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FILED WITH THE DEPARTMENT OF STATE: December 1, 2014

ORDINANCE
NUMBER 2014 - 077

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY DELETING SECTION 3-9-54, BABCOCK RANCH DISTRICT OVERLAY (BRDO) IN ITS ENTIRETY AND CREATING NEW SECTION 3-9-51, BABCOCK OVERLAY ZONING DISTRICT (BOZD) AND NEW SECTION 3-9-51.1, BABCOCK COMMUNITY PATTERN BOOK; PROVIDING FOR INTENT; PROVIDING FOR PERMITTED USES AND STRUCTURES; PROVIDING FOR ACCESSORY USES AND STRUCTURES; PROVIDING FOR PROHIBITED USES AND STRUCTURES; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, on April 4, 2006, the Board of County Commissioners of Charlotte County, Florida ("Board") approved the Babcock Ranch Development of Regional Impact (DRI); and

WHEREAS, on June 20, 2006, in order to implement the vision set forth in the County's Comprehensive Plan, the Board adopted Ordinance Number 2006-058 which provided for the Babcock Land Development Regulations; and

WHEREAS, pursuant to Babcock's request, County Staff has been working with the Babcock team to revise the existing Babcock Land Development Regulations; and

WHEREAS, the proposed revisions achieve flexibility and are designed to streamline the development approval process; and

WHEREAS, County Staff is recommending that Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), be amended by deleting Section

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1 3-9-54, Babcock Ranch District Overlay (BRDO) in its entirety, and creating new
2 Section 3-9-51, Babcock Overlay Zoning District (BOZD), and new Section 3-9-51.1,
3 Babcock Community Pattern Book; and

4 WHEREAS, these revisions have previously been heard by the Charlotte County
5 Planning and Zoning Board ("P&Z Board") and, based on the memorandum dated
6 August 29, 2014, and the evidence presented to the P&Z Board, has been
7 recommended for approval on September 8, 2014; and

8 WHEREAS, the Board considered the revisions in public hearings held on
9 October 28, 2014 and November 25, 2014; and

10 WHEREAS, the Board has determined that the revisions are consistent with the
11 County's Comprehensive Plan and are in the best interests of the County and its
12 citizens; and

13 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
14 of Charlotte County, Florida:

15 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
16 Florida, is hereby amended by deleting Section 3-9-54, Babcock Ranch District Overlay
17 (BRDO) in its entirety, and creating new Section 3-9-51, Babcock Overlay Zoning
18 District (BOZD), and new Section 3-9-51.1, Babcock Community Pattern Book, as
19 provided in Exhibit A which is attached here and provided herein.

20
21 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall
22 supersede any provision of exiting ordinances in conflict herewith to the extent of said
23 conflict.

24
25 Section 3. Severability. If any subsection, sentence, clause, phrase, or portion
26 of this Ordinance is for any reason held invalid or unconstitutional by any court of
27 competent jurisdiction, such portion shall be deemed a separate, distinct, and
28 independent provision and such holding shall not affect the validity of the remainder of
29 this Ordinance.

1 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the
2 Office of the Secretary of State, State of Florida.

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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULLY ADOPTED this 25th day of November, 2014.

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BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA
By: William G. Fry [Chairman]
WILLIAM G. FRY
BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners
By: Michelle DiBerardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2014-2992

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

7 **(a) General**

8

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

11

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

14

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

21

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

33

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

44

45 (E) *Use of Pattern Books for Development.* Pattern Books may be submitted to define development
46 parameters and design standards applicable within a defined site, area or subdistrict to establish
47 some or all of the governing design parameters and standards, which may constitute waivers of



Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

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

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

- 22
23 • Mixed Use Residential Commercial (MURC)
24 • North Babcock
25 • Greenways

26
27 **(b) Definitions**

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

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

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

44
45 *Building height:* The vertical distance measured from the greater of: (1) the FEMA first habitable floor
46 elevation requirement, (2) 18 inches above the elevation of the average crown of the adjacent roads; or
47 (3) the average natural grade (the natural contours of a land area generally unaltered by human
48 intervention) to the highest point of a flat roof, the deck line of a mansard roof, or the mean height
49 between the eaves and ridge of a gable, hip or gambrel roof.
50

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

4
5 *District:* shall mean the Babcock Overlay Zoning District.

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

12
13 *Encroachments:* Physical structures that reach into or above a required yard or a right-of-way or roadway
14 easement. Encroachments are not allowed unless identified as permissible.

15
16 *Guest unit, accessory:* An accessory dwelling which is attached to or detached from a principal dwelling
17 located on the same residential parcel and which serves as an ancillary use providing living quarters and
18 which may contain kitchen facilities. Accessory guest units are not considered dwelling units for purposes
19 of density.

20
21 *Pathway:* A defined corridor within the District's overall transportation network designed to accommodate
22 pedestrians and other alternative modes of transportation.

23
24 *Parking lot:* An outdoor area or space, paved or unpaved, designed and constructed for the purpose of
25 motor vehicle parking or storage. A driveway that does not contain or provide access to delineated
26 parking spaces is not a parking lot.

