

TOWN OF HASTINGS, FLORIDA

TOWN CODE

LAND DEVELOPMENT REGULATIONS

ARTICLE XI

Administration and Enforcement

[Continued from Previous Page](#)

**Sec. 11.00.00 GENERALLY**

**Sec. 11.00.01 Purpose** This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

**Sec. 11.00.02 Withdrawal Of Applications** An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

**Sec. 11.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

**Sec. 11.01.01 Generally** No development activity may be undertaken unless the activity is authorized by a development permit.

**Sec. 11.01.02 Prerequisites To Issuance Of Development Permit** Except as provided in Section 11.01.03 below, a development permit may not be issued unless the proposed development activity:

- A. Is authorized by a Final Development Order issued pursuant to this Code; and
- B. Conforms to the construction standards adopted by St. Johns County.

**Sec. 11.01.03 Exceptions To Requirement Of A Final Development Order** A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code and the construction standards adopted by St. Johns County.

- A. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith.
- B. The construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code.

- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Replat granted pursuant to the procedures in Part 11.03.00 of this Article.

**Sec. 11.01.04 Post-Permit Changes** After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the town.

## **Sec. 11.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS**

**Sec. 11.02.01 Pre-Application Conference** Prior to filing for development plan review, the developer shall meet with the Town Council or its designated representative to discuss the development review process and to be informed of the application process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

### **Sec. 11.02.02 Designation Of Plans As Minor Or Major Developments**

- A. Generally For purposes of these review procedures, all development plans shall be designated by the Town Council or its designated representative as either Minor Development or Major Development according to the criteria below. Before submitting a development plan for review, the developer shall provide the Town Council or its designated representative with sufficient information to make this determination.
- B. Major Development A development plan shall be designated as a Major Development if it satisfies one or more of the following criteria:
  - 1. The activity involves area of which exceeds five (5) acres.
  - 2. The development is a residential project of ten (10) or more dwelling units.
  - 3. The development involves more than ten thousand (10,000) square feet of non-residential floor space.
  - 4. Any development that is designated as a Major Development project because:
    - a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of 1, 2, or 3 above; or
    - b. The proposed development should be more thoroughly and publicly review because of its complexity, hazardousness, or location.
    - c. The proposed development is one which is likely to be controversial despite its small size, and should thus be more thoroughly and publicly reviewed.

C. Minor Development A development plan shall be designated as a Minor Development if it is neither a Major Development nor a development exempt under Section 11.01.02 of this Article from the requirement of a development plan.

### **Sec. 11.02.03 Review Of Concept Plans**

A. All Major Developments must be submitted for Concept Review.

B. The developer shall file a completed application and a Concept Plan as a prerequisite to obtaining Concept Review Approval.

C. Within fifteen (15) working days of receipt of an application and Concept Plan, the Town Council or its designated representative shall:

1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may submit an amended application within thirty (30) working days without payment of a re-application fee, but, if more than thirty (30) working days have elapsed, must thereafter re-initiate the application and pay an additional fee; or,

2. Determine that the submittals are complete and proceed with the following procedures.

D. The proposal shall be placed on the agenda of the next meeting of the Town Council that allows the giving of required notice.

E. Notice of Concept Review shall be mailed by the Town Council or its designated representative to the developer and all persons who, according to the most recent tax rolls, own property within three hundred (300) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before Concept Review. The expense of this mailing shall be borne by the developer.

F. All department heads with the city shall be given a copy of the Concept review application and preliminary development plan.

G. The Town Council shall consider:

Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.

2. Whether the concurrency requirements of Article IV of this Code could be met if the development were built.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.

4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.

5. Applicable regulations, review procedures, and submission requirements.

6. Concerns and desires of surrounding landowners and other affected persons.

7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

H. The Town Council shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during

the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

#### **Sec. 11.02.04 Review Of Final Development Plans For Minor Developments**

##### **A. Option**

1. The Developer of a proposed Minor Development may choose to submit the proposed development to both a concept and final review, or to a single final review.
2. If the developer chooses to submit to both a concept and final review, the procedures in B and C below shall be followed.
3. If the developer chooses to submit to a single final review, only the procedures of B below shall be followed.

##### **B. General Procedures**

1. The developer of a proposed Minor Development shall submit a Development Plan to the Department.
2. Within five (5) working days of receipt of a Plan, the town or its designated representative shall:
  - a. Determine that the Plan is complete and proceed with the procedures below; or
  - b. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Plan within thirty (30) working days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee.
3. A copy of the plan shall be sent to each of the department heads. The department heads shall review the proposal and submit written comments if applicable at the next meeting of the Town Council.
4. The Town Council shall review the Plan and any comments and determine whether the proposal complies with the requirements of this Code.
5. Within ten (10) working days of the meeting of the Town Council, it shall:
  - a. Issue an approval for the Concept Review complying with Section 11.02.05 below if it was a Preliminary Development Plan that was reviewed;
  - b. Issue a Final Development Order complying with Section 11.02.07 below if it was a final development plan that was reviewed; or
  - c. Refuse to issue a Preliminary or Final Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

##### **C. Approval of Final Development Plans**

1. If the Developer chose to submit a Preliminary Development Plan for Concept Review, a Final Development Plan shall be submitted within six (6) months of approval of the Preliminary Plan. If this deadline is not met, the Concept Review Approval expires.
2. Within fifteen (15) working days the town shall determine whether the Final Development Plan should be approved or denied based on whether the plan conforms to the approved Preliminary Plan and the conditions, if any, imposed during Concept Review. The town shall:
  - a. Issue a Final Development Order complying with Section 11.02.07 below; or
  - b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Concept Review Approval.

## **Sec. 11.02.05 Review Of Preliminary And Final Development Plans For Major Developments**

### **A. Review Of Final Development Plans**

1. The developer shall, within six (6) months after completion of Concept Review, submit a Final Development Plan to the Department. If more than six (6) months elapse, the developer must re-submit the plan for Concept Review.
2. Within fifteen (15) working days of receipt of a Final Development Plan, the Town Council or its designated representative shall:
  - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) working days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
  - b. Determine that the plan is complete and proceed with the following procedures.
3. A copy of the Final Development Plan shall be sent to each department head.
4. Each department head shall submit any applicable written comments to the Town Council as to the proposed development's probable effect on the public facilities and services that the member represents. Interested persons shall be given a reasonable opportunity to comment orally or in writing.
5. Within ten (10) working days after the Town Council meets to consider the plan and comments, the Council shall issue a written report setting forth findings and conclusions supporting its recommendation.
  - a. Issue a Final Development Order complying with Section 11.02.07 below; or
  - b. Refuse to issue a Final Development Order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

**Sec. 11.02.06 Project Phasing** A Master Plan for the entire development site must be approved for a Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Final Development Plan for the first phase of the development and must be approved as a condition of approval of the Final Plan for the first phase. A Final Development Plan must be approved for each phase of the development under the procedures for development review prescribed above.

## **Sec. 11.02.07 Required Contents Of Final Development Orders**

### **A. Required Contents** A Final Development Order shall contain the following:

1. An approved Final Development Plan (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the Final Development Plan that must be made, in order for a Final Development Order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly and time for submitting modifications.
3. A listing of federal, state, and regional permits that must be obtained in order for the Final Development Order to be effective.

4. The determination of concurrency and the time period for which the final development order is valid.
5. A specific time period during which the development order is valid and during which time development shall commence.
6. A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
7. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy.
8. Such other conditions as may be required to ensure compliance with the concurrency requirement.

**Sec. 11.02.08 Notice** Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this Code shall be obtained from the records of the St. Johns County Tax Collector. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements of this Code.

**Sec. 11.02.09 Administrative Hearing** Each administrative hearing by the Town Council relating to development shall conform to the normal procedures followed by the Town Council in accordance with all applicable laws.

A. Burden And Nature Of Proof The applicant for any development permit must prove that the proposal satisfies the applicable requirements and standards of this Code.

B. Findings And Order Unless the council and the developer agree to an extension, the Board shall, within ten (10) working days of the hearing, prepare an order including:

1. A statement of the applicable criteria and standards against which the proposal was tested.
2. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
3. The reasons for a conclusion to approve, conditionally approve, or deny.

D. Record Of Proceedings

1. All proceedings shall be recorded.
2. The findings and order shall be included in the record.

**Sec. 11.02.10 Submittals**

A. Application Applications for development review shall be available from the Town Council. A completed application shall be signed by all owners, or their agent. Signatures of a agent will be accepted only authorization by the owners.

B. General Plan Requirements All Preliminary and Final Development Plans submitted pursuant to this Code shall conform to the following standards:

1. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet. The name, address, and telephone number of the preparer of the drawing(s). The plan shall show the boundaries of the property.
2. Ten (10) copies of the submittal shall be required.

3. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information.

C. Concept Plan Each Concept Plan shall contain the following unless exempted by the Town Council:

1. Existing Conditions

a. The location of existing property or right-of-way lines, streets, buildings, transmission lines, sewers, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.

b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.

c. Contour lines at two (2) foot intervals.

d. All water courses, water bodies, floodplains, wetlands, important natural features, soil types and vegetative cover.

e. The approximate location of any environmentally sensitive zones.

f. Existing land use district of the parcel.

g. Any endangered species of animal, bird or other forms of wildlife in the proposed development area.

h. Listing of any historic structures or sites on the property or a statement that the site does not contain any historic resources.

2. Proposed Development Activities And Design

a. The approximate location and intensity or density of the proposed development.

b. A general parking and circulation plan.

c. Points of ingress to and egress from the site

d. Existing and proposed storm water management systems on the site and proposed linkage, if any, with existing or planned public storm water management systems.

e. Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.

f. Proposed open space areas on the development site and types of activities proposed to be permitted on them.

g. Lands to be dedicated or transferred to a public or and the purposes for which the lands will be held and used.

D. Final Development Plan A Final Development Plan shall include the information required in a Concept Plan plus the following additional or more detailed information unless excepted by the Town Council:

1. Existing Conditions

a. A map of vegetative cover including the location and identity by common name of all protected trees.

b. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.

c. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.

d. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.

e. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.

f. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.

g. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.

h. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.

## 2. Proposed Development Activities And Design

### a. Generally

(1) Area and percentage of total site area to be covered by an impervious surface.

(2) Grading plans specifically including perimeter grading.

(3) Construction phase lines.

### b. Buildings And Other Structures

(1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.

(2) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.

(3) Minimum floor elevations of buildings within any 100-year floodplain.

(4) The location, dimensions, type, composition, and intended use of all other structures.

### c. Potable Water And Wastewater Systems

(1) Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.

(2) The boundaries of proposed utility easements.

(3) Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.

(4) Exact locations of onsite and nearby existing and proposed fire hydrants.

### d. Streets, Parking And Loading

(1) The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.

(2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on site traffic flow.

(3) The location of all exterior lighting.

(4) The location and specifications of any proposed garbage dumpsters.

(5) Cross sections and specifications of all proposed pavement.

(6) Typical and special roadway and drainage sections and summary of quantities.

### e. Tree Removal And Protection

(1) All protected trees to be removed and a statement of why they are to be removed.



(2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

(3) A statement of the measures to be taken to protect the trees to be retained.

(4) A statement of tree relocations and replacements proposed.

f. Landscaping

(1) Location and dimensions of proposed buffer zones and landscaped areas.

(2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

g. Storm water Management

(1) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions. (2) A description of the proposed storm water management system, including:

(a) Channel, direction, flow rate, and volume of storm water that will be conveyed from the site, with a comparison to natural or existing conditions.

(b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.

(c) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.

(d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.

(e) Linkages with existing or planned storm water management systems.

(f) On- and off-site right-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Storm water Management System.

(g) The entity or agency responsible for the operation and maintenance of the Storm water Management System.

(3) The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

(4) Runoff calculations shall be in accordance with the standards set by St. Johns County.

h. Environmentally Sensitive Lands

(1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Protected Environmentally Sensitive Zone.

(2) Detailed statement or other materials showing the following:

(a) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

(b) The distances between development activities and the boundaries of the Protected Environmentally Sensitive Zones.

(3) The manner in which habitats of endangered and threatened species are protected.

i. Signs

(1) The location, type and size of signs shall be presented for review and a construction permit from St. Johns County.

j. Subdivision Proposed number, minimum area and location of lots, if development involves a subdivision of land.

k. Land Use And Dedications

(1) Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.

(2) Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

(3) The total number and type of residential units. The total number of residential units per acre (gross density) shall be given.

l. Wellfield Protection Location of onsite wells, and wells within one thousand (1,000) feet of any property line, exceeding 100,000 gallons per day.

m. Historic And Archaeologic Sites The manner in which historic and archaeologic sites on the site, or within one thousand (1,000) feet of any boundary of the site, will be protected.

E. Final Development Plan

1. A metes and bounds description of lands to be subdivided, from which and without reference to the plat, the starting point and boundary can be determined.

2. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit," "replat," "amended," and the like. The name of the development shall be indicated on every page.

3. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout several additions.

4. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."

5. All contiguous properties shall be identified by development title, plat book, and page, or if the land is unplatted, it shall be so designated. If a subdivision to be platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. All abutting existing easements and rights-of-way must be indicated. The abutting existing rights-of-way must be indicated to the center line.

6. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.

7. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to Hastings or any other public agency.

8. All man-made lakes, ponds, and other man-made bodies of water excluding retention/detention areas shown on the final development plan shall be made a part of

adjacent private lot(s) as shown on the final plat. The ownership of these bodies of water shall not be dedicated to the public unless approved by Hastings.

F. Master Plan A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:

1. A Concept Plan for the entire Master Plan area.
2. A Development Plan for the first phase or phases for which approval is sought.
3. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
4. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
5. Number, height and type of residential units.
6. Floor area, height and types of office, commercial, industrial and other proposed uses.
7. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
8. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
9. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
10. A vicinity map of the area within 300 feet surrounding the site showing:
  - a. Land use designations and boundaries.
  - b. Traffic circulation systems.
  - c. Public facilities.
  - d. Municipal boundary lines.
11. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Town Council.

### **Sec. 11.02.12 Platting**

A. Generally Where proposed Minor or Major development includes the subdivision of land, the final approval of the development plan by the Town Council shall be contingent upon approval by the Hastings Commission of a plat conforming to the development plan.

B. Filing After receiving plat-contingent final development plan approval, the developer shall submit to the town a plat conforming to the development plan and the requirements of Chapter 177, Florida Statutes. Alternatively, the developer may submit a plat at any point in the development review process.

C. Review The Town Council or its designated representative shall, within thirty (30) working days of receiving the plat, review the plat with the Town Attorney to see whether the plat conforms to the approved development plan, and the requirements of Chapter 177, Florida Statutes. If the plat does conform, then the Town Clerk will place the plat on the next available agenda of the Hastings Town Council. If the plat does not conform, the developer shall be advised of the deficiency in the plat and informed that a corrected plat may be resubmitted prior to review by the Town Council.

D. Review By Hastings Town Council Review of the plat by the Town Council shall be strictly limited to whether the plat conforms to the requirements of Chapter 177, Florida Statutes. A conforming plat shall be approved and the town shall also issue the development order allowing development to proceed.

### **Sec. 11.02.13 Guarantees And Sureties**

#### **A. Applicability**

1. The provisions of this section apply to all proposed developments in the Hastings, including private road subdivisions.
2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article IV of this Code.
3. This section does not modify existing agreements between a developer and Hastings for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreements Required The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
  - a. Estimate prepared and provided by the applicant's engineer.
  - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, Hastings shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by Hastings.

#### **C. Amount And Type Of Security**

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the Building Official.
2. Security requirements may be met by but are not limited to the following:
  - a. Cashiers check
  - b. Certified check

- c. Developer/Lender/Hastings Agreement
- d. Interest Bearing Certificate of Deposit
- e. Irrevocable Letters of Credit
- f. Surety Bond

3. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.

#### D. Completion Of Improvements

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the Town of Hastings. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.

2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 11.02.13.C.3 above.

#### E. Maintenance Of Improvements

1. A maintenance agreement and security shall be provided to assure the town that all required improvements shall be maintained by the developer according to the following requirements:

a. The period of maintenance shall be a minimum of three (3) years.

b. The maintenance period shall begin with the acceptance by the town of the construction of the improvements.

c. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.

d. The original agreement shall be maintained by the Town Clerk.

2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the Town of Hastings a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium under the provisions of Ch. 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.

b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.

c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the Hastings Town Attorney.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the town.

## **Sec. 11.03.00 PROCEDURE FOR OBTAINING A MINOR REPLAT**

### **Sec. 11.03.01 Review**

A. Generally The Town Council may approve a Minor Replat that conforms to the requirements of this Part.

B. Submittals The Town Council shall consider a proposed Minor Replat upon the submittal of the following materials:

1. Five (5) paper copies of the proposed Minor Replat;
2. A statement indicating whether water and/or sanitary sewer service is available to the property; and
3. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a Professional Land Surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

C. Review Procedure

1. The Town Council shall transmit a copy of the proposed Minor Replat to the appropriate agencies for review and comments.
2. If the proposed Minor Replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the Town Council shall approve the Minor Replat.

D. Recordation Upon approval of the Minor Replat, the developer shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the official county records.

### **Sec. 11.03.02 Standards And Restrictions**

A. Standards All Minor Replats shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot width for the category where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

B. Restriction No further division of an approved Minor Replat is permitted under this section, unless a development plan is prepared and submitted in accordance with this Article.

**Sec. 11.04.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS** All development permits will be issued by the St. Johns County Building Department after a final development order by the town. The town may stop any development that does not have a development order from the town even if the developer has a permit from St. Johns County.

[Next Page](#)

