

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

Sec. 3-9-51. BOZD

Sec. 3-9-54. Babcock Ranch Overlay Zoning District.

~~(a) *Establishment; short title.* The Babcock Ranch Overlay Zoning District Code is hereby established. The short title of this section shall be the "overlay code."~~

~~(b) *District boundary.* The area affected by this overlay code shall be the area as described in Appendix I, Legal Description, attached to Ordinance No. 2006-058, and the area contained on Appendix II, Sketch and Legal Descriptions of Each District, attached to Ordinance No. 2006-058.~~

~~(c) *Intent.* The intent of the Babcock Ranch overlay zoning district (district) provides for an environmentally friendly community that respects the intrinsic natural values and functions of the land allowing development to occur in harmony with nature. The district provides a vehicle to cluster compact development in a functional form to allow interconnected open space to maintain and enhance native habitat and allow recreational opportunities. The district encourages a high-tech, energy efficient and environmentally friendly mix of residential, retail and office-commercial, light industrial, civic and educational facilities, open space, parks and recreational and institutional uses. The regulations contained herein are designed to meet the intent of the goals, objectives, and policies of the Babcock Ranch Overlay District (BROD) contained in the Future Land Use Element of the Charlotte County Comprehensive Plan, and the Development Agreement entered into between Charlotte County and MSKP III, Inc., dated April 4, 2006 (development agreement).~~

~~These regulations and development standards were created with the goal to create an integrated community that fosters civic life, walkability, human interaction, economic health, sustainability, and preservation of the natural environment. The town center, village, hamlet and open space requirements will provide an alternative to scattered, low-density single-use residential development. The district will preserve open space, natural beauty and critical environmental areas that contribute positively to the quality of life for the residents.~~

~~(d) *Applicability; conflict with other ordinances.* This overlay code shall apply to the development and future redevelopment on all the lands described as the district. The terms development and redevelopment shall be construed liberally and shall include any plat, special exception, variance, DRC approval, 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. The overlay Code shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matters. Except where expressly provided herein, the terms of the overlay code shall supersede and control in the event and to the extent of a conflict between the overlay code and another provision of the County Code.~~

~~(e) *Definitions.* Terms used in section 3-9-54 shall have their commonly accepted meaning unless they are defined in this subsection 3-9-54(e). When terms are defined both in this subsection 3-9-54(e) and elsewhere in the County Code, definitions for such terms in this subsection shall control. The following terms shall have the meanings set forth in the subsection:~~

~~*Affordable rental unit.* A housing unit, for which the monthly rent, including utilities, does not exceed thirty (30) percent of the Charlotte County Median Income (AMI), as calculated by the Florida Housing Finance Corporation.~~

~~*Affordable ownership unit.* A housing unit for which the monthly mortgage payment, including taxes and insurance, does not exceed thirty (30) percent of the Charlotte County Median Income (AMI), as calculated by the Florida Housing Finance Corporation.~~

~~*Agriculture.* Agriculture use within the district includes such uses as agricultural production (crops, citrus, landscape nursery, ranching, livestock raising and animal specialties, pasture, sod and grazing); agricultural services, cultural, educational and/or eco-tourism uses and support facilities and their related modes of transporting participants, viewers, or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horse and similar modes of transportation; agricultural~~

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1 ~~labor housing; excavation incidental to agricultural operations; farm products warehousing and~~
2 ~~storage; single family detached dwelling unit; forestry; riding stables, research facilities; non-~~
3 ~~commercial kennels; telecommunication towers; outdoor shooting ranges; and aquaculture.~~

4 ~~*Automobile way:* A street, road, lane, or alley that provides use for automobiles.~~

5 ~~*Block perimeter length:* The total distance of all sides of a block measured from the curb.~~

6 ~~*Building facade:* That portion of any exterior elevation of a building extending from finished grade to~~
7 ~~the top of the parapet wall or eaves and extends the entire width of the building elevation.~~