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

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

40
41 *Transient guest lodging:* A building or group of buildings operated for commercial purposes, and therefore
42 not considered residential units for purposes of density, in which sleeping accommodations and sanitary
43 facilities are offered to guests and intended for use on a daily or weekly basis, irrespective of the form of
44 ownership, and which may include kitchens in each unit.

45
46 **(c) Subdistricts within the Babcock Overlay Zoning District**

47
48 (A) *Mixed Use Residential Commercial (MURC).* The MURC Subdistrict shall be the most diverse
49 subdistrict, with a full range of uses to support a live, work, shop, play environment. The MURC
50 Subdistrict may include residential, commercial, recreational, civic, industrial, and mixed uses. The
51 MURC is to be developed according to a Town Center, Village and Hamlet framework that is further

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

defined by Pattern Book. Buildings may be single or multi-use. Parking shall be provided on-street, off-street, and within parking structures.

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

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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		
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
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)

- 1 Notes:
- 2 (1) Unless otherwise noted, setbacks apply to principal and accessory structures. Structures will comply with sight
- 3 distance requirements. Building separation shall be at least 10 ft., subject to access requirements for emergency
- 4 services and fire code.
- 5 (2) May be reduced as long as sum of side setbacks is 10 ft. minimum.
- 6 (3) Setback applies to interior lots. If not connected to an adjoining structure, side setback is 5' which may be
- 7 reduced as long as sum of side setbacks is 10 ft. minimum.
- 8 (4) Schools are exempt from this setback table, school development is according Charlotte County School District
- 9 policy.
- 10 (5) Encroachments into front yards are allowed for porches, stoops, awnings, colonnades, or other elements that
- 11 serve as transition from the public to the private realm.
- 12 (6) It must be demonstrated that driveways can accommodate space for parking for at least two vehicles on the
- 13 driveway without overhanging onto the adjoining sidewalk, or onto vehicle travelway where no sidewalk exists. If
- 14 on-street parking spaces are available in the right-of-way within 300 ft., on-street parking may substitute for
- 15 driveway parking.
- 16 (7) Building entrances are required on the primary street.
- 17 (8) Maximum area per use is 3,000 sq. ft. Total neighborhood goods and services permitted in one location is 15,000
- 18 sq. ft.
- 19 (9) Multi-family buildings with 2 or less bedrooms per unit shall require 1 space per unit. Multi-family buildings with 3
- 20 or more bedrooms per unit shall require 1.5 spaces per unit.
- 21 (10) The amount of required parking may be determined through a parking analysis submitted with a site plan
- 22 application.
- 23 (11) At the Town Center entries, the shopping and entertainment areas shall be set back a minimum of 100 ft. from the
- 24 ultimate road right of way of SR 31. For the remainder of the Town Center, the shopping and entertainment areas
- 25 shall be set back a minimum of 250 ft. from the ultimate road right of way of SR 31. The shopping and
- 26 entertainment areas of the Villages and Hamlets shall be located in the interior portion of those areas. (Ref. Sierra
- 27 Club Settlement Agreement Sec. B.8.)
- 28 (12) Encroachments are allowed for structures such as boardwalks, docks, and accessory structures providing views
- 29 and access to water, subject to approval from agencies with jurisdiction.
- 30

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

1 a. *Encroachments*: The following standards pertain to yard and right-of-way encroachments:
2

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

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

23
24 b. *Density*. Maximum net density for residential is 24 units per acre in Town Center and 16 units per
25 acre in Villages and Hamlets. Accessory guest units, attached or detached, in conjunction with
26 single family residential dwellings are not considered toward density calculations.

27
28 c. *Parking*: A parking needs analysis may be approved by the Zoning Official to determine the
29 appropriate number and location of parking spaces for any use based on characteristics of the
30 use, hours of operation, sound planning principles, shared parking agreements or trip
31 management techniques to be implemented. In the absence of a parking needs analysis, the
32 following number of parking spaces shall be provided on-site, unless otherwise provided:
33

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

38
39 ii. *Multifamily*: A minimum of one on-site parking space is required for units with two or fewer
40 bedrooms. A minimum of 1.5 on-site parking spaces is required for units with three or more
41 bedrooms. Additional parking may be provided on-site or as dedicated on-street parking
42 within 300 feet of the unit it serves.

43
44 iii. *Non-residential*: Non-residential uses shall provide a minimum of one on-site parking space
45 per 300 square feet of gross floor area.

46
47 iv. *Mixed use*: Mixed use buildings shall provide the total number of parking spaces required for
48 the residential and non-residential occupancies.

