

26 August 2016

Jamaica Royale Tower II Association, Inc.  
Howard Fahrmeier  
5830 Midnight Pass Road  
Sarasota, Florida 34242

RE: Building Reconstruction Cost Estimate

Howard,

As you requested, I have estimated the Total Reconstruction Costs for the Tower II building. The purpose of this estimate is to determine the total reconstruction costs that are expected to be incurred in the event that the building is damaged or destroyed to the extent that it is not habitable and cannot be repaired.

Some of the issues considered include:

- Tower II is located seaward of the Sarasota County Gulf Beach Setback Line (GBSL). The GBSL coincides with the Coastal Construction Control Line (CCCL) established by FEMA. Sarasota County ordinances mandate that construction and excavation is not permitted seaward of the GBSL. A county map showing the CCCL is attached as is a copy of the Coastal Setback Code with pertinent portions highlighted. Unless a special variance is obtained, reconstruction will not be permitted at the current location. Since new construction at the current location will likely not be allowed, the value of the current land is minimal. The reconstruction costs presented here do NOT include the cost of land at a new location.
- City/County Impact Fees have been included at 5% of reconstruction cost.
- Demolition and Debris removal (including asbestos) has been included at 25% of reconstruction cost. The building was constructed in 1974 and the likelihood that substantial asbestos containing materials will be found is high.
- Fast Track construction at 10%. Reconstruction will likely require many months, if not years to complete. We presume that reduction of that schedule will be highly desirable.

- The overall quality of the existing construction is Above Average, but not Superior.

Reconstruction cost was estimated by use of the Building Express software published by Marshall & Swift (now a division of CoreLogic). The resulting report is attached, and shows a Total Reconstruction Cost, as described above, of just over \$24,900,000 for the building, its equipment, and parking areas.

These costs are based solely on our visual observations of the facilities, and our understanding of the current location, size, quantity and quality of construction, and various legal issues that will be involved in reconstruction. We strongly encourage the Association to obtain adequate insurance and legal council.

Thank you for asking LCM Engineering, PLLC to provide you with this service. Please feel free to call or email if you have any questions.

Respectfully submitted,



Lewis C. Midlam, PE, SI, SECB  
President

c: File



# Valuation Detailed Report

Property Express

8/26/2016

## VALUATION

Valuation Number:	Jamaica Royale II - TRC	Effective Date:	8/24/2016
Value Basis:	Reconstruction	Expiration Date:	8/25/2017
		Cost As Of:	03/2016

## BUSINESS

Jamaica Royale Tower II  
5830 Midnight Pass Rd Jamaica Royale  
Sarasota, FL 34242-2195  
USA

## LOCATION 00001 - Jamaica Royale Tower II - Headquarters

Jamaica Royale Tower II	Gross Sales:	\$0 USD
5830 Midnight Pass Rd Jamaica Royale	Building Value:	\$24,906,155 USD
Sarasota, FL 34242-2195	Sq Ft Occupied:	
USA	Number of Employees:	

### Location Adjustments

Climatic Region:	3 - Warm
High Wind Region:	3 - Major Damage
Seismic Zone:	1 - No Damage

## BUILDING 00001 - Jamaica Royale Tower II

### Section 1

#### SUPERSTRUCTURE

Occupancy:	100% Condominium	Story Height:	9 ft.
Construction Type:	30% Reinforced Concrete Frame (ISO 6) 70% Masonry (ISO 2)	Number of Stories:	1
Gross Floor Area:	67,200 sq.ft.	Gross Perimeter:	5,560 ft.
Construction Quality:	2.5 - Average/Superior		
Year Built:	1974		

#### SUBSTRUCTURE

Other:	Stilts, Concrete/Steel	11,200 sq.ft.
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CoreLogic costs include labor and material, normal profit and overhead as of date of report. Costs represent general estimates which are not to be considered a detailed quantity survey. These costs include generalities and assumptions that are common to the types of structures represented in the software.

The commercial contents values CoreLogic publishes in this report are estimates only and the values CoreLogic produce should not be considered the actual value of commercial contents insurance coverage that should be underwritten for the insured.

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# Valuation Detailed Report

Property Express

Policy: Jamaica Royale II - TRC

8/26/2016

## Adjustments

User Adjustment Factor: 1.05 - County Impact fees

1.10 - Fast Track Construction

1.25 - Demo & Debris Removal (Incl Asbestos)

Hillside Construction: Degree of Slope: Level

Site Accessibility: Fair

Site Position: Unknown

Soil Condition: Poor

## Fees

Architect Fees: 7% is included

Overhead and Profit: 20% is included

SUMMARY OF COSTS	User Overrides	System Defaults	Reconstruction	Exclusion
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## SUPERSTRUCTURE

