

AGENDA ITEM 7-A
ORDINANCE 2026-07

MEMORANDUM

TO: Planning and Zoning Board

FROM: Allen Parsons, AICP
Director of Planning, Zoning, and Building Department

REPORT DATE: March 9, 2026

MEETING DATE: March 17, 2026

SUBJECT: Ordinance 2026-07, Privately-Initiated, Private Groin
Related Zoning Code Amendment

Background

S.R. LBK, LLC, owner of property at 1561, 1571, 1581, 1591, 1601, and 1621 Gulf of Mexico Drive, filed a privately-initiated Zoning Text Amendment (ZTA) application¹. The application requests amendments to two sections of the Zoning Code that regulate the location of structures relative to the Gulf of America (formerly known as the Gulf of Mexico; referred to as the Gulf in this memo).

The first proposed amendment is to Section 158.094(C), which contains the Required *Gulf Waterfront Yard Setback* requirements (generally requiring structures to be setback a minimum of 150 feet landward from the erosion control line²). The second proposed amendment is to Section 158.099(A), which contains the standards applicable to *Structures Over Water* (limiting the types of accessory structures allowable on those structures to associated equipment such as benches, guard rails, fish cleaning tables, access ladders/equipment, and equipment lockers).

The applicant's intent of the ZTA request is to allow for an identifying sign on private groins in the Gulf, adjacent to tourism properties. Per the applicant, such signs serve as an attention attracting feature for tourism properties, promoting visitors and tourism. The applicant's stated intent is to allow for features that provide a focal point for photos adjacent to the Gulf.

The ZTA request has a companion ordinance addressing changes that would also be required in the Town's Sign Code (Chapter 156, Town Code of Ordinances). The applicant made a request to the Town Commission to have the Sign Code amended to potentially allow for the existing structure and sign on the St. Regis groin. The Town Commission directed staff (at the December 8, 2025, Regular Meeting) to amend the Sign Code with staff-supported language, for public hearing consideration. That companion ordinance is found in Ordinance 2026-08.

In developing the companion Sign Code amendment language, staff modified the language provided by the applicant, with regard to having a clear public purpose and intent for allowing a sign type. Allowing a sign type for certain businesses (i.e. tourism) and not others, would not pass the legal test required for having a clear

¹ Zoning Code Sec. 158.021(A)(3) allows "fee simple owners of any property in the Town" to initiate proposals for Zoning Text Amendments.

² Erosion Control Line (ECL) is a fixed, surveyed boundary established by the state (under F.S. 161.161) to separate private upland property from public sovereign land following a beach nourishment project. It permanently fixes the property line, meaning land seaward of the ECL belongs to the state, regardless of subsequent erosion or further sand placement.

public purpose, that is content-neutral, behind allowing signs for certain uses and not for others (see attached memorandum from the Town Attorney). Therefore, to be consistent with the companion Sign Code amendments, the Board will see some modifications by staff to the language proposed by the applicant in this ZTA incorporated into Ordinance 2026-07.

Staff can be supportive of allowing a structure with an embedded identifying sign, provided the public purpose is to identify the entity responsible for both the private groins, with pedestrian walkways, and any accessory structures/signs thereon. These allowances would be limited to privately-owned and permitted groin structures in the Gulf that include a pedestrian walkway.

The ZTA would apply Townwide. Currently, there is only one privately owned groin with a pedestrian walkway. Should there be any additional such groins¹ in the future, the ZTA, if approved, would similarly allow for an archway structure that contains an embedded identifying sign.

The ZTA is associated with the previous installation of such a structure (in August 2025), with an embedded sign, adjacent to the properties owned by the applicant (The St. Regis Resort) prior to receiving Town permitting approval and inconsistent with current Zoning and Sign Code standards. See photo of structure/sign below:



The proposed ZTA's are to:

1. The Waterfront Yard regulations in Section 158.094(C)(1). This section addresses properties that front along the Gulf and generally establishes a setback of 150 feet from (i.e. landward of) the erosion control line (ECL), with limited exceptions for beach shelters, beach access parking on land owned or controlled by the public, pool fences, windwalls, dune walkover structures, sand fences and certain marine structures being allowed closer than 150 feet from the ECL. Variances are limited to single-family dwellings and cannot be allowed any closer than 50 feet from the ECL.

The ZTA addresses allowing an accessory structure that would be seaward of the ECL (which is currently not allowed).

¹ A private groin structure would be permitted under the Joint Coastal Permit program at the Florida Department of Environmental Protection (Beaches, Inlets, and Ports), and through the U.S. Army Corps of Engineers. Permitting includes environmental assessments and submerged lands lease.

The proposed amendment to this Section would include adding a Subsection “(d)” addition that reads:

158.094(C)(1)(d)

(d) Notwithstanding any provision of the Zoning Code to the contrary, on a privately owned and permitted groin structure that includes a pedestrian walkway and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico), a single archway structure with an embedded sign identifying the responsible entity for the structure and groin may be allowed seaward of the erosion control line, provided the structure and sign comply with the requirements of Section 158.099(A)(2)(f) and Chapter 156 of the Town Code.

2. The Structures Over Water regulations in Section 158.099(A). This section addresses the kinds of accessory structures that are allowed on *Structures Over Water* (typically on docks). A groin structure, while rare in the Town, is also considered a Structure Over Water.

Amendments to this section include the addition of an exception to the prohibition on allowing Structures Over Water abutting the Gulf (see below):

Sec. 158.099(A) No structures other than boat docks, accessory dock structures including benches, guard rails, fish cleaning tables, a ladder or other device which provides a reasonable means of egress from the water to a boat dock, and equipment lockers, pilings, boat lifts or pile mounted davits shall be permitted to be constructed, reconstructed, or structurally altered beyond the mean high-water line. Except as specifically provided herein, Structures over water on properties abutting the Gulf of Mexico are prohibited. Permitted structures over water shall comply with the following standards:

Amendments also include a new Subsection (2)“(f)” containing specific requirements associated with the allowance to have an archway structure, with an embedded identifying sign (see below):

158.099(A)(2)(f)

(f) Notwithstanding any provision of the Zoning Code to the contrary, on a privately owned and permitted groin structure that includes a pedestrian walkway and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico), a single archway structure with an embedded sign identifying the responsible entity for the structure and groin may be allowed, when all of the following requirements are met:

- (1) The archway structure, inclusive of a single embedded sign, shall not exceed a height of 14 feet above the surface of the private groin.
- (2) The archway structure on the private groin walkway will create an open frame for pedestrian usage, and passage through the archway structure shall be constructed and consist of columns

or posts made of wood, concrete, stainless steel, aluminum, or similar weather-resistant material not exceeding 8 inches by 8 inches thick. The archway structure shall not form a wall, roofed shelter, or enclosed structure.