49
50 d. *Minimum landscape requirements*:

51
52 i. *General tree planting requirements* shall be:

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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2 (a) For every lot, a minimum of one tree shall be planted in the front yard or in the right-of-way
3 in front of the lot; or
4
5 (b) Street trees planted in or adjacent to the right of way with a minimum spacing of one tree
6 every 60 feet on average.
7
8 ii. The following perimeter landscaping requirements apply to development requiring site plan
9 review:
10
11 (a) A minimum of one shrub per 10 linear feet of front property line shall be planted in a
12 hedge row or otherwise clustered within the front yard.
13
14 (b) For landscape buffer areas that serve as transition between intense uses and residential
15 uses per (c)(A)3.e.ii, a minimum of one shrub per ten linear feet of property line shall be
16 planted in a hedge row or otherwise clustered in the transitional landscape buffer area.
17
18 (c) Substitution of trees for shrubs is permitted at a rate of 1 tree per three shrubs.
19
20 (d) The location of required plantings may be any of the following: in-ground planting areas,
21 raised planters, or planter boxes.
22
23 (e) In addition to the preceding provisions (a) through (d), wherever a parking lot abuts public
24 rights-of-way along a front property line, a hedge, or durable non-vegetative barrier, or
25 combination thereof, at least three feet in height, shall be placed along the entire length of
26 the front property line, except within sight triangles. Wherever non-vegetative barriers are
27 employed, one shrub or vine shall be planted for every eight linear feet, distributed evenly
28 or in clusters.
29
30 iii. Parking area requirements: For parking constructed of impervious material, planter islands
31 shall be constructed to interrupt rows of parking. The maximum number of parking spaces
32 between planter islands is 15 spaces. Minimum dimension for a planter island is nine feet.
33 Each planter island must contain at least one tree maintained with a minimum six feet of clear
34 trunk measured from the ground up. Planter islands are not required for parking constructed
35 of pervious material.
36
37 e. *Standards specific to Mixed Use and Non-residential uses:*
38
39 i. Loading docks and refuse containers and facilities shall generally be placed to the rear or side
40 yard of the building. Refuse containers shall be hidden by an opaque wall or fencing of
41 sufficient height to screen the bin and any appurtenances, but not less than five feet in height.
42 Walls shall be constructed of a material compatible with the principal structure it is serving.
43 Trash containers serving nonresidential uses shall be screened from view from abutting
44 residential property, but refuse area enclosures are not required to be gated or otherwise
45 closed off.
46
47 ii. *Transition of Intensity.* Transition between intense uses (including industrial, manufacturing,
48 distribution, repair shops, car washes, wholesale, warehouse, processing and packaging,
49 mining, laboratories and clinics, research, design and product development, and gas stations)
50 and residential uses should be addressed through building orientation, site design, landscape
51 buffering or the placement of less intense uses to provide transition, such as commercial, office,
52 civic, institutional, governmental or recreation.

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

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

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

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

a. *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, except for the following encroachments permitted to extend into the required setback a maximum distance of 50% of the required setback: 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, loading docks, refuse containers, flagpoles, play equipment, fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open air pergolas, open air chickees and outdoor furniture are not considered encroachments and are therefore allowed. Structures less than 30 inches in height, including but not limited to pools, bermed earth, plant materials, driveways and pathways, are not considered encroachments in required yards and are therefore allowed.

Land Development Regulations

Chapter 3-9. Zoning

Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

i. *Number of Off Street Parking*. A parking needs analysis may be approved by the Zoning Official to determine the appropriate number of parking spaces for any use based on characteristics of the use, hours of operation, sound planning principles, or trip management techniques to be implemented. In the absence of a parking needs analysis, a minimum of one off-street parking space inclusive of garage space shall be provided per:

- (a.) lodge unit
- (b.) caretaker quarters unit
- (c.) riding stable
- (d.) every 10 recreational vehicle (RV) spaces
- (e.) every six campsites
- (f.) 400 square feet of assembly use
- (g.) 1,000 square feet of equestrian facility.

ii. *Parking Surface Material*. Gravel, shell, and other permeable surface materials are encouraged for the North Babcock Area. Paving is permitted in areas that otherwise, without paving, would create a detrimental health, safety, or welfare impact.

iii. *Loading docks and refuse containers*. Loading docks and refuse containers and facilities shall generally be placed to the rear or side yard of the building. Refuse containers shall be hidden by an opaque wall or fencing of sufficient height to screen the bin and any appurtenances, but not less than five feet in height. Walls shall be constructed of a material compatible with the principal structure it is serving, but refuse area enclosures are not required to be gated or otherwise closed off.

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

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

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

a. *Active greenways* provide passive and active recreational opportunities. Permitted uses include neighborhood parks, picnic areas and playgrounds, camping, equestrian use, boardwalks and observation decks, paved trails to accommodate multi-modal transit, such as golf carts or other electric vehicles, active parks with ball fields (including restrooms and concession facilities), golf courses, education facilities and similar uses. Other permitted activities include nurseries,

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

1 transportation and utility crossings, stormwater management, habitat restoration, earthmoving,
2 renewable energy systems and facilities, such as, but not limited to, a solar photovoltaic (PV)
3 electrical generation facility or wind generation turbines, and other similar uses. All uses shall
4 be designed to minimize impacts to native vegetation, flowways and wetlands as permitted by
5 the appropriate state or federal review agency having jurisdiction, if any.

