

ORDINANCE NO. 02-07

AN ORDINANCE OF LEE COUNTY, FLORIDA, RELATING TO BUILDING AND CONSTRUCTION CODES AND TO THE ESTABLISHMENT OF THE WIND BORNE DEBRIS REGION AND WIND SPEED ZONES IN LEE COUNTY; CREATING LEE COUNTY LAND DEVELOPMENT CODE SECTION 6-112 TO DESIGNATE WIND SPEED LINES AND A WIND BORNE DEBRIS REGION THAT COINCIDES WITH FIGURE 1606 OF THE FLORIDA BUILDING CODE; CREATING LEE COUNTY LAND DEVELOPMENT APPENDIX SECTION "M," WIND BORNE DEBRIS REGION; RESERVING LDC SECTIONS 6-113 THROUGH 6-130; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 553.73 establishes the state-wide unified building code known as the Florida Building Code; and

WHEREAS, pursuant to Florida Building Code Section 1606.1.6, the exact location of wind speed lines will be established by local ordinance using recognized physical land marks; and

WHEREAS, Goal 80 of the Lee County Comprehensive Land Use Plan requires the county to provide through county plans, programs and regulations, means to minimize future property losses from natural disasters such as flooding, tropical storms, and hurricanes; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is authorized pursuant to Section 125.01(1)(t), Florida Statutes, to enact ordinances necessary for the exercise of its powers; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds and determines that it is necessary to enact an ordinance establishing the geographical boundary of the wind speed lines in Lee County pursuant to enactment of the Florida Building Code; and

WHEREAS, it is declared that the provisions and regulations hereinafter contained and enacted are for the purpose of securing and promoting the public health, safety and welfare of the inhabitants and property of Lee County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: PURPOSE

The purpose of this Ordinance is to comply with the Florida Statutes Section 553.73 adopting the Florida Building Code and the Florida Building Code Section 1606.1.6, which requires the adoption of a local ordinance to establish exact wind speed lines using recognized physical landmarks. The Florida Building Code requires buildings, structures and parts thereof be designed to withstand the minimum wind loads prescribed in the code and within the designated wind speed zones.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 6

The Lee County Land Development Code is hereby amended by adding a section to be number 6-112 and reserving section numbers 6-113 through 6-130, which sections read as follows:

Sec. 6-112. Lee County Wind Borne Debris Region and Basic Wind Speed Map.

The *Lee County Wind Borne Debris Region & Basic Wind Speed Map*, as depicted in appendix M, establishes the geographical boundaries of the wind speed zones and the wind borne debris region in Lee County. The wind speed lines and wind borne debris region coincides with Figure 1606 of the Florida Building Code.

Sections 6-113 - 6-130 of the Lee County Land Development Code are reserved.

SECTION THREE: AMENDMENT TO LAND DEVELOPMENT CODE APPENDIX

Appendix M is created as the graphic depiction of the Lee County Wind Borne Debris Region and Basic Wind Speed Map. The Lee County Wind Borne Debris Region & Basic Wind Speed Map is attached as appendix M.

SECTION FOUR: CONFLICT

Whenever the requirements or provisions of this Ordinance are in conflict with the provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that portion will be deemed a separate provision and will not affect any remaining provisions of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION SIX: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion and, being put to a vote, the vote was as follows:

ROBERT P. JANES	<u>Aye</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Aye</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 12th day of February, 2002.