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

11 ~~*District:* shall mean the Babcock Ranch Zoning Overlay District as established by section 3-9-54, as~~
12 ~~identified in Appendix I, Legal Description, attached to Ordinance No. 2006-058.~~

13 ~~*Dwelling, front-loaded:* Any building with the primary vehicular access from the front automobile way.~~

14 ~~*Dwelling, rear loaded:* Any building with primary vehicular access from the rear lane/alley.~~

15 ~~*Eco-Tourism:* The practice of touring natural habitats and support facilities thereof in a manner~~
16 ~~meant to minimize ecological impact. Eco-tourism is considered a commercial enterprise located in~~
17 ~~an agricultural or preservation area intended to attract tourists and provide supplemental income for~~
18 ~~the property owner. Eco-tourism uses include, but are not limited to: nature trails, canoeing, fishing,~~
19 ~~wildlife observation, and birding.~~

20 ~~*Encroachment:* Building elements, which protrude into the established setbacks.~~

21 ~~*Encroachments, overhead:* A physical structure that reaches into and above an established setback~~
22 ~~without compromising the value of that area, such as a grade-separated pathway.~~

23 ~~*Farmstead:* A group of buildings and adjacent service areas that support the functions of a farm.~~
24 ~~Structures may include but are not limited to homes, barns, machinery sheds, granaries, pump~~
25 ~~houses, chicken coops, and garages.~~

26 ~~*Frontage:* The length of the property line of any parcel of property along a street on which it borders.~~

27 ~~*Gymnasium/recreational center:* A structure for the primary purpose of indoor sports and recreation.~~

28 ~~*Littoral shelf planting area (LSPA):* A planted area within an excavated lake serving as part of a~~
29 ~~stormwater management system that will support wetland plants, improves the water quality within~~
30 ~~the lake, and provides habitat for a variety of aquatic species including wading birds and other~~
31 ~~waterfowl.~~

32 ~~*Lot, corner:* A lot located at the intersection of two (2) or more streets. A lot abutting a curved street~~
33 ~~or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side~~
34 ~~lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five~~
35 ~~(135) degrees.~~

36 ~~*Overlay code:* shall be the "short title" of the Babcock Ranch Overlay Zoning District Code. Reference~~
37 ~~subsection (a), Establishment.~~

38 ~~*Pathway:* A defined corridor within the district's overall transportation network designed to~~
39 ~~accommodate pedestrians and other alternative modes of transportation.~~

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1 ~~*Parking, stacked:* The parking of motor vehicles in such a manner that parked vehicles may not have~~
2 ~~direct access to the public right of way or open and unobstructed internal access drives to and from~~
3 ~~the public right of way without moving one (1) or more adjacent vehicles.~~

4 ~~*Pedestrian clear width:* A zone within a pedestrian way that is unobstructed by structures,~~
5 ~~landscaping, or site furnishing.~~

6 ~~*Pedestrian way:* A sidewalk, trail or other pathway typically for the primary use of pedestrians.~~

7 ~~*Pent roof.* A pent roof is a slanted or pitched roof that has only one (1) slope. A pent roof is similar to~~
8 ~~half of a regular pitched roof.~~

9 ~~*Porch:* A roofed-over space, with the roof impervious to weather, attached to the outside of an~~
10 ~~exterior wall of a building including support columns, which has no enclosure other than the exterior~~
11 ~~walls of such building. Open mesh screening with a roof impervious to weather shall not be~~
12 ~~considered an enclosure.~~

13 ~~*Right-of-way:* A strip or area of land, public or private, occupied or intended to be occupied by a~~
14 ~~street, crosswalk, transit, electric transmission line, oil or gas pipeline, storm drainage facility, water~~
15 ~~main, sanitary or storm sewer main, or for similar special use. The usage of the term "right of way"~~
16 ~~for land platting purposes shall mean that every right of way, whether public or private, hereafter~~
17 ~~established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such~~
18 ~~right of way and not included within the dimensions or areas of such lots or parcels. Unless~~
19 ~~otherwise expressly stated, a dedication of right of way on a plat reflects an intention of the~~
20 ~~dedicator(s) to dedicate such right of way or tract as a fee simple interest in land, subject to any~~
21 ~~easement(s) stated on the plat or otherwise of record.~~

