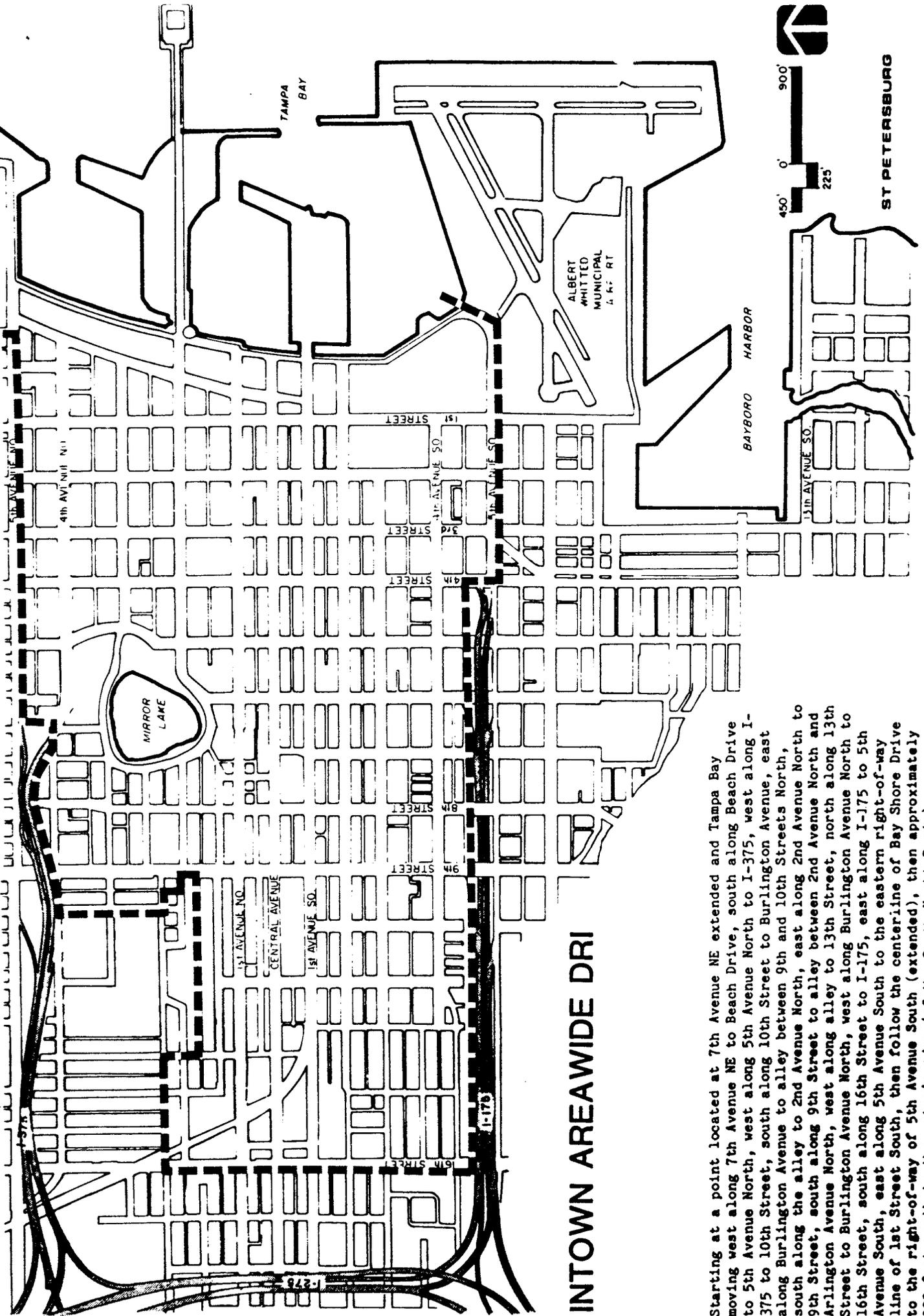
This resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 27th day of August, 1987.


