TOWN OF HASTINGS, FLORIDA

TOWN CODE

Chapter 7

Flood Control

Sec. 7-1. Flood Control -- Findings of Fact. The Town Council finds and determines:

A. The flood hazard areas of the Town of Hastings, Florida, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the soil base, all of which adversely affect the public health, safety and general welfare.
B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to the other lands which are inadequately elevated, flood proofed or otherwise unprotected from flood damages.

Sec. 7-2. Flood Control -- Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are a danger to health, safety and property due to water or flood hazard, or which result in damaging increases in erosion or flood heights or velocities;
B. Require that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accumulation of flood waters;
D. Control filling, grading, dredging and other developments which may increase erosion or flood damage, and;
E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 7-3. Objectives. The objectives of this ordinance are:

A. To protect human life and health;
B. To minimize expenditure of public money for costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
G. Tto insure that potential home buyers are notified that property is in a flood area.

Sec. 7.4. Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning which they have in common usage and to give this ordinance its most reasonable application.

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Accessory Structure (Appurtenant Structure) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation and should be designated to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
Appeal means a request for a review of the City of St. Augustine Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

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Codifer's Note: Originally St. Johns County Building Official. Changed pursuant to Section 7.5 below.

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Area of shallow flooding means a designated AO and VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.
Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
Building means any structure built for support, shelter, or enclosure for any occupancy or storage.
Coastal High Hazard Area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.
Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of material.
Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
Existing Construction means any structure for which the "start of construction" commenced before the effective date of the enactment of this Ordinance 87-3.
Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minium the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the enactment of Ordinance 87-3.
Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation of runoff of surface waters from any source.
Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Floodplain means any land area susceptible to flooding.
Floodplain Management means the operation of an overall program of corrective and preventative measures for reducing flood damage and preserving the enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.
Floodplain Management Administrator is the individual appointed to administer and enforce the floodplain management regulations.
Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivisions regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
Floodway means the channel of a river or other watercourse and the adjacent land areas that mush be reserved in order to discharged the base flood without cumulatively increasing the water surface elevation of more that one foot.
Floodway Fringe means that the area of the floodplain on either side of the regulatory floodway where encroachment be permitted without additional hydraulic and/or hydrologic analysis.
Floor Means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
Hardship as related to variances of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Town Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alterative is more expensive, or requires the property owenr to build elsewhere or put the parcel to a different use than originally intended.
Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
Historic Structure means any structure that is:
1. Listed individually in the National Register of Historic Places, a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
a. By an approved state program as determined by the Secretary of the Interior or
b. Directly by the Secretary of the Interior in states without approved programs.
Increased Cost of Construction (ICC) means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

Lowest Adjacent Grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support or basement entryway immediately next to the structure.
Lowest Floor means lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of the ordinance.
Mangrove stand means as assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erectra).
Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.
Manufactured Home Park or *Subdivision* means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
Market Value means the building value, excluding the land, as agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement costs depreciated by age of building (Actual Cash Value) or adjusted assessed values.
National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.
New Construction means any structure for which the "start of construction" commenced after the effective date of Ordinance 87-3. The term also includes any subsequent improvements to such structures.
New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of floodplain regulations adopted by a community.
Obstruction includes, but is not limited to, any dam, wall wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
Public Safety and Nuisance, anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
Recreational Vehicle means a vehicle that is:
1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designated to be self-propelled or permanently towable by a light duty truck; and
4. Designated primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.
Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.
Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special Flood Hazard Area (SFHA) (see Area of Special Flood Hazard) means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of Construction for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvements means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during the life of the building in which the cumulative cost equals or exceeds 50 percent of the market value of the building either:

1. Before the improvement or repair is started; or;
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term includes structures that have incurred "substantial damage" and are "repetitive loss," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alternation affects the external dimensions of the building. The term does not, however, include either:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or;
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially Improved Existing Manufactured Home Parks or Subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully complaint with this Ordinance. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this Ordinance presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Next Page

TOWN OF HASTINGS, FLORIDA

TOWN CODE

Chapter 7

Flood Control

Continued from Previous Page.

Sec. 7.5. Flood Control -- General provisions.

