

ORDINANCE 25-11

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 1051 FIFTH STREET AND 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0060 AND 24-46-23-W3-00203.0150 IN FORT MYERS BEACH, TO AMEND THE EXISTING MASTER CONCEPT PLAN TO ALLOW FOR A) AN INCREASE IN THE NUMBER OF HOTEL UNITS, B) 11 DEVIATIONS: 1) MINIMUM CONNECTION SEPARATION, 2) EXCLUSION OF UNDER BUILDING PARKING FROM FAR, 3) INCREASE IN HEIGHT FOR A MONUMENT SIGN (5TH STREET), 4) INTERNAL SIGN ILLUMINATION, 5) 40.5 FEET HEIGHT WITH 4 STORIES, 6) REDUCTION IN STREET SETBACKS, 7) MURAL -STYLE SIGN (EAST SIDE), 8) 10 FOOT MONUMENT SIGN (CORNER), 9) MURAL STYLE SIGN (SOUTH), 10) WAYFINDING POLE SIGN, AND 11) 58% REDUCTION IN PARKING REQUIREMENTS; AND C) CONDITIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Lighthouse Island Resort, Inc., the owner, and The Neighborhood Company, as agents for the property located at 1051 Fifth Street and 1060 Third Street, Ft Myers Beach, FL 33931, parcels generally identified as STRAP numbers 24-46-23-W3-00205.0060 and 24-46-23-W3-00203.0150 in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD adopted in Resolution 18-17 (1051 Fifth Street) to CPD with expanded boundaries (addition of 1060 Third Street); and a CPD amendment to revise the schedule of uses, density, height and the corresponding Master Concept Plan (MCP) with certain deviations to the Land Development Code (LDC) for a hotel resort and

WHEREAS, the subject property is a combination of two parcels located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 29th, 2025; and

WHEREAS, on May 19th, 2025 the Town Council held a first reading of the proposed

Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was noticed in the Fort Myers News-Press more than 10 days prior to the Town Council on June 16th, 2025; and

WHEREAS, at the June 16th, 2025 public hearing, the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of 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- 85; and

WHEREAS, the Applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and is published on the Town's website; and

WHEREAS, with the following terms, conditions, and requirements which the LPA finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the conditions of approval to be used during the permitting process; and

WHEREAS, Exhibit B provides the Master Concept Plan, the schedule of uses and renderings for this CPD to be used during the permitting process; and

WHEREAS, the Town Council approved Ordinance 25-10 to extend the boundary of the CPD adopted in Resolution 18-17 to include 1060 Third Street; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD adopted in Resolution 18-17 and amended in Ord. 25-10, to CPD with Master Concept Plan with eleven deviations to the LDC in order to increase the size of a hotel resort; and

WHEREAS, the requested deviations from the LDC include:

Deviation #1

Deviation 1 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Fifth Avenue); to allow a connection separation of 83 feet from two existing driveways.

Deviation #2

Deviation 2 requests relief from the F.A.R. requirements of LDC Sec. 34-633, which includes covered parking in the FAR calculation to exclude the under-building parking from this resort's FAR calculation.

Deviation #3

Deviation 3 requests relief from LDC Section 30-5(a)(1)b.3.iii which allows a maximum height of 5 feet for a monument sign to allow an overall height of 9.7' for "Sign C" on Fifth Street.

Deviation #4

Deviation 4 requests relief from LDC Sec. 30-5(a)(1)b.1 for internal illumination of the sign faces to remain as existing, where they would otherwise be required to emit light only from the letters and symbols of the sign face.

Deviation #5

A deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 40 feet 5 inches above base flood elevation and a maximum of four (4) stories consisting of three (3) stories above one (1) level of parking.

Deviation #6

A deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 0' and 6.75' feet along San Carlos Boulevard, Third Street, and Fifth Street.

Deviation #7

A deviation from LDC Section 30-5(a)(1)a which allows a maximum of 32 square feet of signage for a parcel of land containing one or two business establishments to allow a mural-style sign on the east elevation of Building 5 of 104 square feet, as depicted on the MCP.

Deviation #8

A deviation from LDC Section 30-5(a)(1)a which allows a maximum of 32 square feet of signage for a parcel of land containing one or two business establishments to allow a mural-style sign on the south elevation of Building 5 of 100 square feet, as depicted on the MCP.

Deviation #9

A deviation from LDC Section 30-5(a)(1)b.3.iii which allows a maximum height of 5 feet for a monument sign to allow an overall height of 10 feet for a monument sign at the corner of Crescent Street and Fifth Street, as depicted on the MCP.