(3) The archway structure, including the embedded sign, shall be designed and installed to withstand winds up to 150 miles per hour.

(4) The archway and embedded sign shall not be illuminated.

(5) All other applicable state and federal requirements and permits for the private groin, archway, and sign are obtained and approved.

(6) The archway and embedded sign shall be maintained in good repair at the owner's sole expense.

The evaluation criteria for ZTA's are found in Section 158.021(B), which states, the Planning and Zoning Board, "regardless of the source of the proposed change, shall hold a public hearing thereon, with due public notice, and shall submit in writing its recommendation on the proposed change to the Town Commission for official action." The Planning and Zoning Board's recommendation is required to be based on competent and substantial evidence in relation to the following findings (staff has included responses to each of the criteria):

1) *The need and justification for the change;*

Response: The applicant is seeking the Zoning Text Amendment primarily from the perspective of adding a focal point to enhance an adjacent tourism property. Staff are supportive of allowing limited signage on a structure over water for purposes of assisting the public and first responders with an identifying marker and location to aid in public safety responses to the structure. Staff believe this could serve as a legitimate public purpose.

2) *Applicability of the change Town-wide;*

Response: This change would apply Town-wide along Gulf fronting properties. It would be currently limited to a single property that meets the criteria, however, it would apply to any future privately owned groins with pedestrian walkways.

3) *Consistency with the adopted goals, objectives, and policies contained the Town's Comprehensive Plan; and*

Response: This amendment can be found consistent an overarching intent to "maintaining an environment that is conducive to the health, safety, welfare and property values of the community" (per Future Land Use {FLU} Goal 1) along with the following Comprehensive Plan policies:

FLU Policy 1.1.11: The Town will encourage design principles that accommodate healthy lifestyles, safety, and aging in place.

Conservation and Coastal Management (CCM) Element Goal 2: Provide infrastructure to ensure public health, safety, and welfare within the Coastal High Hazard Area (CHHA).

CCM Policy 3.1.1: Apply and enforce standards for the safety of structures.

- 4) *The proposed change will further the purposes of the Zoning Code and other Town codes, regulations, and actions designed to implement the Comprehensive Plan.*

Response: As noted above, staff are supportive of allowing limited signage on a structure over water for purposes of assisting the public and first responders with an identifying marker and location to aid in public safety responses to the structure. Staff believe this could serve as a legitimate public purpose and further the purposes of the Zoning Code and actions designed to implement the Comprehensive Plan.

Ordinance 2026-07 contains a provision that the Ordinance's adoption and effective date is contingent upon the Town Commission's adoption of Ordinance 2026-08 (the companion Sign Code amendment). This Ordinance shall only take effect upon the Town Commission's adoption of both this Ordinance 2026-07 and Ordinance 2026-08.

The Board may want to hold the public hearings for both ordinances prior to taking action. To do so, the Board could hold the public hearing for Ordinance 2026-07, including any public testimony and then Close the Public Hearing.

Before concluding deliberations on Ordinance 2026-07, the Board could open the public hearing for Ordinance 2026-08 and take all testimony and similarly close the public hearing for Ordinance 2026-08 and then take and act on a motion for the first public hearing on Ordinance 2026-07 before similarly taking and acting on a motion for Ordinance 2026-08.

Staff Recommendation

Staff recommends approval of Ordinance 2026-07.

Attachment(s)

- A. Ordinance 2026-07, Private Groin Related Zoning Text Amendment
- B. Memorandum from Town Attorney, dated March 9, 2026

ORDINANCE 2026-07

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING TITLE 15, LAND DEVELOPMENT CODE, CHAPTER 158: ZONING CODE; AMENDING SECTION 158.094, YARD REGULATIONS; ADDING SUBSECTION 158.094(C)(1)(D), WATERFRONT YARD REQUIREMENTS; AMENDING SECTION 158.099, STRUCTURES OVER WATER; ADDING SUBSECTION 158.099(2)(F); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key (Town) is a barrier island with unique natural attributes, aesthetic resources, and community character; and

WHEREAS, the Town's Land Development Code serves to preserve and enhance the Town's character by ensuring that land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and

WHEREAS, the Town recognizes that Gulf-fronting properties are a valuable Town asset that: provide recreational, scenic, and environmental benefits for Town residents and property owners; attract tourists, commercial businesses, and future residents to the community; enhance property values throughout the island; and retain commercial businesses and current residents within the Town; and

WHEREAS, in the limited locations where there are privately owned and permitted groins, with pedestrian walkways that extend into the Gulf of America (formerly known as Gulf of Mexico), there is a public benefit to allowing signage identifying the party (or parties) responsible for the maintenance and liability of the private groin structure, and the Town desires to amend its Zoning Code to provide a limited allowance for such property owners to erect a structure with signage that identifies the ownership and responsibilities associated with such private groin structure(s); and

WHEREAS, S.R. LBK, LLC, in accordance with Zoning Code Section 158.021(A)(3), has requested an amendment to the Town's Land Development Code to allow a structure over water that includes an identifying responsible party sign; and

WHEREAS, the Town's Planning and Zoning (P&Z) Board held a public hearing on March 17, 2026, and considered the evidence and testimony relating to the proposed Zoning Code amendment provided by Town Staff and public comment regarding the subject Zoning Code amendment; and

WHEREAS, the P&Z Board found that the proposed Zoning Code text amendment is consistent with the Town of Longboat Key Comprehensive Plan and forwarded the Zoning Code text amendment to the Town Commission for consideration; and

WHEREAS, on May 4, 2026, the Town Commission conducted a duly noticed first public hearing on the proposed Zoning Code amendment; and

WHEREAS, on June 1, 2026, the Town Commission conducted a duly noticed second public hearing on the proposed Zoning Code amendment and the Town Commission approved the amendments; and

WHEREAS, the proposed amendments to Chapter 158 of the Town Code of Ordinances are less restrictive than prior versions of the Town Code, and provide qualifying property owners with greater flexibility and an option of adding a limited identifying sign and structure on a private groin with a pedestrian walkway that extends over water.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 158, Section 158.094, Yard Regulations, amending Subsection 158.094(C)(1), by establishing Subsection (d) to read:

158.094 - Yard rRegulations

158.094(C)(1)(d)

(d) Notwithstanding any provision of the Zoning Code to the contrary, on a privately owned and permitted groin structure that includes a pedestrian walkway and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico), a single archway structure with an embedded sign identifying the responsible entity for the structure and groin may be allowed seaward of the erosion control line, provided the structure and sign comply with the requirements of Section 158.099(A)(2)(f) and Chapter 156 of the Town Code.

SECTION 3. Chapter 158, Section 158.099, Structures over water, amending Subsection 158.099(A) and 158.099(A)(2), by establishing Subsection (f) to read:

158.099 - Structures oOver wWater

158.099(A) No structures other than boat docks, accessory dock structures including benches, guard rails, fish cleaning tables, a ladder or other device which provides a reasonable means of egress from the water to a boat dock, and equipment lockers, pilings, boat lifts or pile mounted davits shall be permitted to be constructed, reconstructed, or structurally altered beyond the mean high-water line. Except as specifically provided herein, Structures over water on properties abutting the Gulf of Mexico are prohibited. Permitted structures over water shall comply with the following standards:

158.099(A)(2)(f)

(f) Notwithstanding any provision of the Zoning Code to the contrary, on a privately owned and permitted groin structure that includes a pedestrian walkway and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico), a single archway structure with an embedded sign identifying the responsible entity for the structure and groin may be allowed, when all of the following requirements are met:

- (1) The archway structure, inclusive of a single embedded sign, shall not exceed a height of 14 feet above the surface of the private groin.
- (2) The archway structure on the private groin walkway will create an open frame for pedestrian usage, and passage through the archway structure shall be constructed and consist of columns or posts made of wood, concrete, stainless steel, aluminum, or similar weather-resistant material not exceeding 8 inches

by 8 inches thick. The archway structure shall not form a wall, roofed shelter, or enclosed structure.

- (3) The archway structure, including the embedded sign, shall be designed and installed to withstand winds up to 150 miles per hour.
- (4) The archway and embedded sign shall not be illuminated.
- (5) All other applicable state and federal requirements and permits for the private groin, archway, and sign are obtained and approved.
- (6) The archway and embedded sign shall be maintained in good repair at the owner's sole expense.

SECTION 4. Providing for Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 5. Repeal of Ordinances in Conflict. All other Ordinances of the Town of Longboat Key, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key upon adoption.

SECTION 7. Effective Date. This Ordinance's adoption and effective date shall be contingent upon the Town Commission's adoption of Ordinance 2026-08. This Ordinance shall only take effect upon the Town Commission's adoption of both this Ordinance 2026-07 and Ordinance 2026-08, in the manner provided for by law.

Passed on the first reading and public hearing on the 4th day of May, 2026.

Adopted on second reading and public hearing on the 1st day of June, 2026.

ATTEST:

Mayor

Trish Shinkle, Town Clerk



PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.
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* Certified City, County and Local Government Law
** Of Counsel

Reply to: Lakewood Ranch

MEMORANDUM

TO: Allan Parsons, Planning and Zoning Director

FROM: Maggie Mooney, Esq., Town Attorney

DATE: March 9, 2026

RE: Sign Codes Regulations and Compelling Government Interest

Pursuant to your request, you asked for a Memorandum that explains the applicable First Amendment considerations that must be observed when drafting a zoning code amendment to authorize additional sign code allowance(s). As we discussed, sign code amendments must be carefully crafted observing Supreme Court decisions on the subject.

As you may recall, in 2015, the U.S. Supreme Court rendered a unanimous decision in *Reed v. Gilbert*, 576 U.S. 155, that invalidated a municipal sign code ordinance that treated signs differently based on their content. Specifically, that city's sign code classified signs based upon whether signs were ideological, political or temporary directional signs. Those classifications dictated sign size and time allowances for their display. The Supreme Court invalidated the Town of Gilbert's sign code finding that the sign ordinance was an unconstitutional, content-based regulation of speech that could not survive strict scrutiny. The Supreme Court indicated that content-based regulations may only be justified if the government's regulation is narrowly tailored to serve a compelling state interest.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
236 Pedro Street
Venice, Florida 34285

The *Reed* decision has been interpreted as requiring that sign codes be content-neutral. The *Reed* decision also provided guidance on what local governments could regulate in their sign codes. Specifically, the Court reiterated that cities have the abilities to regulate content-neutral, time-place-manner aspects of signage, such as:

- Physical and locational criteria
- Size
- Lighting
- Materials
- Setbacks
- Digital vs. static displays
- Traffic-safety-related restrictions (if content neutral)

The decision in *Reed* is now widely regarded now as the general minimum standards to observe when drafting sign codes or their amendments.

On-Premises and Off-Premises Signs

Following *Reed*, the Supreme Court provided additional instruction on sign code regulations in *City of Austin v. Reagan National Advertising*, 596 U.S. 61 (2022), by articulating additional distinctions between on-premises and off-premises sign regulations. Specifically, the U.S. Supreme Court upheld on-premises vs. off-premises distinctions within a city's sign code and determined that a location-based differential for advertising signs did not violate the First Amendment when it was adopted for safety and aesthetic purposes. The Court found that the on-premises and off-premises sign regulation distinction was facially neutral and subject to intermediate scrutiny. The *City of Austin* decision clarified that post-*Reed*, municipal ordinances could: use physical or locational criteria instead of message-based criteria; treat commercial speech separately; document traffic-safety or aesthetic justifications for content-neutral restrictions; and ensure any exceptions (i.e., safety signs) are grounded in government speech or content-neutral necessity. The Court reiterated that the First Amendment allows governments to regulate solicitation in an attempt or effort to gain business; and continues to afford government the right to regulate of time and manner of solicitation in the interest of public safety, peace, comfort or convenience. Restrictions on solicitations are not content based so long as they do not discriminate based upon topic, subject matter or viewpoint.

Mandatory Neutral Information

Mandatory, content neutral signage for location identification to ensure emergency service access and safety have been repeatedly upheld by the courts as not violating the First Amendment. Government may require factual, functional information, and such information is generally treated by the courts as a regulation of conduct with incidental effects on speech. Address signage requirements are often considered non-expressive regulatory requirements. Other examples include building-permit postings, safety warnings, occupancy notices, health inspection grades, utility easement markers. These types of required signage are generally upheld because they serve a

legitimate governmental interest (i.e., emergency response, safety, public order) and are not more burdensome than necessary. By comparison, government regulatory signage requirements violate the First Amendment when government attempts to force a private party to express ideological message, for example a “flag salute” or “state motto” on license plates.” See, *West Virginia v. Barnette*, 319 U.S. 624 (1943); *Wooley v. Maynard*, 430 U.S. 705 (1977). Government cannot force individuals to adopt or display a viewpoint. Additionally, government requirements to disclose specific information to prevent deception have also been upheld without violating the First Amendment. See, *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626 (1985). Courts typically apply intermediate scrutiny to government sign regulations that are content-neutral but serve a legitimate government purpose (i.e., safety or aesthetics).

In response to the *Reed* decision, most local governments, including the Town of Longboat Key, revised their sign codes to conform with the content neutral parameters articulated by the U.S. Supreme Court. In 2018, the Town of Longboat Key adopted revisions to its sign code and modeled its revisions after a model advanced by the International Municipal Lawyers Association (“ILMA”). See, Ordinance 2017-03 (passed 7-9-18) and codified as Chapter 156 of the Town Code. Since its 2018 adoption, there have not been any amendments to the Town’s sign code.

The public beaches within the Town of Longboat Key (“Town”) are engineered and renourished by the Town as part of the Town’s comprehensive beach management plan to ensure that the Town’s beaches and shoreline are maintained for the benefit of the Town’s property owners, residents, visitors and guests. There are several rigid, man-made groins that are built immediately adjacent and perpendicular to the Town’s public beach for the purpose of slowing and/or preventing coastal erosion along the shoreline. The vast majority of the constructed groins are publicly owned, permitted and designed by the Town, and not designed or intended for public access or use (i.e., they are constructed of large rock blocks and other materials without pedestrian accessibility from the shoreline). By contrast, there is currently one privately constructed ground along the Town’s beaches that includes a boardwalk-walkway attraction on top of the groin structure that is owned by a commercial property owner that is accessible from the public sandy beach. The boardwalk-walkway extends into the Gulf of America (formerly known as the Gulf of Mexico) and is open to the off-site commercial property owner’s condominium unit owners and tourist invitees and also to other public beach users. The Town has a legitimate governmental interest in allowing signage on the groin to distinguish the site from the public beach immediately adjacent to it. Allowing a sign would identify the distinction between the public and private groins within the Town since none of the existing groins have any identifying ownership markings. The Town’s public owned groins are not intended for public access nor for use as a recreational amenity. By contrast, the secondary purpose for the private groin owned by a commercial property owner is for the groin to also serve an aesthetic attraction (for photos and social media postings by the commercial property owner’s invitees and guests) and as a recreational area for other beach users to use as a boardwalk-walkway structure (above the groin). Absent a sign indicating ownership, there is nothing distinguishable from the public beach to indicate that the groin is privately and commercially owned and operated, was constructed by a nearby commercial property owner, and is not public property. Failure to identify privately owned groin would lead to public confusion that the Town of Longboat Key has an ownership interest in

the structure or responsibility for the groin structure in conjunction with the rest of the beach (as it does for every other coastal groin). Identifying the responsible owner allows the public to determine whether or not the public should access and walk upon privately owned structure and what entity is responsible for ownership and ensuring safety of the structure. Additionally, a sign erected on the private groin structure would assist the public and first responders in creating an indicator to provide a location in the event of future public safety responses at the private groin (walkway) by the Town's police, firefighters and paramedics.

As the amendments to the Town of Longboat Key's sign code are being crafted and considered, content neutral (time, place, manner) criteria should always be the objective in the development of new sign code text. There is greater latitude for regulations of off-premises commercial signs particularly when the regulations serve an important or significant interest. Neutral regulatory requirements with public safety justifications are generally upheld, and (if applicable) public safety considerations should be considered and incorporated. Accordingly, if the purpose of the sign code amendment by the Town is to allow content neutral signage on the private groin to provide identifying information for the people accessing the groin/walkway for location purposes (i.e., future public safety reasons) and ownership liability for the privately owned groin/walkway structure, such rationale will likely support the advancement of substantial government interests.

As always, if you have any questions or concerns about this Memorandum and its guidance, please do not hesitate to contact me.



Town of Longboat Key
Planning, Zoning and Building Department
 501 Bay Isles Road
 Longboat Key, Florida 34228
 941-316-1966
 941-316-1970 FAX

APPLICATION FOR ZONING CODE TEXT AMENDMENT

Application must be completed in its entirety, and owner's signature notarized.

APPLICANT IS REQUIRED TO UPLOAD THIS APPLICATION AND SUPPORTING PLANS AND DOCUMENTS THROUGH THE TOWN'S ACELA PERMITTING SYSTEM. ONCE APPLICATION IS DEEMED COMPLETE, ADDITIONAL COPIES WILL BE REQUESTED FOR DISTRIBUTION.

ZONING CODE TEXT AMENDMENT APPLICATION FEE: \$3,000 deposit

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.

Date Filed: 1-22-2026

Name of Development: Not applicable. The amendments will apply Town-wide to all qualifying structures and signs on a private groin adjacent to a hotel or motel in the T-6 Zoning District.

Site Address: NA. See above response.

Legal Description: Lot _____ Block: _____ Subdivision or Plat: _____

PROPERTY OWNER APPLICANT

Name: S.R. LBK, LLC, a Delaware limited liability company,

Company/Firm: _____

Phone: (407) 999-9985 Fax: (407) 264-9155 Email: _____

Mailing Address: 7940 Via Dellagio Way, Suite 200

City: Orlando State: Florida Zip: 32819

APPLICANT/AGENT (if applicable)

Name: Brenda L. Patten, Esquire

Company/Firm: Berlin Patten Ebling, PLLC

Phone: (941) 362-7500 Fax: (941) 954-9992 Email: brendapatten@comcast.net

Mailing Address: 3700 S. Tamiami Trail

City: Sarasota State: Florida Zip: 34239

Please provide a brief description of the proposed text amendment: Proposes to amend s. 158.094(C) and s. 158.099 (A) to allow a structure and sign on a private groin in the Gulf of America (fka Mexico) seaward of the erosion control line adjacent to a hotel or motel located in the T-6 Zoning District.

Please provide the following for each section of the Zoning Code for which an amendment is requested:

- Specify the exact section of the Town Zoning Code requested for amendment.
- State the proposed amendment language. If appropriate, a proposed amendment involving text change should include the impacted code section in legislative format (proposed additions underlined and proposed deletions ~~struck through~~).
- State the reason why the subject section of the code should be amended. Include not only what benefit the proposed code amendment would have to the applicant (specific project or parcel impact), but also possible town-wide benefits.
- State why the existing code is invalid or inappropriate.
- List the goals, objectives and policies from the Town's Comprehensive Plan with which the proposed amendment is consistent. Justification as to how or why the proposed amendment is consistent with the cited portion of the comprehensive plan shall be stated.
- Submit statistics, studies, background data, and/or analysis in support of the modifications as well as how the proposed regulations will be enforced by the Town of Longboat Key, if applicable.

