

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99- 24

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH,
FLORIDA, APPROVING AN INTERLOCAL AGREEMENT;
PROVIDING FORM; REQUEST FOR COUNTY APPROVAL; AND
EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach has determined that certain land uses or proposed land uses in Lee County, because of their magnitude or location, may be of concern; and,

WHEREAS, it is vitally important that hurricane preparedness and evacuation plans for all of the areas of Lee County be developed and coordinated to the maximum extent possible; and,

WHEREAS, the Lee County Department of Community Development has indicated the need for future study of emergency evacuation times and strategies to be coordinated; and,

WHEREAS, careful monitoring of building permits is essential to insure that the rate of growth assumptions used in the development study were the appropriate ones made, to insure a balance between projected populated growth and the ability of the County to provide sufficient facilities and services and to plan for and manage disaster preparedness and evacuation needs;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Form. The attached agreement, in substantially the same form as between the County and the City of Sanibel, is approved by the Town.

Section 2. Request for County Approval. The Council of the Town of Fort Myers Beach hereby requests the County Commission to approve and execute an interlocal agreement in substantially the form attached.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Fort Myers Beach Town Council and the agreement upon execution by both the Town and Lee County.

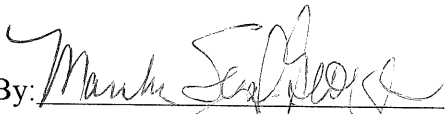
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

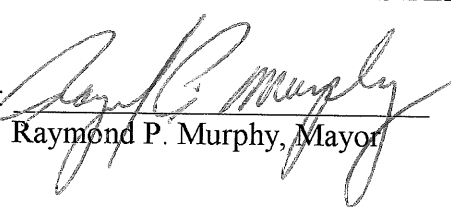
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY ADOPTED this 21s day of June, 1999.

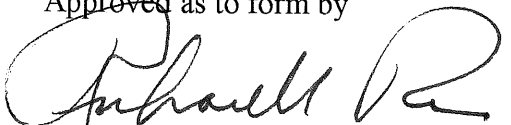
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Raymond P. Murphy, Mayor

Approved as to form by


Richard V.S. Roosa, Town Attorney

INTERGOVERNMENTAL COOPERATIVE PLANNING AGREEMENT

WHEREAS, The County of Lee and the Town of Fort Myers Beach, Florida, have determined that certain land uses or proposed land uses, because of their magnitude or location, may be of mutual concern; and

WHEREAS, the County of Lee and the Town of Fort Myers Beach have determined through the Intergovernmental coordination Elements of their Comprehensive Plans that the interests of the citizens they represent might best be served by providing for and allowing reciprocal review of proposed zoning and land use changes in certain area; and

WHEREAS, pursuant to Florida Statutes, Chapter 163, local governmental units are authorized to enter into interlocal agreements; and,

WHEREAS, the Lee County Comprehensive Plan states that the Board of County Commissioners will encourage establishing and executing interlocal agreements with adjoining jurisdictions for a “zone of consultation” relating to certain changes in land use or zoning; and,

WHEREAS, it is vitally important that hurricane preparedness and evacuation plans for all of the areas of Lee County be developed and coordinated to the maximum extent possible; and,

WHEREAS, the Lee County Office of Disaster Preparedness and the Lee County Department of Community Development are best suited to jointly prepare comprehensive evacuation and shelter plans for Lee County; and,

WHEREAS, it is essential that Lee County and the municipalities located therein coordinate the acquisition of and provide notice to each other of the equipment and services available within each agency to respond to disaster preparedness and emergency needs; and,

WHEREAS, the Lee County Department of Community Development has indicated the need for future study of emergency evacuation times and strategies to be coordinated with the Town of Fort Myers Beach in the context of an interlocal agreement; and,

WHEREAS, careful monitoring of building permits is essential to insure that the rate of growth assumptions used in the development study were the appropriate ones made, to insure a balance between projected populated growth and the ability of the County to provide sufficient facilities and services and to plan for and manage disaster preparedness and evacuation needs;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereby agree as follows:

A. LAND USE AND ZONING

1. Lee County agrees to provide advance written notice, as described hereinafter, to the Town of Fort Myers Beach whenever any substantial change zoning is proposed or requested for land on located within an area bordered on the north by Cypress Lake Drive and the westerly extension of Cypress Lake Drive, bordered on the west by the Caloosahatchee River, bordered on the south by San Carlos Bay and Estero Bay, and bordered on the east by Cleveland Avenue and Hendry Creek as connected by Gladiolus Drive (hereinafter called "study area"). A "substantial change in zoning" is any change which meets the thresholds for "Developments of County Impact" as defined by Lee County regulations (see attached Exhibit "A").

2. Advance written notice, as required by this agreement, shall be sufficient if sent at least ten days before the first public hearing of any kind is held concerning the proposed change. The notice required by this agreement shall also be sufficient if it contains the following:

a. A legal description of the property on which the change is being proposed or requested;

b. A complete description of the proposed change;

c. The schedule of any meetings or public hearings which are part of the process for review and consideration of the proposed change, including, but not limited to, the dates of zoning board or planning commission hearings, and County Commission or Town Council hearings;

3. In addition to the written notice described above, any staff recommendations concerning the proposed change shall be forwarded as soon as they are available, and shall include an estimate from the Disaster Preparedness Agency as to the length of time, if any, the proposed change would increase the projected hurricane evacuation time for the Town.

4. Any applications, surveys, site plans, or other pertinent information regarding proposed or requested changes in land use or zoning which are covered by this agreement shall be made available without charge by either party to the other for review or copying, in sufficient time to provide the other party an effective review as contemplated by the terms of this agreement.

5. The parties hereto understand that the opportunity for review provided by this agreement is merely advisory in nature, and that any comments or recommendations given by either party hereto to the other concerning proposed or requested zoning, or land use changes have no legally binding effect. Furthermore, the fact that a party has received notice pursuant to this agreement, or would be entitled to receive notice under this agreement, shall not give such party any greater standing to legally challenge a rezoning or land use change than would have existed in the absence of this agreement.

B. HURRICANE PREPAREDNESS AND EVACUATION

6. The Town shall provide to Lee County a complete copy of the Town's Emergency Management Plan as the same relates to hurricane preparedness and evacuation, and the Town agrees to provide to Lee County, for review and recommendation, any proposed changes to said plan prior to the adoption or implementation thereof.

7. Lee County agrees to maintain a county-wide evacuation and shelter plan, which delineates specific evacuation routes and emergency shelters for each municipality or populated unincorporated area in Lee County, and which avoids conflicting travel movements to the greatest extent possible, with the recognition that traffic may need to be routed away from some intersections or roadways in the interest of maintaining sufficient capacity along primary evacuation routes.

8. Prior to the beginning of each hurricane season (June 1 of each year) Lee County agrees to update its planned evacuation routes and shelter locations and advise the Town of: (a) the planned evacuation routes for the Town to utilize for such hurricane season; (b) the planned designated or assigned shelters for the Town for various categories of storms for such hurricane season; and (c) a projection of the length of time necessary for the Town to evacuate to points of shelter in Lee County, updated for permitted or approved development during the previous year.

9. Lee County and the Town agree to exchange, prior to June 1 of each year, complete information as to the kinds of equipment and resources available to each of them which is suitable or useful in responding to various types of disasters, and each agrees to cooperate with the other in the development of agreements for sharing said resources and coordinating their responses to any type of disaster.