

# TOWN OF HASTINGS, FLORIDA

## TOWN CODE

### RESOURCE PROTECTION STANDARDS

#### ARTICLE V

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**5.00.00 PURPOSE** The purpose of this Article is to establish those resources or areas of a development site that must be protected from harmful affects of development. A developer must apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

#### **5.01.00 TREES**

##### **5.01.01 Removal Of Trees**

###### **A. Conditions For Authorization To Remove Protected Trees**

1. It is the intent of this section to minimize the removal of protected trees and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized.

**5.01.03 Preservation Of Protected Trees As Grounds For Variance From Other Requirements Of This Code** The preservation of any protected tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code.

#### **5.02.00 ENVIRONMENTALLY SENSITIVE LANDS**

##### **5.02.01 General Provisions**

**A. Relationship To Other Requirements Relating To The Protection Of Environmentally Sensitive Lands.** Development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

**B. Conservation/Coastal Management Element Incorporated By Reference** The Conservation/Coastal Management Element of the Hastings Comprehensive Plan as from time to time amended is hereby incorporated by reference into this Code.

**C. Compliance When Subdividing Land** Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards for protection of environmentally sensitive lands.

#### **5.03.00 FLOODPLAINS**

##### **5.03.01 General Provisions**

**A. Abrogation And Greater Restrictions** These flood damage prevention regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

**B. Warning And Disclaimer Of Liability** Although the degree of flood protection required by these flood damage prevention regulations is reasonable and appropriate for regulatory purposes, based on scientific

and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. These flood damage prevention regulations shall not create liability on the part of the Hastings or any of its officers or employees for any flood damages that result from reliance on these flood damage prevention regulations or any administrative decision lawfully made thereunder.

### **5.03.02 Standards For Reducing Flood Hazards In The Area Of Special Flood Hazard**

A. Generally The standards in this part apply to all development within the Area of Special Flood Hazard as shown on a Flood Insurance Rate Map.

B. Anchoring All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Manufactured homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, Florida Administrative Code.

C. Construction Materials And Methods All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.

D. Service Facilities And Utilities

1. Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.

2. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.

E. Storage Of Materials And Equipment

1. Storing or processing materials that would, in a flood, be buoyant, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.

2. Materials or equipment immune to substantial damage by flooding may be stored if firmly anchored to prevent flotation or if readily removable from the area upon receipt of a flood warning.

### **5.03.03 Additional Standards For Reducing Flood Hazards In Areas For Which Flood Insurance Rate Maps Have Been Prepared**

A. Generally The following standards must be complied with in all Areas of Special Flood Hazard for which a Base Flood Elevation has been established by a Flood Insurance Rate Map or otherwise.

B. Residential Structures

1. All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the Flood Protection Elevation.

2. For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater. Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect, or meet or exceed the following minimum standards:

a. 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.

b. Place the bottom of all openings no higher than one foot above grade.

c. Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e. a garage door) or storing equipment used to maintain the premises (i.e. a standard exterior door), or entering the living area (i.e. a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.

3. Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

C. Nonresidential Structures New construction and substantial improvements of existing construction of nonresidential structures shall either comply with Section 5.05.03 B of this Part, or be constructed, including attendant utility and sanitary facilities, to meet the following standards:

1. Walls below the Flood Protection Elevation shall be substantially impermeable to the passage of water.
2. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified as meeting the standards of this section by a registered professional engineer or architect.

D. Subdivisions

1. All preliminary subdivision proposals shall identify the Area of Special Flood Hazard and the elevation of the Base Flood.
2. All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the Base Flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
3. All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
4. Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.
5. All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots within an Area of Special Flood Hazard and all instruments conveying title to lots within an Area of Special Flood Hazard must prominently publish the following flood hazard warning in the document:

"Flood Hazard Warning

"This property may be subject to flooding. You should contact local building and zoning officials and obtain the latest information about flood elevations and restrictions before making plans for the use of this property."

**5.03.04 Administration, Enforcement and Exemptions**

A. Generally In addition to the administrative and enforcement provisions in Article XI of this Code, the following provisions apply.

B. Designation And Duties Of Local Administrator The St. Johns County Building Department, through an interlocal agreement shall administer and implement the provisions of these flood damage prevention regulations. The Building Department shall:

1. Review all proposed developments to assure that the requirements of the county's flood plain protection regulations have been met.
2. Review all certificates submitted to satisfy the requirements of these regulations.
3. Notify the St. Johns River Water Management District, Department of Natural Resources and the Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and provide evidence of such notification to the Federal Emergency Management Agency.
4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by these flood damage prevention regulations.
6. Maintain all records pertaining to the implementation of these flood damage prevention regulations.

C. Certification Of As-Built Elevations

1. For development activity which includes structures, and in areas where base flood elevations are available, the developer shall submit to the St. Johns County Building Department a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
2. The St. Johns County Building Department shall review submitted floor elevation survey data and inform the applicant of deficiencies within 10 working days.
3. Upon submittal of certified elevations and/or a determination by the St. Johns County Building Department that the development meets all of the applicable requirements of these flood damage prevention regulations, the town shall issue a Certificate of Compliance.

D. Enforcement

1. Any violation of these flood damage prevention regulations is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.

**5.04.00 GROUNDWATER AND WELLHEADS**

**5.04.01 Purpose and Intent** The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of Hastings. This is accomplished through ensuring the protection of the principle source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of Hastings. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

#### **5.04.03 Restrictions On Development**

A. Within The Zone Of Exclusion No development activities shall take place in the zone of exclusion.

B. Prohibited Uses And Development Activities Within The Wellhead Protection Zone The following land uses are prohibited within Wellhead Protection Zone:

1. Landfills.
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch.442, F.S.).
3. Activities that require the storage, use, handling, production or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.
4. Feedlots or other concentrated animal facilities.
5. Wastewater treatment plants, percolation ponds, and similar facilities.
6. Mines.
7. Excavation of waterways or drainage facilities which intersect the water table.

C. Special Restrictions On Development Allowed Within The Wellhead Protection Zone

1. Storm water management practices shall not include drainage wells and sinkholes for Storm water disposal where recharge is into potable water aquifers.

2. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter Rule 17.28, Florida Administrative Code.

#### **5.05.00 HABITAT OF ENDANGERED OR THREATENED SPECIES**

##### **5.05.01 Generally**

A. Purpose And Intent It is the purpose of this part to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in Hastings. It is the intent of this part to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered, or special concern plant and animal species.

B. Applicability Areas subject to the standards of this Part shall be those identified in the Conservation Element of the Hastings Comprehensive Plan as habitat for rare and endangered species, threatened species, or species of special concern.

##### **5.05.02 Habitat Management Plan**

A. When Required

A Habitat Management Plan shall be prepared as a prerequisite to the approval of any development proposed on a site containing areas subject to this Part.

B. Contents The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.

C. Conformity Of Final Development Plan The Final Development Plan approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.

D. Preservation Of Land Where land on a proposed development site is to be preserved as habitat of rare, endangered or special concern species, such land shall be adjacent to existing viable habitat, a significant

wetland system, floodplain, or wildlife corridor. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in paragraph B above.

E. Fee In Lieu As an alternative to preservation of land, the Town of Hastings may establish a fee-in-lieu-of-land program, whereby the town can purchase land which will provide a significant habitat.