Deviation #10

A deviation from LDC Section 30-8(16) which prohibits pole signs to allow a decorative wayfinding pole sign on the corner of Third Street and San Carlos Boulevard, as depicted on the MCP.

Deviation #11

A deviation from LDC Sec. 34-1804(A) and Sec. 34-2020, which regulates parking for hotels/motels and other accessory uses, to allow a 58% reduction in parking requirements for a total of 82 on-site parking spaces.

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (See LDC 34-85 and 34-216):

- a. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.

- b. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- e. Urban services are available and adequate to serve the proposed use.
- f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- h. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council made the following formal findings before making final decisions on the eight requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216):

- a. Each item enhances the achievement of the objectives of the planned development; and
- b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and
- c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
- d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that this application to approve Ordinance 25-01 which is, **consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve with conditions** the Application.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and

adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant **did** meet its burden of proof, that the request to approve Town of Fort Myers Beach’s Ordinance 25-01 and the conditions of approval for the commercial planned development zoning, **does** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVE WITH CONDITIONS** the requested application.

Section 3. Town Ordinance 25-11 is adopted and the Conditions of Approval for the Property’s CPD set forth in Exhibit A and the attached Master Concept Plan in Exhibit B, attached hereto and incorporated herein by this reference are approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

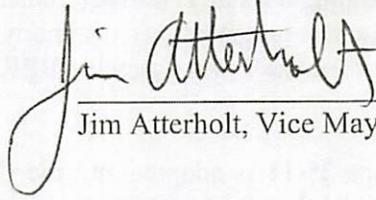
Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Woodson, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 16th day of June 2025.

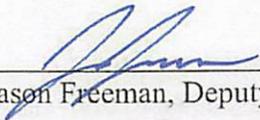
Dan Allers, Mayor	<u>Abstained</u>
Jim Atterholt, Vice Mayor	<u>Aye</u>
John R. King, Council Member	<u>Aye</u>
Scott Safford, Council Member	<u>Aye</u>
Karen Woodson, Council Member	<u>Aye</u>

FORT MYERS BEACH TOWN COUNCIL



Jim Atterholt, Vice Mayor

ATTEST:



Jason Freeman, Deputy Clerk/Legislative Liaison

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Nancy Stuparich
Nancy Stuparich (Jun 27, 2025 10:33 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 26th day of June 2025.

Exhibits:

Exhibit A- Conditions of Approval

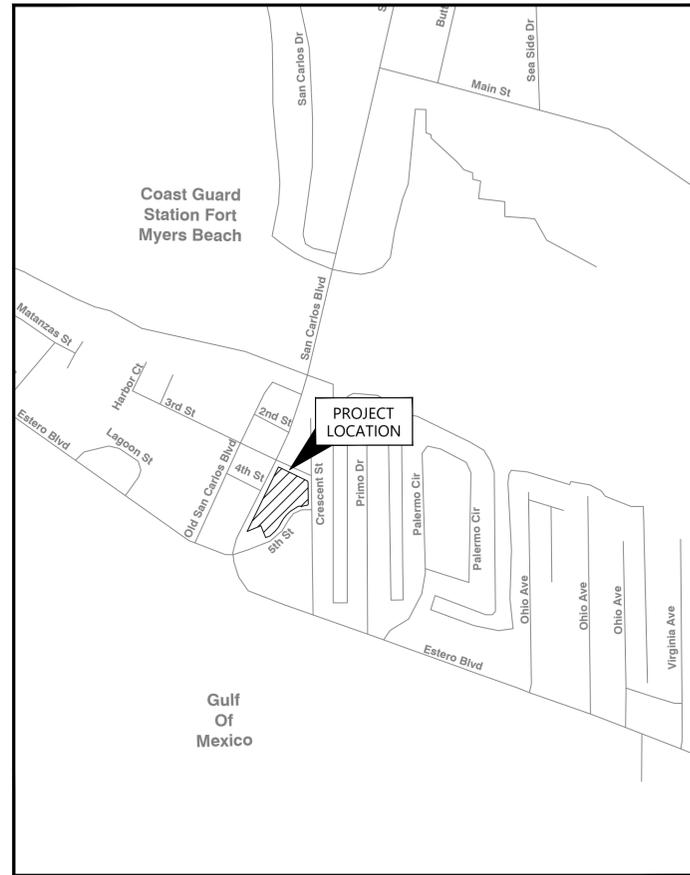
Exhibit B - Master Concept Plan (MCP) with Schedule of Uses and Renderings