Site Preparation \$41,720

Foundations \$2,237,395

Foundation Wall

Interior Foundations

Slab On Ground

Exterior \$5,763,690

Framing

Exterior Wall

Exterior Wall 100% Stucco on  
Masonry

Structural Floor

Roof

Material 100% Single-Ply  
Membrane

Pitch 100% Flat

Interior \$4,897,425

Floor Finish 20% Carpet

80% Tile, Ceramic

Ceiling Finish

Partitions

Length

Structure

Finish

Mechanicals \$7,538,584

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Property Express

Policy: Jamaica Royale II - TRC

8/26/2016

SUMMARY OF COSTS	User Overrides	System Defaults	Reconstruction	Exclusion
Heating				
Cooling				
Fire Protection	100% Sprinkler System			
Plumbing				
Electrical				
Elevators	2 Passenger			
Built-ins			\$1,226,848	
SUBSTRUCTURE				
Stilts, Concrete/Steel			\$482,608	
Structural Floor				
Framing				
Built-ins				
SUBTOTAL RC			\$22,188,271	
ADDITIONS				
Equipment			\$48,200	
Building Items			\$2,023,308	
Site Improvements			\$46,376	
Custom Items				
Pile Foundations & Pile Caps			\$600,000	
Total Additions			\$2,717,884	
TOTAL RC SECTION 1			\$24,906,155	
TOTAL RC BUILDING 00001 Jamaica Royale Tower II			\$24,906,155	
	Reconstruction	Sq.Ft.	\$/Sq.Ft.	
LOCATION TOTAL, Location 00001	\$24,906,155	67,200	\$371	
	Reconstruction	Sq.Ft.	\$/Sq.Ft.	
VALUATION GRAND TOTAL	\$24,906,155	67,200	\$371	

CoreLogic costs include labor and material, normal profit and overhead as of date of report. Costs represent general estimates which are not to be considered a detailed quantity survey. These costs include generalities and assumptions that are common to the types of structures represented in the software.

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## BUSINESS

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5830 Midnight Pass Rd Jamaica Royale  
Sarasota, FL 34242-2195  
USA

### LOCATION 00001 - Jamaica Royale Tower II - Headquarters

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5830 Midnight Pass Rd Jamaica Royale	Building Value:	\$24,906,155 USD
Sarasota, FL 34242-2195	Sq Ft Occupied:	
USA	Number of Employees:	

BUILDING 00001: SUPERSTRUCTURE	Reconstruction	Sq.Ft.	\$/Sq.Ft.
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Section 1:	100% Condominium	\$21,705,663	67,200	\$323
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BUILDING 00001: SUBSTRUCTURE	Reconstruction	Sq.Ft.	\$/Sq.Ft.
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Section 1:	11,200 Stilts, Concrete/Steel sq.ft.	\$482,608
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Section Totals	Reconstruction	Sq.Ft.	\$/Sq.Ft.
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Section 1:	100% Condominium	\$22,188,271	67,200	\$371
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Total Additions:	\$2,717,884
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BUILDING TOTAL, Building 00001	\$24,906,155	67,200	\$371
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### BUILDING INSURANCE SUMMARY

Total Insured Amount	\$0	
Percent of Insurance to Value	0%	
100% Co-insurance Requirement	\$24,906,155	\$24,906,155
-100% Variance	(\$24,906,155)	

	Reconstruction	Sq.Ft.	\$/Sq.Ft.
LOCATION TOTAL, Location 00001	\$24,906,155	67,200	\$371

	Reconstruction	Sq.Ft.	\$/Sq.Ft.
VALUATION GRAND TOTAL	\$24,906,155	67,200	\$371

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Sarasota, FL 34242-2195	Sq Ft Occupied:	
USA	Number of Employees:	

## Equipment: Building items and site improvements

	Replacement	Depreciated
<b>Building 00001, Section 1</b>		
Building Items		
Balconies		
(7) Balconies	\$2,023,308	\$2,023,308
Custom Items		
(1) Pile Foundations & Pile Caps	\$600,000	\$600,000
Equipment		
Generators		
(1) Diesel / Natural Gas / LP	\$48,200	\$48,200
Site Improvements		
Curbs		
(1) Cast-in-place	\$9,920	\$9,920
Paving		
(1) Asphaltic Concrete	\$22,320	\$22,320
(1) Brick	\$14,136	\$14,136
<b>LOCATION 00001 - Jamaica Royale Tower II TOTAL</b>	<b>\$2,717,884</b>	<b>\$2,717,884</b>
<b>TOTAL</b>	<b>\$2,717,884</b>	<b>\$2,717,884</b>

End of Report

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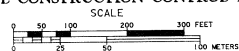
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THIS PHOTOGRAPH IS FOR PICTORIAL INFORMATION ONLY  
 ANY MEASUREMENTS AND FACTUAL INFORMATION SHOULD  
 BE OBTAINED FROM THE RECORD PLAT, FILED IN THE OFFICE  
 OF THE CLERK OF THE CIRCUIT COURT OF THIS COUNTY.

STATE OF FLORIDA  
 DEPARTMENT OF NATURAL RESOURCES  
**SARASOTA COUNTY**  
 COASTAL CONSTRUCTION CONTROL LINE



PRELIMINARY  
 SUBJECT TO CHANGE

COMPILED BY PHOTOGRAMMETRIC METHODS  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 STATE TOPOGRAPHIC OFFICE  
 DATE OF PHOTOGRAPHY - JAN. 29, 1985  
 DRAWN BY WFB SHEET 19 OF 61  
 CHECKED BY \_\_\_\_\_



**Code of Ordinances of Sarasota County, Florida**  
**Chapter 54 Environment and Natural Resources**  
**Article XXII. COASTAL SETBACK CODE**

Editor's note: Ord. No. 2004-010, adopted July 13, 2004, amended the title of Art. XXII, Gulf Beach and Barrier Island Hazard Setback, to read as herein set out.

Sec. 54-721. Findings of fact and purposes of article.

Sec. 54-722. Definitions.

