

ORDINANCE NO. 12-16

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE, CHAPTER 6, TO REPLACE EXISTING MAP M-3, WITH FIGURES 1609A (ULTIMATE DESIGN WIND SPEEDS - RISK CATEGORY II BUILDINGS), 1609B (ULTIMATE DESIGN WIND SPEEDS - RISK CATEGORY III & IV BUILDINGS), AND 1609C (ULTIMATE DESIGN WIND SPEEDS - RISK CATEGORY I BUILDINGS) .

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

WHEREAS, pursuant to Florida Building Code section 1609.3, the exact location of wind speed lines will be established by local ordinance using recognized physical land marks, such as major roads, canals, rivers and lake shores; and,

WHEREAS, Florida Statutes section 125.01(1)(t) authorizes the Board of County Commissioner to enact ordinances necessary for the exercise of its powers; and,

WHEREAS, Goal 105 provides that Lee County will Protect Human Life And Developed Property From Natural Disasters; and,

WHEREAS, Goal 110 provide that Lee County will 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, has adopted a comprehensive Land Development Code (LDC); and,

WHEREAS, the LDC contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Board of County Commissioners finds and determines that it is necessary to enact an ordinance establishing the new 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; and,

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the LDC on February 10, 2012 and April 13, 2012 and recommended their adoption; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on March 14, 2012, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on April 23, 2012, and found them consistent with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LDC CHAPTER 6

Lee County Land Development Code Chapter 6 is amended as follows with strike through identifying deleted text and underline identifying new text.

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

The Lee County Wind Borne Debris Region and 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 coincide with Figures ~~4606~~ 1609A (Ultimate Design Wind Speeds - Risk Category II Buildings), 1609B (Ultimate Design Wind Speeds - Risk Category III & IV Buildings), and 1609C (Ultimate Design Wind Speeds - Risk Category I Buildings), of the Florida Building Code.

SECTION TWO: AMENDMENT TO LDC APPENDIX M

Lee County Land Development Code Appendix M is amended to replace existing Map M-3, with the attached Figures 1609A (Ultimate Design Wind Speeds - Risk Category II Buildings), 1609B (Ultimate Design Wind Speeds - Risk Category III & IV Buildings), and 1609C (Ultimate Design Wind Speeds - Risk Category I Buildings).

SECTION THREE: CONFLICTS OF LAW

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

SECTION FOUR: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the

word "ordinance" can be changed to "section", "article," or other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or his designee, without the need for a public hearing.

SECTION SIX: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioner Mann. The vote was as follows:

John Manning	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

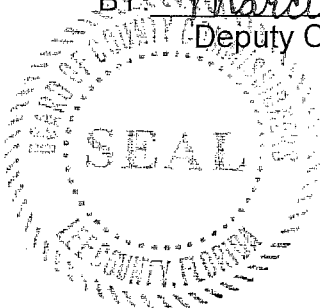
DONE AND ADOPTED this 28th day of August, 2012.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: John Manning
John Manning, Chair



Approved as to form by:

Michael S. [Signature]
County Attorney's Office

Exhibits: Amended Map M-3

Figures: 1609A (Ultimate Design Wind Speeds - Risk Category II Buildings),
1609B (Ultimate Design Wind Speeds - Risk Category III & IV Buildings)
1609C (Ultimate Design Wind Speeds - Risk Category I Buildings)

APPENDIX M

LEE COUNTY WIND BOURNE DEBRIS REGION AND BASIC WIND SPEED MAP

AMENDMENT IS TO REPLACE MAP M-3 (ONE PAGE) WITH THE
FOLLOWING THREE MAPS:

FIGURE 1609A – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY II BUILDINGS

FIGURE 1609B – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY III & IV BUILDINGS