Mayor-Councilman
Chairman of the City Council

ATTEST: 
Clerk of the City Council

EXHIBIT I



INTOWN AREA-WIDE DRI

Starting at a point located at 7th Avenue NE extended and Tampa Bay moving west along 7th Avenue NE to Beach Drive, south along Beach Drive to 5th Avenue North, west along 5th Avenue North to I-375, west along I-375 to 10th Street, south along 10th Street to Burlington Avenue, east along Burlington Avenue to alley between 9th and 10th Streets North, south along the alley to 2nd Avenue North, east along 2nd Avenue North to 9th Street, south along 9th Street to alley between 2nd Avenue North and Arlington Avenue North, west along alley to 13th Street, north along 13th Street to Burlington Avenue North, west along Burlington Avenue North to 16th Street, south along 16th Street to I-175, east along I-175 to 5th Avenue South, east along 5th Avenue South to the eastern right-of-way line of 1st Street South, then follow the centerline of Bay Shore Drive to the right-of-way of 5th Avenue South (extended), then approximately 320 feet north to the water's edge (of the South Yacht Basin)



ST PETERSBURG

Exhibit 2

Exhibit 2

Section 380.06 (25), F.S., and Chapter 9J-3, F.A.C., require that the general purpose local government with jurisdiction over the Areawide DRI issue a written order which approves, approves with conditions, or denies the proposed Areawide DRI.

For the Intown Areawide DRI, the St. Petersburg City Council has held a duly noticed public hearing. The Intown Areawide DRI is approved as being in the public interest since it meets the standards and criteria, consistent with applicable law, established by the state land planning agency. In determining that the Intown Areawide DRI is in the public interest, the St. Petersburg City considered the following:

STATUTORY REQUIREMENT:

- (1) The Statutes require that the City Council consider whether the developer is financially capable of processing the Application for Development Approval (ADA).

Local government response which confirms that the proposal is in the public interest:

The Department of Community Affairs (DCA) has confirmed that demonstration of financial capability is not applicable when the City of St. Petersburg is the developer. (This is provided in correspondence from DCA dated 10/23/86.)

STATUTORY REQUIREMENT:

- (2) City Council is to consider whether the defined planning area and the anticipated development appear to be of a character, magnitude and location such that a proposed areawide development plan would be in the public interest. This is to be determined by considering:
 - (a) Whether the development proposed in the areawide DRI is consistent with any adopted state land development plan, regional policy plan, adopted local government comprehensive plan, local land development regulations.

Local government response to confirm that the Intown Areawide DRI is in the public interest:

The State and Regional Planning Act (Chapter 186, Florida Statutes) established the framework for an integrated system of state, regional and local planning. To delineate the land use and development guidelines to be used to achieve the proper balance of economic prosperity with the protection and enhancement of resources statewide, the Act provided for the State Land Development (SLD) Plan to be reviewed in certain local decisions dealing with Chapter 380, F.S. The proposed Intown Areawide DRI furthers the goals, policies and objectives of the SLD Plan.

Local government response to confirm that the Intown Areawide DRI is in the public interest:

The Intown area is recognized as an Activity Center in both the Regional and City plans.

16.2 REGIONAL GOAL:

As an ongoing goal, new urban development, including in-fill, will occur on land which has the capacity to accommodate growth in terms of environmental and infrastructural impacts.

16.2.1 Policy:

Contiguous development and the orderly extension and expansion of public facilities are necessary.

Local government response to confirm that the Intown Areawide DRI is in the public interest:

Proposals for the Intown involve infill and redevelopment where infrastructure exists and is planned to be upgraded.

16.2.2 Policy:

The location of higher density developments within the existing urban areas where public servicing capacities exist, or are proposed, and resources are identified and available is encouraged.

Local government response to confirm that the Intown Areawide DRI is in the public interest:

The highest densities in the City are proposed for the Intown Activity Center.

