

PLANNING AND ZONING BOARD
SPECIAL EXCEPTION ORDER # 2013-02

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION FOR THE RESTAURANT LOCATED AT 555 BAY ISLES PARKWAY (PARCELS A & B-2), TO ALLOW FOR A 50 SEAT OUTDOOR DINING AREA FOR FOOD AND BEVERAGE SERVICE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a restaurant is allowed at 555 Bay Isles Parkway, Parcels A & B-2, as permitted in the MUC-1 Mixed Use Community-Bay Isles; and

WHEREAS, W. Howard Rooks, submitted a Special Exception application to allow outdoor dining (food and beverage service) in an existing 1,600 square foot outdoor paved area; and

WHEREAS, the Planning and Zoning Official has, in a timely fashion, accepted the Application and referred same to the Planning and Zoning Board along with the support documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board makes these conclusions and findings of fact:

- (a) With the recommended conditions of approval the Special Exception is consistent with the comprehensive plan, and the purpose and intent of the zoning district in which it is located.
- (b) With the recommended conditions of approval the Special Exception is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) With the recommended conditions of approval the Special Exception is in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy, utility facilities, and other essential services.
- (d) With the recommended conditions of approval the Special Exception is consistent with good design standards in respect to all external relationships, including but not limited to relationship to adjoining properties; internal circulation, both vehicular and pedestrian; provision of screening and buffering; and, hours of operation.
- (e) With the recommended conditions of approval the Special Exception is in conformance with Town policy in respect to sufficiency of ownership,

guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

NOW, THEREFORE, BE IT ORDERED BY THE PLANNING AND ZONING BOARD, THAT:

Section 1. The Special Exception application for a restaurant located at 555 Bay Isles Parkway, Parcels A & B-2, Longboat Key, Florida 34228 be and is hereby approved subject to the conditions attached hereto marked Exhibit "A", "Conditions Requisite for Approval", Special Exception, restaurant located at 555 Bay Isles Parkway, Parcels A & B-2, Longboat Key, Florida 34228, and dated concurrently with this Special Exception Order.

Section 2. This Order shall become effective immediately upon adoption.

ADOPTED at a meeting of the Planning and Zoning Board of the Town of Longboat Key on the 17th day of December 2013.

Chairman

ATTEST:

Secretary

Attachment: Exhibit "A": Conditions of Approval

EXHIBIT "A"

SPECIAL EXCEPTION ORDER # 2013-02

CONDITIONS REQUISITE FOR APPROVAL
SPECIAL EXCEPTION

RESTAURANT

555 BAY ISLES PARKWAY, PARCELS A & B-2

1. The outdoor dining area shall be limited to 1,600 square feet as shown on the attached site plan, dated November 21, 2013.
2. Safe and convenient ingress and egress to the property shall be maintained.
3. The outdoor dining area shall be used only for food service, drink service, as a waiting area, and for casual seating.
4. All food and drink preparations shall take place within the confines of an enclosed restaurant building located on the same site as the outdoor dining area.
5. The outdoor dining area shall be considered an expansion of a restaurant. Accordingly, the outdoor dining area shall be designed in such a manner that will maintain a free, unobstructed connection between the restaurant and outdoor dining areas. All regulations that pertain to restaurant dining areas shall apply to the outdoor dining areas.
6. The improved walking surface area of the outdoor dining area shall be maintained.
7. The applicant shall maintain the planter boxes that provide physical delineation of the perimeter of the outdoor dining area.
8. The hours of operation for the outdoor dining area shall be 11:00 a.m. to 11:00 p.m.
9. No music or amplified voices shall be allowed in the outdoor dining area. Noise shall not be audible more than 50 feet from the commercial property and shall otherwise be in accordance with Section 130.02, Loud and Unnecessary Noise, of the Town code, as may be amended.
10. All lighting used in conjunction with an outdoor dining area shall be designed and installed in a manner to avoid glare being directed toward a public or private right-of-way, adjacent property, and the Gulf of Mexico pursuant to Chapter 100 of the Town Code, Sea Turtles, as may be amended.
11. The screening of the outdoor dining area from all adjacent properties and right-of-ways shall be maintained.
12. All furniture within an outdoor dining area shall be portable, meaning that such furniture shall be easily removable from the outdoor dining area. Portable furniture may include tables, chairs, and umbrellas. The maximum diameter of an umbrella shall be eight feet and shall be fabric covered. In the event of a tropical storm, the furniture shall be physically secured or stored within the restaurant building or other on-site enclosed storage area.

13. No roof structure, awning, or canopy shall be permitted without additional approval.
14. No signs, unless specifically exempted in the Town Sign Code, shall be permitted within the outdoor dining area.
15. Any increase in the total number of seats at the restaurant in conjunction with the establishment of an outdoor dining area, may subject the property owner to an assessment of a sewer/water connection fee in accordance with Town Code Chapter 51, Charges, Rates and Billing.