

ORDINANCE 2019-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, COASTAL CONSTRUCTION CODE, SECTION 22-65, APPLICATION FOR BUILDING PERMIT; CERTIFICATION OF DESIGN PLANS; AMENDING SECTION 22-68, MAJOR STRUCTURES; AMENDING SECTION 22-73, DESIGN CONDITIONS; CREATING A NEW ARTICLE VI, CONSTRUCTION SITE MANAGEMENT; CREATING SECTION 22-250, CONSTRUCTION SITE MANAGEMENT PLAN REQUIRED; CREATING SECTION 22-251, SUBMITTAL REQUIREMENTS; CREATING SECTION 22-252, APPROVAL OF PLAN, WAIVERS; CREATING SECTION 22-253, GRADING PLAN, GRADING AND SURFACE WATER MANAGEMENT STANDARDS; CREATING SECTION 22-254, PARKING DURING DEVELOPMENT OF PROJECT; CREATING SECTION 22-255, MATERIAL STORAGE; CREATING SECTION 22-256, SIGNS; CREATING SECTION 22-257, SITE CLEANLINESS; CREATING SECTION 22-258, TEMPORARY TRAILERS; CREATING SECTION 22-259, CHEMICAL TOILETS; CREATING SECTION 22-260, LANDSCAPING; CREATING SECTION 22-261, DUMPSTERS; CREATING SECTION 22-262, PERMITTED DAYS AND HOURS FOR CONSTRUCTION WORK; CREATING SECTION 22-263, CONSTRUCTION-RELATED TRAFFIC CONTROL; CREATING SECTION 22-264, REQUIREMENTS DURING WEATHER EMERGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, Code of Ordinance, Chapter 22, “Buildings and Building Regulations,” adopts certain standard codes; and

WHEREAS, the City’s Code of Ordinances are updated from time to time based on new editions of the Florida Building Code, as it is amended from time to time; and

WHEREAS, the City recognizes a need for a comprehensive construction site management ordinance; and

WHEREAS, the City Commission of the City of Fernandina Beach wishes to amend Chapter 22 of the City Code of Ordinances to amend certain technical amendments to Florida Building Code and add a new construction site management article.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 22-65 of the Code of Ordinances of the City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 22-65. Application for building permit; certification of design plans.

Applications for building permits for all construction in the coastal building zone must be certified by an architect and professional engineer registered in this state. Such certification must state that the design

plans and specifications for the construction are in compliance with the criteria established by this coastal code.

SECTION 2. That Section 22-68 of the Code of Ordinances of the City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 22-68. Major structures.

(a) Building code requirements; foundation design and construction.

(1) All major structures must conform to the Florida Building Code adopted in Section 22-26.

(2) Foundation design and construction must consider all anticipated loads resulting from design storm conditions, including wave, hydrodynamic and hydrostatic loads acting simultaneously with dead loads. Erosion computations for foundation design must account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components.

(3) Foundation design and construction must provide for adequate bearing capacity, taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this article do not apply landward of the coastal construction control lines.

(b) Pile foundations. Pile foundations are required for buildings located in Federal Emergency Management Agency flood insurance rate map V (velocity) zones or where impacted by wave action, and must meet the following requirements:

(1) Pile dimensions, spacing, and embodiment must be designed consistent with the requirements of the site, taking into account all vertical, lateral, erosion, and scour-producing forces.

(2) Piles must be driven to a penetration which achieves adequate bearing capacity, taking into consideration the anticipated loss of soil above the design grade.

(3) In addition to the normal foundation analysis, the pile foundation analysis must consider piles in column action, where appropriate, from the bottom of the support structure to the design grade.

(4) Consideration must also be given to the degree of exposure to wave attack and the resulting impact loads on lateral or diagonal bracing between piles.