Sec. 54-723. Gulf Beach Setback Line (GBSL) and Barrier Island Pass Twenty-Year Hazard Line (PHL) requirements.

Sec. 54-724. Variances.

Sec. 54-725. Enforcement and penalties.

Sec. 54-726. Severability.

Sec. 54-727. Fees.

Sec. 54-728. Sunset provision.

Sec. 54-729. Supremacy.

Sec. 54-721. Findings of fact and purposes of article.

(a) *Findings of fact.* The Board of County Commissioners hereby makes the following findings:

(1) The coastal areas of Sarasota County which are directly exposed to the Gulf of Mexico and those areas along the barrier island passes are subject to shoreline instability and flooding, resulting in loss to coastal property and producing hazards which adversely affect the public health, safety and welfare.

(2) Natural features including beaches, beachfront dunes, beachfront bluffs and beachfront vegetation are essential factors in promoting shoreline stability and protecting upland properties from erosion and flooding.

(3) Losses associated with shoreline instability and coastal flooding are caused in part by construction and excavation undertaken on coastal property which result in the destruction or alteration of coastal systems, including beaches, beachfront dunes, dune systems, native habitats, beachfront bluffs and beachfront vegetation.

(4) Lateral access along the wet sandy beach of the shoreline is a right that is guaranteed to the public by the Public Trust Doctrine and is incorporated within our Florida Constitution. Development upon unstable shorelines may necessitate future construction of erosion preventing structures or devices which may directly or indirectly impede and impair the public's right of access along the beach and recreational use of public beaches.

(5) Shore protection structures adversely affect coastal systems and the public's right of access along the wet sandy beach. In order to minimize these adverse effects, a coastal setback variance for a shore protection structure will not be authorized unless it is found by the Florida Department of Environmental Protection to be consistent with the coastal armoring and related structures provisions of F.S. [ch.] 161 and 62B-33 Florida Administrative Code.

(6) F.S. § 161.053, subsection (1), states:

The Legislature finds and declares that the beaches of the State and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe

fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access.

(7) F.S. § 161.053, subsection (2), states:

Upon such filing . . . [of the Coastal Construction Control Line], no person, firm, corporation, or governmental agency shall construct any structure whatsoever seaward [of the Coastal Construction Control Line] . . .

(8) The Florida Constitution and the Legislature of the State of Florida has authorized the Board of County Commissioners of Sarasota to adopt and enforce setback regulations to prevent and control beach erosion and flooding of coastal property.

(9) The regulations contained in this Code will protect and promote the public health, safety, and welfare by preventing and controlling beach erosion and flooding of coastal property. Further, they shall promote the protection of listed species and their habitat in accordance with the provisions of the Environment Chapter of the Sarasota County Comprehensive Plan.

(10) The coastal areas located seaward of the Gulf Beach Setback Line (GBSL) and waterward of the Barrier Island Pass Twenty-Year Hazard Line (PHL) are hazard areas where development would be subjected to erosion and storm wind, wave and surge.

(11) The Board of County Commissioners, sitting as the Land Development Regulation Commission (LDRC) has found the Code consistent with the Sarasota County Comprehensive Plan.

(b) It is the objective of this Code to protect the unincorporated coastal areas of Sarasota County directly exposed to the Gulf of Mexico and those areas along the barrier island passes from erosion and flooding through the establishment of a Gulf Beach Setback Line and a Barrier Island Pass Twenty-Year Hazard Line for construction or excavation to attain the following public purposes:

(1) Protect public health, safety, and welfare;

(2) Minimize future public expenditures for flood and erosion control measures;

(3) Minimize future public expenditures for relief and/or restoration of projects following natural disasters or gradual erosion;

(4) Insure public access along the public beaches of the Gulf of Mexico and barrier island passes;

(5) Minimize erosion damage to adjacent property resulting from man-made structures;

(6) Protect beaches, beachfront dunes, beachfront bluffs and beachfront vegetation necessary for maintaining shoreline stability and from protecting coastal property from flood and erosion damage;

(7) Insure that coastal property and coastal waters retain their economic, recreational, and aesthetic value for coastal property owners and the general public; and,

(8) Insure that coastal development is consistent with the provisions of the Environment Plan and Principles for Evaluating Development Proposals in Native Habitats sections of the Environment Chapter of the Sarasota County Comprehensive Plan and any other pertinent provisions of that Plan.

(Ord. No. 79-003, § 1, 3-27-1979; Ord. No. 86-024, §§ 1, 2, 7-22-1986; Ord. No. 98-055, § A, 6-2-1998; Ord. No. 2000-069, § 2, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

Sec. 54-722. Definitions.

*Barrier Island Pass Twenty-Year Hazard Line (PHL)* means the lines described in Exhibit "A" attached to Ordinance No. 86-24 and incorporated herein.

*Beach Cleaning and Grooming* means the clearing of seaweed, debris, dead fish, and other trash, and the burying of dead fish, and to groom the beach by raking and leveling, provided that such activity shall not disturb existing beach or dune vegetation, nor shall such activity change the final ground elevations greater than one foot.

*Board* means the Board of County Commissioners of Sarasota County, Florida.

*Coastal Construction Control Line* means the Coastal Construction Control Line (formerly known as the Coastal Construction Setback Line) for Sarasota County as approved by the Head of the State of Florida Department of Environmental Protection (Governor and Cabinet) under the provisions of F.S. 1977 § 161.053, and amended in 1986.

