



**THE COUNTY OF ESCAMBIA**  
PENSACOLA, FLORIDA

**SITE PLAN DEVELOPMENT ORDER**  
**with Concurrency Certification**

**Project:** Banana Bay Marina at Sunset Pass      **Future Land Use:** MU-4  
**Location:** 13898 Playa Way      **Zoning District:** CGPK  
**Property Reference #:** 14-3S-32-1001-001-124      **Development Review #:** 08040576  
**Flood Zone:** AE (6+3)      **Exhibit A:** Letter Of No Objection

**PROJECT DESCRIPTION**

Construction of a private 21-slip marina on Intracoastal Waterway as an accessory use to Sunset Pass, a townhouse community. The marina will utilize the existing site access and parking. No protected trees will be removed for the construction of the marina.

**STANDARD PROJECT CONDITIONS**

1. This Development Order with concurrency certification shall be effective for a period of 18 months from the date of approval. Site plan approval and concurrency shall expire and become null and void if a permit for the approved development has not been obtained from Building Inspections (BID) within the effective period and no extension has been applied for. After issuance of such permit, site plan approval and concurrency shall only terminate upon permit expiration or revocation by the BID. The Board of Adjustment may grant one extension for a maximum of 12 months to the original effective period of the Development Order, but application for such extension must be submitted before termination of the initial 18-month period. If the Development Order expires or is revoked, allocated capacity will be withdrawn and made available to other applicants. If the applicant chooses to proceed with development of the project site, a new site plan application must be submitted for review, approval, and capacity allocations subject to Code provisions and Level of Service conditions at the time of the new application.
2. This Development Order alone does not authorize site development to commence. A valid Escambia County Building Permit must be obtained prior to any building construction. Site development as described on the approved site plan, including protected tree removal and grading, may occur under the authorization of the Building Permit. However, commencement of such activity prior to issuance of a Building Permit will require a separate **Pre-construction Site Work Permit**, or if no Building Permit is applicable will require a separate **Parking Lot Permit**, obtained from the Building Inspections Department, with erosion control, tree protection, and all other provisions of the approved site plan fully applicable and enforced.
3. All specifications and requirements, expressed or implied by note or drawing, in the site development plans approved with this Development Order must be fulfilled.

4. No development activities may commence in areas regulated by state or federal agencies unless all required state and federal permits, or proof of exemption, have been obtained and a copy provided to the County.
  5. Proof of application from the Emerald Coast Utilities Authority (ECUA) for connection to the sewage system, or from the Escambia County Health Department for an Onsite Sewage Treatment and Disposal System (OSTD) must be obtained prior to issuance of an Escambia County Building Permit.
  6. After issuance of this Development Order, it shall be unlawful to modify, amend, or otherwise deviate from the terms and conditions without first obtaining written authorization through the Development Review Committee (DRC). Approval of such modifications shall be requested in writing and obtained prior to initiating construction of any requested change. The applicable review process for the proposed modification shall be determined based on the applicant's written description of such modifications. Escambia County may require submittal of a new or revised plan and impose additional requirements and/or conditions depending upon the extent of any proposed modifications. The applicant has a continuing obligation to abide by the approved plan. Initiating construction of plan modifications without written County approval shall automatically terminate and render null and void this Development Order, and shall be subject to penalties and/or increased fees specified by the BCC.
  7. A copy of this Development Order and the approved site development plans must be maintained and readily available on site once any construction activity has begun, including clearing and grading. The approved building construction plans must also be on site once any building construction has begun.
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### **SPECIAL PROJECT CONDITIONS**

1. Regardless of the issuance of a building permit or pre-construction site work permit, an Escambia County land disturbance permit is required whenever sand, limestone, white dolomite or other construction aggregate is proposed to be imported onto or transferred on Perdido Key or Santa Rosa Island. A permit application shall be obtained from the Neighborhood and Environmental Services Department (NESD).

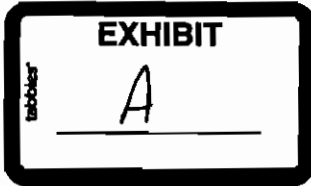
## Development Review Committee (DRC) Final Determination

Having completed development review of the **Banana Bay Marina at Sunset Pass** site plan application referenced herein, in accordance with requirements of applicable Escambia County regulations and ordinances, the DRC makes the following final determination:

- Approve** The development plan is approved. The applicant may proceed with the development subject to the project description and project conditions noted herein. Use other than that described, or conditions not satisfied, constitute a violation of this Development Order and render it void. Further, this approval does not constitute approval by any other agency.
- Deny** The development plan is denied for the reasons noted below. The applicant may appeal the decision within 15 days from the date below to the Board of Adjustment (BOA) under the provisions of Section 2.04.00 of the Escambia County Land Development Code, and/or submit a new or revised site plan application for review.

  
\_\_\_\_\_  
Chief, Development Services Bureau

  
\_\_\_\_\_  
Date



**DECLARATION OF NO OBJECTION TO LOCATING A MARINA  
WITHIN 25 FEET OF A COMMON RIPARIAN RIGHTS LINE**

Whereas, Perdido Cove LLC owns Parcel ID # 14-3S-32-1500-001-004, an upland riparian property located at Perdido Key, which is adjacent to both the Intracoastal Waterway and to Parcel ID # 14-3S-32-1001-001-124, an upland riparian property owned by the Bank of Pensacola, and;

Whereas, Perdido Cove LLC has permitted and completed construction of a private marina, including docks, slips, mooring piling, etc. within the Intracoastal Waterway, and;

Whereas, the Perdido Cove LLC marina structure is located a distance greater than 50-feet from the common riparian rights line it shares with the Bank of Pensacola, and;

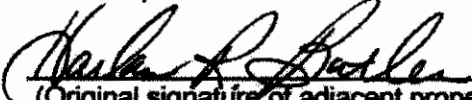
Whereas, Perdido Cove LLC is aware that constraints were imposed on the Bank of Pensacola's marina layout and design by the Corps of Engineers, the Florida Department of Environmental Protection and Escambia County when the project was submitted in April 2004 which resulted in the location of the proposed structure within 25-feet of the common riparian rights line, and;

Whereas, both the Corps of Engineers and the Florida Department of Environmental Protection have issued permits for the construction of the Bank of Pensacola marina authorizing the structure be located within 25-feet of the common riparian rights line, and;

Whereas, the performance standards of the Escambia County Land Development Code, in effect at the time the marina permit was submitted, allowed construction of docks within 25-feet of the common riparian rights line, provided there was no objection from the adjacent property owner, and;

Whereas, the Escambia County Development Review Committee has requested the Bank of Pensacola provide written evidence, from the adjacent property owner, that there is no objection to constructing the proposed marina within 25-feet of the common riparian rights line,

Now therefore, Perdido Cove LLC, declares, that it both understands that the proposed marina project will be located entirely within the applicant's riparian rights area, and that it does not object to the proposed structure being located within 25 feet of the common riparian rights line. The attached drawing shows the proposed structure will be located entirely within the Bank of Pensacola's riparian rights area and within 0 feet of the common riparian rights line between our parcels.

  
(Original signature of adjacent property owner)

Perdido Cove LLC  
(Printed name of adjacent property owner)

30 May 2008  
(Date signed)

Mark R. Butler  
President of  
(Title)  
INNisfree Hotels, INC  
Manager of  
Perdido Cove LLC