22 ~~*Setback line:* A line marking the minimum open space distance between a right-of-way line, property~~
23 ~~line, bulkhead line, shoreline, seawall, mean high water mark, access easement line or other defined~~
24 ~~location whichever is the most restrictive, and the beginning point of a required yard or the buildable~~
25 ~~area. Setback lines may be measured from the legal boundary of a lot and are inclusive of~~
26 ~~easements with the exception of easements that comprise a road right of way.~~

27 ~~*Street furnishings:* Pieces of outdoor furniture, such as benches, light fixtures, trash receptacles,~~
28 ~~newspaper vending, benches, and bicycle racks.~~

29 ~~*Street furnishings line:* The line where the sidewalk meets the edge of the planting area, or street~~
30 ~~furnishings.~~

31 ~~*Traditional neighborhood development (TND):* A basic unit of the new urbanism which contains a~~
32 ~~center that includes a public space and commercial enterprise; an identifiable edge with dwelling~~
33 ~~units, ideally a five minute walk from the center; a mix of activities and variety of housing types; an~~
34 ~~interconnected network of streets usually in a grid pattern, high priority of public space, with~~
35 ~~prominently located civic buildings and open space that includes parks, plazas, squares.~~

36 ~~*Transient guest lodging:* A building or group of buildings in which sleeping accommodations and~~
37 ~~sanitary facilities are offered to guests and intended for use on a daily or weekly basis, irrespective of~~
38 ~~the form of ownership and which may include kitchens in each unit.~~

39 ~~(f) *Amendments of zoning atlas.* The zoning atlas is hereby amended to provide as follows:~~

40 ~~Areas of the district that are presently zoned agriculture (AG), recreational vehicle park (RVP) and~~
41 ~~industrial general (IG) are rezoned to Babcock Ranch Overlay Zoning District.~~

42 ~~(g) *Existing uses.* The district classification shall not render an existing use, including, but not limited to~~
43 ~~mining and sod farming, on a parcel as nonconforming, even if such existing use is not a principal~~

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1 use or a permitted accessory use in the applicable tract. Any such existing use shall be considered
2 nonconforming, however, if any of the following occur:

3 ~~(1) An existing nonresidential use shall be considered nonconforming if a valid occupational license~~
4 ~~related to the use expires and is not renewed. The county shall allow a grace period not to~~
5 ~~exceed sixty (60) days between the expiration and renewal of an occupational license for such~~
6 ~~use. If an occupational license expires during a period of inactivity caused by natural disaster or~~
7 ~~act of God, such as a fire, hurricane or other natural disaster, the county shall not count the time~~
8 ~~which passes during which repairs are being made against the sixty-day grace period. If~~
9 ~~applicants for the permits necessary to effect repairs are not received by the county within one~~
10 ~~hundred twenty (120) days of the cessation of the use, the use will be considered~~
11 ~~nonconforming; or~~

12 ~~(2) As site development plans for portions of the district are processed by the county, the currently~~
13 ~~permitted uses for those portions of the district will cease unless specifically provided for in the~~
14 ~~applicable development of regional impact development order or in a subsequent permit~~
15 ~~application and site development plan.~~

16 ~~(h) *Development form.* The district shall guide development into a series of clearly identified and distinct~~
17 ~~villages, hamlets and a town center. There is a hierarchy of development types utilizing residential~~
18 ~~neighborhoods as the basic development unit. Several residential neighborhoods and one or more~~
19 ~~commercial centers combine to form a village or hamlet. The town center includes the main~~
20 ~~employment, shopping, and cultural activities.~~