(c) Monolithic foundations. Monolithic foundations may be permitted in Federal Emergency Management Agency flood insurance rate map A or B zones or in locations not impacted by wave action, and must meet the following requirements:

(1) Monolithic foundations may be used if soil conditions permit and if located at any elevation which minimizes their effect on the beach and adjacent properties. Due consideration will be given to their vulnerability to erosion under design storm conditions.

(2) If a monolithic foundation is used, the maximum elevation of the top of the slab is to be below the design scour depth (see Chapter 5.28, Shore Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984) unless positive methods are provided to prevent scour.

(3) Other types of spread footings such as running footers or pads may be permitted when positive methods are provided to prevent scour.

SECTION 3. That Section 22-29 of the Code of Ordinances of the City of Fernandina Beach, Florida is hereby enacted as follows:

Sec. 22-73. Design conditions.

(a) Foundations for all major structures must be designed for the horizontal and vertical pressures generated by wave forces between the elevation of the design breaking wave crests or wave uprush superimposed upon the storm surge and the stable soil elevation of the site.

(b) All major structures, except mobile homes, must be designed to withstand ~~140~~ 130 miles per hour windspeeds. Horizontal wind velocity pressures must not be less than the values given in section ~~1205~~ 1609 of the Florida Building Code adopted in section 22-26.

(c) Appropriate shape factors must be applied for resistance against overturning and uplift as required elsewhere in this article. Internal pressures on internal walls, ceilings and floors resulting from damaged windows or doors must also be considered in the design unless the specified windows and doors have been tested by an approved testing agency and have been shown to be capable of withstanding the design pressures required in this article.

(d) Mobile homes must conform to the Federal Mobile Home Construction and Safety Standards of the Uniform Standards Code, ANSI book A-119.1, pursuant to F.S. § 320.823, and to the requirements of subsection (e), below.

(e) Major structures must also be designed, constructed and located in compliance with National Flood Insurance Program regulations as set forth in 44 CFR 59 and 60.

SECTION 4. It is hereby proposed that **Article VI, Construction Site Management**, be created in Chapter 22, "Buildings and Building Regulations", of the Code of Ordinances, City of Fernandina Beach, Florida.

SECTION 5. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-250, which section reads as follows:

Sec. 22-250. Construction site management plan required.

No building permit will 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: lot clearing, grading, stockpiling of soil, demolition, building construction or reconstruction, building alteration or addition, must designate either a licensed contractor or owner-builder for the purposes of the construction site management requirements. These requirements set minimum standards for the operation of the project site to eliminate or minimize impacts to the site and to the surrounding community to include containment of sediment, surface water discharge, tree protection, erosion of soil, vehicle parking and loading area, traffic control, fencing, placement of materials, safety, neatness and cleanliness.

SECTION 6. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-251, which section reads as follows:

Sec. 22-251. Submittal requirements.

The contractor must submit a construction site management plan with a building permit application which includes the following submittal requirements unless waived by the building official:

- (a) Location of proposed demolition.
- (b) Grading and drainage surface water management plan for street and project site, including:
 - 1. Drainage plan during construction in compliance with Section 22-253 below.
 - 2. Final grading and drainage plan upon completion of construction for the street and project site in compliance with subsections 22-253(4) and (5) below.
- (c) Parking plan, including:
 - 1. Location of on-site and adjacent unpaved portion of the right-of-way parking and the maximum number of vehicles that will be parked along the unpaved portion of the right-of-way.
 - 2. Off-site parking plan in compliance with subsection 22-253(4) below and the following:
 - (i) A single access with dimensions;
 - (ii) Buffering for adjacent waterways and streets, as approved by the building official;
 - (iii) A temporary fence location, height and type of fence.
 - (iv) Narrative describing restoration of the lot and hours of operation.
 - 3. Copy of city right-of-way permit for parking in right-of-way.
- (d) Fencing plan, showing location, height and type of fence.
- (e) Location of construction trailers, loading/unloading area and material storage area.
- (f) Location of chemical toilets.
- (g) Location of dumpster.
- (h) Traffic control plan, including access with dimensions, area to be stabilized and a written plan on staging of construction related traffic during final phase of project including adequate parking (both on and off-site) and plan for delivery of materials.
- (i) Location of any trees located within the public right-of-way that will be removed. (Removal of trees owned by the city is prohibited unless written approval from the city manager is provided. Other activities, where special conditions are identified by the building official.
- (j) Tree protection plan for all trees located on the private property where the project is taking place including trees to be removed and trees to be maintained.