CERTIFICATION

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing the subject type of development will be complied with whether specified herein or not. Furthermore, I acknowledge that the Town of Longboat Key has the right to inspect the subject property in conjunction with this Zoning Code Text amendment application. (Please advise the Town of any restrictions or limitations on the inspections.)

(I) (WE) understand that this application becomes a part of the permanent records of the Planning, Zoning and Building Department. (I) (WE) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herein are true to the best of (my) (our) knowledge and belief.

Applicant's Signature: Brenda L. Patten **Date:** 1/23/2026
(if applicant is not the property owner, a property owner affidavit will be required)

NOTARIZATION OF SIGNATURE

State of Florida

County of Sarasota

The foregoing instrument was acknowledged before me by means of physical presence or online notarization ,
this 23 day of January 2026 by Brenda L. Patten

Signature of Notary Public Samantha M. Bo

Printed/Stamped Name of Notary Public Samantha M. Bo

Personally known OR produced identification Type of ID _____





Reply to:
Brenda L. Patten, Esquire
Berlin Patten Ebling PLLC
3700 S. Tamiami Trail
Sarasota, FL 34239
Telephone: (941) 362-7500

January 23, 2026

Mr. Allen Parsons, AICP, Director
Planning , Zoning & Building Department
Town of Longboat Key
501 Bay Isles Road
Longboat Key, Florida 34228

SENT BY E-MAIL & ACCELA

Re: Application for Zoning Code Text Amendments, Sections 158.094(C) and 158.099(A)

Dear Mr. Parsons,

On behalf of S.R. LBK, LLC, a Delaware limited liability company (“SR LBK”), and Chuck Whittall, entity manager, and in accordance with Zoning Code section 158.021 (A)(3), I am with this letter requesting amendments of the text of the Town of Longboat Key Zoning Code sections 158.094(C) -Yard Regulations and 158.099(A)- Structures Over Water as set forth below to accommodate an archway and sign constructed on an existing groin at the St. Regis Hotel and Residences located at 1561, 1571, 1581, 1591, 1601 and 1621 Gulf of Mexico Drive (the “Property”).¹ However, the proposed amendments are not intended exclusively to benefit the Property as the amendments will apply Town-wide to any property meeting the requirements of the proposed amendments. SR LBK has an ownership interest in the Property.

I. Background.

When Unicorp National Developments, Inc. (“Unicorp”) purchased the Property, it included the old Colony groin extending into the Gulf of America (fka Gulf of Mexico) which was in very poor condition. Unicorp repaired the groin, added a pedestrian walkway with railings on top of it, and installed an archway with a sign saying “St. Regis, Longboat Key” as shown on the attached graphic. The arch with the St. Regis logo has become a very popular spot for photographs of the many couples who have chosen to use the resort as their wedding venue.

¹Exhibit A, Condition 1 of Ordinances 2023-07 and 2023-12 approving the development provides as follows: “... After issuance of the final Certificate of Occupancy [CO] for the project any subsequent modifications to the approval provided within this PUD/ ODP/ Final Site Plan that are not otherwise exempt under the site plan requirements of the then applicable Town Code, shall be subject to the applicable Town Code in effect at the time of such subsequent submittal.” This provision means that until a final CO has been issued for the development, the Town Codes in effect in 2018 shall apply to all permits and applications for the development. Since the applicable provisions of section 158.094(C)-Yard Regulations and 158.099(A)-Structures Over Water under the current 2026 Zoning Code are virtually identical to the provisions of section 158.150-Yard Regulations and section 158.155-Structures Over Water of the 2018 code, this application will reference only the current 2026 code provisions.

In 2022, Unicorp received a permit from the Town of Longboat Key (“LBK”) for the groin improvements. However, the application and permit did not include the archway and sign which hadn’t been thought of at that point. In 2024, Unicorp applied for permits from the State of Florida Department of Environmental Protection (“DEP”) for groin repair and improvements, which application included the archway and sign shown on the attached graphic. DEP issued the permit, the groin has been repaired, and the walkway, railings, archway and sign have been installed. Town staff has informed Unicorp that the archway and sign must be added to the LBK permit. However, in the opinion of Town staff, the Town code does not allow this type of arch and groin sign.² Staff advised SR LBK that the remedy is to apply for amendments of the Town code to allow these improvements.

II. Proposed Amendment of Zoning Code Section 158.094- Yard Regulations.

The applicant proposes adding a new section (C)(1)(d) to Zoning Code section 154.094 as underlined below:

158.094 Yard regulations.

.....

(C) *Waterfront yard requirements.*

(1) *Required gulf waterfront yard.* Every lot which abuts the Gulf of Mexico or an established erosion control line shall have, on the Gulfside, a required gulf waterfront yard. The required gulf waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the yard from which the depth shall be measured shall be the mean high-water line; except that, where an erosion control line has been established, the depth shall be measured from that line.

(a) No structures, buildings, swimming pools (except as provided in Section 158.095), drives, vehicular parking, walls, and fences may be built within the required Gulfside waterfront yard except for beach shelters, beach access parking on land owned or controlled by the public, pool fences, and windwalls, as defined in Section 158.144, and dune walkover structures, sand fences, accessory decks, or marine structures as authorized in Chapter 151.

.....

(d) Notwithstanding any provision of the Zoning Code to the contrary, adjacent to the T-6 zoning district, a single open archway structure supporting a sign may be constructed on a private groin extending into the Gulf of America (fka Mexico) seaward of the erosion control line provided the structure and

² Unicorp and SR LBK do not agree that the Town Code prohibits the groin sign and arch, but are applying for the Zoning Code amendments to avoid further delay. In the event the proposed amendments are denied by the Town Commission, Unicorp and SR LBK reserve all rights to challenge the application of the Town Codes to the groin sign and arch in any subsequent Town or circuit court proceedings.

sign comply with the requirements of section 158.099(A)(2)(f) and chapter 156 of the Town Code.

III. Proposed Amendment of Zoning Code Section 158.099 (A)- Structures Over Water.
The applicant proposes to amend section 158.099(A)(2) as underlined below:

158.099 - Structures over water.

(A) No structures other than boat docks, accessory dock structures including benches, guard rails, fish cleaning tables, a ladder or other device which provides a reasonable means of egress from the water to a boat dock, and equipment lockers, pilings, boat lifts or pile mounted davits shall be permitted to be constructed, reconstructed, or structurally altered beyond the mean high-water line. Structures over water on properties abutting the Gulf of Mexico are prohibited, except as herein provided. Permitted structures over water shall comply with the following standards:

.....

