

TOWN OF HASTINGS, FLORIDA

TOWN CODE

LAND DEVELOPMENT REGULATIONS

ARTICLE II

Definitions

**Sec. 2.01. DEFINITIONS.** [As used in these Land Development Regulations of the following words and phrases shall have the meanings indicated:]

**Codifer's note, Words added for clarity.**

*Abut* - To physically touch or border upon, or to share a common property line.

*Accessory Sign* - A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

*Accessory Use* - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

*Adult Congregate Living Facility (ACLF)* - A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

*Adversely Affected Person* - Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

*Advertising* - Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

*Alley* - A roadway dedicated to public use that affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

*Alter or Alteration* - Work done on a Stormwater Management System other than that necessary to maintain the system's original design and function.

*Attic* - The space between the top story and a pitched roof.

*Basement* - That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet six (6) inches.

*Bed and Breakfast* - A building, other than a hotel, motel or inn, where sleeping accommodations and meals are provided for lodgers by daily charge and which also serves as the residence of the operator or owner.

*Boarding house* - A building other than a hotel, where lodging or meals or both are served for compensation.

*Building* - A structure having a roof supported by columns or walls.

*Building Height* - the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roofs having a pitch of more than one foot in four and one-half (4 ½) feet. The height of a building in stories does not include basements and cellars, except as specifically provided otherwise;

*Building Sign* - A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

*Building Story Height* - the vertical distance from top to top of two (2) successive finished floor surfaces.

*Concurrency* - A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

*Crown* - The main mass of branching of a plant above the ground.

*Curb level* - The elevation of the street curb established by the town.

*DBH* - Diameter at breast height. "Breast height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

*Density or Gross Density* - The total number of dwelling units divided by the total site area, less public right-of-way.

*Detention* - The collection and storage of surface water for subsequent gradual discharge.

*Developer* - Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

*Development or Development Activity* - Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.
5. Erection of a permanent sign unless expressly exempted by Article VIII of this Code.
6. Alteration of a historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

*Development Order* - An order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development approvals: concept review approval, final development order, and development permit. See sub-paragraphs below.

*Final Development Order* - The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

*Development Permit* - For purposes of this Code a development permit is that official document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

*Drip Line* - The outermost perimeter of the crown of a plant as projected vertically to the ground.

*Dwelling Unit* - A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Existing* - The average condition immediately before development or redevelopment commences.

*Family* - Any number of related individuals living together as a single housekeeping unit.

*Flood Insurance Rate Map (FIRM)* - The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the Hastings.

*Floodplain* - Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

*Flood Protection Elevation* - The elevation of the base flood plus one (1) foot.

*Floodway* - The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

*Frontage* - The length of the property line of any one parcel along a street on which it borders.

*Grade* - A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

*Gross Floor Area* - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

*Gross Density or Density* - The total number of dwelling units divided by the total site area, less public right-of-way.

*Ground Sign* - A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

*Home occupation* - Any occupation performed in a dwelling unit in which there is no stock kept or sold on the premises. No person is employed unless he is a member of the immediate family residing upon the premises. No mechanical equipment is used except as is necessary for purely domestic or household purposes. There is no sign other than an unlighted name plate not more than one (1) foot square in area, or a display that will indicate from the exterior of the building that it is being used for any purpose other than a dwelling.

*Hotel/Motel* - A structure or group of attached or detached buildings containing individual sleeping units, with automobile storage or parking spaces provided. It is kept, used, maintained, advertised as or held out to the

public to be a place where sleeping accommodations are supplied for pay to guests or tenants. Sleeping accommodations and any dining room, restaurant or café, is in the same building or in an accessory building.

*Illuminated Sign* - A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

*Impervious Surface* - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

*Improvement* - Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

*Laundry, self-service* - A business that renders a retail service by renting to the individual customer equipment for the washing, drying, and otherwise processing laundry, with the equipment serviced by and its use and operation supervised by an attendant.

*Lodging house* - Any dwelling in which rooms are rented for guests for lodging of transients and travelers for compensation and so advertised to the public.

*Lot* - A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law in which the depth is no more than three times the width.

*Lot lines* - The lines bounding a lot.

*Lot of record* - A lot that is a part of a subdivision, the map of which has been recorded in the office of the clerk of the circuit court of St. Johns County.