21 ~~Any development proposed within the district will be assigned to one of the following categories as~~
22 ~~shown on Appendix II, Sketch and Legal Descriptions of Each District, attached to Ordinance No. 2006-~~
23 ~~058:~~

24 ~~• Village (Tracts 1, 3, 4, 7);~~

25 ~~• Village Center (Tracts 1A, 3A, 3B, 4A, 7A);~~

26 ~~• Hamlet (Tracts 2, 5, 8, 9);~~

27 ~~• Hamlet Center (Tracts 2A, 5A, 8A, 9A);~~

28 ~~• Town Center (Tracts 6, 6A, 6B);~~

29 ~~• Community Services (Tract 10);~~

30 ~~• Commercial Mining (Tract 11);~~

31 ~~• Greenways (all area within the district boundary, less the tracts identified above)~~

32 ~~The district shall allow a combination of residential, commercial, light industrial, entertainment,~~
33 ~~medical, professional office, public/quasi-public, educational, institutional, tourism, agricultural, parks,~~
34 ~~recreation, open space land uses, and support infrastructure facilities and uses, and structures in order to~~
35 ~~encourage long term sustainable development.~~

36 ~~Schematics of the conceptual town center, a conceptual village, a conceptual hamlet and the~~
37 ~~conceptual master plan for the district are included for illustrative purposes (reference Appendix III~~
38 ~~through Appendix VI attached to Ordinance No. 2006-058).~~

39 ~~Development within the district is limited to:~~

40 ~~(1) Seventeen thousand eight hundred seventy (17,870) dwelling units.~~

41 ~~(2) Six million (6,000,000) square feet of nonresidential uses, not including schools or churches.~~
42 ~~This total square footage for nonresidential uses is further defined as including four million eight~~
43 ~~hundred forty (4,840,000) square feet commercial/office/retail (including medical), six hundred~~

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~~fifty thousand (650,000) square feet of light industrial, one hundred fifty thousand (150,000) square feet of government/civic uses, and six hundred (600) (keyed) hotel rooms, (three hundred sixty thousand (360,000) square feet).~~

~~(3) Seventy-two (72) golf course holes.~~

~~Properties within the district shall be developed in a manner that is safe, comfortable and attractive, and fosters a strong sense of place. The district will create a well-planned, mixed-use community using the following planning principles: traditional neighborhood design (TND), Crime Prevention Through Environmental Design (CPTED), as defined by the Florida Crime Prevention Through Environmental Design Network, and Smart Growth initiatives. The overall objectives of the development standards herein are:~~

~~(1) The district shall include distinct, interconnected (except for gated communities permitted herein) and diverse residential neighborhoods of varying housing types (single and multi-family), architectural treatments and price ranges. Single-family housing may be detached or attached as in the case of town homes, villas and condominiums;~~

~~(2) The district shall contain a wide range of homes affordable to a wide range of income groups of which ten (10) percent of the total housing shall be provided as affordable housing to achieve social diversity and reduce external transportation trips, in accordance with the terms in the development agreement.~~

~~(3) Residential neighborhoods shall feature a neighborhood park and access to a network of bicycle/pedestrian facilities and greenways.~~

~~(4) The district will feature a town center where residents will find essential goods and services, entertainment, and dining. The town center shall be designed using principles of TND.~~

~~(5) Village and hamlet centers shall be designated within the district to provide for daily convenience goods, professional, personal and business services.~~

~~(6) The transportation system within the district shall provide facilities for vehicular, bicycle, pedestrian, equestrian (where appropriate), and transit. Transportation features shall be implemented in a manner that serves to maximize internal trips, provides safe and efficient facilities, and promote multi-modal options. The arrangement and design of streets, sidewalks, pathway, mass transit and bicycle facilities shall promote a pedestrian and bicycle friendly environment with an emphasis on safe, comfortable and convenient access to neighborhoods, the town center, neighborhood shopping, parks, schools and civic uses.~~

~~(7) CPTED principles shall be used as a guide when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking.~~