*Coastal hammock* means a native habitat, including clusters of overstory and understory, described and protected within the Environment Chapter of the Sarasota County Comprehensive Plan, Apoxsee and this Code.

*Coastal system* means the beach and upland dune system and vegetation seaward of the Gulf Beach Setback Line; swash zone; surf zone; breaker zone; offshore and longshore shoals; hardbottom communities, seagrass beds, wetlands, and bars; tidal, wind and wave driven currents; longshore and onshore/offshore drift of sediment materials; inlets or their ebb and flood tide shoals and zones of primary tidal influence and all other associated natural and manmade topographic features and structures.

*Code* means Chapter 54, Article XXII of the Sarasota County Code of Ordinances, as amended by this Ordinance.

*Code Administrator* means the Sarasota County Administrator, or an administrative official of Sarasota County Government designated by the County Administrator to administer and enforce the provisions of this Code.

*Construction* means the placing, building, erection, extension, or material alteration of any structure the use of which requires a permanent or temporary location on the ground or attachment to a structure having a permanent or temporary location on the ground.

"Construction" shall include the installation of parking lots, driveways, tennis courts, swimming pools, patios, or any similar hard surfaced structures.

*Dune* means a mound, bluff, or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with native vegetation and is subject to fluctuations in configuration and location. Often the dunes of Sarasota County are low-lying with little noticeable variation in elevation. The native vegetation of a dunes can often be displaced by nonnative invasive/nuisance plant species. Undeveloped areas of a dunes dominated by nonnative species remain a dune.

*Dune system* means a combined area of undeveloped dunes that comprises a native habitat, described and protected within the Environment Chapter of the Sarasota County Comprehensive Plan, Apoxsee and this Code. The system, or area, may incorporate

depressional hydric lands and may be dominated by native dune vegetation other than sea oats or nonnative invasive/nuisance plant species. Undeveloped areas of dune systems dominated by nonnative plant species remain a dune system.

*Excavation* means the removal, addition, or alteration of soil, sand or vegetation by digging, dredging, filling, drilling, cutting, scooping, or hollowing out.

***Gulf Beach Setback Line (GBSL)* means a line congruent to the Coastal Construction Control Line established in 1978 for Sarasota County.**

*Habitable Area* means a roofed portion of a residence or structure that is designed primarily for human occupancy and is a potential location for shelter from storms. Habitable areas are calculated by measuring exterior wall to exterior wall. Habitable areas are not a garage, pool, patio, deck, or a green house. For purposes of calculating habitable area pursuant to Section 54-723(e)(1) and 54-723(f)(8), garage space that may be legally enclosed and converted to habitable space under Chapter 54, Article XVI (Floodprone Areas Code) and Chapter 22 (Building Code) of the Sarasota County Code of Ordinances will be considered habitable area under this definition.

*Listed Species* means any animal categorized by the Florida Fish and Wildlife Conservation Commission as endangered, threatened, or of special concern pursuant to Florida Administrative Code Rules 39-27.003, 39-27.004, and 39-27.005; or any plant or animal categorized by the United States Fish and Wildlife Service as endangered or threatened pursuant to 50 CFR 17.11-12.

*Native Plant* means a plant species that occurred naturally within the immediate region of Sarasota County at the time of European contact (1539 A.D.) and that was not introduced from elsewhere.

*Nonhabitable Area* means that portion of the residence or structure that is not designed primarily for human occupancy or shelter from storms. These include, but are not limited to: garages; pools; roofed porches that are open to the elements on one or more sides; patios; decks; or green houses.

*Person* means any individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

*Regularly Manicured or Landscaped* means that conversion and continued maintenance activities have occurred at such a frequency as to prevent the reversion of the land area back to native coastal hammock or dune system habitat.

*Substantial Improvement* means any individual or cumulative expansion of the habitable area of a structure that exceeds 75 percent of the structure's existing habitable area on the adoption date of Sarasota County Ordinance No. 2004-010. Structures that have 25 percent or less of their habitable areas seaward of the GBSL on the adoption date of Sarasota County Ordinance 2004-010 are excluded from this definition. For purposes of this definition, a structure's habitable area shall also include attached garage areas that could be legally converted to habitable area under Sarasota County Codes.

*Sarasota County Comprehensive Plan* means the framework adopted by the Sarasota Board of County Commissioners under Ordinance No. 89-18, as amended, to comply with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

*Seaward* means in a direction toward the Gulf of Mexico.

*Shore-parallel shadow of the residence* means a landward, one-dimensional, shore-perpendicular projection of the footprint of the existing primary habitable residential structure (see attached Exhibit B for a technical application of this definition to a site plan).

**Editor's note:** Exhibit B is not included herein but is available for public inspection in the County office.

*Temporary Shore Protection Measures* means activities repairing, reinforcing, or replacing an existing structure, or constructing a temporary structure, or engaging in similar protective activities of a short-term nature in order to:

- (a) Prevent an immediately anticipated collapse of a building, public road, bridge, safety or utility structure, or structure of significant historical value; or
- (b) Reduce the rate of erosion of property during a storm in order to safeguard an existing structure; or
- (c) Relieve immediate or immediately anticipated severe flooding conditions to an existing habitable structure.

*Thirty-Year Erosion Projection Line* means the projected line of long-term shoreline recession occurring over a period of 30 years based on shoreline change rate information obtained from historical measurements and as established by the Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, or Sarasota County.