SECTION 7. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-252, which section reads as follows:

Sec. 22-252. Approval of plan; waivers.

The building official will review, approve or deny the construction site management plan. The building official is hereby authorized to grant waivers from submittal requirements and corresponding standards which will be reflected on the construction site management plan:

- (a) If the requirement is unrelated to proposed development;
- (b) If the impact of the proposed development is negligible in that submittal requirement area;
or
- (c) If unusual site conditions do not allow full compliance with this section.

SECTION 8. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-253, which section reads as follows:

Sec. 22-253. Grading plan; grading and surface water management standards.

- (a) *Grading.* The site must be graded and maintained during construction:
 - 1. To prevent erosion of soil; and
 - 2. To control surface water discharge so that no water in excess of pre-construction discharge flows onto abutting property; and
 - 3. To prevent accumulation of stagnant water for the duration of construction.
- (b) *Sediment fence.* The contractor must 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.
- (c) *Maintenance.* The contractor must 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 must remain in an upright condition until final electrical inspection.
- (d) *Final grading.* Final grading of the site must be in compliance with the construction site management plan. The design must ensure that no surface water in excess of the pre-construction amount will flow onto abutting or adjacent properties. The design must also ensure that the discharge of surface waters will be off-site into an approved stormwater system.
- (e) *Surface water.* Surface waters, including dewatering, will be directed into an on-site settling basin or otherwise filtered before discharge off-site. Off-site discharge must be directed to an approved surface water management system during construction and upon final grading of the project site. The contractor is 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 St. Johns River 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.

SECTION 9. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-254, which section reads as follows:

Sec. 22-254. Parking during development of project.

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

(b) *Access.* Use of the public right-of-way for access to and from the project site as shown on the construction site management plan will be strictly managed by the contractor. The contractor will 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 must 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.

(c) *Temporary graveled or stabilized area for construction access and parking.* The contractor must provide a graveled or stabilized area as shown in the construction site management plan. The stabilized area will 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 must provide a graveled or stabilized area on the right-of-way. Upon completion of the project, the contractor must 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.

(d) *Parking in the right-of-way.* If the construction site requires the placement of equipment or materials on the paved portion of a right-of-way at any time during the construction, a city right-of-way permit is required.

(e) A construction site supervisor must be present whenever deliveries occur in the paved portion of the right-of-way to ensure that vehicles do not unreasonably obstruct vehicular traffic. Delivery of material that obstructs a roadway will be limited to one vehicle at a time. The owner and contractor assume responsibility for any damage to the public right-of-way, sidewalk, roadway, and city trees and take steps to correct the damage immediately.

(f) *Off-site 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:

1. Compliance with the construction site management plan.
2. The lot will be used for parking only.
3. No storage of materials, trailers or construction equipment is permitted.
4. No loading and unloading of materials or machinery is permitted.
5. The lot must remain free of debris or trash.
6. A temporary six-foot chain link fence with a single color fabric, either black or green, or other screening materials as approved by the building official must 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 will be placed no closer to the water than the yard setback line and may not exceed three feet in height. The fence gate must remain locked during non-working hours. The fencing must remain on-site until the off-site parking is no longer needed to complete the project site and must be removed prior to issuance of a certificate of occupancy for the project site.

SECTION 10. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-255, which section reads as follows:

Sec. 22-255. Material storage.

Material associated with the project site, including equipment, must be neatly stored on the site (within the fenced area when applicable). The storage of material may 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.

SECTION 11. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-256, which section reads as follows:

Sec. 22-256. Signs.