~~(8) The district shall include a minimum of thirty-five (35) percent of the gross acreage of the district as open space. "Open space" shall consist of the primary greenway plan (See Appendix VII—Primary Greenway Plan, attached to Ordinance No. 2006-058), nonresidential vegetated green space, lakes and ponds not engineered for stormwater, lakes and ponds engineered for stormwater (in accordance with Article V Stormwater; Floodplain; Wetlands of the County Code of Laws and Ordinances) with general public access, hiking trails, greenways, bike paths, upland and wetland areas. Active uses such as ball fields, golf courses and other related recreation uses can be counted toward open space but only fifty (50) percent of the area can be utilized for calculation purposes.~~

~~(9) Golf courses: Golf courses will comply with the Audubon International Signature Program — Silver Level certification program, with best management practices developed by the Florida Department of Environmental protection under F.S. Section 403.067 (2005), or with other equivalent certification programs or equivalent best management practices. Golf courses shall be planted consistent with good golf course design principles.~~

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~~(10) Parks: Various classifications of parks shall make up the park system. The following level-of-service standards for active parks and recreation of 0.5 acres/1,000 population for mini-parks; 1.5 acres/1,000 population for neighborhood parks; and 2 acres/1,000 population for a community park, shall be met or exceeded. The number and size of parks shall be in accordance with the terms set forth within exhibit "D" of the development agreement, attached to Ordinance No. 2006-058.~~

~~(i) Land use tract uses and design standards~~

~~(1) Town center (Tracts 6, 6A, 6B — Reference Appendix II and IV)~~

~~(A) Intent. The town center shall be the civic center of the district. It is the most dense and diverse zone, with a full range of uses within walking distance. Town center shall be a primary pedestrian zone with the majority of buildings positioned near the right-of-way. Wide sidewalks shall be shaded through streetscape planting, awnings and other architectural elements. Parking shall be provided on-street, and off-street with the majority in the rear of buildings, and within parking structures. Signs shall be pedestrian scale and designed to compliment the building architecture.~~

~~Buildings may be single or multi-use. Multi-use development on the same block must be compatible with the surrounding land uses. The town center may also feature indoor and outdoor gathering places such as but not limited to public libraries, recreation center, plazas, parks and squares to accommodate civic activities. Public spaces shall be clearly recognizable as "public" (within view of a street or other public area) and be easily accessible.~~

~~Intense uses such as light industrial, warehousing, and distribution, shall be located in order to provide for transitional commercial and civic uses between the more intense use and any residential uses (See Appendix XII, Exhibit 6 — Transitional Use Diagram).~~

~~(B) Principal uses and structures.~~

~~(i) Town center tract 6 permitted uses includes any and all businesses and services under commercial, retail, office, civic, education (elementary, middle, high schools, colleges and universities), institutional, light industrial and manufacturing, mining, nurseries, essential services, residential, home occupations (reference Appendix VIII — Home Occupations), parks, recreation, agriculture, manufacturing, distribution, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development, accessory uses and structures, except as otherwise prohibited herein. Such uses may occur in shared use buildings or single use buildings.~~

~~(ii) Town center tracts 6A and 6B permitted uses are limited to residential, home occupations (reference Appendix VIII — Home Occupations), parks, recreation and accessory uses.~~

Table 1: Minimum and Maximum Uses Within Town Center

Uses	Minimum	Maximum
Size	1,000 acres	2,000 acres
Residential Dwellings	6,000 du	8,000 du

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Commercial/Retail	3,000,000-sf	3,500,000-sf
Office/Light Industrial	1,500,000-sf	2,200,000-sf
Public/Civic	50,000-sf	100,000-sf
Hotel	0	600

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Note: Public/Civic space does not include schools or churches, which square footage will be additional.

Note: Residential density within the town center shall range from six (6) to twenty four (24) DU per gross acre, and shall not exceed forty (40) du/net acre within any lot or parcel.