*Waterward* means in a direction toward the waters of Big Sarasota Pass or Midnight Pass. (Ord. No. 79-003, § 2, 3-27-1979; Ord. No. 86-024, § 3, 7-22-1986; Ord. No. 89-007, § 3, 2-7-1989; Ord. No. 94-026, § B, 7-27-1994; Ord. No. 98-055, § B, 6-2-1998; Ord. No. 2000-069, § 3, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

**Sec. 54-723. Gulf Beach Setback Line (GBSL) and Barrier Island Pass Twenty-Year Hazard Line (PHL) requirements.**

(a) **Prohibition.** The following activities are prohibited seaward of the GBSL and waterward of the PHL:

(1) **Construction or excavation;**

(2) The installation of nonnative exotic plants and landscape boulders in or on a dune system or coastal hammock habitat, except as provided for within Section 54-723(e)(8);

(3) Alteration or removal of native vegetation located within a dune system or coastal hammock habitat by cutting, excavating, mowing, or the application of herbicide, except as provided for within Section 54-723(e)(8). Alteration of vegetation located landward of the GBSL or PHL is not regulated by this Code.

(b) *Prohibited activities landward of the GBSL.* Substantial improvements to structures that do not meet the 100-year storm elevation requirements established by Chapter 22 (Building Code) of the Sarasota County Code of Ordinances are prohibited.

(c) *Administration.* Administration of this Article shall be the responsibility of the County Administrator or his/her designee, who may seek the advice of any appropriate County staff or State agency.

(d) *Interpretation.*

(1) In the interpretation and application of this Code, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this Code.

(2) This Code is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions which impose more stringent

restrictions on coastal construction or excavation. Where this Code conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions on construction and excavation shall prevail.

(3) Projects granted a variance under this Code are exempt from Sarasota County Ordinance No. 72-84, as amended [Article XX of this Code], and shall not need a permit under Sarasota County Ordinance No. 72-84, as amended. Subsequent maintenance of such projects, however, is not exempt from the provisions of Sarasota County Ordinance No. 72-84, as amended.

(e) *Exceptions to the prohibition on construction and excavation located seaward of the GBSL or waterward of the PHL.*

(1) This article shall not apply to any modification, maintenance or repair of any existing structure that is not a substantial improvement, or proposed modification of a structure for which a variance has been granted and has been determined by County staff to be consistent with Board authorized coastal setback variance plans; however, such modification, maintenance or repair must be undertaken within the limits of the existing foundation, or proposed foundation for which a variance has been granted, and must not require, involve or include any additions to, or modification of, the existing foundation of that structure. Certain activities covered by this exception may require a written conditioned exception as provided in Section 54-723(f)(1).

(2) Catwalks, stairs, and decks no greater than 144 square feet, may be constructed seaward of the Gulf Beach Setback Line or waterward of the Barrier Island Pass Twenty-Year Hazard Line subject to all other applicable regulations. For purposes of this exception, total decking shall not exceed 144 square feet per lot.

(3) This Code shall not apply to the use of crushed, washed shell, or similar material free of construction debris, in the construction or maintenance of driveways, travelways, parking areas, or sidewalks, subject to all other applicable regulations.

(4) This Code shall not apply to any reconfiguration or relocation of an existing driveway, parking area, sidewalk, or patio, provided that such reconfiguration or relocation is undertaken at the existing grade, results in a net decrease in the total impervious coverage seaward of the Gulf Beach Setback Line or waterward of the Barrier Island Pass Twenty-Year Hazard Line, and extends no further seaward than the existing driveway, parking area, sidewalk, or patio, subject to all other applicable regulations.

(5) This Code shall not apply to beach cleaning and grooming, nor the maintenance of existing drainage ways, nor the establishment or maintenance of footpaths through beach and dune vegetation to the open beach provided that the footpaths are no wider than four feet, or do not exceed a previously County-authorized width.

(6) This Code shall not apply to the demolition, removal, or relocation of any existing structures from that area seaward of the Gulf Beach Setback Line or waterward of the Barrier Island Pass Twenty-Year Hazard Line to that area landward of said lines, subject to all other applicable regulations.

(7) This Code shall not apply to the use of native plants and/or beach compatible sand fill to restore native habitat, subject to all other applicable regulations. Such restoration shall be conducted in a manner that minimizes impacts to native vegetation, does not adversely affect water quality and contains and stabilizes disturbed soils. All plants selected for such restoration shall be appropriate to the zone of native habitat being restored (e.g., foredune, backdune, transitional dune/coastal hammock). The use of man-

made structures (e.g., nearshore artificial reefs, breakwaters, groins) for such restoration shall not be considered an exception pursuant to this section.

(8) This Code shall not apply to the maintenance of regularly manicured or landscaped areas that were authorized under the provisions of this Code or were existing prior to the adoption of this Code. Such maintenance may include alteration, mowing, trimming, pruning, installation and removal of vegetation, including the use of herbicide. Alteration or removal of native coastal hammock and/or dune system habitat vegetation, including coastal hammock overstory trees, is not authorized by this exception.