FIGURE 1609C – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY 1 BUILDINGS

LEE COUNTY WIND BORNE DEBRIS REGION AND BASIC WIND SPEED MAP

THIS MAP (M-3) IS TO BE REPLACED

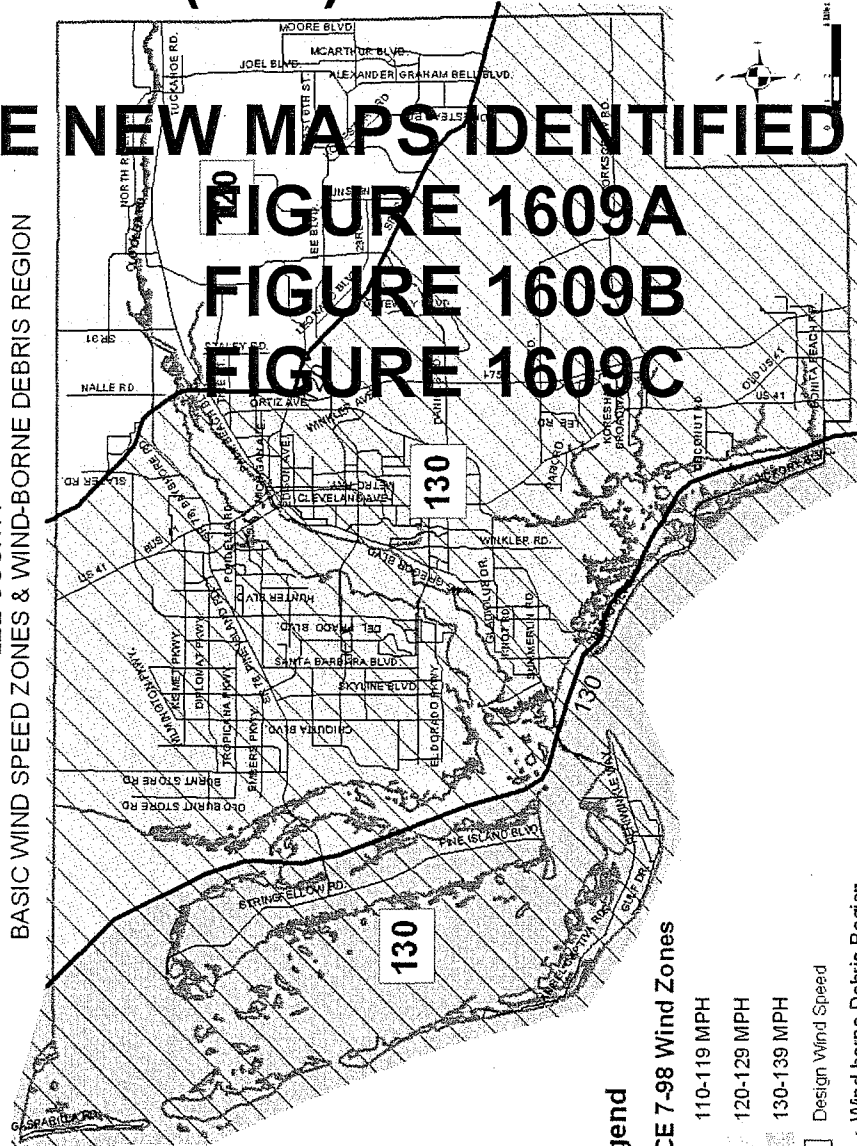
SEE NEW MAPS IDENTIFIED AS:

FIGURE 1609A

FIGURE 1609B

FIGURE 1609C

LEE COUNTY
BASIC WIND SPEED ZONES & WIND-BORNE DEBRIS REGION



Legend

ASCE 7-98 Wind Zones

110-119 MPH

120-129 MPH

130-139 MPH

Design Wind Speed

Wind-borne Debris Region

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

Figure 1609A - Ultimate Design Wind Speeds - Risk Category II Buildings

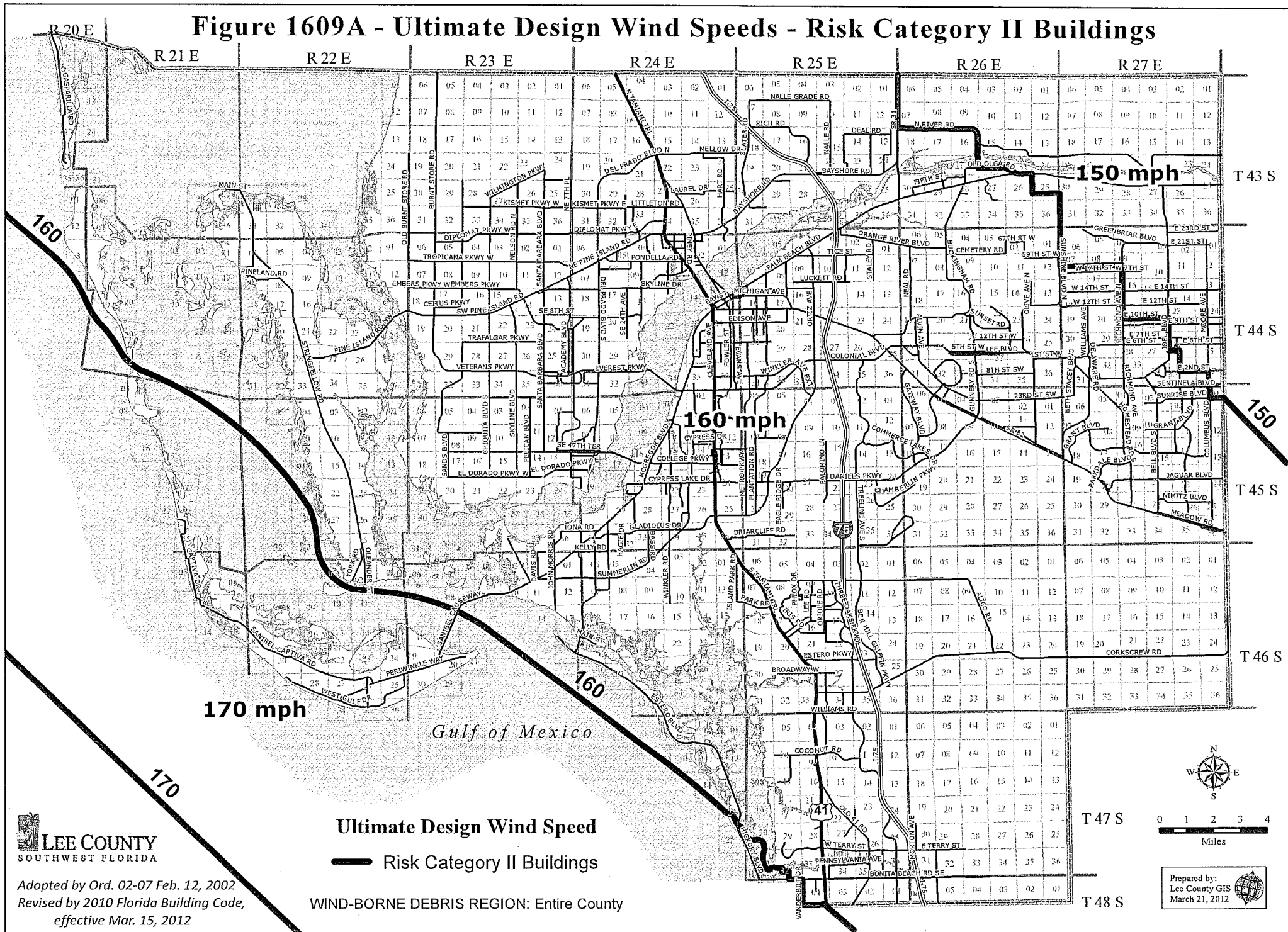


Figure 1609B - Ultimate Design Wind Speeds - Risk Category III & IV Buildings

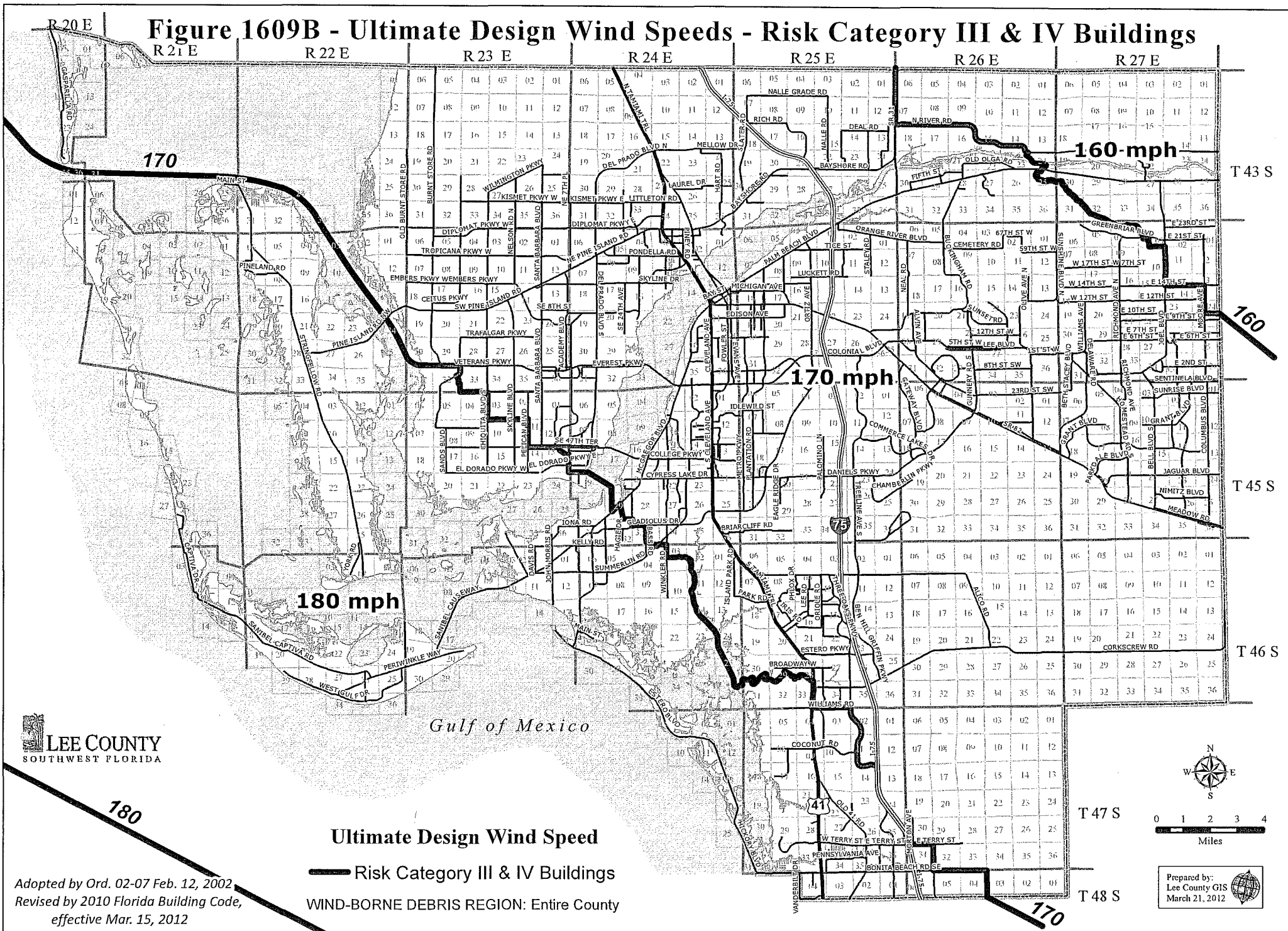
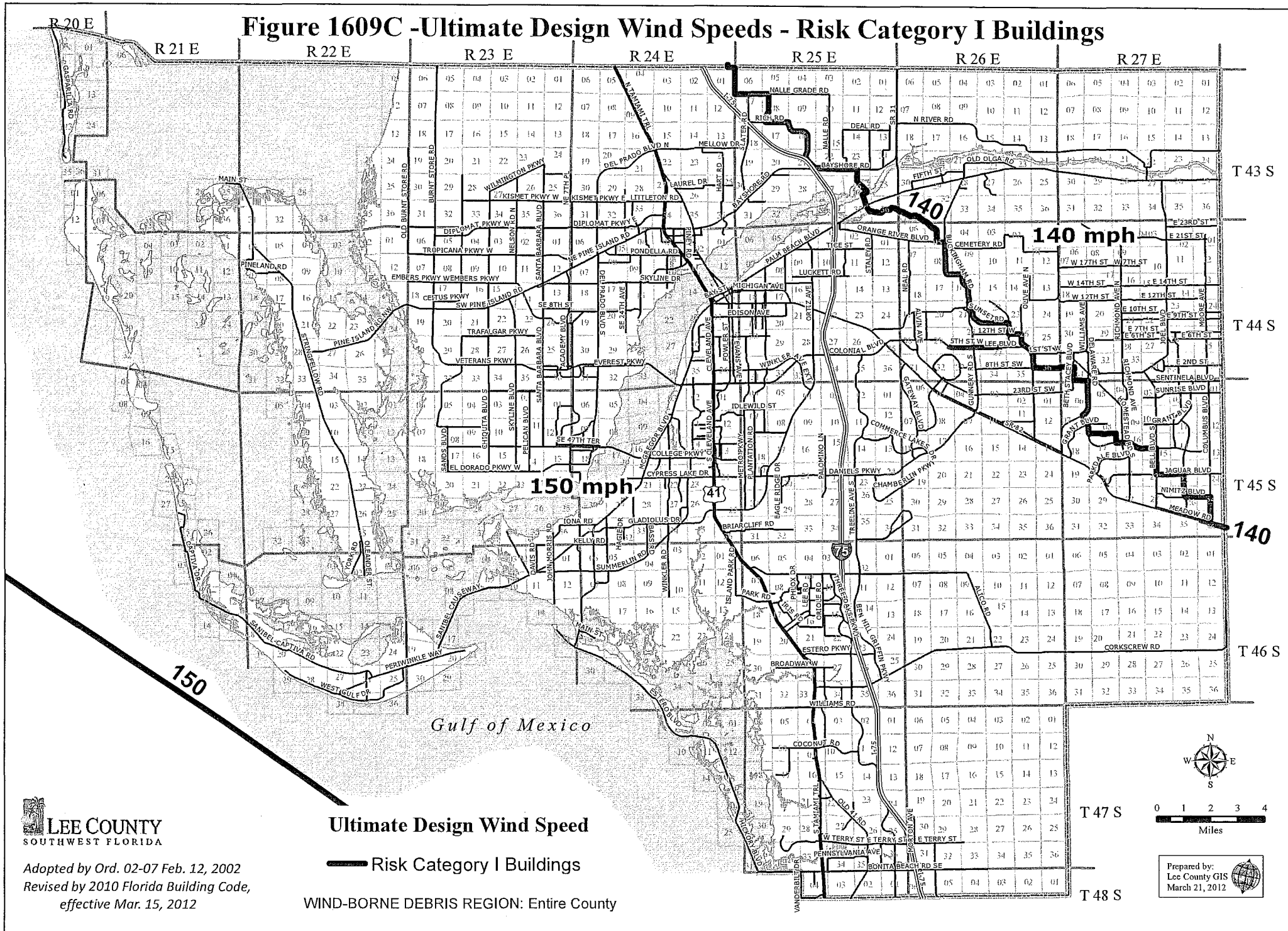


Figure 1609C -Ultimate Design Wind Speeds - Risk Category I Buildings





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 31, 2012

Honorable Charlie Green
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 30, 2012 and copies of Lee County Ordinance Nos. 12-16, 12-17 and 12-18 which were filed in this office on August 31, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

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