

**CITY OF ST. PETE BEACH, FLORIDA**

**ORDINANCE NO. 2009-16**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 98 OF THE CITY OF ST. PETE BEACH MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF ARTICLE III OF CHAPTER 98; PROVIDING FOR CONSTRUCTION SITE MAINTENANCE REQUIREMENTS, PROVIDING FOR AUTHORITY OF THE BUILDING OFFICIAL TO DETERMINE CERTAIN REQUIRMENTS; PROVIDNG FOR AUTHORITY FOR DEVIATIONS FROM THIS CODE; PROVIDNG FOR COMPLIANCE AND FOR THE EFFECT OF CONFLICTS WITH OTHER CODES; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission wishes to maintain and enhance the safety of the public and preserve the quality of the public environment in the City through proper regulation of construction and related activities; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:**

**Section 1. Article III of Chapter 98 of the City of St. Pete Beach Municipal Code of Ordinances is hereby amended as follows:**

**ARTICLE III PROPERTY MAINTENANCE**

**Sec. 98-70. Construction site management.**

**(a) Construction site management plan required. No building permit for any exterior commercial or multi-family construction or improvements shall be issued unless a**

construction site management plan has been submitted and approved by the Building Official. Persons who intend to make any of the following improvements shall designate either a licensed contractor or owner-builder for the purposes of the construction site management requirements: lot clearing, grading, stockpiling of soil, demolition, building construction or reconstruction, building alteration or addition. These requirements set minimum standards for the operation of the project site to eliminate or minimize impacts to the site and to the neighborhood to include containment of sediment, surface water discharge, erosion of soil, vehicle parking and loading areas, traffic control, fencing, placement of materials, safety, neatness and cleanliness.

(b) *Submission requirements.* The contractor shall submit a construction site management plan with a building permit application which includes the following, unless waived by the Building Official after review and determination that the requirement is not reasonably applicable:

(1) Location of proposed demolition, if any.

(2) Grading and drainage surface water management plan for street and project site, including:

a. Drainage plan during construction in compliance with subsection (d) of this section.

b. Final grading and drainage plan upon completion of construction for the street and project site in compliance with subsections (d)(4) and (5) of this section.

(3) Parking plan, including:

a. Location of on-site and abutting street parking areas.

b. Off-site parking plan in compliance with subsection (e)(4) of this section and the following:

1. A single access with dimensions;

2. Buffering for adjacent waterways and streets, as approved by the Building Official;

3. A temporary fence location, height and type of fence with screening;

4. Narrative describing restoration of the lot and hours of operation.

c. Copy of City right-of-way permit for parking in right-of-way.

(4) Fencing plan, showing location, height and type of fence with screening or evidence that proposed construction does not warrant a construction fence in compliance with subsection (g)(6) of this section as determined by the Building Official.

(5) Location of construction trailers, loading/unloading area and material storage area.

(6) Location of chemical toilets.

(7) Location of dumpster.

(8) Traffic control plan, showing access with dimensions, area to be stabilized, narrative on phasing of construction with provision of adequate parking and delivery of materials.

(9) Other activities, where special conditions are identified by the Building Official.

(10) Proof of notice to owners of property within 300 feet of the outer limits of the subject property, as listed in the property appraiser's records, at least 21 days prior to commencement of construction. The proof consists of a list of property owners and addresses and a receipt or other proof of mailing. Notice is to include:

a. A phone number for the contractor where a representative is available whenever construction activities are taking place on site and prior to a storm event.

b. The phone number for the City's Community Development Department and Police Department..

c. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.

d. An offer to have a licensed engineer or City-approved inspector conduct a pre-construction or pre-demolition site inspection of the adjacent properties prior to commencing any demolition, pile driving or similar activities and on-site seismic monitoring during demolition and construction. At a minimum the inspection is to include a visual record of the neighboring properties, a copy of which shall be given to the neighboring property owner and made available to the City on request.