(f) *Written conditioned exceptions to the prohibition on construction and excavation located seaward of the GBSL or waterward of the PHL.* The following activities are exempt from the variance requirement, provided that the construction will not adversely impact lateral pedestrian access or listed species, the project is not located within a beach or dune system [except for Sections 54-723(3) and (7)], and will not adversely impact coastal hammock, mangrove swamp, or tidal marsh, and a written conditioned exception is obtained from the Code Administrator:

(1) Any additional stories constructed on the top of an existing structure, provided that the existing foundation is not added to or modified and that the existing structure is pile-supported and has its lowest horizontal structural member at, or above, the current 100-year storm elevation requirements established by the Florida Department of Environmental Protection (FDEP) for new habitable construction seaward of the Coastal Construction Control Line (CCCL).

(2) Residential additions of less than 300 square feet located within an area located landward of the Thirty-Year Erosion Projection Line. Said additions shall only be for the purpose of housing a stairway, entryway, or elevator and shall be located within the shore-parallel shadow of the residence. This exception shall be authorized only once for a residential structure.

(3) The placement of less than 100 cubic yards of beach compatible sand on a lot provided that no filling occurs within public easements or rights of way and other lawful drainage systems and utility facilities. For purposes of this exception, the Code Administrator may request information from the applicant, including evidence of prior approval by the appropriate agency(ies), to confirm that no impacts will occur to off-site drainage, historic resources, or listed species. Further, for purposes of this requirement, beach compatible sand shall be fill that is of similar color and gradation to the surrounding natural beach sands.

(4) Repair, or expansion of an existing septic system located in a manner that minimizes intrusion seaward of the Gulf Reach Setback Line or waterward of the Barrier Island Pass Hazard Line, provided that any expansion is not located seaward of the Thirty-Year Erosion Projection Line.

(5) Wooden and metal fences, entry gates, and professionally engineered breakaway privacy walls that are not installed on a beach or dune system.

(6) Hard-surfaced driveways, sidewalks, and parking areas totaling less than 500 square feet per lot and located landward of the seaward most point of an existing habitable residence, or landward of an existing paved or hardsurfaced travelway.

(7) Dune walkover structures and decks which are designed in a manner to minimize impacts to lateral pedestrian access and dune vegetation. The width of dune walkovers constructed for single-family residential developments shall not exceed four feet. The



width of dune walkovers constructed for multifamily residential developments shall not exceed six feet.

(8) Demolition of an existing single-family or multifamily residential structure and construction of a new pile-supported single-family residence, provided that:

a. The footprint area of the habitable and nonhabitable area of the residence shall not increase;

b. The new structure and any associated new septic system shall be located as far landward on the property as possible and not seaward of the Thirty-Year Erosion Projection Line, or within 60 feet of an unstabilized bluff line;

c. The new structure shall be no further seaward than the existing structure;

d. No more than one single-family dwelling shall be allowed per platted lot;

e. Notwithstanding subsection (d), an existing single-family or multifamily residence on more than one platted lot shall only be replaced by one single-family dwelling.

(9) Drilling of a well, for the purpose of irrigation or potable water, subject to all other applicable regulations, provided that the well is sited in a manner which minimizes impacts to beach and/or dune system habitat and intrusion seaward of the Gulf Beach Setback Line or waterward of the Barrier Island Pass Twenty-Year Hazard Line. For the purposes of this exception, restoring the area around the well-drilling site with appropriate native vegetation shall mitigate impacts that are unavoidable. All drilling slurry shall be contained during construction and removed from the site.

(10) Public lifeguard toward that minimize adverse impacts to lateral pedestrian access and native dune system and coastal hammock vegetation.

(11) Removal of dead native trees that pose a risk to public health, safety, and general welfare, as determined by County staff.

In order to complete a review of a request for a written conditioned exception, the Code Administrator may request that the Applicant provide engineered construction and site plans, written information from other State and local agencies, or other pertinent information. A written determination by the Code Administrator that a request for a written conditioned exception is approved, denied, or that additional information is required will be provided to the Applicant within approximately ten working days following receipt of the request. Written conditioned exceptions authorized pursuant to Section 54-723(f)(1), (2), and (8) shall expire three years from the date of issuance. All others shall expire one year from the date that they are issued.

(Ord. No. 79-003, § 3, 3-27-1979; Ord. No. 86-024, § 4, 7-22-1986; Ord. No. 94-026, § C, 7-27-1994; Ord. No. 98-055, § C, 6-2-1998; Ord. No. 2000-069, § 4, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

#### Sec. 54-724. Variances.

(a) The Board of County Commissioners of Sarasota County after a public hearing may grant variances which would permit construction and/or excavation seaward or landward of the Gulf Beach Setback Line or waterward or landward of the Barrier Island Pass Twenty-Year Hazard Line if the Board determines that the strict enforcement of the provisions of this Code would impose an unreasonable hardship on the land and such variance will not adversely affect coastal systems, nor be in substantial conflict with the attainment of the purpose of this Code. The Board shall grant only the minimum variance necessary to permit reasonable use of the property. If determined to be required in

conjunction with the provisions of this Article, the Board of County Commissioners may also grant a street-yard setback variance in lieu of the Board of Zoning Appeals. The criteria for the grant of a street-yard setback variance would be subject to the same above-listed requirements established for the grant of a variance under this Article.

(b) Variances for Shore Protection Structures: Variance requests for a temporary or permanent shore protection structure that is determined by the Florida Department of Environmental Protection to be inconsistent with the coastal armoring and related structures criteria specified within F.S. [ch.] 161 and 62B-33 Florida Administrative Code shall not qualify for a variance. This provision is not intended to abrogate the ability of the Board of County Commissioners to impose higher standards than are found in Florida law for coastal armoring.