Exhibit A: Conditions of Approval

1. Final architectural design must be generally consistent with renderings provided in addition to the Master Concept Plan.
2. Prior to approval of a development order the MCP must be revised to reflect the conditions of approval as determined by the ordinance.
3. Applicant must receive approval from the Town Manager for “back out” parking along Third Street per LDC Sec. 34-2015.
4. The installation and use of the proposed “pedestrian pathway” is subject to approval by FDOT. Within six months of zoning approval by the town council, the property owner will coordinate with FDOT regarding enhancements to the San Carlos Boulevard/Matanzas Pass Bridge right-of-way.
5. The pedestrian walkway that runs along the San Carlos Blvd/Sky Bridge must be lit for safety. Lighting must emanate from the subject property and be included in the photometric plan to be approved at the time of a Development Order.
6. All signs in or near the ROW will require sight-triangle analysis per Sec. 30(a)(4).
7. Access through and along the resort pathway connecting the existing sidewalk arcade on Fifth Street to San Carlos Boulevard, must be open to the general public during the resort’s restaurant operational hours to encourage pedestrian movement between the east and west sides of the resort.
8. All landscaping materials will be native varieties/Florida friendly species.
9. At the time of Development Order on the property boundary survey, the LIMWA (Limit of moderate wave action) Boundary line (Coastal A Zone) must be demonstrated.
10. At the time of Development Order the architectural elevation sheets must have the lowest horizontal member added on the cross-section details.
11. Applicant must provide at least 1 bike rack.
12. Consumption of Premises (COP) Service of alcohol for on-premises consumption is approved at the locations depicted on the Master Concept Plan, subject to these limitations:
 - a. For Building 5 COP will be located on the elevated pool deck.
 - b. For the tiki bar and pool deck on the south end of the property between Buildings 3 and 5, limited to the areas depicted on the Master Concept Plan.
 - c. For the tiki bar and pool deck on the north end of the property between Buildings 2 and 6, limited to the areas depicted on the Master Concept Plan.
13. Hours of operation for outdoor areas will be limited to the following unless otherwise temporarily altered by the Town’s special event use regulations in LDC Section 34-1264. All other hours of operation will be regulated by the LDC.
 - a. Pool deck (Building 5): 9:00am to 12:00am
 - b. Pool deck and tiki bar (south end between Buildings 3 and 5): 9:00am to 2:00am
 - c. Pool deck and tiki bar (north end between Buildings 2 and 6): 9:00am to 10:00pm

MASTER CONCEPT PLAN FOR LIGHTHOUSE ISLAND RESORT CPD

SECTION 24, TOWNSHIP 46S, RANGE 23E,
FORT MYERS BEACH, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PROJECT TEAM:



PREPARED FOR:

LIGHTHOUSE ISLAND RESORT INC

1051 FIFTH ST
FORT MYERS BEACH, FL 33931

CONTENTS	
SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS
3	MASTER CONCEPT PLAN
4	NOTES
DATE: January, 2025	
PROJECT No.: 240050.01.01	
SHEET No.: 1 OF 4	



LEGEND	
	- EXISTING BUILDING FOOTPRINT
	- PROPOSED BUILDING FOOTPRINT
	- DECK AREA
	- ACCESSWAY+ PARKING
	- BUFFERS AND OPEN SPACE
	- OUTDOOR COP BOUNDARY
	- PATHWAYS + SIDEWALKS
	- PUBLIC BENCH
	- VEHICULAR INGRESS / EGRESS
	- DEVIATIONS
	- SHARED LANE

PROJECT NO:	220050.01.01
DATE:	01/25
DESIGN:	P.V.
DRAWN:	F.L.
CHECKED:	
APPROVED:	
SHEET NUMBER:	3 OF 4
CLIENT:	LIGHTHOUSE ISLAND RESORT INC
PROJECT:	LIGHTHOUSE ISLAND RESORT CPD
TITLE:	MASTER CONCEPT PLAN (MCP)
 THE NEIGHBORHOOD COMPANY 5618 WHISPERING WILLOW WAY FORT MYERS, FL 33908 WWW.THENEIGHBORHOOD.COM/PANY	















SURFING

BOARDWALK

MHK
ARCHITECTURE











LIGHTHOUSE
RESORT
Inn & Suites





LIGHTHOUSE RESORT Inn & Suites



LIGHTHOUSE
RESORT
HOTEL & SPA

MHK
ARCHITECTURE





Actual Height
52'-9"



1 EXTERIOR ELEVATION - NORTH
SCALE: 3/32" = 1'-0"



4 EXTERIOR ELEVATION - WEST
SCALE: 3/32" = 1'-0"



① ELEVATION NORTH
SCALE: 3/32" = 1'-0"



② ELEVATION SOUTH
SCALE: 3/32" = 1'-0"

LIGHTHOUSE RESORT - BUILDING 1

SK9

MHK ARCHITECTURE

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