(2) Except as provided below, no building, equipment, facility or any other type of structure shall be erected, placed, located or maintained on a dock or groin that extends above the walking surface of the dock or groin:

.....

(f) Notwithstanding any provision of the Zoning Code to the contrary, an archway structure supporting a single sign may be constructed on a private groin extending into the Gulf of America (fka Mexico) adjacent to the T-6 Zoning District provided the following requirements are met:

1. The private groin is appurtenant to a hotel or motel on the adjacent upland;
2. The archway structure, including the sign, shall not exceed a height of 14 feet above the surface of the private groin;
3. The archway structure on the surface of a private groin on which a sign is mounted shall consist of columns or posts made of wood, concrete, stainless steel, aluminum or similar materials not exceeding 8 inches by 8 inches thick which create an open frame above a walkway on a private groin, allow passage of pedestrians under the archway, and do not form a wall, roofed shelter or enclosed structure;
4. The sign on the archway shall only identify a hotel, motel, and related amenities located on the adjacent upland and shall comply with all other provisions of the Town's Sign Code, chapter 156;
5. The archway structure, including the sign, shall be designed and installed to withstand winds up to 100 miles per hour;
6. The owner of the property shall maintain the private groin,

archway structure and sign at the owner's expense.

7. Other applicable state and federal regulatory requirements and permits for the private groin, archway and sign are obtained by the owner.

IV. Responses to Zoning Code Section 158.021(B).

The following responses to the criteria of section 158.021(B) apply to the above proposed Zoning Code amendments:

- (1) The need and justification for the change.

Response. As noted below, the Town's Comprehensive Plan and Zoning Code encourage high-quality resort development. An open archway framing the Gulf of America (fka Mexico) on the surface of a private groin will create a popular amenity for the adjoining hotel or motel in a T-6 Zoning District. A well-maintained archway and attractive sign identifying the property will draw attention to the property, promoting visitors and tourism. An open archway on a private groin overlooking the Gulf of America (fka Mexico) will create a focal point for photos and memories, drawing more visitors and tourists to the hotel or motel property. As an example, the archway and sign on the St. Regis Resort groin has become a very popular photo spot for tourists, newly-weds, and other visitor. Beach walkers and boaters passing the property will also see the archway and sign, encouraging them to use the amenities of the hotel or motel.

- (2) Applicability of the change Town-wide;

Response. The proposed amendments are restricted to private groins extending into the Gulf of America (fka Mexico) located adjacent to the T-6 Zoning District in which a hotel or motel is developed. Very few properties in the Town fall into this category. The amendments are intended to promote tourism which is vital to the economic wellbeing of the Town.

- (3) Consistency with the adopted goals, objectives, and policies contained the Town's Comprehensive Plan; and

Response. The T-6 Zoning District is located within the Tourist Resort Commercial Area (TRC-6) of Town's Comprehensive Plan. Future Land Use (FLU) Policy 1.1.13 of the Comprehensive Plan recognizes "the unique needs for resort-oriented facilities" which "are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of amenities." FLU Policy 1.1.14 states that "Historically, tourism has been an important element of the Town's economy." A goal of the Town's *Vision Plan* is to "Encourage improvement, redevelopment and development of

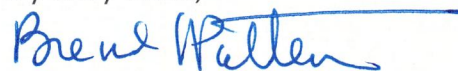
tourism” and “market Longboat Key as a tourism destination.” The Town’s *Strategic Plan* seeks to “Maintain Longboat Key as a premier vacation destination.” Consistent with the Comprehensive Plan, the T-6 Zoning District allows hotel and motel development at a high density to accommodate resort-oriented facilities. The proposed amendments are consistent with these objectives of promoting high level resort and tourism development. In addition, the proposed amendments will have no negative environmental impact. The sign and archway supporting it will be designed and constructed to withstand hurricane-force winds. As an example, the archway and groin sign at the St. Regis Resort withstood hurricanes Milton and Helene without coming loose or causing damage to surrounding properties.

- (4) The proposed change will further the purposes of the Zoning Code and other Town codes, regulations, and actions designed to implement the Comprehensive Plan.

Response. As noted above, the Town’s Comprehensive Plan, Zoning Code, *Vision Plan* and *Strategic Plan* all recognize the importance of tourism to the Town’s economy and high standard of living. Many people who first come to Longboat Key as tourist return later to buy homes and condominiums. Promoting tourism is good for the Town’s residents and economy. The proposed amendments will allow qualifying hotels and motels to attract more visitors. Amenities such as an attractive archway and sign will contribute to the success of qualifying hotels and motels in a very competitive, state-wide tourism industry. The Town should take whatever reasonable steps it can to support tourism as it is critical to the high tax base and standard of living enjoyed on Longboat Key.

Please accept this letter and the accompanying deposit checks in the amount of \$3,000 as S. R. LBK, LLC’s application to amend the text of the Town Zoning Code. Please let me know if you require any further information.