(c) Review Period. In addition to a professionally prepared application, Petitioners for coastal setback variances may be required to provide additional support information. This may include, but is not limited to, a professionally prepared native habitat delineation; a vulnerability and eligibility analysis that has been approved by the Florida Department of Environmental Protection; a frangibility analysis for a shore protection structure; and/or an engineering analysis of the structural stability or load capacity of a structure or foundation that has been prepared, signed, and sealed by a qualified professional structural engineer that has been registered in the State of Florida. A written determination by the Code Administrator that a variance petition application is complete or incomplete will be provided to the Petitioner within approximately 15 working days following receipt of the application. If additional information is required by the Code Administrator, the Petitioner shall provide it within 90 days, unless a waiver has been granted by the Code Administrator. If this information response deadline has not been met, the application shall be deactivated and a new application shall be necessary. Any requested additional information must include a cover letter describing changes made to the original plan. Upon receipt of additional information, the Code Administrator shall submit revised comments regarding completeness within approximately ten working days. Once the application is deemed complete, an inspection of the subject site will be completed within approximately ten working days, and a formal review period will begin. A written staff report and recommendation to the Board of County Commissioners to approve or deny the petition will be completed by the Code Administrator within approximately 45 working days after commencement of the formal review. The public hearing before the Board will be scheduled as soon as possible thereafter, in accordance with the notification requirements listed in Section 54-724(d).

(d) The Board may impose reasonable conditions upon the granting of a street-yard setback variance and/or variance and may require that development take place in accordance with a site plan; be designed to minimize damage to beach stabilizing features and to minimize the need for subsequent variances of the construction of seawalls or similar protective structures; be designed to minimize impacts to lateral public pedestrian access by requiring easements to protect existing public rights of access; be designed to minimize impacts to the public health, safety, and general welfare by requiring restrictive covenants and conservation/preservation easements; include a performance bond, cash bond, or letter of credit from the Petitioner or Owner of Property for which the variance is sought; be restricted to completion of construction and excavation within three years of the date the variance is granted; be reviewed by the Florida Department of Environmental

Protection, Office of Beaches and Coastal Systems, that construction requirements established by the Florida Department Environmental Protection be implemented. The Board may, without holding a public hearing, extend any time restrictions contained in an existing variance where the proposed extension would not be inconsistent with the provisions of this Code. In addition, the Code Administrator may grant a one-year administrative time extension where site conditions have not materially changed or the proposed extension would not be inconsistent with the provisions of the Code.

(e) No variance shall be considered by the Board until such time as the following public hearing notices have been provided:

(1) Published Notice: A minimum of ten days prior to the public hearing date, a notice shall be published in a newspaper of general circulation that has been selected by the County. The content and form of the published notice shall be consistent with the requirements of F.S. § 125.66, as amended.

(2) Mailed Notice: A minimum of 15 days prior to the public hearing date, the Petitioner shall be responsible for copying and mailing a notice provided by Sarasota County to all property owners within 500 feet of the property boundaries of the land for which the variance is sought. Where such land is adjacent to the property in the Petitioner's ownership, the distance shall be measured from the boundaries of the entire ownership. Where the notification boundaries include a multifamily dwelling (e.g., condominium), each individual unit owner shall be notified. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, and postage paid. An affidavit attesting to such mailing shall be submitted to the Code Administrator a minimum of five days prior to the public hearing date.

(3) Posted Notice: A minimum of 15 calendar days prior to the public hearing date, the Petitioner shall be responsible for posting each individual property where a variance is sought with waterproof notices provided by Sarasota County. These notices shall be placed along all streets that the property(ies) front(s). Where the street is privately-owned, the Petitioner may also be responsible for posting a notice at a nearby public location, as determined by Sarasota County. Where the land does not front a street, signs shall be erected on the nearest street with an attached notation indicating the general direction and distance to the land for which a variance is sought. Notices posted along a street shall be set back no further than 25 feet from the street and shall be visible for all to see from the road. In addition to a street notice(s) and where a beach exists (as determined by County staff), a notice shall be posted on the Gulf side of each property where a variance is sought. This notice shall be posted in a location that is easy for beachgoers to read, shall not impact protected sea turtle nesting activities or nests, and in a location that does not make it subject to washout by tides or minor storm waves. All posted notices shall be removed no later than ten days following the public hearing. The Petitioner shall be responsible for ensuring that the appropriate posted notice is maintained on the lands for which a variance is sought until the completion of the public hearing. An affidavit attesting to the required posting and locations shall be submitted to the Code Administrator.

The applicant shall be responsible for the cost of all notice requirements.

Notwithstanding any other provision herein contained, failure to provide written or posted notice to adjacent property owners shall not constitute a jurisdictional defect provided that proper legal notice has been published.

(f) In addition to the regular variance procedures and requirements outlined in subsections (a) through (d) of this section, the Code Administrator may grant Class I emergency variances, and the Board may grant Class II emergency variances, under the circumstances and procedures identified in this subsection, that would permit construction and/or excavation seaward of the Gulf Beach Setback Line or waterward of the Barrier Island Pass Twenty-Year Hazard Line. The Board may grant such variances only when the Board determines that strict enforcement of the provisions of this Code would impose an unreasonable hardship on the land, that the proposed action will minimize impact on coastal systems and that the variance would not be in substantial conflict with the attainment of the purposes of this Code. The Board shall grant only the minimum variance necessary to protect reasonable use of the property until the petitioner applies for and obtains a regular variance, if necessary, for a more permanent structure, and shall not grant emergency variances for the creation of new lands or new permanent structures that did not exist before the emergency arose. The Board may impose reasonable conditions upon the granting of the variance and may require that development take place in accordance with a site plan; be designed to minimize damage to beach stabilizing features and to minimize the need for subsequent variances for the construction of seawalls or similar protective structures; be designed to minimize adverse impacts to lateral public pedestrian access; be restricted to completion of construction, repair, or excavation within a fixed time from the date the variance is granted; be reviewed by the Florida Department of Environmental Protection; and that construction requirements established by state authorities be implemented. The Board may require the applicant to apply for a regular variance pursuant to Section 54-724 (a) within a specified time period after the granting of an emergency variance. Fees for emergency variances shall be the same as for regular variances, but may be waived or credited toward applications for regular variances submitted for the same property or properties within one year of the date the Board grants the emergency variance.

(1) The Code Administrator may administratively grant a Class I emergency variance for any property or properties, or a general Class I emergency variance for any area, in emergencies caused by recent calamitous occurrences such as, but not limited to, hurricanes, tornadoes, floods, or high winds, where buildings, swimming pools, roads, or public facilities have been damaged or destroyed, or are directly and immediately anticipated to be threatened. A Class I emergency variance may be granted only for the temporary placement of sandbags for a period not to exceed a year, debris removal, or repair or replacement of roadways. The Code Administrator may impose reasonable conditions upon the granting of a Class I emergency variance, including that development take place in accordance with a site plan; be designed to minimize damage to beach stabilizing features and lateral pedestrian access; that the construction be removed within a one-year period from the date of issuance of the variance; be reviewed by the Florida Department of Environmental Protection, Office of Beaches and Coastal Systems; and, meet construction requirements and conditions established by the Florida Department Environmental Protection.

(2) The Board may grant a Class II emergency variance after holding a public hearing when, because of special circumstances beyond the control of the petitioner, the petitioner is unable to file and obtain a variance under subsection (c) of this section, in time to prevent damage to existing structures. Class II emergency variances may be

granted only for temporary shore protection measures, debris removal, or repair or replacement of utilities, roadways, and public facilities. No Class II emergency variance shall be considered by the Board until such time as notice of the public hearing on the proposed variance has been given by posting of the property at least five days in advance of the public hearing in accordance with the provisions of Section 54-724(d)(3).

(3) The staff or Board, respectively, may modify or revoke a Class I or Class II emergency variance by following the same procedures as provided for approval of them. (Ord. No. 79-003, § 4, 3-27-1979; Ord. No. 79-068, § 1, 7-10-1979; Ord. No. 86-024, § 5, 7-22-1986; Ord. No. 98-055, § D, 6-2-1998; Ord. No. 2000-069, § 5, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

#### Sec. 54-725. Enforcement and penalties.

Violation of any provision of this Code shall be punishable pursuant to F.S. § 125.69. The provisions of this Code may also be enforced pursuant to provisions of F.S. ch. 162, and any ordinances adopted thereunder. In addition, the provisions of this Code may be enforced through code enforcement proceedings under the provisions of Chapter II, Article VIII (Code Enforcement Code), of the Sarasota County Code of Ordinances. Penalties collected as part of enforcement of this Code shall be placed in the Sarasota County Pollution Recovery Trust Fund, as established in Resolution No. 91-360. Notwithstanding any other provisions of this Code for enforcement or penalties, the Board may also enforce this Code by actions at law or in equity for damages and injunctive relief, and in the event the Board prevails in any such action, the Board shall be entitled to an award of its costs and reasonable attorneys fees.

(Ord. No. 79-003, § 5, 3-27-1979; Ord. No. 86-024, § 6, 7-22-1986; Ord. No. 98-055, § E, 6-2-1998; Ord. No. 2000-069, § 6, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

#### Sec. 54-726. Severability.

Each separate provision of this Code is deemed independent of all provisions herein so that if any provision or provisions of this Code are declared invalid or unconstitutional by any court of competent jurisdiction, all other provisions shall remain valid and enforceable.

(Ord. No. 79-003, § 6, 3-27-1979; Ord. No. 98-055, § F, 6-2-1998; Ord. No. 2000-069, § 7, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

#### Sec. 54-727. Fees.

The Board of County Commissioners is authorized to set reasonable fees and charges for the implementation of this Code. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of reviewing projects proposed seaward of the Gulf Beach Setback Line and waterward of the Barrier Island Pass Twenty-Year Hazard Line. (Ord. No. 86-024, § 8, 7-22-1986; Ord. No. 98-055, § H, 6-2-1998; Ord. No. 2000-069, § 8, 10-11-2000; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

#### Sec. 54-728. Sunset provision.

This article shall be automatically repealed on June 14, 2009, unless otherwise amended or ratified by the Board of County Commissioners of Sarasota County, Florida.

(Ord. No. 98-055, § I, 6-2-1998; Ord. No. 2004-010, §§ 1, 2, 7-13-2004)

Sec. 54-729. Supremacy.

The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith.

(Ord. No. 98-055, § I, 6-2-1998; Ord. No. 2004-010, §§ 1, 2, 7-13-2004) Secs. 54-730--54-750. Reserved.