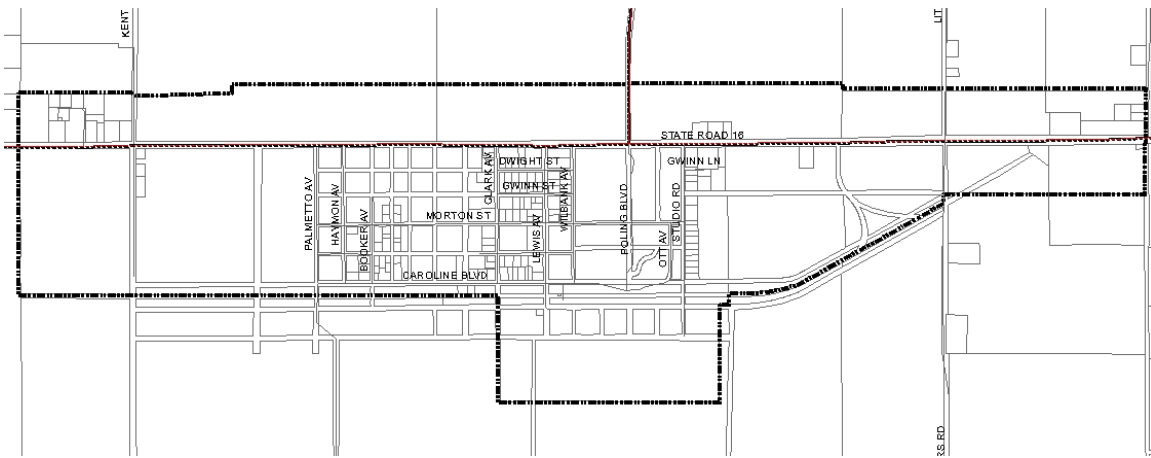


TOWN OF PENNEY FARMS



Land Development Regulations

Adopted - 6/28/2006

Updated - 4/20/2020

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GENERAL PROVISIONS
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ARTICLE I

GENERAL PROVISIONS

1.00.00 TITLE

This Code shall be entitled the "Land Development Code" and may be referred to herein as the "Code."

1.01.00 AUTHORITY

This Land Development Code is enacted pursuant to the requirements and authority of •163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in Chapter 166,125, Florida Statutes.

1.02.00 APPLICABILITY

1.02.01 General Applicability

Except as specifically provided below, the provisions of this Code shall apply to all development in the Town of Penney Farms, and no development shall be undertaken without prior authorization pursuant to this Code.

1.02.02 Exceptions

A. Previously Issued Development Permits

The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if the development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto (or within six (6) months adoption of this code).

1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months of issuance of the building permit; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

C. Pending Applications

The provisions of this code and any amendments thereto shall not apply to any permit applied for by the effective date of this code if:

1. All applicable federal, state, regional and county permits have been obtained prior to the effective date of this code.
2. The Town Clerk certifies, prior to the effective date of this code, that the permit application is complete.
3. The permit is issued within six (6) months of the effective date of this code and development commences within six (6) months of the date of the permit.
4. If all these conditions are not met, the development must be in conformance with this code.

D. Consistency With Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the Penney Farms Comprehensive Plan.

1.02.03 Description Of Development Review Procedures

The development review process is that process by which the design of the development is reviewed to determine whether it complies with the requirements of the Code. There are two basic steps in the development plan review process: Development Plan Review, and issuance of Construction (Development) Permits.

1.03.00 FINDINGS

1.03.01 General Findings

A. Statutory Requirement

Chapter 163, Florida Statutes, requires each Florida local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for Penney Farms.

B. General Public Need

Controlling the location, design and construction of development within the town is necessary to maintain and improve the quality of life in Penney Farms as more fully described below.

1.04.00 INTENT

1.04.01 General Intent

With regard to this Land Development Code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in Penney Farms.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of Penney Farms in accordance with the Comprehensive Plan.
- C. To implement the Town of Penney Farms's Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act".
- D. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

1.04.02 Specific Intent Relating To The Various Subject Areas Of This Code

The provisions of this Code dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

A. Administration And Enforcement

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Code, the Penney Farms Comprehensive Plan, and other applicable town regulations.

B. Signs

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.

C. Landscaping and Tree Protection

1. To enhance the attractiveness of the community.
2. To conserve energy through the cooling and shading effects of trees.
3. To mitigate conflicts between adjoining land uses;
4. To preserve the environmental and ecological benefits of existing native trees and vegetation.
5. To promote safe and efficient use of off-street parking facilities and other vehicular use areas.

D. Parking And Loading

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles.

E. Stormwater Management

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.
2. To protect natural drainage systems.
3. To minimize runoff pollution of ground and surface waters.
4. To prevent damage to wetlands.
5. To protect, maintain, and restore the habitat of fish and wildlife.

- F. Floodplain Protection
 - 1. To protect human life and health.
 - 2. To minimize expenditure of public money for costly flood control projects.
 - 3. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
 - 4. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.
 - 5. To continue to make the city eligible for participation in the National Flood Insurance Program.

- G. Protection Of Environmentally Sensitive Lands
 - 1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
 - 2. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
 - 3. To maintain recharge for groundwater aquifers.

- H. Protection Of Cultural Resources
 - 1. To identify, protect, and enhance sites, buildings, structures, objects, and areas that are reminders of past eras, events, and persons important in local, state or national history, or which provide this and future generations examples of the physical surroundings in which past generations lived.

1.05.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of a unified land development code implements the goals, policies and objectives of the Penney Farms Comprehensive Plan.

1.06.00 INCORPORATION BY REFERENCE

1.06.01 Future Land Use Map

The Future Land Use Map Series (Map L-2 - L-5 in the Comprehensive Plan) and any future amendments is hereby adopted by reference.

1.07.00 RULES OF INTERPRETATION

1.07.01 Generally

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of Penney Farms and deemed neither to limit nor repeal anyother powers granted under state statutes.

1.07.02 Responsibility For Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Town Council shall be responsible for interpretation and refer to the Penney Farms Comprehensive Plan for guidance.

1.07.03 Computation Of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.07.04 Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.07.05 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

1.07.06 Shall, May

The word "shall" is mandatory; "may" is permissive.

1.07.07 Written or In Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.07.08 Year

The word "year" shall mean a calendar year, unless otherwise indicated.

1.07.09 Day

The word "day" shall mean a working day, unless a calendar day is indicated.

1.07.10 Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

- A. Boundaries shown as following any street shall be construed as following the centerline of the street.

- B. Boundaries shown as following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following natural features shall be construed as following such features.
- D. Where a district boundary line divides a lot, parcel or tract of land, the use classification of the larger portion may be extended to the remainder by the Town Council without recourse to the amendment procedure.

1.08.00 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Clay County.

1.09.00 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.10.00 APPLICATION FEES

The Town Council shall adopt by ordinance a schedule of application fees for functions required by this Code in response to applications submitted by any person, corporation, organization or governmental entity.

1.11.00 EFFECTIVE DATE

These regulations shall be effective on 6/28/2006.

ARTICLE II DEFINITIONS

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 or Building - 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.

Alteration - 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.

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

Basement (Cellar) - A story partly or wholly underground but having more than one-half its clear height below mean grade.

Boarding House or Lodging 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 main finished grade to the highest point of the main building.

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 or Grade - 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 two distinct types of development approvals: 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 Penney Farms 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 Penney Farms.

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.

Garage Apartment - An accessory building with storage capacity for not less than two (2) automobiles, the second floor of which is designed as a residence for not more than one (1) family.

Garage, private - An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport is a private garage.

Garage, public (mechanical) - Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, storage - A building or portion thereof designed or used exclusively for the storage or parking of automobiles, and providing no services other than storage, refueling lubrication, washing, waxing and polishing.

Grade, Finished - The completed surfaces of lawns, walks and driveways brought to grades as shown on the plans or designs relating thereto.

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

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 cafe, 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 travellers 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.

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 Clay 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.

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.

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 endogenously 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 Penney Farms 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 the Brazilian Pepper, Malaleuca, and 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. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the town.

Parking lot - An area or plot of land used for the storage or parking of vehicles.

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. In addition, all palms with at least four and one-half (4 1/2) feet of clear trunk between the ground level and the lowest branch are declared to be protected trees.

Protected Wellhead - Those wellheads with a permitted capacity of 100,000 GPD or more.

Rate - Volume per unit of time.

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 surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

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 surfacewater.

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

Trailer Park - A permanent mobile home park excluding transient mobile home parks or overnight mobile home parks. No transient mobile home parks shall be permitted within the town limits; except that service station establishments now in operation and located upon the main highway of US 301 shall be permitted to accommodate not more than two (2) mobile trailers at any one (1) establishment; and the owner of such establishment shall be fully responsible for compliance with the requirements of state, county and town regulations as to sanitary facilities.

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 from the grade to the mean level of the top, including any dormers or gables on the wall.

Wellhead Protection Area, Zone Of Exclusion - All land within a two hundred (200) foot radius of an existing or designated protected wellhead.

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 code.

ARTICLE III
LAND USE:
TYPE, DENSITY, INTENSITY

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ARTICLE III
LAND USE:
TYPE, DENSITY, INTENSITY

3.00.00 GENERALLY

3.00.01 Purpose

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts consistent with the Future Land Use Element of the Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies in the Penney Farms Comprehensive Plan.

3.01.00 LAND USE DISTRICTS

3.01.01 Generally

Land use districts for Penney Farms are established in the Comprehensive Plan, Future Land Use Element, including the Future Land Use Map (Map L-2). The land use districts and classifications defined in the Future Land Use Element of the Penney Farms Comprehensive Plan and delineated on the Future Land Use Map are the general determinant of permissible activities in the jurisdiction. Specific determinations on allowable uses on a parcel by parcel basis is established in this Land Development Code and delineated on Table 3.02.02. Allowable uses are shown in Section 3.02.03 to correlate individual land use activities with land use classifications included on the Future Land Use Map.

3.01.02 Rural Residential

3.01.03 Low Density Residential

3.01.04 Medium Low Density Residential

3.01.05 Commercial and Services

3.01.06 Utilities

3.01.07 Institutional

3.01.08 Recreational

3.01.09 Mixed Use

3.02.00 USES ALLOWED IN LAND USE DISTRICTS

3.02.01 General

This Part defines and prescribes the specific uses allowed within each land use district described in the Comprehensive Plan and this Code.

3.02.02 Types Of Uses

A. Residential (Rural, Low, and Medium Density)

1. The three categories of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, modular and manufactured housing.
2. While a district may be designated for residential use, it does not follow that any housing type (single-family, apartment, townhouse, etc.) is allowed. Certain areas are limited to one or more Housing types in order to preserve the established character of the area. (Refer Table 3.02.02).

B. Commercial and Services

A wide variety of general commercial, commercial recreational, entertainment, and related activities such as professional services and offices are included in this group. The following are such uses:

1. Arcades, billiards/pool parlors, bowling alleys, health, and private schools such as dance and martial arts studios.
2. Professional services and offices including business and professional offices, medical offices or clinics, government offices, financial institutions, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property.
3. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores.
4. Grocery stores, supermarkets, and specialty food stores.
5. Hotels or motels.
6. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores.
7. Restaurants with no alcoholic beverages, including open air cafes.
8. Shopping centers.
9. Theaters and auditoriums.

10. Miniature golf, golf driving ranges.
11. Veterinary offices and animal hospital, provided the facility has no outside kennels.
12. Gasoline sales and service, combination gasoline sale and food marts, and similar facilities.
13. Restaurants with drive-up facilities.
14. No use is permitted that provides for the sale and or consumption of alcoholic beverage for on site or off site consumption.

C. Utilities

This type of land use is for utility facilities such as water plants, wastewater treatment plants, and electricity substations.

D. Institutional

This type of use includes town facilities, educational facilities (public or private), pre-school and day care facilities (public or private), churches, residential care facilities, independent care facilities, halfway housing, nursing home facilities, and all other similar institutional and governmental uses. Such institutional and governmental functions include:

1. Utility facilities, such as water plants, wastewater treatment plants, and electricity substations.
2. Maintenance facilities and storage yards for telephone and cable companies.

E. Recreational

These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, private swimming clubs, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private.

F. Mixed Use

This type of land use is for development that will contain a combination of residential, institutional, and commercial uses. No more than 60 percent of the mixed use category can be used for residential, 30% for institutional land uses, and 10% for commercial land uses.

These uses are further delineated by zone in Table 3.02.02.

TABLE 3.02.02
PERMITTED USES BY LAND USE DISTRICT

USES	LAND USE DISTRICT						
	L	ML	MU	CT	CH	IN	R
Residential							
Single Family	P	P	P				
Mobile Home/Manufactured Housing (1)	C						
Multi-Family Dwelling		P	P				
Adult Congregate Living Facility (Group Home)	C	C	C	C	C	P	
Child Care (In the home)	C	C	C			C	
Rooming House	C	C	C	C	C		
Temporary Residences (Construction, model home, etc.)	C	C	C	C	C	C	C
Home Occupations	C	C	C				
Guest Cottage	C	C	C			C	
Offices							
Professional Offices			P	P	P		
Business Offices			P	P	P		
Bank			P	P	P		
Medical Clinic/Hospital			P	P	P	P	
Office Park			P	P	P		
Retail/Sales/Service							
Personal Services			P	P	P	C	
Day Care Center	C	C	P	P	P	P	
Beauty/Barber	C	C	P	P	P	C	
Drug Store/Apothecary			P	P	P	P	
Repair Shops			P	P	P		
Repair Shops (No outdoor storage)				C	C		

	L	ML	MU	CT	CH	IN	R
Restaurants			P	P	P	C	
Funeral Home			C	P	P	C	
Service Stations			C	P	P		
Specialty Shops			P	P	P		
Retail Sales (No outdoor storage)			P	P	P		
Retail Sales (Outdoor storage)			C	C	C		
Theaters' (Not drive-in)			P	P	P		
Convenience Stores			P	P	P		
Dry Cleaners, Laundromat			P	P	P		
Retail Sales (With outside storage)							
Equipment Rental (Some outside storage)				P	P		
Personal Storage (Mini warehouse)			C	P	P	C	
Veterinarian			C	P	P		
Motel/Hotel			P	P	P		
Shopping Center			P	P	P		
Wholesale Sales (No outdoor storage or display)			C	C	C		
Wholesale Sales			C	C	C		
Nurseries/Greenhouses (with retail sales)			C	C	C		
Manufacturing (No outdoor storage or display)			C	C	C		
Manufacturing			C	C	C		
Educational, Cultural, Religious Uses							
Elementary, Middle & High Schools	P	P	P	P	P	P	
Trade & Vocational Schools				P	P	P	
Churches, Synagogues, Temples etc.	C	C	P	P	P	P	C
Libraries, Art Museums, etc.	C	C	P	P	P	P	C
Social, Fraternal Clubs, Lodges			C	C	C	C	

	L	ML	MU	CT	CH	IN	R
Recreation, Amusement, Entertainment							
Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)			P	P	P		P
Drive-in Movie				P	P	C	
Privately owned recreational facilities such as golf courses, country clubs, swimming or tennis clubs	C	C	P	P	P	P	P
Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pools, tennis courts, etc.	C	C	P	P	P	P	P
Golf Driving Range not accessory to golf course, par 3 golf, miniature golf, water slides, skateboard parks and similar commercial ventures			P	P	P	P	P
Horseback Riding Stables			C	C	C	C	C
Motor Vehicle-related Sales & Service							
Sales with installation of motor vehicle parts			C	C	C		
Motor vehicle repair and maintenance (no outdoor storage) (no body work)			C	C	C		
Motor vehicle repair, maintenance, painting and body work (with outdoor storage)			C	C	C		
Gas Sales			P	P	P		
Car Wash			P	P	P	C	
Miscellaneous Facilities							
Utility facility	C	C	C	P	P	P	C
Post Office		C	P	P	P	C	
Cemetery			C	C	C	C	
Open Air Markets, Flea Markets, Crafts, etc.	C	C	C	C	C	C	

Explanation of Table 3.02.02

L - Low Density Residential

ML - Medium-Low Density Residential

MU - Mixed Use

CT - Commercial Town

CH - Commercial Highway

IN - Institutional

R - Recreation

P - Use is Permissible

C - Use is permissible with a use permit conditional issued by Town Council

3.02.03 Allowable Uses Within Each Land Use District

A. Low Density Residential

The uses allowed in the Low Density Residential land use district are listed in Table 3.02.02. Such uses are allowed from one (1) to a maximum density of three (3) units per acre. The following ancillary uses are allowed in supporting these areas.

1. Recreational
2. Public Service/Utility

B. Medium Low Density Residential

The uses allowed in the Medium Low Residential land use district are listed in Table 3.02.02. Such uses are allowed from three (3) dwelling units per acre up to a maximum density of six (6) dwelling units per acre. All others are prohibited except the following:

1. Recreational
2. Public Service/Utility

C. Commercial and Services (Commercial Town and Commercial Highway)

The uses allowed in the Commercial and Services land use district are listed in Table 3.02.02. All others are prohibited except the following:

1. Commercial
2. Recreational
3. Institutional
4. Public Service/Utility

D. Institutional

The following uses are allowed as listed on Table 3.02.02 in the Institutional land use district. All others are prohibited.

1. Institutional
2. Recreation
3. Public Service/Utility

3.02.04 Lot Coverage

A. Generally

B. Calculating Lot Coverage

Lot coverage is the amount of land area used for a structure. Driveways and parking areas are not included in lot coverage.

C. Table of Lot Coverage

Table 3.02.04

<u>Land Use/Districts</u>	<u>Maximum Lot Coverage</u>
Commercial District	35 percent
Institutional	35 percent

3.04.00 PLANNED UNIT DEVELOPMENT

3.04.01 Purpose

It is the purpose of this part to encourage new development and redevelopment, flexibility in design with the overall development consistent with this code and the Town of Penney Farms Comprehensive Plan. A planned unit development is permitted on a parcel of land under common control or ownership, where it would be beneficial for the town and improve the quality of the development, to permit flexibility in the location of land uses that are shown on the Future Land Use Map.

3.04.02 Compliance Procedure

A. Submittals

All proposed development requesting to be reviewed as a Planned Unit Development shall provide the following information on the application for development approval:

1. The application for approval of a proposed development shall indicate that the development approval is requested as a Planned Unit Development.
2. The application shall clearly show the calculation allowed by the Future Lane Use Map per type of land use category and the calculation of the land use by type in the proposed development.
3. The application shall indicate the benefit to the town for allowing the Planned Unit Development. The benefits may include:
 - a. Permit a creative approach to the development of land;
 - b. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this code;
 - c. Provide for an efficient use of land, resulting in smaller networks of utilities and streets;
 - d. Enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities and the provisions of recreation areas and open space;
 - e. Provide an opportunity for new approaches to ownership;
 - f. Provide an environment of stable character compatible with surrounding residential areas; and
 - g. Retain property values over the years.
4. The application for development approval must comply with all requirements of Article 12 of this code.

ARTICLE IV

CONSISTENCY AND CONCURRENCY DETERMINATIONS
OUTLINE

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ARTICLE IV
CONSISTENCY AND CONCURRENCY DETERMINATIONS

4.00.00 GENERALLY

4.00.01 Purpose

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects with the Penney Farms Comprehensive Plan, including meeting the concurrency requirements of the plan.

4.00.02 Adopted Levels of Service Shall Not Be Degraded

A. General Rule

All applications for development orders shall demonstrate that the proposed development does not degrade the adopted levels of service in the Penney Farms Comprehensive Plan and/or any interlocal agreement with Clay County concerning such services.

B. Exception

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

4.00.03 Determination Of Available Capacity

For purposes of these regulations the available capacity of a facility with an adopted level of service in the Penney Farms Comprehensive Plan shall be determined by:

A. Adding Together

1. The total capacity of existing facilities operating at the required level of service; and
2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development.

B. Subtracting From That Number The Sum Of

1. The demand for the service or facility created by existing development; and
2. The demand for the service or facility created by the anticipated completion of other approved developments.

C. Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the project owner or developer may provide the necessary improvements to maintain level of service and to provide necessary documentation that the improvements will maintain the existing level of service.

4.00.04 Burden Of Showing Compliance On Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. Applications for development approval shall provide sufficient information showing compliance with these standards in order to be approved.

4.00.05 Annual Report

A. Contents

The Town shall prepare an Annual Report that includes:

1. A summary of actual development activity.
2. A summary of building permit activity.
3. A summary of development orders issued.
4. An evaluation of each facility and service indicating the capacity available and the status of all interlocal agreements with Clay County concerning provision of public facilities and services.

B. Use of the Annual Report

The Annual Report shall propose capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

4.01.00 ADOPTED LEVELS OF SERVICE

4.01.01 Potable Water

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the Penney Farms Comprehensive Plan.

<u>Type of Use</u>	<u>LOS (Average Flow)</u>
Residential	200 gallons per household per day.
Non-residential	Estimated use based on multiples of 200 gallons per day per capita

4.01.02 Wastewater

Development activities that are to be connected to the private Penney Retirement System shall not be

approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the Penney Farms Comprehensive Plan.

<u>Type of Use</u>	<u>LOS Average Flow</u>
Residential	106 gallons per day per capita
Commercial	Estimated use based on multiples of 106 gallons per day per capita

4.01.03 Transportation System

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Transportation Circulation Element of the Penney Farms Comprehensive Plan:

<u>Type of facility</u>	<u>Peak Hour Level of Service</u>
Collector Roadways	C
Arterial Roadways	C

The level of service is based on the Florida Department of Transportation Manual for Determining Levels of Service.

4.01.04 Drainage System

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the Penney Farms Comprehensive Plan:

<u>Types of Use</u>	<u>LOS</u>
Detention Basin	25 Year 24 Hour Storm
Flood Control Elevation	100 year Flood Plain Elevation per FEMA Maps

4.01.05 Solid Waste

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the Solid Waste Sub-element of the Penney Farms Comprehensive Plan:

<u>Types of Use</u>	<u>LOS</u>
Residential	4.3 lbs. per capita per day
Commercial	Estimated by user based on 4.3 lbs. per capita per day.

4.01.06 Recreation

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the Penney Farms Comprehensive Plan:

Recreation Standards for Facilities

<u>Park Sites</u>	<u>Standard</u>	<u>Size</u>
Neighborhood	1 per 5,000 Population	5.0 Acres
<u>Facilities</u>		
Shuffle Board	1 per 2,000 Population	
Tennis Court	1 per 2,000 Population	
Basketball Court	1 per 5,000 Population	
Football Field	1 per 4,000 Population	
Swimming Pool	1 per 25,000 Population	
Baseball Field	1 per 6,000 Population	
Softball Field	1 per 3,000 Population	
9 Hole Golf Course	1 per 25,000 Population	

ARTICLE V
RESOURCE PROTECTION STANDARDS
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ARTICLE V
RESOURCE PROTECTION STANDARDS

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. Removal of a tree includes any act which will cause a tree to die, such as damage inflicted upon the root system by heavy machinery, changing the natural grade above the root system or round the trunk, damage, including fire damage, inflicted on the tree permitting infection or pest infestation.
- B. It shall be unlawful for any person, organization, society, association or corporation or any agent or representative thereof, directly or indirectly, to cut down, destroy, remove or move, or effectively destroy through damaging any protected tree listed below located on any property without obtaining a permit except for lots in residential districts under one (1) acre.

<u>Common Name</u>	<u>Botanical Name</u>	<u>DBH</u>
Turkey Oak	(Quercus laevis)	12" or larger
Other Oak Species	(Quercus spp.)	12" or larger
Maple	(Acer spp.)	18" or larger
Sweet Gum	(Liquidumbar styracflua)	18" or larger
Hickory	(Clarya spp.)	18" or larger
Elm	(Ulmus spp.)	18" or larger
Lobloly Bay	(Gordonia lasianthus)	12" or larger
Sweet Bay	(Marnolia virginiana)	12" or larger
Real Bay	(Persea borbonia)	12" or larger
Swamp Bay	(Persea palustris)	12" or larger
Sycamore	(Platanus occidentalis)	18" or larger
Magnolia	(Marnolia grandipflora)	12" or larger

- C. No authorization for the removal of a protected tree shall be granted unless the developer demonstrates the reason for removal of trees or receives a pulp wood permit.

5.01.02 Conditions for Tree Removal

- A. The Town shall issue the permit for removal of a protected tree if one of the following reasons for removal is found to be present:
 - 1. The condition of the tree with respect to disease, insect attack, age or other damage creates a danger of falling, or otherwise causes the tree to have an adverse impact on the urban or natural environment; or
 - 2. Removal of the tree is necessary to construct proposed improvements in order to make use of the property, or to avoid interference with utility services.

5.01.03 Replacement

- A. In respect to removal of a protected tree to allow construction of improvements, as a condition for granting a permit, the Town Council shall require the developer to replace the protected tree with the installation of new trees. The number and location of new trees shall be based on a site plan submitted by the developer and approved by the council.

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 St. Johns River Water Management District regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

- B. Conservation Element Incorporated By Reference

The Conservation Element of the Penney Farms 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 Penney Farms Town Council 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 100 year flood plain as identified on the Flood Plain Map (Map L-3) of the Penney Farms Comprehensive Plan.

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, 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

A. Generally

The following standards must be complied with in all areas within the 100 year flood plain 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 requirements for residential structures of this Code, 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 areas within the 100 year flood plain 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 the 100 year flood plain and all instruments conveying title to lots within an area within the 100 year flood plain must prominently publish the following flood hazard warning in the document:

Flood Hazard Warning

This property may be subject to flooding. You should contact the Town of Penney Farms 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 XII of this Code, the following provisions apply.

B. Designation And Duties Of Local Administrator

The Town of Penney Farms shall administer and implement the provisions of these flood damage prevention regulations. The town shall:

1. Review all proposed developments to assure that the requirements of these 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.
5. 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 town or its designee 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 town or its designee 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 town or its designee 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 Penney Farms. 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 Penney Farms. 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.

5.04.02 Restrictions On Development

A. Within The Zone Of Exclusion

No development activities shall take place in the zone of exclusion which is the area within 50 feet of a public drinking well.

B. Prohibited Uses And Development Activities Within The Wellhead Protection Zone

The following land uses are prohibited within Wellhead Protection Zone, the area within 300 feet of a public drinking well:

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. Stormwater management practices shall not include drainage wells and sinkholes for stormwater 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 Penney Farms. 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 Penney Farms 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 prepared by the developer 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 by this Section.

E. Fee In Lieu

As an alternative to preservation of land, Penney Farms may establish a fee-in-lieu-of-land program, whereby the town can purchase land which will provide a significant habitat.

ARTICLE VI
DEVELOPMENT DESIGN AND IMPROVEMENT
STANDARDS
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ARTICLE VI
DEVELOPMENT DESIGN AND IMPROVEMENT
STANDARDS

6.00.00 GENERAL PROVISIONS

6.00.01 Purpose

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the municipal limits of the Town of Penney Farms.

6.00.02 Responsibility For Improvements

All improvement required by this Article shall be designed, installed, and paid for by the Developer, owner, or successors in title.

6.00.03 Principles Of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article V of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

6.01.00 LOT AREA, LOT COVERAGE, AND SETBACKS

6.01.01 Minimum Lot Area Requirements

A. Requirements For All Developments

All developments and improvements shall have a total land area sufficient to meet all development design standards in this Code.

B. Specific Requirements For Residential Development

There is a minimum lot area for individual lots within a residential development as listed in C and D.

1. The land area for the total project is sufficient to meet standards of this Code as stated in paragraph A of this Section.

2. Gross density of the area shall not exceed that specified in the Article III.
 3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations.
- C. Specific Requirements for Rural Density Residential
1. Mobile Homes - 1 acre of land
 2. Minimum Lot Area - 43,560 square feet
- D. Specific Requirements for Low Density Residential
1. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in this Code.
 2. Every lot or parcel of land shall have an area of not less than twenty one thousand (21,000) square feet and a frontage at the building line of at least one hundred (100) feet.
 3. The minimum required floor area for a one-story building shall be one thousand (1,000) square feet, exclusive of porches, attached garages, carports and breezeways.
 4. The minimum required first floor area for a two-story building shall be eight hundred (800) square feet with a total floor area of not less than twelve hundred (1,200) square feet, exclusive of porches, attached garages, carports and breezeways.
 5. The land area is sufficient to meet all applicable setbacks and height requirements as well as the supplemental requirements of all codes applicable to the development in Penney Farms.
 6. Land exclusive of individual lots to be conveyed in Fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association or other similar provision and recordable instruments providing for these or other common ownership lands shall be submitted for review with the application for development plan review.
- E. Specific Requirements for Medium-Low Density
1. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided for in this.
 2. Every lot or parcel of land shall have an area of not less than seven thousand (7,000) square feet and a frontage at the building line of at least seventy (70) feet.
 3. The minimum required floor area for a one-story building shall be eight hundred fifty (850) square feet, exclusive of porches, attached garages, carports and breezeways.
 4. The minimum required first floor area for a two-story building shall be seven hundred (700) square feet with a total floor area of not less than one thousand (1,000) square feet, exclusive of porches, attached garages, carports and breezeways.

6.01.02 Impervious Surface Coverage

A. Generally

Impervious surface on a development site shall not exceed the ratios provided in the table in paragraph E of this Section.

B. Ratio Calculation

The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area.

C. Alternative Paving Materials

If porous paving materials are used in accord with the standards approved by the Town, then the area covered with porous paving materials shall not be counted as impervious surface.

D. Table of Impervious Surface Ratios

Land Use District	Maximum Impervious Surface Ratio ¹
Rural Density Residential	0.35
Low Density Residential	0.40
Medium-Low Residential	0.50
Commercial	0.70
Industrial	0.70
Institutional	0.70

¹The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article III.

6.01.03 Building Setback Requirements

- A. Subject to subsection B and the other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street rowline than authorized in the table set forth in this section.

<u>Land Use</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
Single Family	25'	10'	25'
Multi-Family (2 or more units)	25'	10'	20'
Commercial	10'	10'	20'
Other Uses	10'	10'	20'

B. Minimum Setbacks Between Buildings

1. The minimum distance between adjacent buildings shall be ten (10) feet, except that no setback between buildings is required where an attachment easement has been created.
2. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

C. Minimum Setbacks for Buildings Exceeding 25 Feet In Height

When a building exceeds twenty-five (25) feet in height, the minimum distance from an adjacent building or property line shall be increased by two (2) feet for each story above two (2).

D. Accessory Building Setbacks

Accessory Building Setbacks must comply with the front and side yard setbacks set forth in subsection A except as follows:

1. The setback for a pool shall be at least 7.5 feet to the water line.
2. The high point of the accessory building roof or any appurtenance of an accessory building shall not exceed 12 feet in height.
3. Unless specified otherwise by a conditional use permit, the height of a permanent fence or wall shall not exceed eight feet except along a boundary of the yard to the street or road right of way where it shall not exceed four feet. Also no fence shall be located closer than 2 feet to a row line.
4. Fences or walls specifically required as a part of a special exception or conditional use are exempt from (3) above.

E. Building heights shall be a maximum of 35 feet for all uses subject to the following exceptions:

1. Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet walls, and similar structures and their necessary mechanical appurtenances may be erected above the height limits established in this chapter after a use permit therefore has been approved by the Zoning Commission.

F. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches.

G. On double frontage lots, the required front yard shall be provided on each street.

H. Open or enclosed fire escapes or fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 1/2) feet, and the ordinary projections of chimneys and flues may be permitted by the building inspector where they are so placed as not to obstruct the light and ventilation.

6.02.00 TRANSPORTATION SYSTEMS

6.02.01 General Provisions

A. Purpose

This section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this SECTION are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

B. Compliance with Standards Approved by the Penney Farms Town Council

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards approved by the Penney Farms Town Council.

6.02.02 Streets

A. Street Classification System Established

1. Streets in Penney Farms are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards.
2. Private streets and streets that are to be dedicated to Penney Farms are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.
3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.
4. The following streets hierarchy is established: residential, collector, and arterial. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

B. Residential Streets

Residential streets are primarily suited to providing direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential use does not exceed applicable standards for the affected streets. All residential streets should be designed to minimize unnecessary and/or speeding traffic. Each residential street shall be classified and designed for its entire length to meet the minimum standards.

This is the lowest order street in the hierarchy. A residential street is a frontage street which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself. Residential streets may take access and connect from any higher order street type. The design speed for residential streets is twenty (20) miles per hour. Residential access streets shall have a maximum ADT of five hundred (500). Cul-de-sacs shall have a maximum ADT of two hundred (200). Loop streets shall have a maximum ADT of four hundred (400).

C. Collector Roads

Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. Local collector streets are designed to give direct access to commercial and residential projects. Collectors may take access from other collector streets or arterials. Collectors may give access to residential streets. Collectors shall have a design speed of twenty (20) miles per hour. Collectors shall have a maximum ADT of three thousand (3,000).

D. Arterial Roads

Arterial roads provide links between communities and are designed for speeds up to forty-five (45) miles per hour. These roads link communities to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. Arterials shall have a design speed of forty-five (45) miles per hour.

E. Special Purpose Streets

Under special circumstances a new local street may be classified and designed as one of the following:

1. Alley

An alley is a special type of street which provides a secondary means of access to lots. It will normally be on the same level in the hierarchy as a residential access street, although different design standards will apply.

2. Divided Streets

For the purpose of protecting environmental features or avoiding excessive grading, the municipality may require that the street be divided. In such a case, the design standards shall be applied to the aggregate dimensions of the two street segments.

F. Future Traffic Circulation Map

The Future Traffic Circulation Map and any amendments thereto, adopted by the Town of Penney Farms as a part of the Comprehensive Plan, is hereby made a part of this Code. All existing roadways within the jurisdiction of Penney Farms shall be designated on this map according to the foregoing classification scheme. Any street abutting or affecting the design of a subdivision or land development which is not already classified on the Future Traffic Circulation Map shall be classified according to its function, design, and use by the Town Council at the request of the applicant or during plan review. The map shall be the basis for all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

G. Street Classification Standards

Table 6.02.02, specifies the number of lanes and pavement and right-of-way widths for residential, collector, and arterial streets. These requirements should be read in conjunction with the foregoing street type descriptions.

Table 6.02.02

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
1. Residential Streets	× 2-11' moving × no parking	22'	20'	60'	60'
2. Collector Streets	× 2-11' moving × no parking × no median	22'	20'	60'	60'
3. Arterial Streets	Normal road configuration: × 4-12' moving	--	54'	--	100'

6.02.03 Rights-of-Way

A. Right-of-Way Widths

Right-of-way requirements for road construction shall be as specified in Table 6.02.02 of this Code. The right-of-way shall be measured from lot line to lot line.

B. Protection and Use of Rights-of-Way

1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the Town of Penney Farms Council.
2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications approved by the Town and other applicable regulations.
3. Sidewalks and bikeways shall be placed within the right-of-way.

C. Vacation of Rights-of-Ways

Applications to vacate a right-of-way shall be approved by ordinance upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation Circulation Element of the Penney Farms Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.

3. The vacation would not jeopardize the current or future location of any utility.
4. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the Town of Penney Farms.

6.02.04 Street Design Standards

A. General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the standards approved by the Town Council. Streets shall be dedicated to Penney Farms upon completion, inspection, and acceptance by the Town.
2. The street system of the proposed development shall conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards approved by the Town Council.
5. The street layout in all new developments shall be coordinated with and connected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
7. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
8. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
9. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting streets.

B. Paving Widths

Paving widths for each street classification shall be as provided in Table 6.02.02 of this Code.

C. Curbing requirement

1. Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:
 - a. Along designated parking lanes.

- b. Where the surface drainage plan requires curbing to channel stormwater.
2. All curbing shall conform to the construction standards approved by the Town Council.

D. Shoulders

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material approved by the Town Council. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential collector streets only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two 4-foot wide shoulders. Shoulders should be grassed.
3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes will be required by the Town Council along existing and proposed streets based on traffic design standard in the FDOT Manual.
2. Deceleration lanes shall be designed to the following standards:
 - a. The lane width shall be the same as the required width of the roadway moving lanes.
3. Acceleration lanes shall be required when indicated as needed by traffic. The design shall be as per the recommendation of the Town of Penney Farms, Clay County, and FDOT. Where needed, a paved taper shall be provided for right hand turns.

F. Cul-de-sacs Turnarounds

An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cul-de-sac.

G. Stub Streets

1. Residential access and subcollector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.
2. Residential collector and higher order stub streets may be permitted or required by the Penney Farms Town Council, provided that the future extension of the street is deemed desirable by the Town.

3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

H. Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
2. The clear visibility triangle shall be formed by connecting a point on each street center line, to be located at the distance from the intersection of the street center lines indicated below, and a third line connecting the two points.
3. The distance from the intersection of the street center lines for the various road classifications shall be as follows:

Road Classification	Distance from Street Center Line Intersection
Driveway or Residential Street	100 feet
Collector	160 feet
Arterial	200 feet

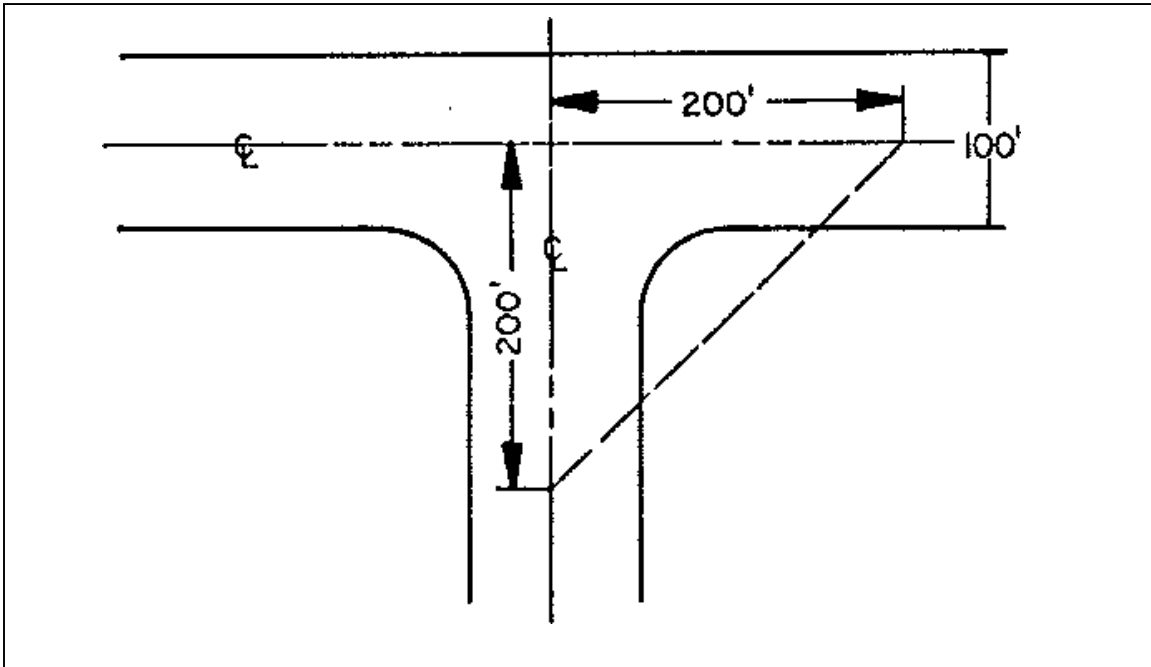


Figure 6.02.04-A Example Of Clear Visibility Triangle

I. Street Trees

1. Street trees shall be provided in accordance with the standards established in Section 6.06 of this Code.
2. No development shall be approved without reserving an easement authorizing the Town of Penney Farms to plant shade trees within five (5) feet of the required right-of-way boundary. No street shall be accepted for dedication until the easement required by this subsection has been provided.

6.02.05 Sidewalks and Bikeways

A. When Required

1. Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway. Location of sidewalks shall be consistent with planned roadway improvements.
2. Sidewalks shall be provided on at least one side of all residential streets.
3. Where a proposed development includes improvements or new construction of collector facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
4. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
5. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the

requirements of this Code, may be required to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to playgrounds, shopping centers, and other community facilities.

B. Design And Construction Standards

Design and construction of sidewalks, bikeways, or other footpaths shall conform to the standards approved by the Town Council including provisions for access by physically handicapped persons.

6.02.06 Access

All proposed development shall meet the following standards for vehicular access and circulation:

A. Number Of Access Points

1. All projects shall have access to a public right-of-way.
2. More than one access point for a development with a street frontage of less than 150 feet shall be allowed and access to the roadway system closer than 150 feet apart shall not be allowed on parcels with street frontage exceeding 150 feet.
3. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

B. Alternative Designs

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved as a part of issuing the final development order.

C. Access To Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed for residential use.
2. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code.

6.02.07 Standards for Drive-up Facilities

A. Generally

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards.

B. Standards

1. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersection.
2. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
3. A by-pass lane shall be provided.
4. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
5. Minimum stacking lane distance shall be as follows:
 - a. Financial institutions shall have a minimum distance of two hundred (200) feet. Two or more stacking lanes may be provided which together total two hundred (200) feet.
 - b. All other uses shall have a minimum distance of one hundred and twenty (120) feet.
6. Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-up facilities.
7. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-four (34) feet. The minimum inside turning radius shall be twenty-five (25) feet.
8. Construction of stacking lanes shall conform to the specifications approved by the Town Council.

6.03.00 OFF-STREET PARKING AND LOADING

6.03.01 Generally

A. Applicability

Off-street parking facilities shall be provided for all development within Penney Farms pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. All off-street parking spaces shall be paved for all uses except for single family dwelling units.

B. Computation

1. When determination of the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
2. In churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, and/or which contains an open assembly area, the occupancy shall be based on the maximum occupancy rating given the building by the Fire Department.
3. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

6.03.02 Number Of Parking Spaces Required

A. Requirements In Matrix

The matrix below specifies the required minimum number of off-street automobile parking spaces.

B. Uses Not Specifically Listed In Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the Zoning Commission. The Commission shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

C. Treatment Of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the matrix, unless a reduction is granted by the Town.

D. Matrix

Table 6.03.02
OFF-STREET PARKING REQUIREMENTS

USE	MINIMUM OFF-STREET PARKING REQUIREMENT
RESIDENTIAL	
1. Single-Family	1 space/unit
2. Cluster/Multi-Family Development:	
Resident Parking	
Studio	1 space/unit
1 bedroom or less	1.5 spaces/unit
2 or more bedrooms	2.0 spaces/unit
COMMERCIAL	
3. Uses Located in Commercial Shopping Centers	1 space/300 square feet of gross floor area
COMMERCIAL AND SERVICE USES LOCATED INDEPENDENTLY	
4. Auto Repair	1 space/200 square feet of gross floor area
5. Auto Service Station	2 spaces plus 4 for each service bay
6. Auto Washing	2.5 spaces/washing stall
7. Barbershops or Beauty Parlors	1 for each barber chair or each beautician station
8. Bank, Savings and Loan	1 space/500 square feet of gross floor area
9. Hotel, Motel	3 spaces for every 4 rooms
10. Offices:	
Administrative, business and professional	1 space/250 square feet of gross floor area
Government	1 space/200 square feet of gross floor area

11. Restaurants:	
All restaurants except fast food	1 space/4 seats square feet of floor area up to 6,000 gross square feet plus 1 space/55 gross square feet of floor area over 6,000 gross square feet
Fast food restaurant	1 space/100 square feet of gross floor area
12. Retail, General	1 space/300 square feet of gross floor area
13. Retail, Furniture and Appliance	1 space/500 square feet of gross floor area
HEALTH SERVICES	
15. Convalescent and Nursing Homes	1 space/4 beds
16. Medical and Dental Office and Clinics	1 space/180 square feet of gross floor area
17. Veterinary Hospitals and Clinics	1 space/180 square feet of gross floor area
18. Hospitals or Sanitariums	1 space/6 patient beds plus 1 space for every four employees
ENTERTAINMENT AND RECREATION	
19. Arcades, Games	1 space/200 square feet of gross floor space
20. Bowling Alleys, Billiard Halls	4 spaces/alley plus 2 for each billiard table plus required parking for other uses on the site
21. Driving Range (Golf)	1 space/tee plus required parking for any other uses on the site
22. Golf, Country or Gun Clubs	1 space/every 5 members (Regulation)
23. Miniature Golf	3 spaces/hole plus required parking for any other uses on the site
24. Tennis, Handball, and Racquetball Facilities	2 spaces/court plus required parking for additional uses on the site
25. Health Club	1 space/150 square feet of gross floor area

26. Theaters, Movies:	
Single Screen	1 space/2 seats plus 5 spaces for employees
Multi-Screen	1 space/3 seats plus 5 spaces for employees
MISCELLANEOUS	
27. Churches and Other Places of Public Assembly	1 space/3 seats within the main auditorium
28. Day Care, Preschools, Nursery Schools	1 space/staff member plus 1 space/5 children or 1 space/10 children if adequate drop-off facilities are provided
29. Libraries or Museums	A parking area equal to 50% of the floor area open to the public
30. Model Home	3 spaces/model home plus 1 space/salesperson

E. Special Parking Spaces

1. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Chapter 316, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with this Section, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.

F. Reduction For Mixed Or Joint Use Of Parking Spaces

The Zoning Commission shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement approved by the Town of Penney Farms Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

G. Reduction For Low Percentage Of Leasable Space

The requirements of this section assume an average percentage of gross leasable building to total gross building area (approximately 85%.) If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; or for other reasons; the Zoning Commission may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

H. Reduction for On-Street Parking

The Zoning Commission may reduce the parking requirements of this section if the developer demonstrates on-street parking is available.

6.03.03 Off-Street Loading

A. Generally

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

1. Nursing homes and other similar institutional uses shall provide one (1) loading space for twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty thousand (20,000) square feet or fraction thereof.
2. Theaters, and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty thousand (20,000) square feet.

3. Offices and financial institutions shall provide one (1) space for twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty thousand (20,000) square feet.
4. Retail commercial, service, service and commercial entertainment uses shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.

6.03.04 Alteration Of Conforming Development

A. Decreased Demand For Parking Or Loading

The number of off-street parking or loading spaces may be reduced if the Zoning Commission finds that a decrease in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction.

B. Increased Demand For Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this Code if the Zoning Commission finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code causes the site not to conform with this Code.

6.03.05 Design Standards For Off-Street Parking And Loading Areas

A. Location

1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
2. The Zoning Commission may approve off-site parking facilities as part of the parking required by this Code if:
 - a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - (1) Proximity of the off-site spaces to the use that they will serve.
 - (2) Ease of pedestrian access to the off-site parking spaces.
 - (3) Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail commercial.
 - b. The location of the off-site parking spaces will not create unreasonable:
 - (1) Hazards to pedestrians.
 - (2) Hazards to vehicular traffic.
 - (3) Traffic congestion.

(4)Interference with access to other parking spaces in the vicinity.

(5)Detriment to any nearby use.

c.The developer supplies a written agreement, approved by the Town of Penney Farms Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

3. All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking: 200 feet

Visitor parking: 350 feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

B. Size

1. Standard parking spaces shall be 9 feet x 20 feet.

2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.

3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.

4. Spaces for handicapped parking shall be the size specified in Chapter 316, Florida Statutes.

5. The standard off-street loading space shall be twelve (12) feet wide, forty (40) feet long, provide vertical clearance of fourteen (14) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

6. The Zoning Commission may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage.

C. Layout

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Zoning Commission based on the size and accessibility of the driveway.
7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
9. No parking space shall be located so as to block access by emergency vehicles.

6.03.06 Prohibited Parking

A. Commercial Vehicles

In order to protect and promote the public health, safety and welfare and among other purposes to provide, light, pure air, safety from fire and other dangers, and to protect property values in residential districts in the town, the parking of commercial vehicles, which description shall include trucks, truck-trailers, truck-tractors, semitrailers and commercial trailers, is prohibited on the public streets or on or in privately owned driveways or property within any residential district as established by this code, except for loading or unloading purposes.

6.04.00 UTILITIES

6.04.01 Requirements for All Developments

A. Generally

The following basic utilities are required for all developments subject to the criteria listed herein.

B. Electricity

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

C. Telephone

Every principal use and every lot within a subdivision shall have available a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

D. Water and Sewer

1. Every principal use and every lot within a subdivision shall have central potable water hookup whenever required by the Town of Penney Farms Comprehensive Plan.
2. Every principal use and every lot within a subdivision shall have either available a location for a septic tank or be able to connect to the Private Penney Retirement System.

E. Illumination

All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the standards approved by the Town Council.

F. Fire Hydrants

All developments served by a central water system shall include a system of fire hydrants consistent with the standards approved by the Town Council.

6.04.02 Design Standards

A. Compliance With Standards

All utilities required by this Code shall meet or exceed the minimum standards approved by the Town Council.

B. Placement of Utilities Underground

1. All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), and gas distribution lines installed in new subdivisions shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the in the standards approved by the Town Council.
2. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utilities' overhead facilities.
3. Screening of any utility apparatus placed above ground shall be required.
4. Individual dwelling units on a lot platted at the adoption of this code will be exempted.

6.04.03 Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

6.05.00 STORMWATER MANAGEMENT

6.05.01 Relationship To Other Stormwater Management Requirements

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable state regulations (Chapter 17-25, Florida Administrative Code) or rules of the St. Johns River Water Management District. In all cases the strictest of the applicable standards shall apply.

6.05.02 Exemptions

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

- A. The construction of a single family or duplex residential dwelling unit and accessory structures on a single parcel of land.

- B. Any development within a subdivision if each of the following conditions have been met:
 - 1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - 2. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
- C. Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- D. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards.

6.05.03 Stormwater Management Requirements

A. Performance Standards

All development must be designed, constructed and maintained to meet the following performance standards:

- 1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first half-inch of stormwater runoff shall be treated in an off-line retention system.
- 2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

B. Design Standards

To comply with the foregoing performance standards the proposed stormwater management system shall conform to the following design standards:

1. Detention and retention systems shall be designed to comply with Chapter 17-3, F.A.C.
2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
5. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this Code by a professional engineer registered in the state of Florida.
6. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
7. Natural surface waters shall not be used as sediment traps during or after development.
8. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
9. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
10. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

6.05.04 Dedication Or Maintenance Of Stormwater Management Systems

A. Dedication

If a stormwater management system approved under this Code will function as an integral part of the Town of Penney Farms maintained system, the facilities should be dedicated to Penney Farms.

B. Maintenance By An Acceptable Entity

1. All stormwater management systems that are not dedicated to the Town of Penney Farms shall be operated and maintained by one of the following entities:
 - a. A local governmental unit including Clay County, or the Municipal Service Taxing Unit, special district or other governmental unit.

- b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant to Chapter 190 Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
- c. A state or federal agency.
- d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
- e. The property owner or developer if:
 - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- f. For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
 - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the Town of Penney Farms affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - (2) The Association has sufficient powers reflected in its organizational or operational documents to:
 - (a) Operate and maintain the stormwater management system as permitted by the Town of Penney Farms.
 - (b) Establish rules and regulations.
 - (c) Assess members.
 - (d) Contract for services.
 - (e) Exist perpetually, with the Articles of Incorporation providing that if the Association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.
- 2. If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.
- 3. In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.
- 4. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until

the stormwater management system is dedicated to and accepted by another acceptable entity.

6.06.00 LANDSCAPING

6.06.01 Exemption

Lots or parcels of land on which a single family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan.

6.06.02 Required Landscaping

Required landscaping will be consistent with this Code. As a minimum the site will contain one shade or canopy tree for each 50 feet of linear perimeter of the site. For the interior vehicular use areas, there will be one (1) tree per every 6,000 square feet of parking lot and drive with an equal proportion of shade (canopy) and understory trees. Within the same vehicular use area, ten (10) percent of the area will be green space and of the total green space twenty-five (25) percent will be planted in shrubs.

6.06.03 Buffers and Parking Area Landscaping

The requirements of this subsection apply to all new commercial, multi-family residential and industrial land uses and also those altered, improved or enlarged, subsequent to the adoption of these regulations. The Performance Standards for this subsection are as follows:

- A. A landscaped area or buffer shall be provided between all parking areas and any sidewalk, street or right of way. This buffer will contain at least one (1) shade or canopy tree per fifty (50) feet of lineal perimeter. Every effort will be made to retain native vegetation and trees.
- B. Interior landscaped areas shall be provided within interior vehicular use areas. For every 6,000 square feet of parking lot and driveway there will be planted or retained one (1) canopy or understory tree. Within this vehicular use area, ten (10) percent of the square footage will be green space and of the total green space area, twenty-five (25) percent will be planted.

- C. Maintenance of Planted areas - Irrigation shall be provided for all new planting. This maintenance shall be the responsibility of the developer and/or land owner. Failure to maintain such areas shall be considered a violation of this ordinance.
- D. Buffer Zones
1. A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and land use districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.
 2. Wherever the principal structure on a site abuts a vehicle use area on the same site, a buffer zone between the vehicle use area and the principle structure shall be provided.
 3. A fifteen (15) foot landscaped buffer is required between residential and commercial uses.
 4. The use of existing native vegetation in buffer zones is preferred.
 5. A fifteen (15) foot landscaped buffer is required between residential and commercial uses.
 6. Adjacent to public rights-of-way
 - a. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area.
 - b. The landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping at least three (3) feet in height. The screen may be composed of a berm at least two (2) feet in height, or a screen of landscaping at least two and one-half (2 1/2) feet in height at time of planting. If a berm is utilized, additional landscaping at least one (1) foot in height shall be planted. If a screen of living landscaping material is utilized, it shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions.
 - c. One (1) tree shall be planted for each seventy-five (75) linear feet, or a fraction thereof, of frontage on a public right-of-way.
 7. Between Properties
 - a. Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface areas from adjacent properties as provided below. Screening is not required if the paved ground surface area is completely screened from surrounding properties by intervening buildings or structures.
 - b. Where paved ground surface areas are adjacent to properties whose land use is residential, all land between the paved ground surface area and the property line shall be landscaped.

(1) Landscaping shall include: a buffer yard at least five (5) feet in width, containing either a berm at least two (2) feet in height, or a hedge or other durable screen of landscaping at least six (6) feet in height. If a berm is utilized, additional landscaping at least one (1) foot in height at time of planting shall be installed. Where the screen of landscaping is composed of living plant material, it shall be thirty (30) inches in height at time of planting and shall attain opacity within twelve (12) months under normal growing conditions.

(2) A minimum of one (10 tree shall be planted for each fifty (50) linear feet of common lot line or fraction thereof.

c. Where the adjacent property is zoned for non-residential land use or where the adjacent property contains a conforming hedge, wall, or other durable landscape feature, the buffering requirement shall not apply to the rear or side lot lines. The tree planting provisions shall still apply.

E. Street Trees

The developer shall plant, within five (5) feet of the right of way of each street within a residential development, one shade tree for every fifty (50) linear feet of right of way. Except where property on one side of the right of way is not owned by the developer, the trees shall be planted alternately on either side of the street. Existing trees and native tree species that need less water and maintenance are preferred.

F. Use of Required Areas

No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

6.06.04 Landscape Design And Materials

A. Design Principles

All landscaped areas required by this Code should conform to the following general design principles:

1. Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
2. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
3. Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.

4. Existing native vegetation should be preserved and used to meet landscaping requirements.
5. Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
6. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this section over time.
7. Landscaping should enhance public safety and minimize nuisances.
8. Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
9. Landscaping should maximize the shading of streets and vehicle use areas.
10. The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.

B. Installation of Plants

1. All plants shall be healthy and free of diseases and pests.
2. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.
3. The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
4. The developer shall provide sufficient soil and water to sustain healthy growth of all plants.

C. Irrigation

All landscaped areas shall be provided with an appropriate irrigation system that conforms to the standards approved by the Town of Penney Farms. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Town, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.

D. Non-Living Materials

Mulches shall be a minimum depth of two (2) inches and plastic surface covers shall not be used.

E. Maintenance And Replacement Of Plants

1. All required plants shall be maintained in a healthy, pest-free condition.
2. Within six (6) months of a determination by the Town that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

ARTICLE VII
SUPPLEMENTAL/ACCESSORY STRUCTURES
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ARTICLE VII
SUPPLEMENTAL/ACCESSORY STRUCTURES
AND USES

7.00.00 PURPOSE

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

7.01.00 ACCESSORY STRUCTURES

7.01.01 General Standards And Requirements

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. .Accessory structures shall be shown on any development plan with full supporting documentation as required in Article XII of this Code.

7.01.02 Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.

- C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

7.01.03 Fences

- A. All fences to be built shall comply with the Standard Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.
- B. Fences or hedges may be located in all front, side and rear yard setback areas. No fences or hedges shall exceed four (4) feet in height when placed in the front yard (the yard abutting a road or public right-of-way). Each fence located in the side and rear yard setbacks shall not exceed the height of eight (8) feet.
- C. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- D. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Town Council upon review of satisfactory evidence of the need to exceed height standards.
- E. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site or inhibit traffic flow.

7.02.00 ACCESSORY USES

7.02.01 Home Occupations

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence.
- D. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence.
- E. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
- F. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- G. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.
- H. Outdoor storage of materials shall not be permitted.
- I. A home occupation shall be subject to all applicable town occupational licensing requirements, fees, and other business taxes.

7.02.02 Private Recreation Centers, And Other Amenities

A. Generally

Residential development projects may provide amenities for the exclusive use of the residents of the project. Such amenities shall be allowed only as provided below.

B. Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

1. Such facilities shall not be available to the general public.
2. Parking to serve the building shall be provided as required by of this Code.
3. There shall be no off-building identification signs, other than directional signs pursuant to Article X of this Code.

7.03.00 SUPPLEMENTAL USES

7.03.01 Temporary Construction Trailers, Residences & Sales Offices

A temporary construction or trailer or residence or sales office used in accordance with an approved use shall be allowed upon receipt of an administrative permit from the town and shall be removed immediately upon completion of the project. The trailer or sales office will be located within the project boundaries.

7.03.02 Special Events

A permit for a special event must be obtained from the town at least seven (7) working days prior to the event. The permit will be granted based on the following criteria:

- A. The hours of operation are compatible with adjacent land uses.
- B. The amount of noise or visual pollution generated shall not be disruptive to activities land uses adjacent to the special event site.
- C. The promoter or land owner guarantee that all litter will be removed at their own expense.
- D. The parking generated by the event can be accommodated on site.
- E. The town may require a cash deposit to cover the cost of security and clean up required by the event.

ARTICLE VIII
SIGNS
OUTLINE

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ARTICLE VIII
SIGNS

8.00.00 GENERAL PROVISIONS

This code establishes regulations for the fabrication erection and use of signs and other outdoor advertising displays within the town.

8.00.01 Relationship To Building And Electrical Codes

These sign regulations are intended to complement the requirements of the building codes adopted by the Penney Farms Town Council. Wherever there is inconsistency between these regulations and the building code, the more stringent requirement shall apply.

8.00.02 No Defense To Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

8.00.03 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building codes adopted by the Penney Farms Town Council, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign(s).

8.01.00 EXEMPT SIGNS

The following signs are exempt from the operation of these sign regulations, and from the requirement in this Code, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Identified signs of two (2) square feet or less.
- C. Legal notices.

- D. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Penney Farms Town Council for a prescribed period of time.
- E. Religious displays.
- F. Governmental signs for traffic control, street designation or directions to public facilities.
- G. Under canopy signs less than four (4) square feet.
- H. Menu boards for drive in facilities less than 2 in number for commercial enterprise.
- I. Memorial signs or tablets when cut into masonry.

8.02.00 PERMITTED PERMANENT ACCESSORY SIGNS

8.02.01 Sign Types Allowed

A permanent accessory sign may be a ground or building sign. A permanent accessory sign may not be a roof sign.

8.02.02 Content

A permanent accessory sign may display any message so long as it is not harmful to minors, indecent, or contain profanity.

8.02.03 Permissible Number, Area, Spacing And Height Of Permanent Accessory Signs

A. Ground Signs

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following table:

FRONTAGE ON RIGHT OF WAY (1)

	0-50	51-100	101-200	201-300	301-400	400+
Number of signs allowed	1	1	1	1	2	3
Total sign area allowed (2)	24	32	48	64	72	96
Maximum sign area for individual sign (2)	24	32	48	64	72	96
Minimum distance from any side property line (1)	10	15	20	50	50	50
Other permanent ground sign on the same site (1)	N/A	N/A	N/A	N/A	100	100
Maximum height (1)	18	18	18	18	18	18

- (1) Measured in linear feet
- (2) Measured in square feet

B. Building Signs

1. Subject to the design criteria in this Article, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.
2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area of each building side or two hundred (200) square feet, whichever is smaller.
3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area). The total combined sign area shall not exceed fifteen (15) percent of the facade area or two hundred (200) square feet, whichever is smaller.
4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area of the building side or two hundred (200) square feet, whichever is smaller.

C. Multiple Frontages

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

8.02.04 Signs At Entrances To Residential Developments

A. Generally

A permanent accessory sign may be displayed at the entrance to residential developments.

B. Restrictions

- 1 .One (1) sign is permitted at only one (1) entrance into the development from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated with a steady light only.

8.02.05 Sign Area

A. Generally

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.

8.02.06 Number of Signs

A. Generally

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

8.02.07 Sign Height

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

8.02.08 Prohibited Signs

- A. Certain signs are prohibited in the Town of Penney Farms; specifically: projecting signs; roof signs; signs located on trees, in rights of way, on telephone poles, and abandoned signs.
- B. Temporary flashing lighted signs used in excess of 30 days.

8.02.09 Freestanding Signs

- A. One freestanding sign per parcel located on the primary street frontage shall be permitted; provided, it meets all the requirements of this code.

8.02.10 Non-Conforming Signs

It is the intent of this sign code to allow non-conforming signs in existence before the adoption of this code to continue as allowed in this article or until they are no longer used or become hazardous, but not to encourage their continued survival. All signs not in conformance with this code at the time of its adoption are considered non-conforming for the purpose of this section.

8.02.11 Removal

All non-conforming, non-permitted or abandoned signs except as provided herein shall be removed immediately.

8.02.12 Continuance of Non-conforming Signs

A non-conforming sign may continue subject to the following:

- A. A non-conforming sign shall not be enlarged or increased in anyway.
- B. There may be no change in ownership or tenancy.

- C. After seven years or upon the seventh anniversary of the adoption of the ordinance all such non-conforming signs will be deemed unlawful and subject to removal and enforcement provisions of this code.
- D. Repairs, maintenance and improvements to the non-conforming sign in any given year shall not exceed 25 percent of the replacement value of the sign.
- E. Reconstruction after any fire, collapse, wind damage or hurricane damage shall not exceed 50 percent of the replacement value of the sign.

8.03.00 ENFORCEMENT

8.03.01 Notification

Upon receipt of a written notice of violation of this code by the town, the owner, his agent or landowner shall disassemble, remove or modify a sign found not in conformance within 3 working days from receipt of the notice.

8.03.02 Variance and Appeals

The Town Council is the sign code board authorized to hear and decide appeals and consider variances from the interpretation of this code. The finding will be advisory pending final approval from the Town Council.

ARTICLE IX
OPERATIONAL PERFORMANCE
STANDARDS
Outline

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ARTICLE IX
OPERATIONAL PERFORMANCE
STANDARDS

9.00.00 GENERALLY

9.00.01 Purpose and Intent

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout Penney Farms. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health and welfare.

9.00.02 Applicability

These standards shall apply to all lands within the Town of Penney Farms.

9.00.03 Standard Manuals and Measuring Devices A

.References

The following references are cited in this Article:

40CFR Code of Federal Regulations, Title 40, "Protection of Environment"

FAC17-2 Chapter 17-2, Florida Administrative Code, "Air Pollution"

APAM "Air Pollution Abatement Manual" of the Manufacturing Chemist Association

PHR47 U.S. Public Health Report 47, No. 12, "Measurement of Density Mineral Dust"

ICR12 Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor

CFR10 Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation"

ANSI American National Standards Institute - Applicable Standards

9.01.00 AIR POLLUTION

A. Standards

To protect and enhance the air quality of the town, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

B .Testing

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

C. Air Pollution Creating Land Uses

No zoning, special exceptions, or conditional use permits may be issued with respect to any development or project until all applicable permits have been received to certify the development or project in compliance with applicable air pollution laws.

9.02.00 ODOR

- A. No use in any district may generate any odor that reaches the odor standard thresholds established by the references identified in 9.00.03 at the lot line.

9.03.00 SMOKE

- A. Determination of visual density

The Ringlemann Chart, published by the U.S. Department of Interior, Bureau of Mines Information circular 8333, May 1967, is the standard measure for determining the equivalent opacity of smoke. All measurements shall be taken at the point of emission of the smoke.

B. Standard

Any land use will be in violation of this ordinance emitting from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 2, except that such emission does not exceed a density or equivalent capacity of Ringlemann No. 3 for a duration of not more than four minutes during any eight hour period.

C. Responsible Party

No land use other than residencies may emit any smoke that is visible to the normal vision individual from a vent, stack, chimney or combustion process. In such event, the generator will be liable for the cost of measurement as stipulated in subsection A and B.

9.04.00 ELECTROMAGNETIC INTERFERENCE AND RADIATION

9.04.01 Electromagnetic Interference

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

9.04.02 Electromagnetic Radiations

No power lines in excess of 25 KV will be constructed on or above residential land uses in the city. Conversely residential land uses will not be allowed below 300 KV power lines within the town.

ARTICLE X
HARDSHIP RELIEF
OUTLINE

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ARTICLE X
HARDSHIP RELIEF

10.00.00 PURPOSE

The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. These hardships include the hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; the hardship that may be caused in particular cases by the imposition of the Code's development design standards; and the hardship that may be caused in particular cases by the Code's resource protection standards.

10.01.00 EXISTING NONCONFORMING LAND USE

10.01.01 Continuation Of A Non-Conforming Land Use

- A. Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.
- B. Nothing in this code shall be taken to prevent the restoration of a building destroyed to the extent of not more than forty (40) percent of its assessed value by fire, explosion or other casualty, or act of God or the public enemy, nor to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

10.01.02 Termination Of Nonconforming Land Use

A. Structures

Nonconforming structures must be brought into full compliance with the use regulations in Article III of this Code, and the development design and improvement standards in Article VI of this Code, in conjunction with the following activities:

- 1. The gross floor area of the structure is expanded by more than twenty five (25) percent, or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a structure, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.

2. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is forty (40) percent or more of the assessed value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined assessed value of all the structures.
3. Nonconforming Signs
All other nonconforming signs shall be removed or altered to be conforming within seven (7) years of the effective date of this code.

B. Use

1. The lawful use of land existing at the time of the passage of this code shall not be affected by this code; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Code.
2. If a nonconforming use is discontinued for more than six months, any future use of the land shall be in conformity with the provisions of this code. When the nonconforming use of the land is discontinued, all material shall be completely removed by its owner, not later than one (1) year from the date of discontinued use, or the use must be made to be in compliance with all sections of this code.

10.02.00 VARIANCES

10.02.01 Generally

A. Approved by Town Council

The Town Council may grant a variance from the strict application of any provision of this Code, except provisions in Articles III (Land Use) and IV (Consistency/Concurrency).

B. Variances To Be Considered As Part Of Development Review

Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. The variance shall be granted or denied in conjunction with the application for development review.

10.02.02 Limitations On Granting Variances

A. Initial Determination

The Town Council shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Council shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Council shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

B. Required Findings

The Town Council shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. There are no reasonable use of the property because of the practical or economic difficulties in carrying out the strict letter of the regulation and the hardship is not the result of the applicants own actions.
2. If the applicant complies strictly with the provisions of the ordinance, he is deprived of any rights that others in the district are allowed.
3. The hardship is suffered only by the applicant rather than by neighbors or the general public.
- 4 .The hardship relates to the land, rather than personal circumstances.
5. The variance requested is the minimum variance that will make reasonable use of the land, building or structure and will not result in the creation or extension of a non-conforming use or structure.
6. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
7. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

C .Imposition Of Conditions

- 1 In granting a development approval involving a variance, the Town Council may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary and such conditions shall be entered on the face of the development permit and are enforceable in the same manner as any other applicable requirements of this Code.
- 2 .If an application is disapproved by the Town Council, the Council shall take no further action on another application for substantially the same proposal on the same premises until after twelve (12) months from the date of such last disapproval.

10.03.00 CLUSTERING DEVELOPMENT RIGHTS

10.03.01 Generally

The density or intensity of a use that would have been allowed on a site that is considered environmentally sensitive in the absence of the application of this Code may be used by "clustering" the development within non-sensitive areas within the project site.

10.03.02 Clustering

Development on parcels containing environmentally sensitive areas may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site. The clustered development shall meet all applicable provisions of this Code including those in the environmentally sensitive land regulations relating to development activities adjacent to environmentally sensitive areas. Any fraction equal to one-half (1/2) or greater shall be rounded to the nearest whole number.

ARTICLE XI
BOARDS AND AGENCIES
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ARTICLE XI
BOARDS AND AGENCIES

11.00.00 GENERALLY

Boards and agencies may be created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

11.01.00 Planning Board

11.01.01 Establishment

The Planning Board is hereby created as a citizen board to recommend land use policies to the Town Council and to review and make recommendations to approve or deny development plans submitted under this Code.

11.01.02 Membership and Officers

A. Membership

Any interested citizen may be appointed to the Board.

B. Board Membership And Officers

1. The Board shall have five (5) members appointed by the Town Council.
2. Each member shall reside in the Town of Penney Farms.
3. Each member shall be appointed to a four (4) year term except that, initially, two (2) members shall be appointed for a term of two (2) years, two (2) members shall be appointed for a term of three (3) years and one (1) member for four (4) years.
4. All terms expire on December 31st.
5. When a position becomes vacant before the end of the term, the Town Council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
6. Members may be removed for cause by a majority vote of the Town Council upon written charges and after a public hearing.
7. The members of the Board shall annually elect a chair and may create and fill other offices as the Board deems needed.
8. The Board shall create whatever subcommittees it deems needed to carry out the purposes of the Board.
9. The chair of the Board shall annually appoint the membership of each subcommittee from the members of the Board.
10. Members shall not be compensated, but may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the Town Council.

11.01.03 Board Procedures

- A. The Board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other town ordinances, and state law.
- B. The Board shall meet at least once each calendar month, unless canceled by the Board or its chair, and more often at the call of the chair or the Town Council.
- C. The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- D. Three (3) members shall constitute a quorum.
- E. Each decision of a Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

11.01.04 General Functions, Powers and Duties

- A. The Board shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the Town.
- B. The Board may request information from any town department or official.
- C. The Board shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the Town Council that are consistent with the Penney Farms Comprehensive Plan.
- D. The Town Council may ask the Board for advice about specific land use issues and policies.
- E. The Board shall keep the Council and the general public informed and advised on the land use policies of Penney Farms.
- F. The Board may make or obtain special studies on the location, condition and adequacy of specific facilities of Penney Farms, including housing and commercial and facilities, parks, playgrounds, beaches and other recreational facilities, public buildings, private utilities, transportation and parking.
- G. The Board would review any Redevelopment Plans prepared under Chapter 163, Part III, Florida Statutes.

- H. The Board shall perform other lawfully assigned duties.
- I. Each final action of the Board is advisory to the Town Council, and the Board may not in any manner obligate the Town of Penney Farms.
- J. The Board shall review and act upon applications for development review pursuant to this Code.
- K. The Board shall make recommendations on code amendments.
- L. Promote public interest in and understanding of the planning, zoning and beautification of the town.
- M. Recommend to the Town Council plans for the replanning, reconstruction or redevelopment of any area or district.
- N. To act as an Appeals Board or Board of Adjustment to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this code.
- O. All powers, duties, responsibilities or authority held by the Board of Adjustment and the Zoning Commission.

11.01.05 Legal Representation

The Town Council may appoint legal counsel to represent the Board.

11.01.06 Application Fees

The Town Council shall adopt by ordinance a schedule of application fees for functions required by this Code in response to applications submitted by any person, corporation, organization or governmental entity.

11.02.00 TOWN COUNCIL

A. General Functions, Powers and Duties

1. Pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, the Board is hereby designated as the Local Planning Agency for the town and shall perform the functions and duties as prescribed in the Act.
2. The Board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Penney Farms Comprehensive Plan and provisions of this Code.
3. Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, the Planning Board is hereby designated to be the Land Development Regulation Commission and shall perform the duties and functions prescribed in the Act.

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ARTICLE XII
ADMINISTRATION AND ENFORCEMENT

12.00.00 GENERALLY

12.00.01 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.

12.00.02 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.

12.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO
UNDERTAKING ANY DEVELOPMENT ACTIVITY

12.01.01 Generally

No development activity may be undertaken unless the activity is authorized by a development permit.

12.01.0 2Prerequisites To Issuance Of Development Permit

Except as provided in Section 12.01.03 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 all applicable standards and regulations.

12.01.03 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 all applicable standards.

- 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. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- 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. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- 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 12.03.00 of this Article.

12.01.04 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.

12.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

12.02.01 Pre-Application Conference

Prior to filing for development plan review, the developer may meet with the representatives of the town 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 at this time as a representation or implication that the proposal will be ultimately approved or rejected in any form.

12.02.02 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 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 with sufficient information to make this determination. Written findings shall support this determination.

B. 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 12.01.03 of this Article from the requirement of a development plan.

C. 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 combined land and water area of which exceeds five (5) acres.
2. The development is a residential project of ten (10) or more dwelling units per acre of land, or of fifty (50) 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 the town council designates 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 reviewed 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.

12.02.03 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 town.
2. Within thirty (30) working days of receipt of a Plan, the town 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 appropriate Town of Penney Farms staff representatives for their review. Each person shall review the proposal and submit written comments at the next meeting of the Town Council.
- 4 .Within thirty (30) working days of the meeting of the Town Council, the town shall:
 - a. Issue an approval for the Concept Review, if it was a Preliminary Development Plan that was reviewed;
 - b. Issue a Final Development Order if it was a final development plan that was reviewed; or
 - c. Refuse to issue a Concept Review Approval based on 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 the Concept Review Approval. If this deadline is not met, the Concept Review Approval expires.
2. Within thirty (30) 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; or
 - b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary DevelopmentOrder.

12.02.04 Review Of Concept Plans

- A. All Major Developments must be submitted to Concept Review. Minor Developments need not be submitted to Concept Review, but this review is recommended to Developers for proposals that may be controversial.
- B. The developer shall file a completed application and a Preliminary Plan as a prerequisite to obtaining Concept Review Approval.
- C. Within fifteen (15) working days of receipt of an application and Preliminary Plan, the town 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 a Concept Review application shall be mailed by the town 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 thirty (30) days before the meeting where Concept Review will be on the agenda. The expense of this mailing shall be borne by the developer.
- F. The Town Council shall consider:
 - 1. 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.
- G. 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.

12.02.05 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 Concept Review approval, submit a Final Development Plan to the town. If more than six (6) months elapse, the developer must re-submit the plan for Concept Review.
2. Within thirty (30) working days of receipt of a Final Development Plan, the town 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. Applicable town staff and representatives shall receive a copy of the Final Development Plan for review.
4. The plan shall be placed on the agenda of the next Town Council meeting that allows giving, for at least fifteen (15) days, the following notices:
 - a. Mailed notice to the developer; and
 - b. Posted notice on the development site.
5. Any staff member may submit written comments as to the proposed development's probable effect on the public facilities and services that the staff represents. Interested persons shall be given a reasonable opportunity to comment orally or in writing.
6. The Town Council shall conduct a public hearing to:
 - a. Issue a Final Development Order; 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.

12.02.06 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.

12.02.07 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.

12.02.08 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 Clay 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.

12.02.09 Public Hearing

Each public hearing shall conform to the following procedures, as supplemented by law, rule or decision.

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. Order Of Proceedings - Planning Board of Town Council

1. The Planning Board shall:
 - a. Determine whether it has jurisdiction over the matter.
 - b. Determine whether any member must abstain or is disqualified. Abstaining from voting or disqualification because of conflict of interest must be declared in accordance with Part III of Chapter 112, Florida Statutes.
2. The Board/Council may take official notice of known information related to the issue, including:
 - a. State law and applicable ordinances, resolutions, rules and official policies of Penney Farms.
 - b. Other public records and facts judicially noticeable by law.
3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The Board shall state all matters officially noticed for the record.
4. Individual members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the view in the record of the meeting.
5. Staff, the developer, and interested persons may present information.
6. Before the hearing has concluded, the Board/Council shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.

C. Findings And Order

Unless the Board/Council and the developer agree to an extension, the Board/Council shall, within ten (10) working days of the hearing, prepare an order including:

1. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
2. 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.

12.02.10 Submittals

A. Application

Applications for development review shall be available from the Town Clerk. 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, unless the town determines that a different scale is sufficient or necessary for proper review of the proposal. 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. Preliminary Plan

Each Preliminary Plan shall contain the following items unless they are specifically exempted by the town or its representative:

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 of any environmentally sensitive zones.
- F. Existing land use/zoning 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 stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater 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.
- h. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.

D. Final Development Plan

A Final Development Plan shall include the information required in a Preliminary Plan plus the following additional or more detailed information. Any of the following items may be exempted by the town or its representatives:

- 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 if any.
 - b. Buildings And Other Structures
 - (1) Building plan showing the location, dimensions, gross floor area, and proposed use Of buildings.
 - (2) Front, rear and side architectural elevations of all buildings.
 - (3) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
 - (4) Minimum floor elevations of buildings within any 100-year floodplain.
 - (5) 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. Stormwater 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 stormwater management system, including:
 - (a) Channel, direction, flow rate, and volume of stormwater 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 stormwater 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 Stormwater Management System.

- (g) The entity or agency responsible for the operation and maintenance of the Stormwater 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 accord with the stormwater management manual.
- 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) Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the town by a licensed sign contractor for standard signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by the Town of Penney Farms. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.
 - (2) For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
 - (a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
 - (b) All regulated trees that will be damaged or removed for the construction and display of the sign.

- (c) The speed limit on adjacent streets.
 - (3) For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
 - (a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
 - (b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
 - (c) A building elevation or other documentation indicating the building dimensions.
- 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 categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.
 - (4) Location of proposed development in relation to any established urban service areas.
- l. Wellfield Protection
Location of onsite wells, and wells within five hundred (500) 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 three hundred (300) feet of any boundary of the site, will be protected.
- 3. 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.
- 4. 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.

- 5 .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.
6. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."
7. 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.
8. 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.
9. 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 the Town of Penney Farms or any other public agency.
10. 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 the Penney Farms.

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 three hundred (300) feet surrounding the site showing:
 - a. Land use designations and boundaries.
 - b. Traffic circulation systems.
 - c. Major public facilities.
 - d. Municipal boundary lines.
11. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law.

12.03.00 PLATTING OF SUBDIVISION

12.03.01 Generally

Where proposed Minor or Major development includes the subdivision of land, the final approval of the development plan shall be made contingent upon approval by the Penney Farms Council of a plat conforming to the development plan.

12.03.02 Filing With Department

After receiving plat-contingent final development plan approval, the developer shall submit to the Department 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.

12.03.03 Review By Town Clerk

The Town Clerk shall, within fifteen (15) 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, it shall be placed on the next available agenda of the Penney Farms Council. If the plat does not conform, the town attorney shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be resubmitted for prior to review by the Town Council.

12.03.04 Review By 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 forthwith issue the development order allowing development to proceed.

12.03.05 Guarantees And Sureties

A. Applicability

1. The provisions of this section apply to all proposed developments in the Town of Penney Farms, 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.

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, 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, Penney Farms 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 the town.

- C. Amount And Type Of Security
1. The amount of the security listed in the improvement agreement shall be approved as adequate by the Town Council.
 2. Security requirements may be met by but are not limited to the following:
 - a. Cashiers check
 - b. Certified check
 - c. Developer/Lender/Penney Farms 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 Penney Farms. 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 requirements of this Article.
- E. Maintenance Of Improvements
1. A maintenance agreement and security shall be provided to assure Penney Farms 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 Penney Farms 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 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 Penney Farms Attorney.
- 3 An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to Penney Farms 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 Penney Farms.

12.04.00 PROCEDURE FOR OBTAINING A MINOR REPLAT

12.04.01 Review By The Town Council

A. Generally

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

B. Submittals

The Council shall consider a proposed Minor Replat upon the submittal of the following materials:

1. An application form provided by the town accompanied;
2. Five (5) paper copies of the proposed Minor Replat;
3. A statement indicating whether water and/or sanitary sewer service is available to the property; and
4. 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 Council shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the official Clay County records.

12.04.02 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 land use district 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.

12.05.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS (BUILDING PERMITS)

12.05.01 Application

Application for a Development Permit shall be made to the Town Clerk on a form provided by the town and may be acted upon by the town without public hearing or notice.

12.05.02 Review And Issuance of a Development Permit

The Building Inspector appointed by the town shall review all applications for development permits prior to issuance of the permits by the Town Clerk.

12.05.03 Inspections by the Building Inspector

The town shall appoint a building inspector to make periodic inspections as required by the building code adopted by the Town Council.

12.06.00 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN

12.06.01 State Law Controlling

The procedures in this part shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

12.06.02 Application

Any person, board or agency may apply to the town to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by the town.

12.06.03 Amending This Code

The Town Clerk shall refer applications to amend this Code to the Town Council for comment. The Chairman shall set the application for hearing before the Council at the next regularly scheduled meeting.

12.06.04 Amending The Comprehensive Plan

Applications to amend the Comprehensive Plan shall be set for hearing before the Town Council.

12.06.05 Recommendation Of Town Council

The Town Council shall hold a legislative hearing on each application to amend this Code or the Comprehensive Plan and:

- A. Identify any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
- B. State factual and policy considerations pertaining to the change.

12.06.06 Decision By Penney Farms Town Council

The Penney Farms Town Council shall vote on the proposed amendment and may enact or reject the

proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

12.06.07 Legislative Hearing

Each legislative hearing shall conform to the following requirements:

A. Notice

Notice that complies with the requirements of state law shall be given.

B. Hearing

The public hearing shall as a minimum:

1. Comply with the requirements of state law.
2. Permit any person to submit written recommendations and comments before or during the hearing.
3. Permit a reasonable opportunity for interested persons to make oral statements.

12.07.00 PROCEDURE FOR APPEALING DECISIONS

12.07.01 Appeals From Decisions Of The Planning Board

A developer, an adversely affected party, or any person who appeared orally or in writing before the Planning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan reached at the conclusion of a public hearing to the Town Council.

12.07.02 Notice Of Appeal To Town Council

The notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.
- B. A statement of the interest of the person seeking review.
- C. The specific error alleged as the grounds of the appeal.

12.07.03 Appellate Hearing

When a decision is appealed to the Town Council, the Council shall conduct the hearing in compliance with the following procedures as supplemented where necessary:

A. Scope of Review

1. The Town Council's review shall be limited to the record and applicable law.
2. The Council shall have the authority to review questions of law only, including interpretations of this Code, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force. For this purpose, an allegation that a decision of the decision-maker is not supported by competent substantial evidence in the record as a whole is deemed to be a question of law. The Council may not reweigh the evidence but must decide only whether any reasonable construction of the evidence supports the decision under review.

12.08.00 JUDICIAL REVIEW

12.08.01 Review Of Legislative Decisions

A final legislative action of the Penney Farms Town Council may be reviewed in a court of proper jurisdiction as prescribed by law.

12.09.00 SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE AND APPELLATE DECISION-MAKERS

12.09.01 Challenges to Impartiality

A party to an administrative or appellate hearing may challenge the impartiality of any member of the hearing body. The challenge shall state by affidavit facts relating to a bias, prejudice, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Town Clerk no less than forty-eight (48) hours preceding the time set for the hearing. The Town Clerk shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

12.09.02 Disqualification

No member of the Planning Board or Town Council shall hear or rule upon a proposal if:

- A. Any of the following have a direct or substantial financial interest in the proposal: a member by blood or marriage of the decision-maker's family; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
- B. The decision-maker owns property within the area entitled to receive notice of the hearing; or
- C. The decision-maker has a direct private interest in the proposal; or
- D. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

12.09.03 Participation By Interested Officers Or Employees

No officer or employee of Penney Farms who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the Town Council on the proposal without first declaring for the record the nature and extent of the interest.

12.10.00 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS

12.10.01 Minor and Major Deviations

A. Minor Deviations

A minor deviation is a deviation from a Final Development Plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. These deviations may be handled by the Town Clerk or other designated staff.

1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

B. Major Deviations

A major deviation is a deviation other than a Minor Deviation, from a Final Development Plan.

12.10.02 On-Going Inspections

A. Inspection

The town shall implement a procedure for periodic inspection of development work in progress to insure compliance with the Development Permit which authorized the activity.

B. Minor Deviations

If the work is found to have one or more Minor Deviations, the town shall amend the Development Order to conform to actual development. The town may, however, refer any Minor Deviation that significantly affects the development's compliance with the purposes of this Code to the Town Council for treatment as a Major Deviation.

C. Major Deviations

1. If the work is found to have one or more Major Deviations, the Town Clerk shall:
 - a. Place the matter on the next agenda of the Town Council, allowing for adequate notice.
 - b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the town determines that work or occupancy may proceed pursuant to the decision of the Town Council.
2. The Town Council shall hold a public hearing on the matter and shall take one of the following actions:
 - a. Order the developer to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time. The Development Order or Permit may be revoked if this order is not complied with.
 - b. Amend the Development Order or Permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process.

- c. Revoke the relevant Development Order or Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Order or Permit should not be amended to accommodate the deviations.

D. Action Of Developer After Revocation Of Development Order

After a Development Order or Permit has been revoked, development activity shall not proceed on the site until a new Development Order or Permit is granted in accordance with procedures for original approval.

12.10.03 Application For Certificate Of Occupancy

Upon completion of work authorized by a Development Permit or Development Order, and before the development is occupied, the developer shall apply to the town for a Certificate of Occupancy. The town shall inspect the work and issue the Certificate if found to be in conformity with the Permit or Order.