16.3 REGIONAL GOAL:

By 1991, redevelopment shall be limited to areas which have been identified as economically distressed and environmentally suitable and desirable.

Local government response to confirm that the Intown Areawide DRI is in the public interest:

The Intown area meets this criteria, pursuant to the Community Redevelopment Act of 1969. The City Council has the authority to accomplish redevelopment activities in the Intown.

Consistency with the City's Comprehensive Plan and the Intown Redevelopment Plan

The proposed Intown Areawide DRI is consistent with, and furthers major goals, policies, objectives and plan features of the City's adopted Comprehensive Plan. Among the major Plan policies that the Intown Areawide DRI is designed to further are the following:

- The Intown is recognized as an Activity Center. The Activity Center designation recognizes that the Intown area is highly suitable for increased threshold intensity. (paraphrased, page 96, Land Use Element)

"Clustering of retail and office uses into activity centers should be encouraged and the expansion of strip commercial uses should be discouraged." (page 97, Land Use Element)

"The Intown Sector should provide more diversified office and retail activities than exist in other parts of the City." (page 98, Land Use Element)

"Corporate headquarters should be encouraged to located in the City, particularly in the CBD area." (page 98, Land Use Element)

"Development within the Intown Redevelopment Area should be consistent with the goals, objectives, and policies and design and development guidelines as stated in the adopted Intown Redevelopment Plan." (page 101, Land Use Element)

"All development proposals in the Intown area should be consistent with the Comprehensive Plan's adopted goals, objectives, and policies and the Intown Redevelopment Plan." (page 101, Land Use Element)

"The most intensive office, retail and residential uses in the City should be located in the Central Business District." (page 101, Land Use Element)

"Major special purpose facilities should be located in the Intown. (page 101, Land Use Element)

"Future development throughout the City should provide uses supportive of, and not competitive with, downtown revitalization." (page 101, Land Use Element)

Estimates of the development anticipated in the Intown Areawide DRI are provided in Table 1. The proposed development is of a character, magnitude and location that is in the public interest.

| <u>Development Type</u> | <u>Existing Development</u> | <u>Anticipated Future Development</u> |
|--|-----------------------------|---------------------------------------|
| Housing (units) | 5,100 | 7,500 |
| Rooming (units) | 4,800 | 5,500 |
| Office (sq. ft.) | 3,200,000 | 6,000,000 |
| Retail (sq. ft.) | 2,100,000 | 3,300,000 |
| Industrial (sq. ft.) | 170,000 | 400,000 |
| Public | | |
| Schools (sq. ft.) | 222,000 | 222,000 |
| Civic, social, relig. | | 370,000 |
| Public safety, utility | | 108,000 |
| Parks and Museums (acres) | 49 | 49 |
| Special Facilities | | |
| Bayfront (seats) | 10,681 | 10,681 |
| Al Lang Field (seats) | 6,300 | 6,300 |
| Demmen's Landing (slips) | 609 | 750 |
| Children's Museum (sq. ft.) | | 86,000 |
| Stadium (seats) | | 43,000 |
| Trade Exhibit Center at Bayfront (sq. ft.) | | 50,000 |

Other than some of the public facilities, the expected development is not identified for any particular block, but may occur anywhere within the study area.

TABLE 1

STATUTORY REQUIREMENT:

- (b) In addition to the above criteria for evaluating the Intown Areawide DRI, Section 380.06 (25) and Chapter 9J-3, F.A.C., require that the City Council consider:

"Whether the areawide development plan will, in an appropriate and reasonable manner, require construction, extension, or increase in capacity of public facilities and services, efficient utilization of such facilities and services, and discourage urban sprawl."

Local Government Response:

The ADA and Development Order will list and discuss transportation improvements and other public facility improvements needed to accommodate the impacts of the proposed development. As appropriate, the City of St. Petersburg will include needed improvements within the City's capital improvements program.

Provision of needed facilities and expediting of the development review process in the Intown Area will encourage redevelopment of the Center City, thereby tending to discourage urban sprawl.