*Lot depth* - The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

*Lot width* - The mean horizontal distance between side lot lines as measured at right angles to the depth.

*Lowest Floor* - The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

*Maintenance* - That action taken to restore or preserve the original design and function.

*Mangrove* - Rooted trees and seedlings of the following species, but only when having a coastal or estuarine association.

*Manufactured Housing* - It is mass produced in a factory and is designed and constructed for transportation to a site. It is installed on site and available for use as a dwelling when connected to required utilities. It can be constructed either as an independent, individual building or as a module for combination with other elements to form a building on the site.

*Mean Sea Level* - The average height of the sea for all stages of the tide. For purposes of this Code the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Minor Replat* - The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

*Mobile home* - A structure, transportable in one (1) or more sections, that is eight (8) body feet, or more in width and is built on an integral chassis. It is designed to be used as a dwelling when connected to the required utilities. All the plumbing, heating, air conditioning and electrical systems are contained within the unit.

*Multi-Family Dwelling* - Any residential structure containing two (2) or more separate dwelling units.

*Natural Systems* - Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

*New Construction* - Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this Code, and any alteration, repair, reconstruction or improvements to a structure which is in compliance with these flood damage prevention regulations.

*Nonconforming development* - Development that does not conform to the use regulations in Article III and/or the development design and improvement standards in Article VI.

*Non-conforming Sign* - Any sign within the Town of Hastings on the effective date of this Code which is prohibited by, or does not conform to the requirements of, this Code; except that signs that are within ten (10) percent of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, shall be deemed to be in conformity with this Code.

*Nuisance Trees* - Trees that are exempted from the tree protection requirements of this Code. They are Brazilian Pepper, Malaleuca, Australian Pine.

*Odor Standard Threshold* - The minimum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory system causing significant discomfort, i.e., nausea, convulsions or tearing of the eyes.

*Open Space* - Land without structures or buildings either in its natural state or landscaped with vegetation and/or grasses.

*Owner* - A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

*Parcel* - A unit of land within legally established property lines.

*Parking lot* - an area or plot of land used for the storage or parking of automobiles.

*Permanent* - Designed, constructed and intended for more than short term use.

*Planned unit development* - The development of land under unified control that is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A "planned unit development" must also include a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof.

*Protected Tree* - Any tree that has a DBH of more than eight (8) inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees. In addition, all palms with at least four and one-half (4 ½) feet of clear trunk between the ground level and the lowest branch are declared to be protected trees.

*Rate* - Volume per unit of time.

*Recreation Vehicle* - A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

*Remove* - To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree.

*Retention* - The collection and storage of runoff without subsequent discharge to surface waters.

*Roof Line* - A horizontal line intersecting the highest point or points of a roof.

*Roof Sign* - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

*Runoff Coefficient* - Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

*Sediment* - The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

*Service station* - Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

*Shall* - The work "shall" is to be construed as being mandatory and not directory.

*Sign* - Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known.

*Sign Face Area* - The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

*Single-Family Dwelling* - A structure containing one dwelling unit, and not attached to any other dwelling unit by any means.

*Site* - Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

*State* - The State of Florida.

*Stormwater Management System* - The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

*Stormwater Runoff* - That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

*Stormwater* - The flow of water which results from, and that occurs immediately following, a rainfall.

*Story* - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.



*Story, half* - A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the finished floor of the story.

*Street* - A public thoroughfare that affords principal means of access to abutting property.

*Street line* - The line between the street and abutting property.

*Structure* - Anything constructed or erected, the use of which requires permanent location on the land. "Structure" includes a building and any tents, lunch wagons, diners, camp cars or trailers on wheels or other supports, intended for business use or for use as living quarters.

*Structural alterations* - Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

*Surface Water* - Water above the surface of the ground whether or not flowing through definite channels. This includes any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks. All wetlands are classified as surface water.

*Trailer* - Any vehicle or structure used for living and sleeping purposes and that is equipped with wheels or similar devices used for transporting the unit from place to place.

*Tree Protection Zone* - A circular zone around each protected tree. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

*Vehicle Use Area* - An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

*Wall Height* - the vertical distance to the top, measured from the foundation wall or from a girder or other intermediate support of such wall.

*Wetland* - Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but

is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps, and marine meadows.

*Yard* - An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in this ordinance.