(a) A 12-inch by 18-inch sign must 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 must contain the street address of the property, phone number for the City of Fernandina Beach and the name and phone number of the general contractor. This sign must be maintained in a readable condition until completion of construction.

1. One sign no larger than 12 inches by 18 inches that provides the name, phone number, and address of the project architect or design firm. The sign must be located on the project property and be removed upon completion of the project.
2. A sign indicating the address of the property must be placed on the front property line so as to be visible from the roadway prior to commencement of construction. The sign must be no larger than 12 inches by 18 inches with at least six-inch lettering. For corner lots, a sign must be placed at each front yard.

SECTION 12. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-257, which section reads as follows:

Sec. 22-257. Site cleanliness.

The owner or contractor must 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 must be free of all loose debris such as cans, metal, plastic and paper.

SECTION 13. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-258, which section reads as follows:

Sec. 22-258. Temporary trailers.

When a temporary construction trailer is proposed and a construction fence is required, it must be located on the project site within the fence at the location shown on the construction site management plan. No other trailers may be parked on the right-of-way during the time of day in which construction is not permitted, nor may they be parked on the unpaved portion of a right-of-way so as to obstruct the line of sight at intersections.

SECTION 14. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-259, which section reads as follows:

Sec. 22-259. Chemical Toilets.

Chemical toilets must be located inside the project fence and accessible for servicing. Where a fence is not required, the contractor must 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.

SECTION 15. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-260, which section reads as follows:

Sec. 22-260. Landscaping and Trees.

Damage to any landscaping or trees on an abutting or adjacent property as a result of the construction must be replaced and restored at the contractor's expense to its original condition. Failure to replace and repair is a violation of this Code of Ordinances.

SECTION 16. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-261, which section reads as follows:

Sec. 22-261. Dumpsters.

Construction site dumpsters must be located inside the fence. Where a fence is not required, it must be located on the project site. The dumpster must 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 must be removed from the site.

SECTION 17. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-262, which section reads as follows:

Sec. 22-262. Permitted days and hours for construction work.

(a) 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. Work conducted at industrial facilities and commercial buildings, and work indoors in residential areas, which does not violate the Code of Ordinances section 42-142 shall be exempt.

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.

(i) *Special construction activities.* Pile driving and steel erection activity is 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 is 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.

(ii) *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 determines 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 will be provided by the city to adjacent property owners. The permit will 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.

(iii) *Emergency and special types of construction.* Where ordinary and necessary trade or engineering practices or an emergency requiring the continuous operation of pumps, well points, dredges, draglines and other machinery of a like nature during the otherwise prohibited hours, a permit is required and such operation will 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.

SECTION 18. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-263, which section reads as follows:

Sec. 22-263. 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 will also be in violation of this section. In addition, the construction is subject to a stop work order and the permit is subject to suspension or revocation.

SECTION 19. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach Florida, is hereby amended by adding a section to be numbered Section 22-264, which section reads as follows:

Sec. 22-264. Requirements during weather emergency.

(a) 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 Nassau 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 must 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 will monitor the National Weather Service and the National Hurricane Center for weather emergencies.
3. *Inspection.* A pre-storm inspection is required for all active construction sites involving exterior work and/or exterior storage of materials. The owner and contractor are responsible for ensuring that the construction site has passed inspection prior to the issuance of a tropical storm warning or hurricane warning. The owner or contractor must 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 will constitute a lien on the property.
4. *Materials stockpiled on site.* Materials stockpiled on any construction site must 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 must be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground.
7. *Material capable of becoming airborne.* Construction materials, debris or any material capable of becoming airborne must remain secured and stored on the project site or 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. Contractors may not resume construction on any construction site until the site is brought into compliance with the construction site management plan.

SECTION 20. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, is held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application will not be affected thereby.

SECTION 21. EFFECTIVE DATE. This Ordinance is effective upon final approval.

ENACTED this 7th day of January, 2020.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney