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Sec. 3-9-51. Babcock Overlay Zoning District

(a) General

(A) *Establishment; Short title.* The Babcock Overlay Zoning District is hereby established. The short title of this section shall be the "Babcock Zoning Code."

(B) *District Boundary.* The area affected by this Babcock Overlay Zoning District shall be the area as shown in the zoning atlas.

(C) *Intent.* The intent of the Babcock Overlay Zoning District ("District") is to establish the regulations for design and development that address the qualities of nature and community that are envisioned for the Babcock Community. The District is intended to accommodate compact development patterns, interconnected open space, native habitat, and recreation. The intended activities within the District include a mix of residential, retail and office commercial, light industrial, civic and educational facilities, open space, parks and recreational and institutional uses.

(D) *Applicability; Conflict with other Ordinances; Exemptions.* The maximum development within this zoning overlay classification is controlled by the Development of Regional Impact Master Development Order, Incremental Development Orders and the comprehensive plan. All new development and future redevelopment within the District shall be subject to these regulations. The terms development and redevelopment shall be construed liberally and shall include any plat, special exception, variance, site plan approval, building or sign permit, or any other official action of Charlotte County that has the effect of permitting development and/or redevelopment or any application for any of the preceding matters. Except where expressly provided herein, the terms of the Babcock Zoning Code shall supersede and control in the event and to the extent of a conflict between the Babcock Zoning Code and another provision of the County Code. Due to the unique circumstances of the property, the following specific exemptions are granted:

1. Landscape and Tree Requirements. Approximately 7,725 acres within the District are to be developed, the majority of which were agricultural lands at the time of adoption of this Babcock Zoning Code, and over 5,700 acres within the District are to be preserved, the majority of which are wooded. This results in 5,975,492 Removal Tree Points and 32,002,479 Preservation Tree Points (not including Palmettos and Wax Myrtles). Due to the unique circumstances of the property and the excess of Preservation Tree Points, all development within the District is exempt from the County tree removal permit process and Article XVIII of Chapter 3-5, Landscaping and Buffers requirements of the County Code and Article XI of Chapter 3-2, Tree Requirements, of the County Code. The Landscape Requirements of the Babcock Zoning Code provided herein are applicable.

(E) *Use of Pattern Books for Development.* Pattern Books may be submitted to define development parameters and design standards applicable within a defined site, area or subdistrict to establish some or all of the governing design parameters and standards, which may constitute waivers of submittal requirements and deviations, including but not limited to: setbacks, building heights,

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1 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
2 coverages, and standards for roadway design and rights-of-way. Approval of Pattern Books shall be
3 issued by the Zoning Official or designee (Zoning Official) upon finding that standards, waivers, and
4 deviations are consistent with public health, safety and welfare. An amendment to an approved
5 Pattern Book may be requested at any time, to be approved by the Zoning Official. Approval of
6 Pattern Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is
7 not granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to
8 review and approval by the Board of County Commissioners. Where standards defined in an
9 approved Pattern Book conflict with provisions of the Babcock Zoning Code or the County Code, the
10 Pattern Book shall apply. Development in areas that are not subject to a Pattern Book shall be
11 governed by the standards and provisions set forth in this Babcock Zoning Code.
12

13 (F) *Existing Uses.* The Babcock Zoning Code shall not render an existing use, including, but not limited to
14 mining, silviculture, agriculture and sod farming, on a parcel as nonconforming, even if such existing
15 use is not a principal use or a permitted accessory use in the applicable subdistrict. Any such
16 existing use shall not be considered nonconforming, and may be continued and expanded with
17 appropriate permitting as required.
18

19 (G) *Establishment of Subdistricts.* The following subdistricts are established to allow for different forms of
20 development within the District, as depicted on the Babcock Overlay Zoning District - Subdistrict Map:
21

- Mixed Use Residential Commercial (MURC)
- North Babcock
- Greenways

24

25 **(b) Definitions**

26
27 Terms used in this Section shall have their commonly accepted meaning unless they are defined in (b).
28 When terms are defined both in this Section and elsewhere in the County Code, definitions for such terms
29 in this subsection shall control. The following terms shall have the meanings set forth in this subsection:
30

31 *Agriculture uses:* Agriculture uses within the District includes such uses as agricultural production (crops,
32 citrus, landscape nursery, ranching, livestock raising and animal specialties, pasture, sod and grazing);
33 silviculture, agricultural services, cultural, educational and/or eco-tourism uses and support facilities and
34 their related modes of transporting participants, viewers, or patrons; tour operations, such as, but not
35 limited to airboats, swamp buggies, horse and similar modes of transportation; agricultural labor housing;
36 excavation and earthmoving incidental to agricultural operations; farm products warehousing and storage;
37 single-family detached dwelling unit; forestry; hunting; riding stables; research facilities; non-commercial
38 kennels; telecommunication towers; outdoor shooting ranges; and aquaculture.
39

40 *Alley:* A right-of-way providing a secondary means of access and service to abutting property. For
41 purposes of determining setbacks or required yards, the lot line along an alley is never a front lot line.
42

43 *Building height:* The vertical distance measured from the greater of: (1) the FEMA first habitable floor
44 elevation requirement, (2) 18 inches above the elevation of the average crown of the adjacent roads; or
45 (3) the average natural grade (the natural contours of a land area generally unaltered by human
46 intervention) to the highest point of a flat roof, the deck line of a mansard roof, or the mean height
47 between the eaves and ridge of a gable, hip or gambrel roof.
48

49 *Civic, government, and institutional uses:* Structures developed for and/or used by established
50 organizations or foundations dedicated to public service or cultural activities including, but not limited to,
51 the arts, education, government and religion.

52 *District:* shall mean the Babcock Overlay Zoning District.

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2 *Eco-Tourism*: The practice of touring natural habitats and support facilities thereof in a manner meant to
3 minimize ecological impact. Eco-tourism is considered a commercial enterprise located in an agricultural
4 or preservation area intended to attract tourists and provide supplemental income for the property owner.
5 Eco-tourism uses include, but are not limited to: transient guest lodging, hunting, nature trails, canoeing,
6 fishing, wildlife observation, and birding.

7
8 *Encroachments*: Physical structures that reach into or above a required yard or a right-of-way or roadway
9 easement. Encroachments are not allowed unless identified as permissible.

10
11 *Guest unit, accessory*: An accessory dwelling which is attached to or detached from a principal dwelling
12 located on the same residential parcel and which serves as an ancillary use providing living quarters and
13 which may contain kitchen facilities. Accessory guest units are not considered dwelling units for purposes
14 of density.

15
16 *Pathway*: A defined corridor within the District's overall transportation network designed to accommodate
17 pedestrians and other alternative modes of transportation.

18
19 *Parking lot*. An outdoor area or space, paved or unpaved, designed and constructed for the purpose of
20 motor vehicle parking or storage. A driveway that does not contain or provide access to delineated
21 parking spaces is not a parking lot.

22
23 *Pattern book*: A set of development parameters and design standards applicable within a defined site,
24 area or subdistrict to establish some or all of the governing design parameters and standards, which may
25 constitute waivers of submittal requirements and deviations, including but not limited to: setbacks,
26 building heights, building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot
27 sizes, coverages, and standards for roadway design and rights-of-way.

28
29 *Setback*: The minimum distance between a right-of-way line, property line, bulkhead line, shoreline,
30 seawall, ordinary high water line (OHWL), access easement line or other defined location whichever is
31 the most restrictive, and the beginning point of the buildable area. Setbacks may be measured from the
32 legal boundary of a lot and are inclusive of easements with the exception of easements that comprise a
33 road right-of-way. For purposes of determining setbacks, the lot line along an alley is never a front lot
34 line.

35
36 *Transient guest lodging*: A building or group of buildings operated for commercial purposes, and therefore
37 not considered residential units for purposes of density, in which sleeping accommodations and sanitary
38 facilities are offered to guests and intended for use on a daily or weekly basis, irrespective of the form of
39 ownership, and which may include kitchens in each unit.

40
41 **(c) Subdistricts within the Babcock Overlay Zoning District**

42
43 (A) *Mixed Use Residential Commercial (MURC)*. The MURC Subdistrict shall be the most diverse
44 subdistrict, with a full range of uses to support a live, work, shop, play environment. The MURC
45 Subdistrict may include residential, commercial, recreational, civic, industrial, and mixed uses. The
46 MURC is to be developed according to a Town Center, Village and Hamlet framework that is further
47 defined by Pattern Book. Buildings may be single or multi-use. Parking shall be provided on-street,
48 off-street, and within parking structures.

49
50 1. *Permitted Principal Uses and Structures*. Permitted principal uses within the MURC Subdistrict
51 include any and all uses not listed as prohibited uses in (d)(C), including, but not limited to:
52 commercial businesses and services, retail, office, civic, education (elementary, middle, high schools,

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colleges and universities), institutional, light industrial and manufacturing, mining, earthmoving, nurseries, essential services, single family and multifamily residential, assisted living facilities, continuing care retirement communities, transient guest lodging including hotel, motel and bed and breakfast, home occupations per (d)(K), parks, recreation, manufacturing, distribution, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development. Mixed use buildings and single use buildings are permitted. Any use not listed may be deemed permitted by the Zoning Official by a finding that the use is reasonable according to the intent of the subdistrict; similar to another permitted use in the subdistrict; and not specifically prohibited in the subdistrict.

2. Permitted Accessory Uses and Structures. Permitted accessory uses and structures include all uses that support or relate to principal uses, including accessory guest units that are attached or detached in conjunction with single family residential dwellings, except as otherwise prohibited herein.

3. MURC Development Standards.

Table 1. MURC Development Standards						
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.)(1)			Max. Height (ft.)	Min. Off-street Parking Spaces (per DU for residential or per 300 s.f. for non-residential) (10)
		Front	Side	Rear		
TOWN CENTER						
RESIDENTIAL						
Single-family, Detached	3,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	10	4	100	1-1.5 (9)
MIXED-USE/ AMENITY/SCHOOL(4) (11)						
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	5 (2)	4 (12)	100	1-1.5 (9)
Mixed Use	1,000	10 (5) (7)	5 (2)	4 (12)	140	1 (9)
Non-residential	1,000	10 (5) (7)	0 (3)	4 (12)	140	1
VILLAGES						
RESIDENTIAL						
Single-family, Detached (Small Lots)	3,000	10 (5)	5 (2)	4	45	1
Single-family, Detached (Large Lots)	4,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	10	4	100	1-1.5 (9)
VILLAGE CENTER (11)						
Single-family, Detached (Small Lots)	3,000	10 (5)	5 (2)	4	45	1
Single-family, Detached (Large Lots)	4,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	5 (2)	4(12)	100	1-1.5 (9)
Mixed Use	1,000	10 (5) (7)	5 (2)	4 (12)	140	1 (9)
Non-residential	1,000	10 (5) (7)	0 (3)	4 (12)	140	1
HAMLETS						
RESIDENTIAL						
Single-family, Detached (Small Lots)	3,000	20 (6)	7.5	20 (6)	45	1
Single-family, Detached (Large Lots)	4,000	20 (6)	10	20 (6)	45	1
Single-family, Attached or Two-Family	1,000	20 (6)	0 (3)	20 (6)	60	1

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Table 1. MURC Development Standards						
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.)(1)			Max. Height (ft.)	Min. Off-street Parking Spaces (per DU for residential or per 300 s.f. for non-residential) (10)
		Front	Side	Rear		
Multi-family	1,000	20 (6)	10	20 (6)	60	1-1.5 (9)
NEIGHBORHOOD CENTER (8)						
Non-residential	No less than the min. lot area of the smallest abutting lots	Equal to the smallest of the adjacent lots	10	20	45	1
Mixed Use	No less than the min. lot area of the smallest abutting lots	Equal to the smallest of the adjacent lots	10	20	38	1 (9)

Notes:

- (1) Unless otherwise noted, setbacks apply to principal and accessory structures. Structures will comply with sight distance requirements. Building separation shall be at least 10 ft., subject to access requirements for emergency services and fire code.
- (2) May be reduced as long as sum of side setbacks is 10 ft. minimum.
- (3) Setback applies to interior lots. If not connected to an adjoining structure, side setback is 5' which may be reduced as long as sum of side setbacks is 10 ft. minimum.
- (4) Schools are exempt from this setback table, school development is according Charlotte County School District policy.
- (5) Encroachments into front yards are allowed for porches, stoops, awnings, colonnades, or other elements that serve as transition from the public to the private realm.
- (6) It must be demonstrated that driveways can accommodate space for parking for at least two vehicles on the driveway without overhanging onto the adjoining sidewalk, or onto vehicle travelway where no sidewalk exists. If on-street parking spaces are available in the right-of-way within 300 ft., on-street parking may substitute for driveway parking.
- (7) Building entrances are required on the primary street.
- (8) Maximum area per use is 3,000 sq. ft. Total neighborhood goods and services permitted in one location is 15,000 sq. ft.
- (9) Multi-family buildings with 2 or less bedrooms per unit shall require 1 space per unit. Multi-family buildings with 3 or more bedrooms per unit shall require 1.5 spaces per unit.
- (10) The amount of required parking may be determined through a parking analysis submitted with a site plan application.
- (11) At the Town Center entries, the shopping and entertainment areas shall be set back a minimum of 100 ft. from the ultimate road right of way of SR 31. For the remainder of the Town Center, the shopping and entertainment areas shall be set back a minimum of 250 ft. from the ultimate road right of way of SR 31. The shopping and entertainment areas of the Villages and Hamlets shall be located in the interior portion of those areas. (Ref. Sierra Club Settlement Agreement Sec. B.8.)
- (12) Encroachments are allowed for structures such as boardwalks, docks, and accessory structures providing views and access to water, subject to approval from agencies with jurisdiction.
 - a. *Encroachments*: The following standards pertain to yard and right-of-way encroachments:
 - i. Yard encroachments. Every part of every required yard shall be open and unobstructed by the principal structure from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage. Permissible encroachments into required yards are limited to the following: pool equipment, generators, air conditioning equipment, cornices, overhangs, decorative awnings, gutters, eaves, chimneys, bay windows, balconies, means of egress, and any other structure deemed similar in nature by the Zoning Official. Accessory structures including, but not limited to, refuse containers, loading docks, flagpoles,

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1 play equipment, fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open
2 air pergolas, open air chickees and outdoor furniture are not considered encroachments and
3 are therefore allowed. Structures less than 30 inches in height, including but not limited to
4 pools, bermed earth, plant materials, driveways and pathways, are not considered
5 encroachments in required yards and are therefore allowed.

6 ii. Right-of-way or roadway easement encroachments. Allowable encroachments into rights-of-
7 way or roadway easements are limited to the following: awnings, arcades, colonnades,
8 pedestrian bridges, balconies, planters, outdoor dining, and any other structure deemed similar
9 in nature by the Zoning Official. A minimum 6-foot clear pedestrian way shall be maintained and
10 not obstructed by any encroachment. Encroachments shall maintain a clear distance of 9 feet
11 above the sidewalk and 15 feet above the street measured from the elevation of the crown of
12 the street if the encroachment passes over vehicle travel lanes.

13
14 b. *Density*: Maximum net density for residential is 24 units per acre in Town Center and 16 units per
15 acre in Villages and Hamlets. Accessory guest units, attached or detached, in conjunction with
16 single family residential dwellings are not considered toward density calculations.

17
18 c. *Parking*: A parking needs analysis may be approved by the Zoning Official to determine the
19 appropriate number and location of parking spaces for any use based on characteristics of the
20 use, hours of operation, sound planning principles, shared parking agreements or trip
21 management techniques to be implemented. In the absence of a parking needs analysis, the
22 following number of parking spaces shall be provided on-site, unless otherwise provided:

23 i. Single family detached, zero lot line, two-family and single family attached: Minimum of 1 on-
24 site parking space inclusive of driveways and garage space. One additional parking space is
25 required for an accessory guest unit, which may be on-site or dedicated on-street parking within
26 300 feet of the unit it serves.

27 ii. Multifamily: A minimum of 1 on-site parking space is required for units with 2 or fewer
28 bedrooms. A minimum of 1.5 on-site parking spaces is required for units with 3 or more
29 bedrooms. Additional parking may be provided on-site or as dedicated on-street parking within
30 300 feet of the unit it serves.

31 iii. Non-residential: Non-residential uses shall provide a minimum of 1 on-site parking space per
32 300 square feet of gross floor area.

33 iv. Mixed use: Mixed use buildings shall provide the total number of parking spaces required for
34 the residential and non-residential occupancies.

35
36 d. *Minimum landscape requirements*:

37 i. General tree planting requirements shall be:

38 (a) For every lot, a minimum of one tree shall be planted in the front yard or in the right-of-way
39 in front of the lot; or

40 (b) Street trees planted in or adjacent to the right of way with a minimum spacing of one tree
41 every 60 feet on average.

42 ii. The following perimeter landscaping requirements apply to development requiring site plan
43 review:

44 (a) A minimum of 1 shrub per 10 linear feet of front property line shall be planted in a hedge
45 row or otherwise clustered within the front yard.

46 (b) For landscape buffer areas that serve as transition between intense uses and residential
47 uses per (c)(A)3.e.ii, a minimum of 1 shrub per 10 linear feet of property line shall be planted
48 in a hedge row or otherwise clustered in the transitional landscape buffer area.

49 (c) Substitution of trees for shrubs is permitted at a rate of 1 tree per 3 shrubs.

50 (d) The location of required plantings may be any of the following: in-ground planting areas,
51 raised planters, or planter boxes.

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1 (e) In addition to the preceding provisions (a) through (d), wherever a parking lot abuts public
2 rights-of-way along a front property line, a hedge, or durable non-vegetative barrier, or
3 combination thereof, at least 3 feet in height, shall be placed along the entire length of the
4 front property line, except within sight triangles. Wherever non-vegetative barriers are
5 employed, 1 shrub or vine shall be planted for every 8 linear feet, distributed evenly or in
6 clusters.

7 iii. Parking area requirements: For parking constructed of impervious material, planter islands
8 shall be constructed to interrupt rows of parking. The maximum number of parking spaces
9 between planter islands is 15 spaces. Minimum dimension for a planter island is 9 feet. Each
10 planter island must contain at least 1 tree maintained with a minimum 6 feet of clear trunk
11 measured from the ground up. Planter islands are not required for parking constructed of
12 pervious material.

13
14 e. *Standards specific to Mixed Use and Non-residential uses:*

15 i. Loading docks and refuse containers and facilities shall generally be placed to the rear or side
16 yard of the building. Refuse containers shall be hidden by an opaque wall or fencing of
17 sufficient height to screen the bin and any appurtenances, but not less than five (5) feet in
18 height. Walls shall be constructed of a material compatible with the principal structure it is
19 serving. Trash containers serving nonresidential uses shall be screened from view from
20 abutting residential property, but refuse area enclosures are not required to be gated or
21 otherwise closed off.

22 ii. *Transition of Intensity.* Transition between intense uses (including industrial, manufacturing,
23 distribution, repair shops, car washes, wholesale, warehouse, processing and packaging,
24 mining, laboratories and clinics, research, design and product development, and gas stations)
25 and residential uses should be addressed through building orientation, site design, landscape
26 buffering or the placement of less intense uses to provide transition, such as commercial, office,
27 civic, institutional, governmental or recreation.

28
29
30 (B) *North Babcock Subdistrict.* The North Babcock Subdistrict is envisioned to be an educational and
31 recreational center with uses that represent a long-term preservation and development plan. The
32 subdistrict is intended to provide opportunities for the public to explore and enjoy ecosystems and
33 natural resources.

34
35 1. *Permitted Principal Uses and Structures.* Permitted uses within the North Babcock Subdistrict
36 include: Caretakers and operating staff quarters; Eco-tourism lodge; Sports lodge; Hunting club;
37 Transient guest lodging; Environmental education and research center (excluding bio-genetic
38 research on animals and/or plants); Riding stables; Equestrian facility and accessory uses;
39 Recreational Vehicle (RV) Park; Youth camp; Open storage for vehicles, recreational vehicles (RVs),
40 boats, trailers, recreational equipment, and similar items; Civic; Institutional; Schools; Churches;
41 Agricultural; Conservation Areas and associated boardwalks, observation decks, restroom facilities,
42 and paved or unpaved trails including trails to accommodate multi-modal transit, such as golf carts or
43 other electric vehicles; Land management activities including but not limited to, hunting, ecological
44 burning, ecosystem restoration, hydrologic restoration, transportation and utility crossings, stormwater
45 management, habitat restoration, earthmoving and other similar uses; Alternative Energy Use:
46 alternative energy and ancillary facilities including, but not limited to support offices; Maintenance
47 facilities to support the uses found in this section; Community infrastructure uses and facilities,
48 including utilities and fill storage, stock piling, and clearing; Parks; Cell towers; Temporary uses
49 customarily associated with development such as sales centers and modular buildings; Commercial
50 uses which are customarily associated with the uses permitted within the subdistrict. Any use not
51 listed that is deemed by the Zoning Official to be reasonable according to the intent of the subdistrict;

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1 similar to another permitted use in the subdistrict; and not specifically prohibited in the subdistrict per
 2 (d)(C).

3
 4 2. *Permitted Accessory Uses and Structures.* Permitted accessory uses and structures include all
 5 uses customarily incidental to principal uses and structures.

6
 7 3. *North Babcock Development Standards*

Table 2. North Babcock Development Standards					
NORTH BABCOCK					
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.) for Principal and Accessory Structures			Max. Ht. (ft.)
Non-residential	10,000	25	10	25	60

8
 9 a. *Yard Encroachments:* Every part of every required yard shall be open and unobstructed by the
 10 principal structure from 30 inches above the ground, as measured from the average elevation
 11 of the crown of road along the property frontage, except for the following encroachments
 12 permitted to extend into the required setback a maximum distance of 50% of the required
 13 setback: pool equipment, generators, air conditioning equipment, cornices, overhangs,
 14 decorative awnings, gutters, eaves, chimneys, bay windows, balconies, means of egress, and
 15 any other structure deemed similar in nature by the Zoning Official. Accessory structures
 16 including, but not limited to, loading docks, refuse containers, flagpoles, play equipment,
 17 fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open air pergolas,
 18 open air chickees and outdoor furniture are not considered encroachments and are therefore
 19 allowed. Structures less than 30 inches in height, including but not limited to pools, bermed
 20 earth, plant materials, driveways and pathways, are not considered encroachments in required
 21 yards and are therefore allowed.

22
 23 b. *Parking and Loading:* The following parking and loading standards apply in the North Babcock
 24 Subdistrict:

- 25 i. *Number of Off Street Parking.* A parking needs analysis may be approved by the Zoning
 26 Official to determine the appropriate number of parking spaces for any use based on
 27 characteristics of the use, hours of operation, sound planning principles, or trip management
 28 techniques to be implemented. In the absence of a parking needs analysis, a minimum of
 29 one off-street parking space inclusive of garage space shall be provided per:
- 30 (a.) lodge unit
 - 31 (b.) caretaker quarters unit
 - 32 (c.) riding stable
 - 33 (d.) every 10 recreational vehicle (RV) spaces
 - 34 (e.) every 6 campsites
 - 35 (f.) 400 square feet of assembly use
 - 36 (g.) 1,000 square feet of equestrian facility.
- 37 ii. *Parking Surface Material.* Gravel, shell, and other permeable surface materials are
 38 encouraged for the North Babcock Area. Paving is permitted in areas that otherwise, without
 39 paving, would create a detrimental health, safety, or welfare impact.
- 40 iii. *Loading docks and refuse containers.* Loading docks and refuse containers and facilities shall
 41 generally be placed to the rear or side yard of the building. Refuse containers shall be hidden
 42 by an opaque wall or fencing of sufficient height to screen the bin and any appurtenances, but
 43 not less than five (5) feet in height. Walls shall be constructed of a material compatible with
 44 the principal structure it is serving, but refuse area enclosures are not required to be gated or
 45 otherwise closed off.
- 46

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1 c. *Landscaping*: For parking lots constructed of impervious material, planter islands shall be
2 constructed to interrupt rows of parking. The maximum number of parking spaces between
3 planter islands is 15 spaces. Minimum dimension for a planter island is 9 feet. Each planter
4 island must contain at least 1 tree maintained with a minimum 6 feet of clear trunk measured from
5 the ground up. Planter islands are not required for parking constructed of pervious material. No
6 other landscaping or tree points are required for development within the North Babcock
7 Subdistrict, as the area is surrounded by Greenways which contain preserved natural areas.
8

9 (C) *Greenway Subdistrict*. The Greenway Subdistrict consists of all lands within the overall boundary of
10 this District that are not otherwise within the limits of any other subdistrict identified herein.
11 Greenways may be environmentally sensitive lands, natural resource areas, or trails. The Babcock
12 Overlay Zoning District - Subdistrict Map conceptually depicts four greenway categories (Active,
13 Passive, Observation and Corridor) based on functional level of public use and natural resource
14 protection.
15

16 1. *Permitted Principal Uses and Structures*. Permitted uses within all greenways include essential
17 services, hunting, passive recreation, ecological burning, ecosystem restoration and hydrologic
18 restoration. Permitted activities in each greenway category are described further below:

19 a. Active greenways provide passive and active recreational opportunities. Permitted uses include
20 neighborhood parks, picnic areas and playgrounds, camping, equestrian use, boardwalks and
21 observation decks, paved trails to accommodate multi-modal transit, such as golf carts or other
22 electric vehicles, active parks with ball fields (including restrooms and concession facilities), golf
23 courses, education facilities and similar uses. Other permitted activities include nurseries,
24 transportation and utility crossings, stormwater management, habitat restoration, earthmoving,
25 renewable energy systems and facilities, such as, but not limited to, a solar photovoltaic (PV)
26 electrical generation facility or wind generation turbines, and other similar uses. All uses shall be
27 designed to minimize impacts to native vegetation, flowways and wetlands as permitted by the
28 appropriate state or federal review agency having jurisdiction, if any.

29 b. Passive greenways provide passive recreational opportunities. Permitted uses include
30 neighborhood parks, picnic areas and playgrounds, primitive camping, equestrian use, hiking
31 trails, boardwalks and observation decks, paved trails and similar uses. Other allowable uses
32 may include transportation and utility crossings, stormwater management, habitat restoration,
33 earthmoving and other similar uses. All uses shall be designed to minimize impacts to native
34 vegetation, flowways and wetlands as permitted by the appropriate state or federal review agency
35 having jurisdiction, if any.

36 c. The Corridor greenway is a wildlife corridor between Telegraph Swamp and the Curry Lake area
37 intended to promote the movement of wildlife, and to be protected in perpetuity by an appropriate
38 conservation easement. Permitted uses are limited to passive recreation, hiking trails,
39 boardwalks, observation decks, land management, habitat restoration, earthmoving and similar
40 uses.

41 d. Observation greenways consist primarily of native vegetative communities and are largely un-
42 impacted by agricultural activities. Permitted uses are limited to conservation, hiking trails,
43 boardwalks and observation decks, and pathways. Other allowable uses may include
44 transportation and utility crossings, earthmoving and habitat restoration. All uses shall be
45 designed to minimize impacts to native vegetation, flowways and wetlands as permitted by the
46 appropriate state or federal review agency having jurisdiction, if any.
47

48 2. *Minimum Landscape requirements*: No landscaping or tree points are required for projects within
49 the Greenways, as overall the Greenways contain thousands of acres of preserved trees and natural
50 plants.
51
52

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1 **(d) Provisions and Uses Common to the District**
2

3 (A) *Intent.* The provisions of this subsection shall apply to the Babcock Overlay Zoning District. Uses and
4 standards included in this subsection apply throughout all areas of the District.
5

6 (B) *Principal Uses and Structures:* Certain uses and structures are permitted by right throughout the
7 District.

8 1. Maintenance facilities, community services, including required infrastructure and public facilities,
9 nurseries, co-op farmland, civic uses, education, research and eco-tourism facilities, agriculture,
10 mining, earthmoving, parks, cell towers, ropes courses, tree houses, utilities, and temporary uses
11 customarily associated with development such as sales centers, models, temporary housing for
12 construction workers are permitted throughout the District.

13 2. Babcock Ranch Community Master Development of Regional Impact Development Order is
14 approved for land encompassing the District. State and federal permits are issued for a series of
15 lakes to be constructed within the District. Charlotte County shall issue permits and or permit
16 extensions for those lakes permitted by the state or federal agencies without regard to the limitations
17 contained within the Charlotte County Earthmoving Code, provided that the fill from those lakes
18 currently permitted under EarthSource Mine Permit #07-EX-16, or an extension or modification
19 thereof, may be removed from the District, but those lakes not yet under a County earthmoving permit
20 shall retain the fill material within the District.
21

22 (C) *Prohibited Uses:* Explosives manufacturing, animal slaughterhouses, and sexually oriented
23 businesses.
24

25 (D) *Fill Storage, Stockpiling, and Clearing.*

26 1. Fill Storage: Fill storage is generally permitted as a principal use throughout the District. Fill material
27 may be transported to and stockpiled upon areas that have been disturbed or farmed or are shown
28 as development areas on an approved site plan or final plat. Following approval of a site plan, or
29 final plat, development areas including building pads, shall be allowed to be cleared prior to the
30 issuance of the building permits. A re-vegetation bond shall not be required for clearing of
31 development areas included in an approved site plan or final plat.
32

33 2. Stockpile: Stockpile areas shall be designated as one of the following:

34 a. Long-term stockpile area defined as a stockpile area to be left in place for a period greater than
35 six (6) months. Such long-term stockpile areas shall be sodded or hydroseeded and erosion
36 control devices installed when such stockpile is not actively in use.

37 b. Temporary stockpile area defined as a stockpile area to be left in place for a period of six (6)
38 months or less. Contractor shall employ methods in accordance with Sec. 3-5-95 of the County
39 Code or best management practices to prevent erosion of stockpiles.

40 c. Fencing (plastic barricading, silt fence or other similar visible barriers) shall be provided in
41 accordance with applicable state and federal permitting.
42

43 (E) *Setbacks to Water.* For any manmade or natural lake, pond, and stormwater facility within the District,
44 standard setbacks are zero (0) feet; buildings and structures may extend over water.
45

46 (F) *Bulkhead/Retaining Walls.* Bulkhead/retaining walls are allowed as permitted in the Environmental
47 Resources Permit (ERP) process.
48

49 (G) *Fences and walls.* Fences and walls shall be permitted throughout the District. All fences and walls,
50 including refuse or trash container enclosures, are not considered accessory structures and shall be
51 permitted throughout the District. Fences and walls shall be located and constructed in accordance
52 with Sec. 3-9-73 except as may be otherwise provided in this Babcock Zoning Code or as approved

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1 through a Pattern Book. Fences and walls shall not exceed 12 feet in height, measured relative to the
2 greater of the crown of the adjacent roadway or the adjacent minimum finished floor, as applicable.
3 Fencing and wall materials may be made of wood, vinyl, iron, or masonry products.
4

5 (H) *Landscaping.* Due to the unique circumstances of the property and the excess of Preservation Tree
6 Points, all development within the District is exempt from the County tree removal permit process
7 and is subject only to the Landscape Requirements of the Babcock Zoning Code provided herein.
8

9 (I) *Roadway Sections, Access Standards and Block Length.*

- 10 1. Design of roadways, paths, rights-of-way, or roadway easements shall be according to Florida
11 Greenbook Standards, with deviations and modifications permitted by approval by the County
12 Engineer or approval of a Pattern Book.
13 2. The minimum number of access points for vehicular ingress and egress serving a subdivision is
14 one.
15 3. Sidewalks are required on at least one side of roadways within the Town Center.
16 4. There are no minimum or maximum block lengths.
17

18 (J) *Signs.* All signs shall conform to the following general sign provisions applicable throughout the
19 District:

- 20 1. For signs proposed within a County or State dedicated right-of-way, a right-of-way permit is
21 required.
22
23 2. Signs are not subject to setbacks, as long as the signs are located so as not to cause sight line
24 obstructions.
25
26 3. Sign area shall be calculated as the area within the smallest regular geometric shape or
27 combination of shapes that incorporates the advertised use. Only one side of a multi-sided sign
28 shall be calculated as "sign area."
29
30 4. Sign illumination shall not exceed ten candlepower per square foot, as measured ten feet from
31 the sign. Lights must be shielded from direct view.
32
33 5. Primary non-residential sign standards. Primary signs include any permanent freestanding or
34 building sign. Primary signs shall not exceed 20 feet in height above the crown of the adjoining
35 roadway. Primary signs may have either digital or mechanical changeable copy, provided the
36 message is not animated and that the message remains static for at least fifteen seconds
37 between cycles. The following primary signs are permitted to be arranged within a cumulative
38 maximum sign area allowance per unit equal to three times the unit's linear feet of right-of-way or
39 building frontage, whichever is greater, not to exceed 750 square feet of signage:
40 a. Non-residential freestanding signs: Each commercial unit is allowed one sign per roadway
41 frontage, with a sign area not to exceed 150 square feet. For multitenant commercial
42 properties, each individual storefront unit qualifies as a commercial unit, provided that a
43 multitenant parcel shall not be entitled to more than one freestanding primary sign per right-of-
44 way. For properties with multiple right-of-way frontages, signs must be located to provide a
45 minimum separation of 100 feet.
46 b. Non-residential building signs: Each commercial unit is allowed unlimited building signage so
47 long as the cumulative maximum sign area allowance is not exceeded, with no individual
48 building sign area to exceed 300 square feet.
49
50 6. Secondary non-residential sign standards. In addition to primary signs, the following secondary
51 signs are allowed for each commercial unit:

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- 1 a. Wall placard – A placard sign affixed directly to an exterior wall or fence with maximum sign
2 area of 24 square feet.
- 3 b. Projecting – A sign which projects from and is supported by a wall of a building with the display
4 of the sign perpendicular to the building wall, with a maximum sign area of 20 square feet.
- 5 c. Hanging – A sign attached to and located below any eave, canopy or awning, with a maximum
6 sign area of 12 square feet.
- 7 d. Awning – A sign or graphic attached to or printed on an awning or umbrella, with a maximum
8 sign area of 20% of the awning or umbrella area.
- 9 e. Directional, Wayfinding or Educational Signage – A sign that is secured to a base which is built
10 directly upon the ground or mounted on railings or observation decks, with a maximum sign
11 area of 20 square feet, exclusive of the base.
- 12 f. Sandwich Boards – a portable sign comprised of two sign panels hinged together at the top,
13 with maximum sign area of 12 square feet (two faces at 12 square feet each).

14
15 7. Primary residential sign standards.

- 16 a. Boundary Marker: One boundary marker or monument may be located at each corner of
17 neighborhoods or subdivisions to include the name of the neighborhood or subdivision, and the
18 insignia or logo, provided that the sign area, comprising name, insignia and logo, may not
19 exceed 120 square feet and may not exceed the height or length of the monument or structure
20 upon which it is located.
- 21 b. Entrance Signs: A maximum of three ground or wall-mounted entrance signs may be located at
22 a neighborhood or subdivision entrance. Such signs may be used to identify the location of
23 neighborhoods, districts, recreation areas, etc. Sign area shall not exceed 200 square feet,
24 and the sign shall not exceed the height or length of the wall or monument upon which it is
25 located.

26
27 8. Other signs. In addition to the signs listed above, the following other signs are allowed
28 throughout the District:

- 29 a. Temporary Signs: Temporary signs are permitted, including project identification, boundary
30 marker, real estate, sales center identification, and directional signs. Each sign may not
31 exceed 160 square feet in area, and may not exceed 20 feet in height. Temporary signs may
32 remain in place simultaneously with primary signage until the Babcock Charlotte community
33 reaches 99 percent build-out.
- 34 b. Special Event Signs: Special event signs, with sign area not to exceed 32 square feet, may be
35 displayed to announce or advertise such activities as open houses, grand openings, community
36 fairs or programs or charitable, or educational events.
- 37 c. Construction Entrance Signs: Two (2) construction entrance signs may be located at
38 appropriate distances ahead of each construction entrance. Each sign area shall not exceed
39 20 square feet.
- 40 d. Traffic Signs: Traffic signs such as street signs, stop signs, and speed limit signs may be
41 designed to reflect a common architectural theme. Traffic signs shall meet all FDOT safety
42 standards.
- 43 e. Community gateways shall be considered where the District interfaces with the external
44 community along State Road 31. Community gateway signage shall be approved as part of a
45 Pattern Book.

46
47 (K) *Home Occupations.* Home occupations shall be allowed in conjunction with any residential use
48 subject to the standards provided herein.

- 49 1. Home occupations shall be subordinate and incidental to the primary residential use.
- 50 2. Home occupations shall be conducted by the residents of the principal dwelling unit and not more
51 than one nonresident employee.
- 52 3. Home occupations shall be conducted entirely within a dwelling unit or accessory structure.

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- 1 4. No home occupation shall utilize any process or equipment with a potential for creating a
2 life/safety hazard, as may be determined by the Zoning Official or Fire Marshall.
- 3 5. The floor area of the home occupation within the principal building shall be limited to 25 percent
4 of the total residential floor area.
- 5 6. No merchandise shall be stored on the premises, except such merchandise that can be produced
6 on the premises. Other merchandise may be kept on the premises temporarily prior to
7 distribution to the consumer. No merchandise, goods, supplies, equipment, or materials shall be
8 displayed or stored outdoors.
- 9 7. No alterations to the exterior or interior of structures, temporary or permanent, that change the
10 essential residential character of the land or structures on a lot shall be permitted, except that one
11 non-illuminated nameplate or wall placard, not to exceed two (2) square feet in area, may be
12 attached to the building on or next to the entrance.
- 13 8. The creation of noise, vibration, glare, fumes, odors, or electrical interference that has an adverse
14 impact on nearby properties is not permitted.
- 15 9. The creation of visual or audible interference with any radio, television, phone, or internet
16 connection off the premises, or the creation of fluctuations in line voltage off the premises, is not
17 permitted.
- 18 10. The following are not permitted as home occupations: detailing, servicing or repairing of motor
19 vehicles; grooming, treating, boarding or propagating animals, poultry or livestock; production of
20 pornographic material; or the medical care or treatment of persons such as medical practices or
21 nursing facilities (however, home child daycare services, Certified Massage Therapists and
22 licensed psychologists and psychiatrists are allowed).

23
24 **(e) Special provisions for development approval within the District**

- 25
- 26 (A) An inter-departmental review team may be established to ensure orderly consideration of all
27 applications subject to review and to streamline the review process for projects within the District.
28
- 29 (B) Any application for County development permit within the District must be accompanied by
30 documentation of approval by the Master Developer, or its successor or assign, in order for the
31 application to be accepted by the County.
32
- 33 (C) *Subdivision/Construction Plans.* Subdivision — Construction plans and plats shall follow the
34 procedures and authorization provisions of Chapter 3-7 of this Code, subject to exceptions
35 enumerated herein and modifications and waivers granted through approval of a Pattern Book.
 - 36 1. Submission, review, and approval of subdivision plats for the project may be accomplished in
37 phases to correspond with the planned development of the property.
 - 38 2. Construction plans may be submitted, reviewed, and approved concurrently with plat applications.
 - 39 3. Preliminary and final plat applications may be concurrently reviewed and processed for approval.
 - 40 4. Determination of the adequacy of public facilities may be stipulated at time of construction plan
41 approval and plat approval on the condition that connection to water and sewer service facilities is
42 demonstrated at time of Certificate of Occupancy.
43
- 44 (D) *Assurance of completion of improvements.* Subdivision plats may be accepted if all infrastructure is
45 not constructed, provided that security in the form of a surety or cash performance bond is posted
46 with the Board of County Commissioners and made payable to the County in an amount equal to 110
47 percent of the full cost of installing the remaining required improvements approved by the County for
48 each phase of development. Upon County acceptance of any portion of the infrastructure, the surety
49 or cash performance bond may be adjusted and renewed at any time at 110 percent of the cost of
50 completing remaining required improvements until completion. The Board may also accept letters of
51 credit or escrow account agreements or other forms of security provided the County Attorney
52 approves the document.

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- 1
2 (E) *Construction trailers, sales centers and model homes.* Model homes, sales centers, sales offices,
3 construction offices, and other uses and structures related to the promotion and sale of real estate
4 shall be permitted as either “wet” or “dry” facilities. A “dry” facility allows for the issuance of a building
5 permit for a structure to be used temporarily under a conditional certificate of occupancy for sales,
6 display and promotion before connections to a central water and wastewater utility are
7 available. “Dry” facilities are not to be occupied by sales staff. Connections to a central water and
8 wastewater utility are required for a “dry” facility to be converted for permanent certificate of
9 occupancy as a dwelling unit. A “wet” facility is equipped with water and wastewater and can be
10 occupied by sales staff and used for sales, display and promotion under a conditional certificate of
11 occupancy. “Wet” facilities may use septic tanks or holding tanks for waste disposal subject to the
12 Florida Administrative Code, and may use potable or irrigation wells. Connections to a central water
13 and wastewater utility are required for a “wet” model home to be converted for permanent certificate
14 of occupancy as a dwelling unit.
- 15 1. For each subdivision, the maximum allowable number of model homes is ten (10) or ten percent
16 (10%) of proposed dwelling units within the subdivision, whichever is greater.
 - 17 2. Both “wet” and “dry” facilities may be constructed upon building permit approval following the first
18 round of County review for plat approval, prior to final plat.
 - 19 3. A “wet” facility may be served by a temporary utility system with ultimate connection to the central
20 system. Interior fire protection facilities in accordance with NFPA requirements are required
21 unless a permanent water system is available.
 - 22 4. A water management plan shall be provided which accommodates water run-off from the facility,
23 parking areas, access road/driveway and other impervious surfaces.
 - 24 5. Site Plan approval is required for sales centers and for “wet” models to function as sales offices.
25 Site Plan approval is not required for single family “dry” models or construction trailers.
- 26
- 27 (F) *Site Plan Approval.* The site plan approval process shall follow the procedures and authorization
28 provisions of Sec. 3-9-7 of the County Code, subject to exceptions herein and modifications and
29 waivers granted through approval of a Pattern Book.
- 30
- 31 (G) *Special Exceptions.* Special exceptions shall be subject to the procedures set forth in Sec. 3-9-6.2 of
32 the County Code.
- 33
- 34 (H) *Waivers and Deviations.*
- 35 1. Waivers for relief from submittal requirements may be granted by the Zoning Official through
36 approval of a Pattern Book or upon request at time of plan or plat application submittal to reduce
37 the submittal requirements of Chapter 3-7 and Sec. 3-9-7. Once official copies of federal, state or
38 regional permits and development approval records in effect for the District are established on file
39 with the Department of Community Development, requirements to submit copies of those permits
40 or development approvals with plat, construction plan or site plan applications shall be waived to
41 reduce the waste associated with duplication of multiple copies of documents as long as they are
42 unchanged, because of the unique nature of the District, which will develop in a succession of
43 phases, subject to multiple and extensive agency permitting documents.
 - 44
 - 45 2. Waivers and deviations may be granted through approval of Pattern Books as authorized in
46 subsection (a)(E), which may define development and design standards applicable within a
47 defined site, area, or subdistrict for matters including but not limited to setbacks, building heights,
48 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
49 coverages, standards for roadway design and rights-of-way, waiver of submittal requirements,
50 and deviations. Approval of Pattern Books shall be issued by the Zoning Official upon finding that
51 standards, waivers, and deviations are consistent with public health, safety and welfare. An
52 amendment to an approved Pattern Book may be requested at any time by the developer or

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1 applicant authorized by the developer, to be approved by the Zoning Official. Approval of Pattern
 2 Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is not
 3 granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to
 4 review and approval by the Board of County Commissioners. If standards defined in an approved
 5 Pattern Book conflict with provisions of this Babcock Zoning Code or the County Code, the
 6 Pattern Book shall apply.

- 7
 8 (I) Summary Phasing Plan. A Phasing Plan is established to set forth the minimum non-residential
 9 square footage required for the number of dwelling units at the time of issuance of certificate of
 10 occupancy of the last dwelling unit of any particular threshold. The Phasing Plan is subject to
 11 adjustment through the DRI, State, Federal, or local permitting process. DRI Incremental
 12 Development Orders shall establish the detailed phasing of development within the Increment. The
 13 DRI Incremental Development Orders shall determine the amount of residential and non-residential
 14 development allocated within the Town Center, each Village, and each Hamlet, respectively, to
 15 ensure that development is orderly, maximize efficiency of infrastructure, and provide for specific
 16 infrastructure improvements needed to meet prescribed levels of service. The intent is that non-
 17 residential uses will be provided to serve the occupancy of dwelling units.

Table 3. Summary Phasing Plan

Residential Dwelling Units (C/O)	Non-Residential s.f. (Cumulative)* ¹
2,500	10,000
4,000	300,000
7,000	600,000
10,000	1,000,000
12,000	1,250,000
14,000	1,550,000
16,000	2,000,000
17,870	3,000,000* ²

18 *1 – All non-residential square footage is cumulative by Certificate of Occupancy threshold.

19 *2 – Non-residential square footage threshold is minimum.

20

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1 **Sec. 3-9-51.1 Babcock Community Pattern Book**

- 2 (A) Pattern Books may be submitted to define development parameters and design standards applicable
3 within a defined site, area or subdistrict to establish some or all of the governing design parameters
4 and standards, which may constitute waivers of submittal requirements and deviations, including but
5 not limited to: setbacks, building heights, building orientation, parking, loading, landscaping, lighting,
6 signage, density, intensity, lot sizes, coverages, and standards for roadway design and rights-of-way.
7 Approval of Pattern Books shall be issued by the Zoning Official or designee (Zoning Official) upon
8 finding that standards, waivers, and deviations are consistent with public health, safety and welfare.
9 An amendment to an approved Pattern Book may be requested at any time, to be approved by the
10 Zoning Official. Approval of Pattern Books and Pattern Book amendments shall not be unreasonably
11 withheld, and if approval is not granted by the Zoning Official within 30 days of submittal, the Pattern
12 Book shall be subject to review and approval by the Board of County Commissioners. Where
13 standards defined in an approved Pattern Book conflict with provisions of the Babcock Zoning Code
14 or the County Code, the Pattern Book shall apply. Development in areas that are not subject to a
15 Pattern Book shall be governed by the standards and provisions set forth in this Babcock Zoning
16 Code. Approved Pattern Books shall be available for inspection at the Community Development
17 Department.
18
- 19 (B) The initial Pattern Book, submitted to Charlotte County in July 2014, is hereby approved by the Board
20 of County Commissioners on November 25, 2014.