

**RESOLUTION 17-30  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
SEZ17-0003 – FISH-TALE MARINA RESTAURANT  
CONSUMPTION ON PREMISES (COP) AND  
OUTDOOR SEATING EXPANSION**

**WHEREAS**, applicant R. J. Ward, PE, authorized agent for Fish-Tale Marina is requesting a special exception consistent with Section 34-1264(a)(2) of the Town of Fort Myers Beach Land Development Code; and

**WHEREAS**, the applicant has indicated that the STRAP number for the subject property is 03-47-24-W1-00011.0010 and the legal description of the subject property is attached as *Exhibit A*; and

**WHEREAS**, the subject property is located at 7225 Estero Boulevard Fort Myers Beach, FL 33931, zoned Santini on the Official Zoning Map and the Pedestrian Commercial category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

**WHEREAS**, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 8, 2017; and

**WHEREAS**, the LPA recommended approval with conditions of the special exception after full and complete consideration of the Applicant's request, recommendations of Town staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

**WHEREAS**, on September 21st, 2017, the Town Council held a duly advertised public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC section 34-88; and

**WHEREAS**, the Town Council determined it is in the best interest of the Town to approve the request.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

**1. Determination.**

Based upon the recommendations, testimony, and evidence presented by the Town staff, LPA, applicant, and interested parties, the Town Council APPROVES the following:

- a. a special exception to expand the consumption on premises (4COPSRX) and outdoor seating consistent with Section 34-1264(a)(2) of the LDC to allow a maximum **7,879±**

square feet of restaurant and seating areas as depicted on the restaurant seating plan which includes a total of 272 seats. The additional 2,811 square feet of outdoor seating comprises of a 1,030 square foot Courtyard Waiting Area, a 1,293 square foot Chickee Hut, and 488 square feet of Open Air Dining.

## **2. Findings and Conclusions of Law.**

In accordance with the requirements of LDC Section 34-88 for granting a special exception, the Town Council makes the following findings and reaches the following conclusions:

- A. There **exist** changed or changing conditions which make approval of the request appropriate.
- B. The request **is consistent** with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request **meets or exceeds** all performance and locational standards set forth for the proposed use.
- D. The request **will** protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request **will** be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use **will** be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code including Chapter 34.

## **3. Conditions of Approval**

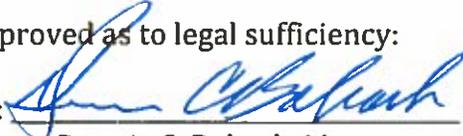
1. *Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only (consistent with LDC Section 34-1264(k)). Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.*
2. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed areas as shown on Exhibit C.*
3. *Sales, service and consumption of food and alcoholic beverages must not begin earlier than 7:00 AM. New customers will not be admitted after 10 PM each day.*
4. *Live entertainment is prohibited. No amplified music after 9:00 PM is permitted in the chickee hut.*
5. *Provide a 6 foot high wall consistent with LDO16-0007 adjacent to the Palm Harbor Condominiums to help mitigate noise emanating from the project.*
6. *Provide a revised parking plan for the 115 spaces designated for the restaurant and marina uses prior to the resolution being signed.*

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Shamp and seconded by Council Member Cereceda, and upon being put to a vote, the result was as follows:

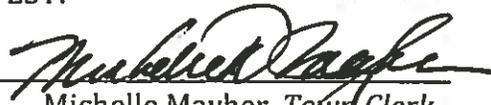
Dennis Boback, Mayor	AYE	Tracey Gore, Vice Mayor	AYE
Bruce Butcher, Member	AYE	Anita Cereceda, Member	AYE
Joanne Shamp, Member	AYE		

DULY PASSED AND ADOPTED THIS 21<sup>st</sup> day of **September, 2017**.

Approved as to legal sufficiency:

By:   
Dennis C. Boback, Mayor

ATTEST:

By:   
Michelle Mayher, Town Clerk

Approved as to form by:

By:   
Peterson Law Group, Town Attorney

Fort Myers Beach Land Development Code  
**Parking Requirements**

Sec. 34-2020. - Required parking spaces

(b) Existing developments. Existing buildings and uses may be modernized, altered, or repaired without providing additional parking spaces, if there is no increase in total floor area or capacity.

(1) Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the enlarged floor area in accordance with the standards specified in this section.

(d)(2)h. Restaurants. With the exceptions noted below, the minimum parking requirements for restaurants is eight spaces per 1,000 square feet of total floor area plus any outdoor seating area.

2. Bars and cocktail lounges. If the restaurant contains a cocktail lounge or bar, the minimum requirement is eight spaces per 1,000 square feet of total floor area plus five additional spaces per 1,000 square feet of floor area used for the bar or cocktail lounge. If outdoor seating is provided, parking must also be provided for the area used for outdoor seating at these same rates.

(d)(3)B. Marinas and other water-oriented uses. Minimum requirements are as follows:

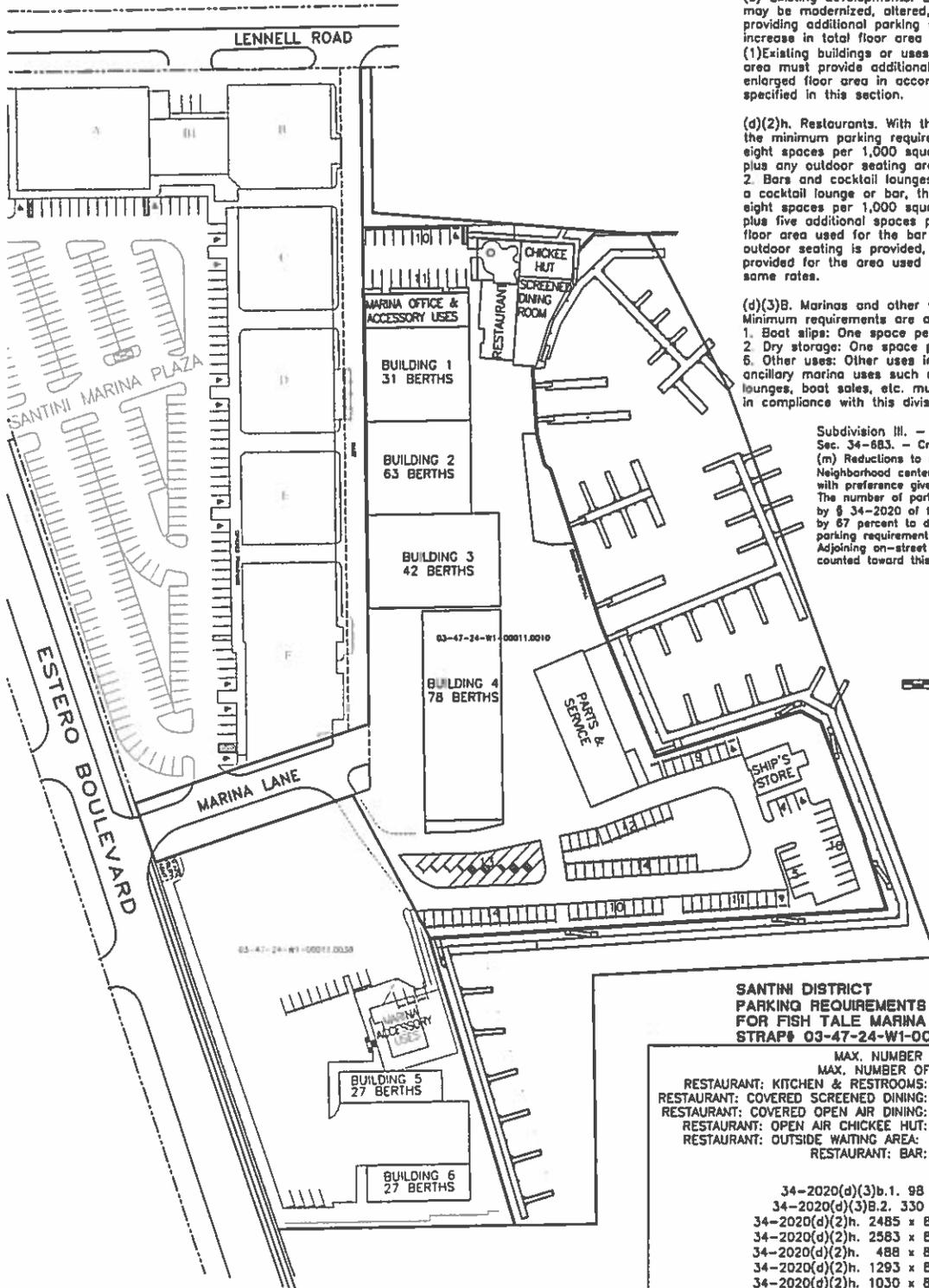
1. Boat slips: One space per two slips.
2. Dry storage: One space per six unit stalls.
6. Other uses: Other uses including accessory or ancillary marina uses such as restaurants, bars, or lounges, boat sales, etc. must be calculated separately in compliance with this division.

Subdivision III. - Santini Zoning District

Sec. 34-883. - Creation of neighborhood center.

(m) Reductions to minimum parking requirements.

Neighborhood centers are "park-once" districts with preference given to pedestrian movement. The number of parking spaces normally required by § 34-2020 of this chapter shall be multiplied by 67 percent to determine the adjusted parking requirement for the Santini district. Adjoining on-street parking spaces may be counted toward this parking requirement.



**SANTINI DISTRICT  
 PARKING REQUIREMENTS  
 FOR FISH TALE MARINA  
 STRAP# 03-47-24-W1-00011.0010**

MAX. NUMBER OF WET BERTHS:	98
MAX. NUMBER OF DRY BERTHS:	330
RESTAURANT: KITCHEN & RESTROOMS:	2485 SQUARE FEET
RESTAURANT: COVERED SCREENED DINING:	2583 SQUARE FEET
RESTAURANT: COVERED OPEN AIR DINING:	488 SQUARE FEET
RESTAURANT: OPEN AIR CHICKEE HUT:	1293 SQUARE FEET
RESTAURANT: OUTSIDE WAITING AREA:	1030 SQUARE FEET
RESTAURANT: BAR:	700 SQUARE FEET

**PARKING STANDARDS:**

34-2020(d)(3)b.1.	98 x 1/2 =	49 SPACES
34-2020(d)(3)B.2.	330 x 1/6 =	55 SPACES
34-2020(d)(2)h.	2485 x 8/1000 =	20 SPACES
34-2020(d)(2)h.	2583 x 8/1000 =	21 SPACES
34-2020(d)(2)h.	488 x 8/1000 =	4 SPACES
34-2020(d)(2)h.	1293 x 8/1000 =	10 SPACES
34-2020(d)(2)h.	1030 x 8/1000 =	8 SPACES
34-2020(d)(2)h.2.	700 x 5/1000 =	4 SPACES

TOTAL PARKING SPACES REQUIRED = 171 SPACES  
 PARKING REDUCTION FACTOR: 0.67  
 TOTAL NUMBER OF PARKING SPACES REQUIRED: 115

TOTAL NUMBER OF EXISTING PARKING SPACES: 123



**PARKING PLAN**

FISH TALE MARINA, INC.  
 7225 ESTERO BOULEVARD  
 FT. MYERS BEACH, FL 33931-4789

PROJECT 218  
 DATE: MAR 2017  
 SCALE: 1" = 100'

REVISED 8/27/2017



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