ATTEST:
CHARLIE GREEN, CLERK

By: Michelle S. Leisner
Deputy Clerk

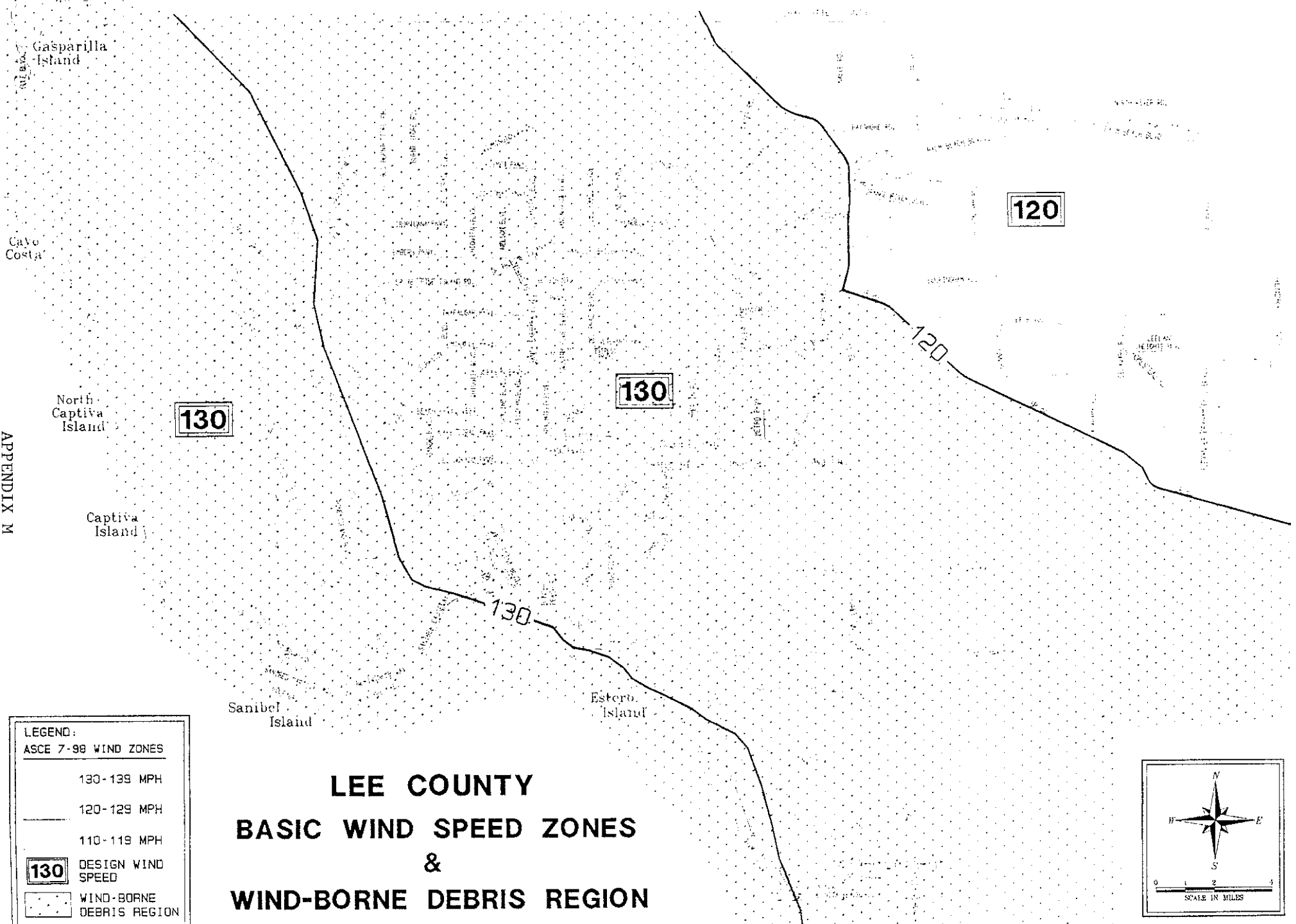
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