6
7 b. Passive greenways provide passive recreational opportunities. Permitted uses include
8 neighborhood parks, picnic areas and playgrounds, primitive camping, equestrian use, hiking
9 trails, boardwalks and observation decks, paved trails and similar uses. Other allowable uses
10 may include transportation and utility crossings, stormwater management, habitat restoration,
11 earthmoving and other similar uses. All uses shall be designed to minimize impacts to native
12 vegetation, flowways and wetlands as permitted by the appropriate state or federal review
13 agency having jurisdiction, if any.

14
15 c. The Corridor greenway is a wildlife corridor between Telegraph Swamp and the Curry Lake area
16 intended to promote the movement of wildlife, and to be protected in perpetuity by an
17 appropriate conservation easement. Permitted uses are limited to passive recreation, hiking
18 trails, boardwalks, observation decks, land management, habitat restoration, earthmoving and
19 similar uses.

20
21 d. Observation greenways consist primarily of native vegetative communities and are largely un-
22 impacted by agricultural activities. Permitted uses are limited to conservation, hiking trails,
23 boardwalks and observation decks, and pathways. Other allowable uses may include
24 transportation and utility crossings, earthmoving and habitat restoration. All uses shall be
25 designed to minimize impacts to native vegetation, flowways and wetlands as permitted by the
26 appropriate state or federal review agency having jurisdiction, if any.

27
28 2. *Minimum Landscape requirements:* No landscaping or tree points are required for projects within
29 the Greenways, as overall the Greenways contain thousands of acres of preserved trees and
30 natural plants.

31
32 **(d) Provisions and Uses Common to the District**

33
34 (A) *Intent.* The provisions of this subsection shall apply to the Babcock Overlay Zoning District. Uses and
35 standards included in this subsection apply throughout all areas of the District.

36
37 (B) *Principal Uses and Structures:* Certain uses and structures are permitted by right throughout the
38 District.

39
40 1. Maintenance facilities, community services, including required infrastructure and public facilities,
41 nurseries, co-op farmland, civic uses, education, research and eco-tourism facilities, agriculture,
42 mining, earthmoving, parks, cell towers, ropes courses, tree houses, utilities, and temporary uses
43 customarily associated with development such as sales centers, models, temporary housing for
44 construction workers are permitted throughout the District.

45
46 2. Babcock Ranch Community Master Development of Regional Impact Development Order is
47 approved for land encompassing the District. State and federal permits are issued for a series of
48 lakes to be constructed within the District. Charlotte County shall issue permits and or permit
49 extensions for those lakes permitted by the state or federal agencies without regard to the
50 limitations contained within the Charlotte County Earthmoving Code, provided that the fill from
51 those lakes currently permitted under EarthSource Mine Permit #07-EX-16, or an extension or

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

1 modification thereof, may be removed from the District, but those lakes not yet under a County
2 earthmoving permit shall retain the fill material within the District.

3
4 (C) *Prohibited Uses:* Explosives manufacturing, animal slaughterhouses, and sexually oriented
5 businesses.

6
7 (D) *Fill Storage, Stockpiling, and Clearing.*

8
9 1. *Fill Storage:* Fill storage is generally permitted as a principal use throughout the District. Fill
10 material may be transported to and stockpiled upon areas that have been disturbed or farmed or
11 are shown as development areas on an approved site plan or final plat. Following approval of a
12 site plan, or final plat, development areas including building pads, shall be allowed to be cleared
13 prior to the issuance of the building permits. A re-vegetation bond shall not be required for
14 clearing of development areas included in an approved site plan or final plat.

15
16 2. *Stockpile:* Stockpile areas shall be designated as one of the following:

17 a. *Long-term stockpile area* defined as a stockpile area to be left in place for a period greater
18 than six months. Such long-term stockpile areas shall be sodded or hydroseeded and erosion
19 control devices installed when such stockpile is not actively in use.

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

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

25
26
27
28
29 (E) *Setbacks to Water.* For any manmade or natural lake, pond, and stormwater facility within the District,
30 standard setbacks are zero (0) feet; buildings and structures may extend over water.

31
32 (F) *Bulkhead/Retaining Walls.* Bulkhead/retaining walls are allowed as permitted in the Environmental
33 Resources Permit (ERP) process.

34
35 (G) *Fences and walls.* Fences and walls shall be permitted throughout the District. All fences and walls,
36 including refuse or trash container enclosures, are not considered accessory structures and shall be
37 permitted throughout the District. Fences and walls shall be located and constructed in accordance
38 with Sec. 3-9-72 of the County Code except as may be otherwise provided in this Babcock Zoning
39 Code or as approved through a Pattern Book. Fences and walls shall not exceed 12 feet in height,
40 measured relative to the greater of the crown of the adjacent roadway or the adjacent minimum
41 finished floor, as applicable. Fencing and wall materials may be made of wood, vinyl, iron, or masonry
42 products.

43
44 (H) *Landscaping.* Due to the unique circumstances of the property and the excess of Preservation Tree
45 Points, all development within the District is exempt from the County tree removal permit process and
46 is subject only to the Landscape Requirements of the Babcock Zoning Code provided herein.

