

ORDINANCE NO. 2021 - 02

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2020-02, AMENDING ARTICLE II, BUILDING CODE, OF CHAPTER 8, BUILDINGS AND CONSTRUCTION, OF THE CODE OF ORDINANCES, TO ESTABLISH THE 150 MPH ULTIMATE DESIGN WIND SPEED LINE FOR RISK CATEGORY IV BUILDINGS AND ADOPT A MAP FIGURE DEPICTING THE ULTIMATE DESIGN WIND SPEED FOR RISK CATEGORY IV BUILDINGS IN FLAGLER COUNTY; PROVIDING FOR FINDINGS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, as provided in Section 553.73, Florida Statutes, the Florida Building Commission enables local governments to amend the Florida Building Code to adopt more stringent local requirements; and

**WHEREAS**, among the amendments that the Florida Building Commission requires that local governments enact are those related specifically to local wind speed line delineations; and

**WHEREAS**, local delineation of wind speed lines provides a higher degree of protection from wind borne damage and debris by designating wind speed lines utilizing local landmarks that are relied upon by design professionals, architects, engineers, and builders to establish more stringent building engineering requirements; and

**WHEREAS**, among these wind speed lines are those identified for risk category IV buildings which consist of essential services and critical facilities that must remain operational in times of high-wind events, necessitating the adoption of a local wind speed line inclusive of the majority of existing facilities and requiring the design of future facilities to a more stringent design requirement; and

**WHEREAS**, work by the Florida Building Commission indicates that, based on ASCE 7-16, the relevant design standard for wind speed analysis, a 150 mph wind speed line should be established within Flagler County; and

**WHEREAS**, adoption of the wind speed line and map for risk category IV buildings is needed due to the December 31, 2020 effective date of the 2020 Florida Building Code; and

**WHEREAS**, on July 13, 2020, the Flagler County Board of County Commissioners held a public hearing to consider adoption of an ordinance adopting the risk category IV building 150 mph wind speed line; and

**WHEREAS**, through its adoption of Ordinance No. 2020-02, the Board of County Commissioners adopted the risk category IV building 150 mph wind speed line corresponding to the U.S. Highway 1 right-of-way; and

**WHEREAS**, since the adoption of the risk category IV building 150 mph wind speed line through Ordinance No. 2020-02, the County has become aware that the risk category IV building 150 mph wind speed line adopted by St. Johns County and Volusia County matched the model line as proposed by the Florida Building Commission; and

**WHEREAS**, the County is desirous of amending the risk category IV building 150 mph wind speed line to correspond to the model line and providing continuity with the line adopted by St. Johns County and Volusia County; and

**WHEREAS**, public notice of this action has been provided in accordance with Sections 125.66 and 553.73(4)(b)1., Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1. FINDINGS**

- A. The above Recitals are incorporated herein as Findings of Fact.
- B. The Board of County Commissioners finds that the proposed amendment to the Code of Ordinances is necessary to protect the public health, safety, and general welfare, and satisfies a local need to strengthen the Florida Building Code beyond the needs addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need. The costs of enforcement of this local amendment to be borne by the Board of County Commissioners, as well as the costs of compliance to be borne by industry, property owners and building owners are outweighed by the benefits of public health, safety, and general welfare which this local amendment will provide.

**Section 2. CODE AMENDMENT**

- A. Section 8-32, Amendments, of Article II, Building Code, of Chapter 8, Buildings and Construction, of the Code of Ordinances is amended to read as (deletions in strikethrough and additions in underline format):

\* \* \*

Subpart 1606.1.6, Wind Speed and Wind Borne Debris Lines

Line A: Establishment of 130 MPH ultimate design wind speed line for risk category II buildings.

Begin at Flagler/St. Johns County boundary intersection with MAIN LINE CANAL GRADE. South on MAIN LINE CANAL GRADE, crossing Powerline twice before reaching EAST GRADE. South on EAST GRADE to MCNABS CROSSING. West on MCNABS CROSSING to JOHN CAMPBELL DRIVE. South on JOHN CAMPBELL DRIVE to W HIGHWAY 100. East on W HIGHWAY 100 to COUNTY ROAD 305. South on COUNTY ROAD 305 to Flagler/Volusia County boundary.

Line B: Establishment of 140 MPH ultimate design wind speed line for risk category III buildings.

Begin at Flagler/St. Johns County boundary intersection with US HIGHWAY 1N. South on US HIGHWAY 1N to W HIGHWAY (overpass). West on W HIGHWAY 100 to Powerline. South on Powerline to STATE HIGHWAY 11 to Flagler/Volusia County boundary.

Line C: Establishment of 120 MPH ultimate design wind speed line for risk category I buildings.

Begin at Flagler/St. Johns County boundary intersection with MAIN LINE CANAL GRADE. South on MAIN LINE CANAL GRADE, crossing Powerline twice before reaching EAST GRADE. South on EAST GRADE to MCNABS CROSSING. West on MCNABS CROSSING to JOHN CAMPBELL DRIVE. South on JOHN CAMPBELL DRIVE to W HIGHWAY 100. East on W HIGHWAY 100 to WATER OAK ROAD. South on WATER OAK ROAD to COUNTY ROAD 2006 W. West on COUNTY ROAD 2006 W to Dead Lake. South on eastern shore of Dead Lake to Flagler/Volusia County boundary.

Line D: Establishment of 150 MPH ultimate design wind speed line for risk category IV buildings.

The Wind Speed Line as depicted on Figure 1609.3(3), Ultimate Design Wind Speeds Risk Category IV Buildings Map, dated June 2<sup>nd</sup>, 2020, and kept on file in the Office of the Clerk of the Court.

~~Begin at Flagler/St. Johns County boundary intersection with the U.S. Highway 1 right-of-way, thence southerly and easterly following the U.S. Highway right-of-way to its terminus at the Flagler/Volusia County boundary.~~

Wind Borne Debris Line: Any area of Flagler County lying west of the established wind speed lines shall be deemed to have a wind speed of that line unless linear interpolation between the wind speed line for the category of the structure established by Flagler County to the west is provided by a State of Florida licensed Design Professional.

Begin at Flagler/St Johns County boundary at a point (over water) approximately one mile west of the Atlantic Ocean shoreline. Continue south at the same distance from the shoreline until this path intersects the

Intra Coastal Waterway (ICW). South along the ICW past Hammock Dunes Bridge to St. Joe Canal. West, entering St. Joe Canal and bearing left into a canal known as DITCH 10. Continue along DITCH 10 to COLBERT LANE. South on COLBERT LANE to ROBERTS ROAD. South on ROBERTS ROAD to MOODY BLVD (SR 100), crossing MOODY BLVD to JOHN ANDERSON HIGHWAY. South on JOHN ANDERSON HIGHWAY to Flagler/Volusia County boundary.

\* \* \*

- B. Adopt by reference and to be incorporated into Section 8-32, Amendments, of Article II, Building Code, of Chapter 8, Buildings and Construction, of the Code of Ordinances, a map figure (Figure 1609.3(3)) depicting the Ultimate Design Wind Speeds for Risk Category IV Buildings. A copy of Figure 1609.3(3) is attached hereto as Exhibit A.

**Section 3. CODIFICATION AND SCRIVENER'S ERRORS**

- A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or relettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.
- B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

**Section 4. SEVERABILITY**

If any Section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 5. EFFECTIVE DATE**

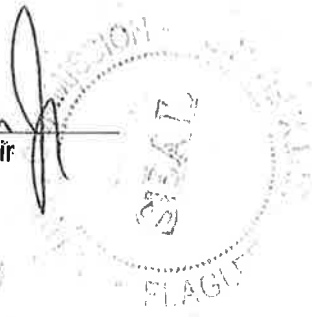
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

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SIGNATURE PAGE TO FOLLOW**

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 5TH DAY OF APRIL, 2021.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: Donald T. O'Brien Jr.  
Donald T. O'Brien Jr., Chair



ATTEST:

Approved as to Form:

By: Lisa Finicello, Al Hadeed  
Tom Bexley, Clerk of the Circuit Court and Comptroller      Al Hadeed, County Attorney

# FLAGLER

## Figure 1609.3(3)

### Ultimate Design Wind Speeds Risk Category IV Buildings

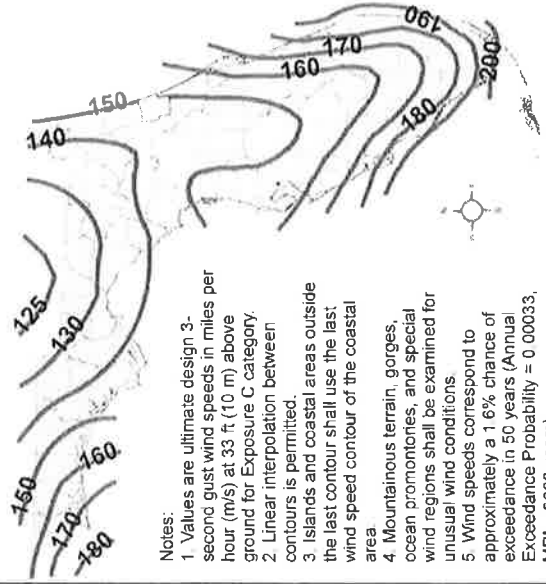
**BASIC WIND SPEED.** The basic wind speed in miles per hour, for the development of wind loads, shall be determined from Figure 1609.3. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores whenever possible.

**WIND-BORNE DEBRIS REGION.** Areas within hurricane-prone regions located:

1. Within 1 mile (1.61 km) of the coastal mean high water line where the ultimate design wind speed Vult is 130 mph (58 m/s) or greater; or
2. In areas where the ultimate design wind speed Vult is 140 mph (63.6 m/s) or greater

For Risk Category II buildings and other structures and Risk Category III buildings and other structures, except health care facilities, the windborne debris region shall be based on Figure 1609.3(1). For Risk Category III health care facilities, the windborne debris region shall be based on Figure 1609.3(2). For Risk Category IV buildings and other structures, the windborne debris region shall be based on Figure 1609.3(3).

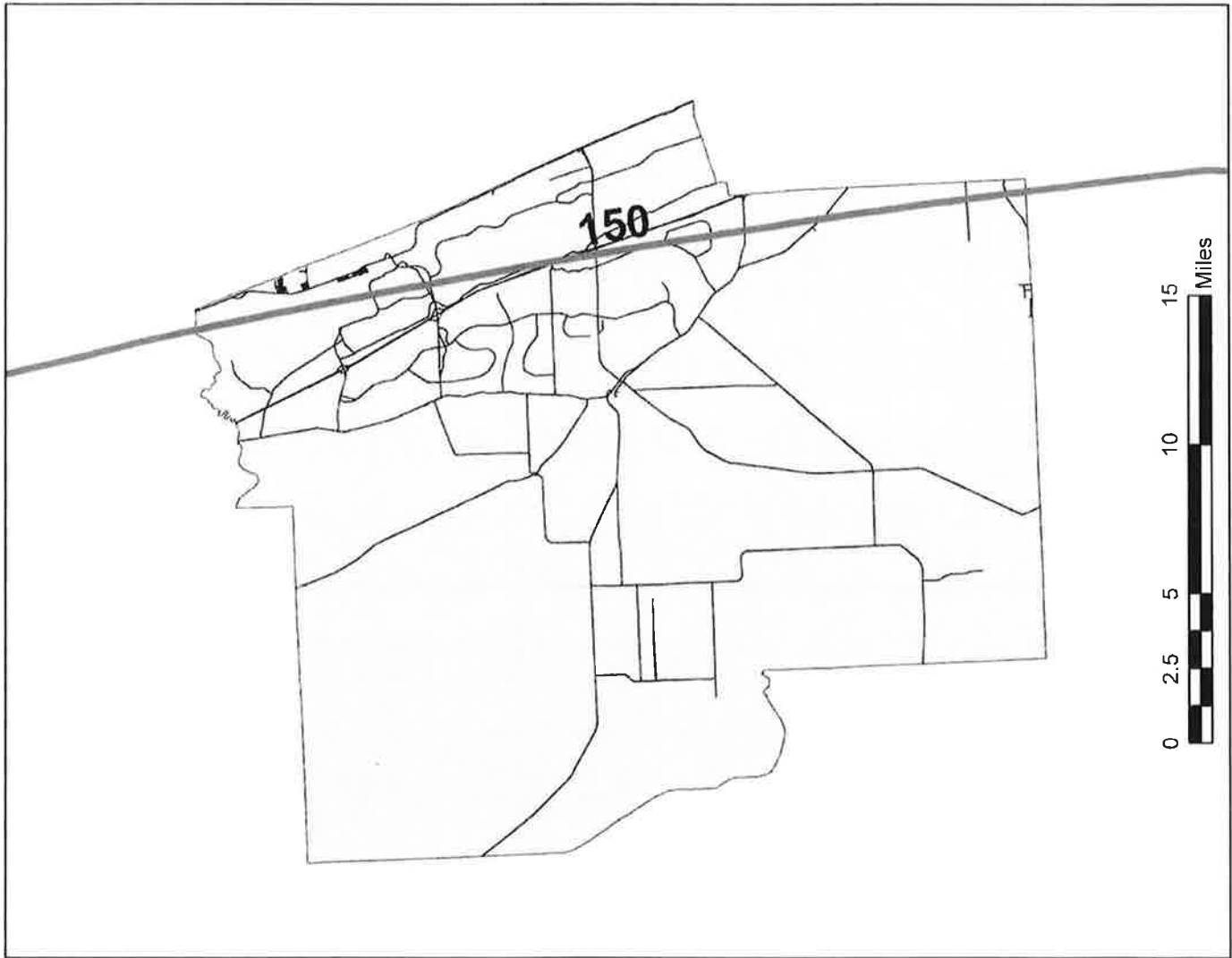
Figure 1609.3(3) Ultimate Design Wind Speeds, for Risk Category IV Buildings and Other Structures



**Notes:**

1. Values are ultimate design 3-second gust wind speeds in miles per hour (m/s) at 33 ft (10 m) above ground for Exposure C category.
2. Linear interpolation between contours is permitted.
3. Islands and coastal areas outside the last contour shall use the last wind speed contour of the coastal area.
4. Mountainous terrain, gorges, ocean promontories, and special wind regions shall be examined for unusual wind conditions.
5. Wind speeds correspond to approximately a 1.6% chance of exceedance in 50 years (Annual Exceedance Probability = 0.00033, MRF = 3000 years)

Sources: Florida Department of Business and Professional Regulations, Building Codes and Standards Office; Florida Building Commission, Applied Research Associates, Inc.; University of Florida, GeosPlan Center, Florida Geographic Data Library; Florida Building Code 2020; County Building Official, 06/02/2020





**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 7, 2021

Honorable Tom Bexley  
Clerk of the Circuit Court  
Flagler County  
1769 East Moody Boulevard, Building 1  
Bunnell, Florida 32110

Attention: Ms. Lisa Funicello

Dear Mr. Bexley:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Flagler County Ordinance No. 2021-02, which was filed in this office on April 6, 2021.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb