

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 19-01

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS,
FLORIDA; PROVIDING FOR A SPECIAL EXCEPTION TO ALLOW
FOR CONSUMPTION ON PREMESIS AT THE BAY WATER
CLUB; LOCATED AT 5020, 5124/126, 4906, 4990, 4962 & 4934
Bonita Beach Road SW, BONITA SPRINGS, FLORIDA 34134;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, locations seeking to obtain authorization for consumption on-premises which fall outside a enumerated list of compatible uses are required to obtain a special exception pursuant to Section 4-1023 of the land development code; and

WHEREAS, a Public Hearing was advertised and heard on June 25, 2019 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case COP18-52859-BOS who recommended unanimous approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, City Council at their July 15, 2019 zoning meeting considered the record of the Zoning Board on Case COP18-52859-BOS, and gave full consideration of the Staff Recommendation, the evidence and testimony.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request for a special exception with the following conditions:

Conditions:

1. The locations of the seats and tables available for the sale and service of alcoholic beverages shall be **completely** within the tiki hut areas, as shown on the attached site plans (Attachment A).
2. Any additional seats beyond what is shown on the site plans may require additional infrastructure, including, but not limited to, additional restroom facilities and parking.

3. The sale and service of alcoholic beverages will be for boat club members only and will not be available to the general public. Additionally, this approval is for beverages only. Should the applicant request food service, this may necessitate the need for additional restrooms or parking facilities.
4. The operational hours for the sale and service of on-premises consumption is limited to 5:00 p.m. to 9:00 p.m., seven (7) days a week.
5. At the close of business, any remaining beverages, coolers, registers, or any other items used for the service and sale of alcoholic beverages located at 5124/126 Bonita Beach Road shall be removed from the tiki huts and stored in the permanent/main rental building, or within one of the storage sheds, not accessible to the general public or club members. At the close of business, the tiki hut located at 5020 Bonita Beach Road, which has walls, will be closed up, with no indication that the sale or service of alcoholic beverages is occurring or has occurred.
6. The business must provide the City of Bonita Springs the State forms for the Consumption on Premises (COP) license, which requires a signature from the Community Development Department, before it can be submitted to the State.
7. The applicant will coordinate with Bonita Springs Utilities (BSU) regarding any grease retention infrastructure that may be required, prior to the City issuing a COP permit. If no grease retention infrastructure is required, the applicant will provide a letter to the City from BSU stating such, as part of the COP permit process.
8. The Bonita Springs Noise Control Ordinance remains in full force and effect; notwithstanding, no music is permitted after 9 p.m.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of a special exception, Staff makes the following findings and conclusions, as conditioned:

1. The requested special exception, as conditioned:


- a. meets or exceeds all *applicable* performance and locational standards set forth for the proposed use;
- b. is consistent with the Goals, Objectives, Policies, and intent set forth in the City's Comprehensive Plan;
- c. is compatible with existing or planned uses in the surrounding area;
- d. will not cause damage, hazard, nuisance or other detriment to persons or property;
- e. will not have an adverse effect on surrounding properties;
- f. will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's Land Development Code.

SECTION TWO: EFFECTIVE DATE


This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 15th day of July, 2019.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Carr	Aye	O'Flinn	Aye
DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk: 9/18/19

ATTACHMENT A, PART 1