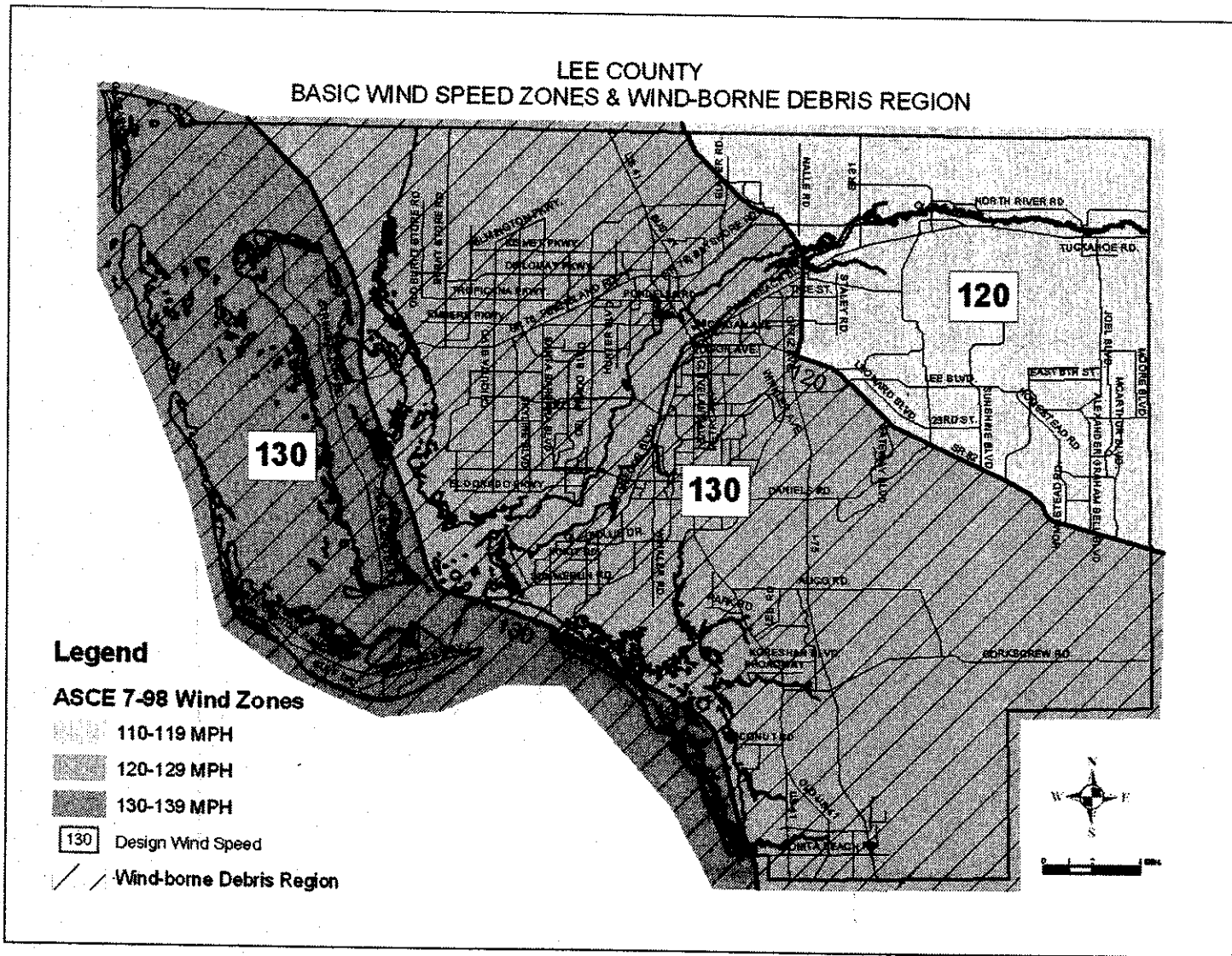
By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney







Map: Lee County Wind Borne Debris Region and Basic Wind Speed Map

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RINGLING MUSEUM OF ART

February 19, 2002

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

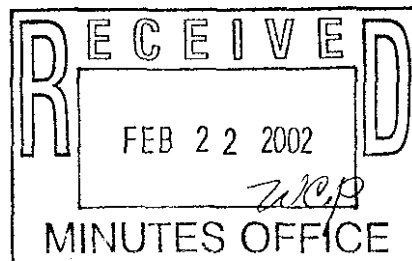
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 15, 2002 and copies of Lee County Ordinance Nos. 02-07 and 02-08, which were filed in this office on February 18, 2002.

Sincerely,

Liz Cloud ak

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp



BUREAU OF ADMINISTRATIVE CODE

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