A. LANDS TO WHICH THIS ORDINANCE APPLIES. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hastings, Florida.
B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS. The areas of special flood hazard identified by the Federal Emergency Management Agency with accompanying maps and other supporting data, or any revision thereto are adopted by reference and declared to be a part of this ordinance.
C. ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.
D. COMPLIANCE. No structure on land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
E. ABROGATION AND GREATER RESTRICTIONS. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
F. INTERPRETATION. In the interpretation and application of this Chapter all provisions shall be:
1) considered as minimum requirements;
2) liberally construed in favor of the governing body, and;
3) deemed neither to limit nor repeal any other powers granted under state statutes.
G. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Hastings, Florida or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
H. PENALTIES FOR VIOLATION. Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a second degree misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirement shall, upon conviction thereof, be fined not more that $500.00 or imprisoned for not more that 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Hastings, Florida from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 7-6. Flood control -- Administration.

A. DESIGNATION OF ADMINISTRATION OFFICIAL. The Chief Building Official of the City of St. Augustine, Florida is hereby appointed to administer and implement the provisions of this ordinance.
B. PERMIT PROCEDURES. Application of a Development Permit shall be made to the Building Inspector of the City of St. Augustine, Florida on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required;
1) Application Stage.
a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures:
b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
c. Certificate from registered professional engineer and architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2);
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;
2) Construction Stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean area level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
C. DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR OF ST. JOHNS COUNTY, FLORIDA. Duties of the *Building Inspector shall include, but not be limited to:
[* Wherever the term "Building Inspector" is used herein, it shall be construed to mean the Chief Building Official of the City of St. Augustine, Florida.]
1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
2) Advise permitee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3) Notify adjacent communities and the State of Florida, Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2).
6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).
7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
8) In Coastal High Hazard Areas, the Building Inspector shall review plans for adequacy of breakaway walls in accordance with Article 5, Section B (5) (h).
9) When flood-proofing is utilized for a particular structure, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2).
10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field

conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection.
D. VARIANCE PROCEDURES.
1) The Town Council as established by the Town Charter, Town of Hastings, Florida shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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Codifer's note: The term "Town Council" is changed effective October 1, 2005, by Charter to "Town Commission."

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2) The Town Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.
3) Any person aggrieved by the decision of the Town Council or any taxpayer may appeal such decision to the Circuit Court, Seventh Judicial Circuit of Florida, as provided in Florida Constitution.
4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Article 4, Section D. (8) (a) and (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.
5) In passing upon such applications, the Town Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
a. the danger that materials may be swept onto other lands to the injury of others;
b. the danger to life and property due to flooding or erosion damage;
c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
d. the importance of the services provided by the proposed facility to the community;
e. the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
g. the compatibility of the proposed use with existing and anticipated development;
h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
6) Upon consideration of the factors listed above, and the purposes of this ordinance, the Town Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (8) Conditions for Variances:
a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building'

b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
d. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Next Page

TOWN OF HASTINGS, FLORIDA

TOWN CODE

Chapter 7

Flood Control

Continued from Previous Page.

Sec. 7-7. Provisions for flood hazard reduction.

A. GENERAL STANDARDS. In all areas of special flood hazard the following provisions are required;
1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and ;
9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
B. SPECIFIC STANDARDS. In all areas of special flood hazard where base food elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (11), the following provisions are required:
1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than (_____ feet) above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to

facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).
2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than (____ feet) above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provide that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (3).
3) Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
a Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(ii) The bottom of all openings shall be no higher than one foot above grade; and,
(iii) Openings may be equipped with screens louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
b. If Section 7-7. B 4) a. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) are met.
5) Coastal High Hazard Areas (V Zones). Coastal High Hazard Areas (V Zones) Coastal High Hazard Areas IV Zones are located within the municipal boundaries of the Town. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:
a. All buildings or structures shall be located (_____ feet) landward of the reach of the mean high tide;
b. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than (_____ feet) above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purpose only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 5, Section B (5) (h);
c. All buildings or structures shall be securely anchored on pilings or columns;
d. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance flood).

e. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article 5, Section B (5) (b), (c) and (d) of this ordinance.
f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, reamping effects, or wave deflection. The Building Inspector shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
(i) Particle composition of fill material does not have a tendency for excessive natural compaction;
(ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
(iii) Slope of fill will not cause wave run-up ramping.
g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;
h. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
(i) No solid walls shall be allowed, and;
(ii) Material shall consist of lattice or mesh screening only.
i. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
j. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Building Inspector for approval;
k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Article 5, Section B(5) (h) and (i).
l. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactures homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) are met.
C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS. Located within the areas of special flood hazard established in Article 3, Section B, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:
1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section C (11).
D. STANDARDS FOR SUBDIVISION PROPOSALS.
1) All subdivision proposals shall be consistent with the need to minimize flood damage;
2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.
E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES). Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2) All new construction and substantial improvements of non-residential structures shall:
a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;
b. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.