47
48 (I) *Roadway Sections, Access Standards and Block Length.*

49 1. Design of roadways, paths, rights-of-way, or roadway easements shall be according to Florida
50 Greenbook Standards, with deviations and modifications permitted by approval by the County
51 Engineer or approval of a Pattern Book.
52

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

- 1
2 3. The minimum number of access points for vehicular ingress and egress serving a subdivision is
3 one.
4
5 4. Sidewalks are required on at least one side of roadways within the Town Center.
6
7 5. There are no minimum or maximum block lengths.
8
9 (J) *Signs.* All signs shall conform to the following general sign provisions applicable throughout the
10 District:
11
12 1. For signs proposed within a County or State dedicated right-of-way, a right-of-way permit is
13 required.
14
15 2. Signs are not subject to setbacks, as long as the signs are located so as not to cause sight line
16 obstructions.
17
18 3. Sign area shall be calculated as the area within the smallest regular geometric shape or
19 combination of shapes that incorporates the advertised use. Only one side of a multi-sided sign
20 shall be calculated as "sign area."
21
22 4. Sign illumination shall not exceed ten candlepower per square foot, as measured ten feet from
23 the sign. Lights must be shielded from direct view.
24
25 5. Primary non-residential sign standards. Primary signs include any permanent freestanding or
26 building sign. Primary signs shall not exceed 20 feet in height above the crown of the adjoining
27 roadway. Primary signs may have either digital or mechanical changeable copy, provided the
28 message is not animated and that the message remains static for at least fifteen seconds
29 between cycles. The following primary signs are permitted to be arranged within a cumulative
30 maximum sign area allowance per unit equal to three times the unit's linear feet of right-of-way or
31 building frontage, whichever is greater, not to exceed 750 square feet of signage:
32
33 a. Non-residential freestanding signs: Each commercial unit is allowed one sign per roadway
34 frontage, with a sign area not to exceed 150 square feet. For multitenant commercial
35 properties, each individual storefront unit qualifies as a commercial unit, provided that a
36 multitenant parcel shall not be entitled to more than one freestanding primary sign per right-
37 of-way. For properties with multiple right-of-way frontages, signs must be located to provide
38 a minimum separation of 100 feet.
39
40 b. Non-residential building signs: Each commercial unit is allowed unlimited building signage so
41 long as the cumulative maximum sign area allowance is not exceeded, with no individual
42 building sign area to exceed 300 square feet.
43
44 6. Secondary non-residential sign standards. In addition to primary signs, the following secondary
45 signs are allowed for each commercial unit:
46
47 a. Wall placard – A placard sign affixed directly to an exterior wall or fence with maximum sign
48 area of 24 square feet.
49
50 b. Projecting – A sign which projects from and is supported by a wall of a building with the
51 display of the sign perpendicular to the building wall, with a maximum sign area of 20 square
52 feet.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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- c. Hanging – A sign attached to and located below any eave, canopy or awning, with a maximum sign area of 12 square feet.
 - d. Awning – A sign or graphic attached to or printed on an awning or umbrella, with a maximum sign area of 20% of the awning or umbrella area.
 - e. Directional, Wayfinding or Educational Signage – A sign that is secured to a base which is built directly upon the ground or mounted on railings or observation decks, with a maximum sign area of 20 square feet, exclusive of the base.
 - f. Sandwich Boards – a portable sign comprised of two sign panels hinged together at the top, with maximum sign area of 12 square feet (two faces at 12 square feet each).
7. Primary residential sign standards.
- a. Boundary Marker: One boundary marker or monument may be located at each corner of neighborhoods or subdivisions to include the name of the neighborhood or subdivision, and the insignia or logo, provided that the sign area, comprising name, insignia and logo, may not exceed 120 square feet and may not exceed the height or length of the monument or structure upon which it is located.
 - b. Entrance Signs: A maximum of three ground or wall-mounted entrance signs may be located at a neighborhood or subdivision entrance. Such signs may be used to identify the location of neighborhoods, districts, recreation areas, etc. Sign area shall not exceed 200 square feet, and the sign shall not exceed the height or length of the wall or monument upon which it is located.
8. Other signs. In addition to the signs listed above, the following other signs are allowed throughout the District:
- a. Temporary Signs: Temporary signs are permitted, including project identification, boundary marker, real estate, sales center identification, and directional signs. Each sign may not exceed 160 square feet in area, and may not exceed 20 feet in height. Temporary signs may remain in place simultaneously with primary signage until the Babcock Charlotte community reaches 99 percent build-out.
 - b. Special Event Signs: Special event signs, with sign area not to exceed 32 square feet, may be displayed to announce or advertise such activities as open houses, grand openings, community fairs or programs or charitable, or educational events.
 - c. Construction Entrance Signs: Two construction entrance signs may be located at appropriate distances ahead of each construction entrance. Each sign area shall not exceed 20 square feet.
 - d. Traffic Signs: Traffic signs such as street signs, stop signs, and speed limit signs may be designed to reflect a common architectural theme. Traffic signs shall meet all FDOT safety standards.
 - e. Community gateways shall be considered where the District interfaces with the external community along State Road 31. Community gateway signage shall be approved as part of a Pattern Book.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

(e) Special provisions for development approval within the District

- (A) An inter-departmental review team may be established to ensure orderly consideration of all applications subject to review and to streamline the review process for projects within the District.
- (B) Any application for County development permit within the District must be accompanied by documentation of approval by the Master Developer, or its successor or assign, in order for the application to be accepted by the County.
- (C) *Subdivision/Construction Plans.* Subdivision — Construction plans and plats shall follow the procedures and authorization provisions of Chapter 3-7 of the County Code, subject to exceptions enumerated herein and modifications and waivers granted through approval of a Pattern Book.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

- 1
- 2 1. Submission, review, and approval of subdivision plats for the project may be accomplished in
- 3 phases to correspond with the planned development of the property.
- 4
- 5 2. Construction plans may be submitted, reviewed, and approved concurrently with plat applications.
- 6
- 7 3. Preliminary and final plat applications may be concurrently reviewed and processed for approval.
- 8
- 9 4. Determination of the adequacy of public facilities may be stipulated at time of construction plan
- 10 approval and plat approval on the condition that connection to water and sewer service facilities is
- 11 demonstrated at time of Certificate of Occupancy.
- 12

13 (D) *Assurance of completion of improvements.* Subdivision plats may be accepted if all infrastructure is
14 not constructed, provided that security in the form of a surety or cash performance bond is posted
15 with the Board of County Commissioners and made payable to the County in an amount equal to 110
16 percent of the full cost of installing the remaining required improvements approved by the County for
17 each phase of development. In the event that the improvements are not completed per the applicable
18 Development Agreement, it is understood that: (1) the County may request and/or utilize the full
19 amount of the bond at its sole and absolute discretion, (2) because there are no Third Parties to this
20 agreement, no Third Parties can or should rely on this agreement and/or bond, including but not
21 limited to future lot owners, successor and assigns, and (3) nothing shall be construed as the County
22 voluntarily assuming the obligation to perform any act of construction or maintenance under this
23 Agreement and/or the bond. Upon County acceptance of any portion of the infrastructure, the surety
24 or cash performance bond may be adjusted and renewed at any time at 110 percent of the cost of
25 completing remaining required improvements until completion. The Board may also accept letters of
26 credit or escrow account agreements or other forms of security provided the County Attorney
27 approves the document.

28

29 (E) *Construction trailers, sales centers and model homes.* Model homes, sales centers, sales offices,
30 construction offices, and other uses and structures related to the promotion and sale of real estate
31 shall be permitted as either "wet" or "dry" facilities. A "dry" facility allows for the issuance of a building
32 permit for a structure to be used temporarily under a conditional certificate of occupancy for sales,
33 display and promotion before connections to a central water and wastewater utility are
34 available. "Dry" facilities are not to be occupied by sales staff. Connections to a central water and
35 wastewater utility are required for a "dry" facility to be converted for permanent certificate of
36 occupancy as a dwelling unit. A "wet" facility is equipped with water and wastewater and can be
37 occupied by sales staff and used for sales, display and promotion under a conditional certificate of
38 occupancy. "Wet" facilities may use septic tanks or holding tanks for waste disposal subject to the
39 Florida Administrative Code, and may use potable or irrigation wells. Connections to a central water
40 and wastewater utility are required for a "wet" model home to be converted for permanent certificate
41 of occupancy as a dwelling unit.

- 42
- 43 1. For each subdivision, the maximum allowable number of model homes is ten or ten percent of
- 44 proposed dwelling units within the subdivision, whichever is greater.
- 45
- 46 2. Both "wet" and "dry" facilities may be constructed upon building permit approval following the first
- 47 round of County review for plat approval, prior to final plat.
- 48
- 49 3. A "wet" facility may be served by a temporary utility system with ultimate connection to the central
- 50 system. Interior fire protection facilities in accordance with NFPA requirements are required
- 51 unless a permanent water system is available.
- 52

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

- 1 4. A water management plan shall be provided which accommodates water run-off from the facility,
2 parking areas, access road/driveway and other impervious surfaces.
3
4 5. Site Plan approval is required for sales centers and for "wet" models to function as sales offices.
5 Site Plan approval is not required for single family "dry" models or construction trailers.
6

7 (F) *Site Plan Approval.* The site plan approval process shall follow the procedures and authorization
8 provisions of Sec. 3-9-7 of the County Code, subject to exceptions herein and modifications and
9 waivers granted through approval of a Pattern Book.

10
11 (G) *Special Exceptions.* Special exceptions shall be subject to the procedures set forth in Sec. 3-9-6.2 of
12 the County Code.

13
14 (H) *Waivers and Deviations.*

15
16 1. Waivers for relief from submittal requirements may be granted by the Zoning Official through
17 approval of a Pattern Book or upon request at time of plan or plat application submittal to reduce
18 the submittal requirements of Chapter 3-7 and Sec. 3-9-7 of the County Code. Once official
19 copies of federal, state or regional permits and development approval records in effect for the
20 District are established on file with the Department of Community Development, requirements to
21 submit copies of those permits or development approvals with plat, construction plan or site plan
22 applications shall be waived to reduce the waste associated with duplication of multiple copies of
23 documents as long as they are unchanged, because of the unique nature of the District, which
24 will develop in a succession of phases, subject to multiple and extensive agency permitting
25 documents.
26

27 2. Waivers and deviations may be granted through approval of Pattern Books as authorized in
28 subsection (a)(E), which may define development and design standards applicable within a
29 defined site, area, or subdistrict for matters including but not limited to setbacks, building heights,
30 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
31 coverages, standards for roadway design and rights-of-way, waiver of submittal requirements,
32 and deviations. Approval of Pattern Books shall be issued by the Zoning Official upon finding that
33 standards, waivers, and deviations are consistent with public health, safety and welfare. An
34 amendment to an approved Pattern Book may be requested at any time by the developer or
35 applicant authorized by the developer, to be approved by the Zoning Official. Approval of Pattern
36 Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is not
37 granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to
38 review and approval by the Board of County Commissioners. If standards defined in an approved
39 Pattern Book conflict with provisions of this Babcock Zoning Code or the County Code, the
40 Pattern Book shall apply.
41

42 (I) *Summary Phasing Plan.* A Phasing Plan is established to set forth the minimum non-residential
43 square footage required for the number of dwelling units at the time of issuance of certificate of
44 occupancy of the last dwelling unit of any particular threshold. The Phasing Plan is subject to
45 adjustment through the DRI, State, Federal, or local permitting process. DRI Incremental
46 Development Orders shall establish the detailed phasing of development within the Increment. The
47 DRI Incremental Development Orders shall determine the amount of residential and non-residential
48 development allocated within the Town Center, each Village, and each Hamlet, respectively, to
49 ensure that development is orderly, maximize efficiency of infrastructure, and provide for specific
50 infrastructure improvements needed to meet prescribed levels of service. The intent is that non-
51 residential uses will be provided to serve the occupancy of dwelling units.
52

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-51. BOZD

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

- 1 *1 – All non-residential square footage is cumulative by Certificate of Occupancy threshold.
- 2 *2 – Non-residential square footage threshold is minimum.
- 3

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-51. BOZD

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.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 1, 2014

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2014-077, which was filed in this office on December 1, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

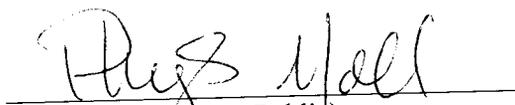
Before the undersigned authority personally appeared Casandra Cancelliere, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

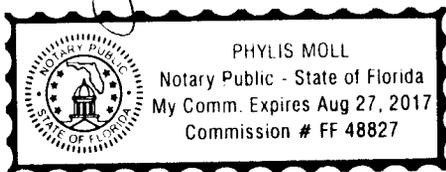
November 10, 2014

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 10th day of November, 2014.


(Signature of Notary Public)



Personally known OR Produced Identification

Type of Identification Produced _____

Page 1
1102.50

[Page Two of Two]

Home Occupations

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-79, Home Occupations in its entirety, and creating a new section 3-9-74, Home Occupations; providing for purpose and intent; provide for general conditions for home occupations; provide for minor home occupations; provide for major home occupations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Industrial General (IG) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-46, Industrial Office Park (IOP) and Section 3-9-47, Industrial Light (IL) in their entirety, and creating new Section 3-9-43, Industrial General (IG) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Industrial Intensive (II) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-48, Industrial General (IG) in its entirety and creating new Section 3-9-44, Industrial Intensive (II) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Junklike Conditions Prohibited

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-61, Abandoned Vehicles, Section 3-9-62, Watercraft Abandoned, Derelict or a Hazard to Navigation, Section 3-9-81, Junkyards and automobile Wrecking Yards and Section 3-9-82.1, Junk and Junkyard Conditions Prohibited in their entirety, and creating new Section 3-9-76, Junklike Conditions Prohibited, providing for the dumping or storage of junk; providing for a single unlicensed motor vehicle parking requirement; providing for conditions to remove junk; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legal Nonconformities

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-10, Nonconformities and renaming this Section to Legal Nonconformities; providing for revised development requirements for nonconforming lots of record; providing for current nonconforming use; providing for conforming uses; providing revised development requirements for nonconforming structures; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Manufactured Home Conventional (MHC) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-36, Mobile Home Subdivision (MHS) and Section 3-9-37, Mobile Home Conventional (MHC) in their entirety, and creating new Section 3-9-37, Manufactured Home Conventional (MHC) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Manufactured Home Park (MHP) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-35, Mobile Home Park (MHP) in its entirety and creating new Section 3-9-36, Manufactured Home Park (MHP) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Model Homes

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-87, Model Residential Units and renumbering to Section 3-9-78, and renaming to Model Homes; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Office, Medical and Institutional (OMI) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-39, Office, Medical and Institutional (OMI) in its entirety and recreating Section 3-9-39, Office, Medical and Institutional (OMI) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Parks and Recreation (PKR) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-29, Marine Park (MP) in its entirety and creating new Section 3-9-29, Parks and Recreation (PKR) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Places of Worship

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-80.1, Houses of Worship, renumbering and renaming as Section 3-9-82, Places of Worship; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Residential Estates (RE) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-31, Residential Estates (RE) in its entirety and creating new Section 3-9-32, Residential Estates (RE) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Residential Multi-Family Tourist (RMF-T) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-34, Residential Multi-Family Tourist (RMF-T) in its entirety and creating new Section 3-9-35, Residential Multi-Family Tourist (RMF-T) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Residential Multi-Family (RMF) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-33, Residential Multi-Family (RMF) in its entirety and creating new Section 3-9-34, Residential Multi-Family (RMF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Residential Single Family (RSF) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-32, Residential Single Family (RSF) in its entirety and creating new Section 3-9-33, Residential Single Family (RSF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Recreational Vehicle Park (RVP) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-38, Recreational Vehicle Park (RVP) in its entirety and recreating Section 3-9-38, Recreational Vehicle Park (RVP) zoning; providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Accessory Outdoor Retail Sales, Display and Storage

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by creating new Section 3-9-61, Accessory Outdoor Retail Sales, Display and Storage; providing for purpose and applicability; providing for requirements for accessory outdoor retail sales, display and storage; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Section 3-9-5

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-68, Authority to Enter Upon Private Property, Section 3-9-72, Deed Restrictions, Section 3-9-75, Exception to Required Yards, Section 3-9-5.2, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-76, Exclusions from Height Limitations, Section 3-9-78, Form of Ownership, Section 3-9-86, Moving of Structures and Section 3-9-93, Property Frontage in their entirety, and creating new Section 3-9-5.1, Authority to Enter Upon Private Property, Section 3-9-5.2, Deed Restrictions, Section 3-9-5.3, Exceptions to Required Yards, Section 3-9-5.4, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-5.5, Exclusions from Height Limitations, Section 3-9-5.6, Form of Ownership, Section 3-9-5.7, Moving of Structures and Section 3-9-8, Property Frontage, and revising Section 3-9-5, Administration and Enforcement, Building Permits; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative**Countywide****Section 3-9-27**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-27, Application of District Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative**Countywide****Site Plan Review**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-5.1, Site Plan Review and renumbering to Section 3-9-7, Site Plan Review; providing for applicability and procedure; providing for initiation; providing for application requirements; providing for requirements of amendments and changes to land Development Regulations; providing for preliminary site plan review; providing for final site plan review; providing for conformity to plan; providing for modification of site plans; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative**Countywide****Temporary Uses**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-95.1, Temporary Uses, and renumbering as Section 3-9-87; providing for revised application process and fees; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Land Development Regulations**Legislative****Countywide****Table of Contents**

An Ordinance amending Charlotte County Code Chapter 3-9, by reorganizing the table of contents; deleting some sections in their entirety; creating new sections; revising some sections; renumbering sections in alphabetic order in Article III, Special Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Use Table – Commercial Districts**Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.3, Use Table – Commercial Districts; providing for a list of permitted uses and structures under Office, Medical and Institutional (OMI), Commercial Neighborhood (CN), Commercial General (CG) and Commercial Tourist (CT) Zoning Districts; providing for a list of conditional uses and structures under OMI, CN, CG and CT Zoning Districts; providing for a list of Special Exception uses under OMI, CN, CG and CT Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Use Table – Environmental and Agricultural Districts**Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.1, Use Table – Environmental and Agricultural Districts; providing for a list of permitted uses and structures under Environmentally Sensitive (ES), Parks and Recreations (PKR), Agriculture (AG) and Excavation and Mining (EM) Zoning Districts; providing for a list of conditional uses and structures under ES, AG and EM Zoning Districts; providing for a list of Special Exception uses under ES, AG and EM Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Use Table – Industrial Districts**Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.4, Use Table – Industrial Districts; providing for a list of permitted uses and structures under Industrial General (IG) and Industrial Intensive (II) Zoning Districts; providing for a list of conditional uses and structures under IG and II Zoning Districts; providing for a list of Special Exception uses under IG and II Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Use Table – Residential Districts**Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.2, Use Table – Residential Districts; providing for a list of permitted uses and structures under Residential Estate (RE), Residential Single-family (RSF), Residential Multi-family (RMF), Residential Multi-family Tourist (RMF-T), Manufactured Home Park (MHP), Manufactured Residential Estate (RE), Residential Single-family (RSF), Residential Multi-family (RMF), Residential Multi-family Tourist (RMF-T), Manufactured Home Park (MHP), Manufactured Home Conventional (MHC), and Recreational Vehicle Park (RVP) Zoning Districts; providing for a list of conditional uses and structures under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for a list of Special Exception uses under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Z-14-08-12**Quasi-Judicial****Commission District 1**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Residential Estates I (RE-1), for property located at 1374 Blanot Drive and 27347 San Carlos Drive, in the Harbor Heights area, containing 1.46+ acres; Commission District 1; Petition No. Z-14-08-12; Applicants: Kendall V. and Trace A. Baird; providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING A RECORD OF THE PROCEEDING AND FOR SUCH PURPOSE A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Morlock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our Office at 941-764-4191, TDD/TTY 941-743-1274, or by email to Terri.Hendriks@charlottefl.com.