(c) Approval of plan; waivers. The Building Official shall review, approve or deny the construction site management plan. The Building Official is hereby authorized to grant waivers from submission requirements and corresponding standards:

(1) If the requirement is unrelated to proposed development; or

(2) If the impact of the proposed development is negligible in that submission requirement area.

(d) Grading plan; grading and surface water management standards.

(1) Grading. The site shall be graded and maintained during construction:

a. To prevent erosion of soil; and

b. To control surface water discharge so that no water in excess of pre-construction discharge flows onto abutting property; and

c. To prevent accumulation of stagnant water for the duration of construction.

(2) Sediment fence. The contractor shall install a sediment fence to protect adjacent properties, including lakes, canals and all other waterways, from discharges of soil, sediment, or construction-related material from the site unless a waiver is obtained from the Building Official.

(3) Maintenance. The contractor shall inspect and maintain all erosion and sediment control practices until construction is complete and the construction site is stabilized. A fence installed to maintain sediment control shall remain in an upright condition until final electrical inspection.

(4) Final grading. Final grading of the site shall be in compliance with the construction site management plan. The design shall ensure that no surface water in excess of the pre-construction amount shall flow onto abutting or adjacent properties. The design shall also ensure that the discharge of surface waters shall be off-site into an approved stormwater system.

(5) Surface water. Surface waters, including dewatering, shall be directed into an on-site settling basin or otherwise filtered before discharge off-site. Off-site discharge shall be directed to an approved surface water management system during construction and upon final grading of the project site. The contractor shall be responsible for removal of any silt, debris, and dirt that accumulates within the City's stormwater management system, including swales, stormwater retention lakes, ponds, canals and waterways. Discharges of sediment into waters in the State of Florida is a violation of water quality and may result in enforcement action by the Southwest Florida Water Management District, the State Department of Environmental Protection or the City. Discharge of water from swimming pools under construction or completed into ponds, lakes, canals and waterways is prohibited.

(e) *Parking during development of project.*

(1) *Parking on-site.* The owner or contractor shall provide for parking on the project site to the greatest degree possible. Alternative parking sites may include the abutting right-of-way, adjacent vacant lot or offsite parking lots in the immediate area as approved in the construction site management plan.

(2) *Access.* Use of the public right-of-way for access to and from the project site as shown on the construction site management plan shall be strictly managed by the contractor. The contractor shall maintain the public street adjacent to the project site free of dirt, sand or any other debris resulting from construction activities. The public right-of-way adjacent to the project site shall be broom swept on a regular basis keeping it free of dirt, sand and other debris. Failure to remove said material on the day of occurrence is a violation.

(3) *Temporary graveled or stabilized area for construction access and parking.* The contractor shall provide a graveled or stabilized area as shown in the construction site management plan. The stabilized area shall be located at points where vehicles enter and exit the construction site and the parking location. When a right-of-way area is used for parking, the contractor shall provide a graveled or stabilized area on the right-of-way. Upon completion of the project, the contractor shall restore the right-of-way to its original condition or better. The purpose of the graveled or stabilized area at the entrance to the project site is to eliminate and reduce tracking or flow of sand, mud, concrete wash or other related material onto the right-of-way.

(4) *Parking in the right-of-way.* If the construction site management plan illustrates proposed parking in the right-of-way, the application shall be accompanied by a City right-of-way permit. A construction site supervisor must be present whenever parking or deliveries occur in the right-of-way to ensure that vehicles do not limit access on the right-of-way and no damage occurs to the right-of-way or adjacent properties. The owner and contractor shall assume responsibility for any damage and take steps to correct the damage immediately.

(5) *Offsite parking.* The Building Official may temporarily permit off-site parking on vacant lots other than the project site with the written permission of the owner of the lot where the vehicles are to be parked and in compliance with the following standards:

a. Compliance with the construction site management plan.

b. The lot shall be used for parking only.

c. There shall be no storage of materials, trailers or construction equipment.

d. There shall be no loading and unloading of materials or machinery.

e. The lot shall remain free of debris or trash.

f. A temporary six-foot chain link fence with a single color fabric or other screening materials as approved by the Building Official shall be located at the front, side, and rear lot line of the temporary parking area except where a lot line is located on the water. Where a lot line is along the water, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three feet in height. The fence gate shall remain locked during non-working hours. The fencing shall remain on-site until the off-site parking is no longer needed to complete the project site and shall be removed prior to issuance of a certificate of occupancy for the project site.

(f) *Material storage.* Material associated with the project site, including equipment, shall be neatly stored on the site (within the fenced area when applicable). The storage of material shall not obstruct access to the structure under construction or create a public safety hazard. All loading or unloading of materials and/or equipment is limited to the construction site and right-of-way.

(g) *Construction fencing.* A project site that meets the following standards is required to install a construction fence, which means a temporary six-foot chain link fence with a single color fabric. The fence and screening must remain in place, upright and in good repair throughout the construction process.

(1) *Clearing, grading, stockpiling or soil or demolition.* A construction fence is required where clearing, grading, stockpiling of soil or demolition is proposed as follows:

a. Lots located in multi-family or commercial zoning districts shall install a fence on the front, side, and rear lot lines prior to commencement of clearing, grading or demolition. Fencing may be removed upon final electrical inspection.

b. Lots located in single-family zoning districts shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall. If no construction has occurred within 45 days of completion of a demolition or lot clearing, the fence shall be removed within 30 days after the final inspection.

(2) *Major remodeling.* Major remodeling shall mean an increase in the building volume of 10,000 cubic feet or more, an increase in the building footprint of 1,000 square feet or more or new construction with a building footprint of 1,000 square feet or more. A construction fence is required for major remodeling as follows:

a. Lots located in multi-family or commercial zoning districts shall contain a fence on the front, side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall;

b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.

(3) *Major alteration.* Major alteration shall mean a change of 50 percent or more of the gross square footage of an existing structure for reconstruction, rehabilitation, removal of walls, or other improvement excluding replacement of the roof. A construction fence is required for major alteration as follows:

a. Lots located in multi-family or commercial zoning districts shall contain a fence on the front, side, and rear lot lines. Fencing may be removed upon final electrical inspection.

b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.

(4) *Exception from six-foot height requirement.*

a. Where a construction fence is required and the property line is located on the water in any residential zoning district, that portion of the construction fence along the water may be reduced to three feet in height within the required yard along the waterfront.

b. On lots located in multi-family or commercial zoning districts on non-Gulf waterfronts, the side and rear lot line fences shall be lowered to three feet for that portion which is the greater of:

1. 30 feet from the mean high water line; or
2. 30 feet from the platted waterfront building line

(5) Exception to installation of construction fence. Where a construction fence would be required for a residential lot pursuant to subsection (1)b., (2)b. or (3)b. above and the owner or contractor obtains a construction fence waiver from the owner of the property that abuts the project site, the Building Official may waive the requirement for all or a portion of the construction fence but retains the right to require a construction fence at any time. The three-foot sediment fence will still be required.

(6) Installation. Installation of a construction fence shall occur prior to any construction activity or material deliveries. The fence shall not be placed so as to create a public safety hazard. Where the project site is enclosed by a fence, the fence gate shall be locked during non-working hours.

(h) Signs. A 12-inch by 18-inch sign shall be posted by the contractor on the project site in the location approved on the construction site management plan which is readable from the street. The sign shall contain the street address of the property, phone number for the City of St. Pete Beach and the name and phone number of the general contractor. This sign shall be maintained in a readable condition until completion of construction.

(i) Site cleanliness. The owner or contractor shall have the entire construction site clean and free of debris at all times. Clean for purposes of this section means, without limitation, removal and placement into a dumpster of scrap lumber, concrete remnants and roof tile from the project site. The project site shall be free of all loose debris such as cans, metal, plastic and paper.

