



November 19, 2025

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TILLSONBURG, ON N4G 4G9

RE: 159/161 Old San Carlos Boulevard, Fort Myers Beach 33931
STRAP #24-46-23-W3-0050A.016A
ZVL 20250267 – Zoning Verification Letter

Dear Applicant,

The Community Development Department has reviewed the zoning verification letter request for 159/161 Old San Carlos Boulevard, and can provide the following responsive information:

The subject property is located within the **Downtown** zoning district, and the Future Land Use designation for the property is **Pedestrian Commercial**. The permitted uses for the Downtown zoning district include:

Residential:

- Dwelling unit;
 - Single-family
 - Two-family (*provided density complies with the Fort Myers Beach Comprehensive Plan see [§ 34-632](#)*)
 - Multiple family (*provided density complies with the Fort Myers Beach Comprehensive Plan see [§ 34-632](#)*)
 - Live/work (see [§ 34-1773](#))
- Assisted living facility (see [§ 34-1411](#))
- Rooming house
- Timeshare units (provided these units qualify as dwelling units and meet residential density levels in [§ 34-632](#))
- Home care facility
- Community residential home



- Accessory uses:
 - Recreation facility: private on site
 - Rental of beach furniture, when accessory to a multi-family residential building located adjacent to the Gulf of Mexico containing more than fifty dwelling units
 - Subordinate commercial uses (see [§ 34-3021](#))
 - Accessory apartment (provided density complies with the Fort Myers Beach Comprehensive Plan see [§ 34-632](#) and [§ 34-1177](#))
 - Residential accessory uses

Lodging:

- Bed and breakfast inn (see [§ 34-1801](#))
- Hotel/motel (see [§ 34-1801](#))
- Rental of any permitted dwelling unit for periods of one day or longer
- Resorts
- Timeshare units
- Accessory units:
 - Resort accessory uses
 - Personal services
 - Subordinate commercial uses (see [§ 34-3021](#))

Office:

- Health care facility
- Offices general or commercial
- Personal Services
- Accessory uses:
 - Commercial accessory uses
 - Drive-through Type 1 (*Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in [§ 34-676\(f\)](#), whether the subject property is classified in the*

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DOWNTOWN zone or in a Commercial Planned Development zone. See also [§ 34-620\(g\)\(l\)](#) regarding the prohibition on restaurant drive-throughs)

- Subordinate commercial uses (see [§ 34-3021](#))
- Administrative office
- Home occupation (no outside help)

Retail:

- Laundromat
- Restaurant (Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in [§ 34-676\(f\)](#), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also [§ 34-620\(g\)\(l\)](#) regarding the prohibition on restaurant drive-throughs.)
- Retail store, small
- Accessory uses:
 - ATM
 - Commercial accessory uses
 - Drive-through Type 1 (Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in [§ 34-676\(f\)](#), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also [§ 34-620\(g\)\(l\)](#) regarding the prohibition on restaurant drive-throughs)

Marine:

- Dock (for use by water taxi or water shuttle)
- Accessory uses:
 - Dock, (may be leased to non-occupants of principal use)
 - Dwelling unit for caretaker

Civic:



- Day care center, adult or child
- Park, community or regional
- Place of worship
- School (see §§ [34-2381](#)—2383)
- Essential services (see [§ 34-1612\(a\)](#))
- Essential service equipment
- Recreation facility, public
- Beach or bay access
- Hidden path
- Neighborhood park
- Accessory uses:
 - Dwelling unit, caretaker
 - Restaurant, accessory only to public recreation facilities
 - Subordinate commercial uses (see [§ 34-3021](#))
 - Family day care home

The primary structure setbacks for properties, in accordance with [Section 34-674](#) of the land development code, in the Downtown zoning district, are as follows:

- The property is located in the Downtown District area and build to lines are 0 feet for Old San Carlos Boulevard.
- Minimum rear setbacks are 25 feet from rear property lines.
- Minimum side setbacks are 0 feet for properties fronting on Old San Carlos.
- For properties in primary streets such as Old San Carlos Boulevard building frontages shall be at least 70 percent of the lot frontage.
- Building height for properties that front on Old San Carlos Boulevard between Fifth and First Streets shall be limited to a maximum of 30 feet above base flood elevation and no taller than three stories.
- Other regulations in Downtown zoning district are as follows:



- Floor Area Ratio (F.A.R.) for this property is 1.8 for properties fronting on Old San Carlos between Fifth and First Streets.
- The property is currently located within AE 12 coastal flood zone.
- The commercial design standards (§§ [34-991](#)—34-1010 of this chapter) shall apply to all commercial and mixed-use buildings, or portions thereof, that are being newly built, and to "substantial improvements" to such buildings as defined in [§ 6-405](#) of this LDC.
- There is no active code violations for this property.
- There are no active Deviations, or Variances for this property.
- A special exception was approved under Resolution 2012-02 authorizing a 2COP alcoholic beverage license for on-premises consumption (wine tasting) and package sales of specialty wine, subject to conditions.

The property is in the **Pedestrian Commercial Future Land Use category**. This designation is applied to the intense activity centers of Time Square and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre.

- If you would like a density calculation, please submit a boundary survey to zoningpermits@fmbgov.com.

Applicants' Questions: Please send a verification letter as described below with building heights, setbacks, density, and allowable uses, parking, all building regulations and uses for this property. Also please include any possible projected changes to the LDC.

Response: The zoning verification letter provided above outlines the applicable Downtown zoning district requirements, including building height, setbacks, density, and permitted uses. Parking requirements vary for new and existing developments in accordance with LDC Sec. [34-2020\(a\)](#) and [\(b\)](#). Town's LDC permits parking reductions for uses situated in Downtown zoning. Please refer to LDC Sec. [34-676](#) regarding additional circulation and parking requirements applicable within the Downtown Zoning District.

If you have any further questions or need additional clarification, please don't hesitate to reach out to the Zoning Department at zoningpermits@fmbgov.com or stephaniesolis@axiscompanies.com with any questions.

This letter is in response to the zoning verification application submitted on July 12, 2024. Please note that the information provided may change if there are updates to zoning, maps, or policies.



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Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Karen Woodson, Council Member | Scott Safford, Council Member

Sincerely,

Stephanie Solis

Planner

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Town of Fort Myers Beach

Community Development Department

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