Very Truly Yours,



Brenda L. Patten

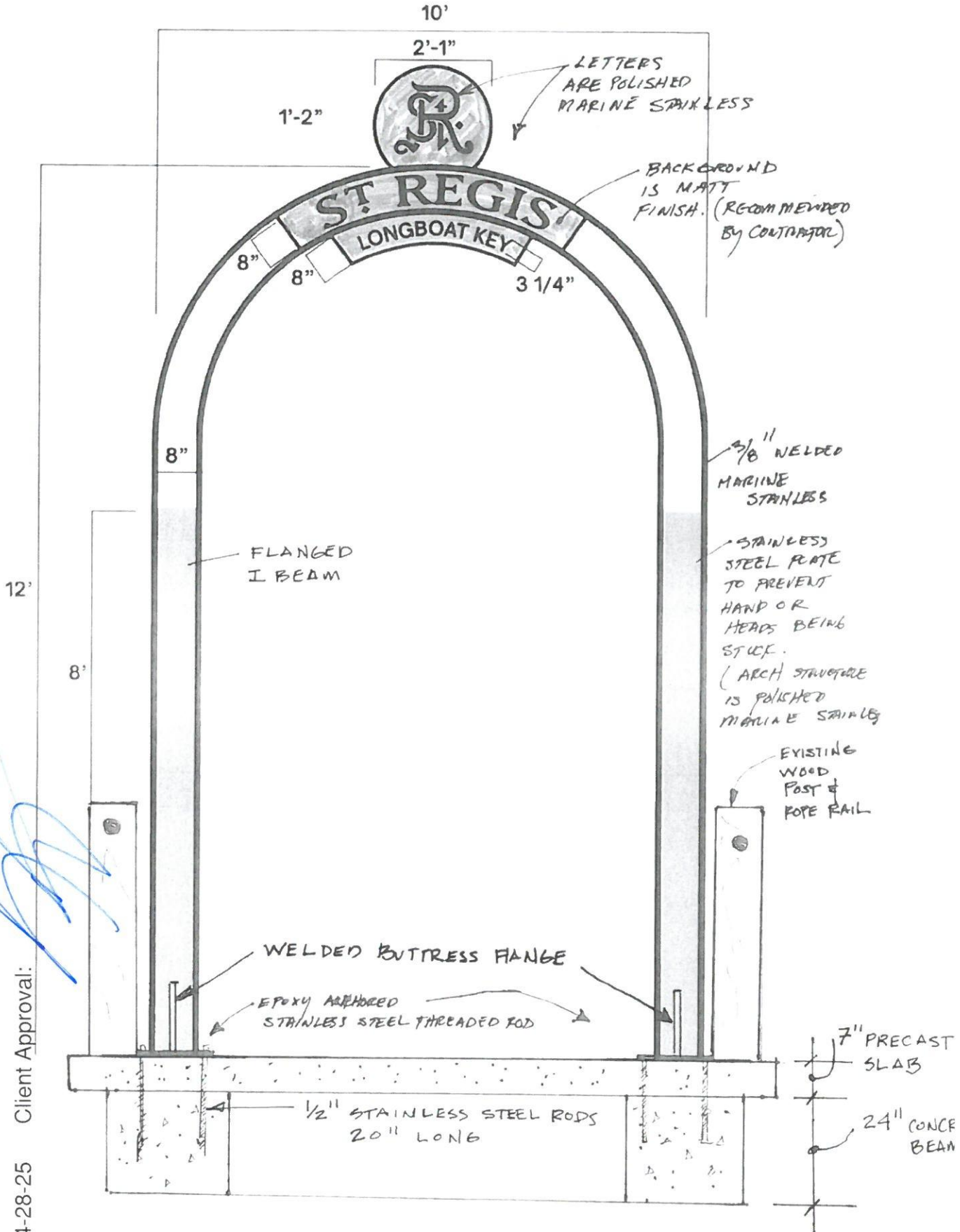
Cc: Mr. Charles Whittall
Mr. George Giebel
Ms. Maggie Mooney, Town Attorney



K&G Marine 3750 Hacienda Blvd Unit G Davie, Florida
Phone: (954)909-4714

Client: Unicorp National Developments Inc. Attn.: George Giebel
St Regis Sign

Date: 4-28-25 Client Approval:





**Town of Longboat Key
Planning, Zoning and Building Department**

501 Bay Isles Road
Longboat Key, Florida 34228
941-316-1966
941-316-1970 FAX

PROPERTY OWNER AFFIDAVIT – AUTHORIZED AGENT

(I), (We) S.R. LBK, LLC, a Delaware limited liability company as owner(s) of the property whose address and legal description is (enter legal address) 1561 & 1601 Gulf of Mexico Drive, Longboat Key FL (legal attached) hereby appoint Brenda L. Patten, Esquire & David Levin, Esquire as our Authorized Agent(s) to act on (my) (our) behalf for the request set forth below. (I), (We) understand that the agent may incur costs and expenses on our behalf in connection with (my) (our) request and agree to pay those fees and expenses in accordance with the Code of Ordinances of the Town of Longboat Key.

The nature of (my) (our) request is Applications for Variance & ODP/Site Plan amendments for St. Regis development (Site Development Plan, ODP Amendment, Variance, Zoning Determination, Special Exception, Permitting, etc.)

If this Affidavit is for an Association, please provide a copy of the Board Meeting minutes / authorization allowing the work to be completed.

SIGNATURE OF PROPERTY OWNER

Signature of Property Owner/Board Member See page 2 for Owner's signature

Printed/Typed Name of Property Owner/Board Member _____

Signature of Property Owner/Board Member _____

Printed/Typed Name of Property Owner/Board Member _____

Mailing Address of Property Owner(s) / Association: _____

Telephone Number: _____ Email Address: _____

NOTARIZATION OF OWNER'S SIGNATURE

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization , this _____ day of _____ 20____ By _____

Signature of Notary Public _____

Printed/Stamped Name of Notary Public _____

Personally known OR produced identification Type of ID. _____



Town of Longboat Key
Planning, Zoning and Building Department
501 Bay Isles Road Longboat Key, Florida 34228
941-316-1966 941-316-1970 FAX

PROPERTY OWNER AFFIDAVIT – AUTHORIZED AGENT

SIGNATURE OF PROPERTY OWNER:

S.R. LBK, LLC,
a Delaware limited liability company

By: S.R. LBK JV, LLC,
a Delaware limited liability company,
its Manager

By: [Signature]
Charles Whittall, Manager

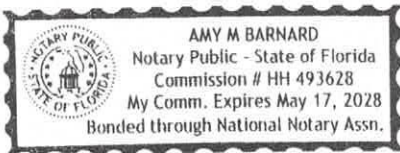
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 29th day of July, 2025, by Charles Whittall, Manager of S.R. LBK JV, LLC, a Delaware limited liability company, as Manager of S.R. LBK, LLC, a Delaware limited liability company, on behalf of the limited liability company, who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public, State of Florida

Printed name: Amy M. Barnard

My Commission Expires: 5/17/28



(Notary Seal)

LEGAL DESCRIPTION TO PROPERTY OWNER AFFIDAVIT

TRACT 1:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 36 S., RANGE 17 E, SARASOTA COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50 FT. TO THE WEST R/W LINE OF SAID PARKWAY FOR A POINT OF BEGINNING; THENCE CONTINUE S. 46° W, 946 FT. MORE OR LESS TO THE WATERS OF THE GULF OF MEXICO; THENCE SOUTHEASTERLY ALONG THE WATERS OF THE GULF OF MEXICO 658 FT. MORE OR LESS; THENCE N 46° E, 980 FT. MORE OR LESS TO THE WEST R/W LINE OF THE JOHN RINGLING PARKWAY; THENCE N. 44° W ALONG SAID JOHN RINGLING PARKWAY 655 FT. TO THE POINT OF BEGINNING AND BEING IN U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA.

AND

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, AND THE SOUTHEASTERLY R/W LINE OF GULF OF MEXICO DRIVE (NOW STATE RD. 763); THENCE N. 46°-45'04" W. ALONG THE SOUTHERLY R/W LINE OF SAID GULF OF MEXICO DRIVE, 94.35 FT. TO A C.M. FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTHERLY R/W LINE OF SAID GULF OF MEXICO DRIVE, N. 46°45'04" W. 125 FT. TO A C.M. SET ON SOUTHEASTERLY OF LANDS DESCRIBED IN DEED BOOK 256, PAGE 453, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S. 43°14'56" W. ALONG THE BOUNDARY OF THE AFORESAID LANDS DESCRIBED IN DEED BOOK 256, PAGE 453, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, 980 FT. MORE OR LESS TO THE WATERS OF THE GULF OF MEXICO; THENCE SOUTHEASTERLY ALONG THE SHORE OF THE WATERS OF THE GULF OF MEXICO TO A POINT WHICH LIES S. 43°14'56" W. OF POINT OF BEGINNING; THENCE N. 43°14'56" E. ALONG A LINE 125 FT. FROM AND PARALLEL TO THE SOUTHEASTERN BOUNDARY LINE OF THE LANDS DESCRIBED IN DEED BOOK 256, PAGE 453, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, 986 FT. MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCELS DESIGNATED AS PARCELS "A", "B", "C" & "D":

PARCEL "A"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 996.00 FT.; THENCE S. 44° E. 364.68 FT.; THENCE N. 46° E. 46.03 FT. TO THE PRINCIPAL PLACE OF BEGINNING; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT AN ARC DISTANCE OF 146.35 FT. THE CHORD OF WHICH BEARS S. 31°43'36" E. A CHORD DISTANCE OF 120.63 FT. SAID CURVE HAVING A RADIUS OF 68.00 FT.; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT AN ARC DISTANCE OF 87.54 FT. THE CHORD OF WHICH BEARS N. 4°28'24" E. A CHORD DISTANCE OF 61.24 FT. SAID CURVE HAVING A RADIUS OF 31.00 FT.; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT AN ARC DISTANCE OF 49.43 FT. THE CHORD OF WHICH BEARS N. 47°01'36" W. A CHORD DISTANCE OF 47.27 FT. SAID CURVE HAVING A RADIUS OF 48.00 FT.; THENCE N. 74°31'36" W. 36.46 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "B"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST 613.5 FT. WEST OF THE NORTHEASTERN CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 590.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE) TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S. 46° W. 165.00 FT.; THENCE S. 44° E. 190.00 FT.; THENCE N. 46° E. 165.00 FT.; THENCE N. 44° W. 130.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "C"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 155.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 46° W. 120.91 FT.; THENCE S. 44° E. 65.00 FT.; THENCE S. 46° W. 90.93 FT.; THENCE S. 44° E. 62.00 FT.; THENCE S. 46° W. 50.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUING S. 46° W. 325.00 FT.; THENCE N. 44° W. 20.00 FT.; THENCE S. 46° W. 60.00 FT.; THENCE S. 44° E. 153.00 FT.; THENCE N. 46° E. 60.00 FT.; THENCE N. 44° W. 20.00 FT.; THENCE N. 46° E. 325.00 FT.; THENCE N 44° W. 113.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "D"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEASTERN CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 155.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE) TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S. 46° W. 120.51 FT.; THENCE S. 44° E. 65.00 FT.; THENCE S. 46° W. 90.93 FT.; THENCE S. 44° E. 245.00 FT.; THENCE N. 46° E. 90.93 FT.; THENCE N. 44° W. 65.00 FT.; THENCE N. 46° E. 120.31 FT. TO A POINT ON THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE N. 44° W. 245.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

TRACT 2 (CONSISTING OF PARCELS "A", "B", "C" AND "D" BELOW):

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL "A"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 996.00 FT.; THENCE S. 44° E. 364.68 FT.; THENCE N. 46° E. 46.03 FT. TO THE PRINCIPAL PLACE OF BEGINNING; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT AN ARC DISTANCE OF 148.35 FT. THE CHORD OF WHICH BEARS S. 31°49'36" E. A CHORD DISTANCE OF 120.63 FT. SAID CURVE HAVING A RADIUS OF 68.00 FT.; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT AN ARC DISTANCE OF 87.65 FT. THE CHORD OF WHICH BEARS N. 4°28'24" E. A CHORD DISTANCE OF 61.24 FT. SAID CURVE HAVING A RADIUS OF 31.00 FT.; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT AN ARC DISTANCE OF 49.42 FT. THE CHORD OF WHICH BEARS N. 47°01'36" W. A CHORD DISTANCE OF 47.27 FT. SAID CURVE HAVING A RADIUS OF 48.00 FT.; THENCE N. 74°29'42" W. 34.90 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "B"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST 613.5 FT. WEST OF THE NORTHEASTERN CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 590.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE) TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S. 46° W. 165.00 FT.; THENCE S. 44° E. 190.00 FT.; THENCE N. 46° E. 165.00 FT.; THENCE N. 44° W. 190.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "C"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 155.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 46° W. 120.91 FT.; THENCE S. 44° E. 65.00 FT.; THENCE S. 46° W. 90.93 FT.; THENCE S. 44° E. 62.00 FT.; THENCE S. 46° W. 50.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUING S. 46° W. 325.00 FT.; THENCE N. 44° W. 20.00 FT.; THENCE S. 46° W. 60.00 FT.; THENCE S. 44° E. 159.00 FT.; THENCE N. 46° E. 60.00 FT.; THENCE N. 44° W. 20.00 FT.; THENCE N. 46° E. 325.00 FT.; THENCE N 44° W. 119.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.

PARCEL "D"

BEGIN AT A POINT ON THE NORTH LINE OF U.S. GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, 613.5 FT. WEST OF THE NORTHEASTERN CORNER OF SAID LOT 4, SAID POINT BEING IN THE CENTER OF THE JOHN RINGLING PARKWAY PAVEMENT; THENCE S. 46° W. 50.00 FT. TO THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE S. 44° E. 155.00 FT. ALONG THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE) TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S. 46° W. 120.91 FT.; THENCE S. 44° E. 65.00 FT.; THENCE S. 46° W. 90.93 FT.; THENCE S. 44° E. 245.00 FT.; THENCE N. 46° E. 90.93 FT.; THENCE N. 44° W. 65.00 FT.; THENCE N. 46° E. 120.91 FT. TO A POINT ON THE WEST R/W LINE OF SAID PARKWAY (GULF OF MEXICO DRIVE); THENCE N. 44° W. 245.00 FT. TO THE PRINCIPAL PLACE OF BEGINNING.