(j) Temporary trailers. When a temporary trailer is proposed and a construction fence is required, it shall be located on the project site within the fence at the location shown on the construction site management plan.

(k) Chemical toilets. Chemical toilets shall be located inside the project fence and accessible for servicing. Where a fence is not required, the contractor shall locate the chemical toilet facing towards the rear of the project site and no further than 15 feet from the structure under construction except where another location has been authorized by the Building Official due to the size of the lot and ease of access to the chemical toilet.

(l) Landscaping. Damage to any landscaping on an abutting or adjacent property as a result of the construction shall be replaced and restored at the contractor's expense to its original condition. Failure to replace and repair is a violation.

(m) Dumpsters. Construction site dumpsters shall be located inside the fence. Where a fence is not required, it shall be located on the project site. The dumpster shall be emptied in a timely fashion so there is no overflow of debris or litter. Prior to a certificate of occupancy being issued, the dumpster shall be removed from the site.

(n) Permitted days and hours for construction work. The erection (including excavation), demolition, alteration or repair of any building or delivery of materials other than at the following times is prohibited. Such work must be accomplished on Monday through Saturday. No work may be conducted on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

(1) In residential areas: 7:00 a.m. to 6:00 p.m.

(2) In nonresidential areas: 6:30 a.m. to 7:00 p.m.

a. Special construction activities. Pile driving and steel erection activity shall be limited to Monday through Friday, excluding federal holidays, during the hours between 8:00 a.m. in the morning until 4:00 p.m. in the evening. Demolition activity shall be limited to Monday through Friday, excluding federal holidays, during scheduled work hours between 8:00 a.m. in the morning and 6:00 p.m. in the evening. Auger cast and hydraulic boring are excluded from this limitation.

b. Permit for work during prohibited hours. Any person may apply to the Building Official for a permit to operate during the hours or days prohibited under this section. If the Building Official or his designee shall determine that substantial loss or substantial inconvenience would result to any party in interest, and that the public health and safety will not be impaired by such operation, a permit may be issued which would allow work to occur during hours or days otherwise prohibited by this subsection. Notice of permit approval shall be provided by the City to adjacent property owners. The permit shall not exceed three days in duration, but may be renewed from time to time for a like period so long as the circumstances described in this subsection exist.

c. Emergency and special types of construction. Where ordinary and necessary trade or engineering practices or an emergency require the continuous operation of pumps, well points, dredges, draglines and other machinery of a like nature during the otherwise prohibited hours, a permit shall be required and such operation shall not constitute a violation of this subsection. It is not the intent of this subsection to require poor or wasteful engineering or building practices in order to comply herewith.

(o) Construction-related traffic control. A contractor, owner, vehicle operator or any person associated with the project site who impedes or obstructs the public right-of-way; or who parks, loads, unloads, or carries on any related activity on the public right-of-way shall also be in violation of this section unless such actions are approved in advance by the Building Official.

(p) Requirements during weather emergency. It is the responsibility of the owner and contractor to have removed construction materials from the project site or secured construction materials at the project site at least 48 hours prior to the predicted landfall of a tropical storm or hurricane until the time set forth in subsection (7) below.

(1) Applicability. At least 48 hours prior to the predicted landfall of a tropical storm or hurricane for any portion of Pinellas County Florida, as determined by the National Weather Service, National Hurricane Center or appropriate weather agency or as provided in the City's emergency plan; or upon order of the Building Official in anticipation of a storm emergency; all construction materials, including roof tiles, on all project sites within the City shall be secured and stored onsite in a safe manner or

removed so that no material can become a safety hazard with hurricane or tropical storm force winds.

(2) Notice. Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of an approaching tropical storm or a hurricane is hereby deemed notice to the owner or contractor. The owner and contractor are responsible for the project site by securing on-site or removing from the site any construction materials or debris to protect against the effect of hurricane or tropical storm force winds. By holding a building permit during hurricane season, the contractor shall monitor the National Weather Service and the National Hurricane Center for weather emergencies.

(3) Inspection. A pre-storm inspection shall be required for all active construction sites involving exterior work and/or exterior storage of materials. The owner and contractor shall be responsible for insuring that the construction site has passed inspection prior to the issuance of a tropical storm warning or hurricane warning. The owner or contractor shall be available by phone until the site has passed the pre-storm inspection. Failure to properly secure a job site and pass inspection will be considered a violation of this ordinance. The City may recover as costs of repairs or compliance, the costs associated with securing job sites that have not complied with this section in addition to any fines imposed by the code board. And such costs shall constitute a lien on the property.

(4) Materials stockpiled on site. Materials stockpiled on any construction site shall be handled as follows:

a. Band construction materials together and fasten them to the structure in such a manner to prevent the material from becoming airborne during a tropical storm or hurricane; or

b. Remove construction materials from the top of the structure and secure them to the ground; or

c. Remove construction materials from the project site; or

d. Store construction materials inside a structure if said structure is secure from tropical or hurricane force wind loads.

(5) The contents of construction site dumpsters must be removed or weighted and secured with rope, mesh or other durable, wind resistant material.

(6) Portable toilets shall be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground.

(7) During the National Weather Service designated hurricane season, building or roofing materials shall not be loaded on a roof earlier than ten working days prior to the permanent installation of the materials.

(8) Material capable of becoming airborne. Construction materials, debris or any material capable of becoming airborne shall remain secured and stored on the project site or shall be removed from the project site until the National Weather Service, National Hurricane Center, or the City through local action has removed all persons of the City from those areas included in a tropical storm warning or hurricane warning. Construction shall not resume construction on any construction site until the site is brought into compliance with the construction site management plan.

(g) Residential Construction Management Submission Requirements. New single and two-family residential development and additions shall submit plans meeting the following requirements unless waived by the Building Official after review and

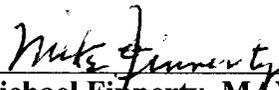
determination that the requirement is not reasonably applicable. The Building Official shall determine the adequacy of the submission content based upon the scale and impact of the proposed project:

- (1) Location of proposed demolition, if any.
- (2) Grading and drainage surface water management plan for street and project site.
- (3) Parking plan, including:
  - a. Location of on-site and abutting street parking areas.
- (5) Location of construction trailers, loading/unloading area and material storage area.
- (6) Location of chemical toilets.
- (7) Location of dumpster.
- (8) Traffic control plan, showing access with provision of adequate parking and delivery of materials.
- (9) Other activities, where special conditions are identified by the Building Official.
- (10) Proof of notice to owners of property within 100 feet of the outer limits of the subject property, as listed in the property appraiser's records, at least 10 days prior to commencement of construction. The proof consists of a list of property owners and addresses and a receipt or other proof of mailing. Notice is to include:
  - a. A phone number for the contractor where a representative is available whenever construction activities are taking place on site and prior to a storm event.
  - b. The phone number for the City's Community Development Department and Police Department.
  - c. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.
  - d. When pile driving activities are proposed, notice shall be provided to owners of property within 300 feet of the outer limits of the subject property.

**Section 2.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

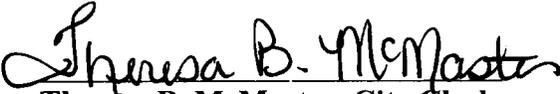
**Section 3.** If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 4.** This Ordinance shall become effective immediately upon adoption.

  
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Michael Finnerty, MAYOR

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| <b>FIRST READING</b>  | <b>: <u>08/11/2009</u></b> |
| <b>PUBLISHED</b>      | <b>: <u>09/09/2009</u></b> |
| <b>SECOND READING</b> | <b>: <u>09/21/2009</u></b> |
| <b>PUBLIC HEARING</b> | <b>: <u>09/21/2009</u></b> |

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 21<sup>st</sup> day of Sept., 2009.

  
Theresa B. McMaster, City Clerk