~~(C)~~ Prohibited uses (Reference Appendix IX — Prohibited Use Matrix)

~~(D)~~ Special exceptions. Special exceptions procedures are set forth in subsection 3-9-54(j)(C) of the overlay code. Special exceptions in the town center are such uses as determined by zoning official (or zoning official's designee) to be:

- i. — Appropriate by reasonable implication and intent of the district.
- ii. — Similar to another use either explicitly permissible in that district or allowed by special exception; and
- iii. — Not specifically prohibited in that district.

~~(E)~~ Town center design standards — residential (Tracts 6, 6A and 6B — Reference Appendix X — XII)

- i. — The maximum building height:
 - Detached single-family: 38 feet.
 - Attached single-family: 45 feet.
 - Multi-family: 100 feet.
 - Nonresidential: 140 feet.
- ii. — Minimum lot size:
 - Nonresidential: 1,000 square feet
 - Single family, attached: 1,000 square feet
 - Single family, detached: 3,000 square feet
- iii. — Single-family uses shall adhere to the following:
 - a. — Setbacks: Single-family detached residences shall have a front building setback from zero (0) to twenty (20) feet for a primary street, and from zero (0) to fifteen (15) feet for a secondary street, a rear/alley setback of zero (0) to twenty (20) feet, and a side setback from zero (0) to ten (10) feet, with the total of both side yards being ten (10) feet minimum. Applies to principal and accessory structures, includes garages (reference Appendix XII — Lot Diagrams, Exhibit 4 — Single-Family Small Lot).
 - b. — Setbacks: Single-family attached residences shall have a front building setback from zero (0) to twelve (12) feet for a primary street, from zero (0) to eight (8) feet for a secondary street, a rear setback of zero (0) to twenty (20) feet (five-foot rear for accessory structure), and a side setback of zero (0) for interior lots (reference Appendix XII — Lot Diagrams, Exhibit 3 — Single-Family Attached).
 - c. — Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may encroach into the right-of-way, up to a maximum of fifty (50) percent of the street furnishings area. A

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1 minimum six-foot clear pedestrian way shall be maintained and not obstructed by any encroachment.
2 Encroachments shall maintain a clear distance of nine (9) feet above the sidewalk and fifteen (15) feet
3 above the street measured from the crown of the street (Reference Appendix X — Frontage Standards).

4 ~~d. — Parking: Minimum of one (1) off-street parking space inclusive of driveways and garage space, with an~~
5 ~~additional parking space required for an accessory dwelling unit, unless on-street parking is provided on the~~
6 ~~adjacent street.~~

7 ~~e. — Landscape: Shall include a minimum of sixty (60) square feet of shrub planting per lot on lots that are three~~
8 ~~thousand (3,000) square feet or less in area; eighty (80) square feet on lots that are greater than three~~
9 ~~thousand (3,000) square feet but less than five thousand (5,000) square feet in area; and one hundred (100)~~
10 ~~square feet for lots five thousand (5,000) square feet or larger in area. Plantings shall be in identified~~
11 ~~planting areas, raised planters, or planter boxes in the front of the dwelling, with, at a minimum, ground~~
12 ~~cover, or other alternative cover approved by the developer's architectural review board, for the remainder of~~
13 ~~the property.~~

14 ~~iv. — Multi-family residential uses shall adhere to the following:~~

15 ~~a. — Lots shall be a maximum of four (4) acres.~~

16 ~~b. — Setbacks: minimum front setback from zero (0) to ten (10) feet for a primary street, minimum side yard~~
17 ~~setback from zero (0) to five (5) feet, minimum rear yard setback twenty (20) feet, five (5) feet for accessory~~
18 ~~structures (Reference Appendix XII Lot Diagrams, Exhibit 2 Multi-Family).~~

19 ~~c. — Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining~~
20 ~~may encroach into the right-of-way, up to a maximum of fifty (50) percent of the street furnishings area. A~~
21 ~~minimum six-foot clear pedestrian way shall be maintained and not obstructed by any encroachment.~~
22 ~~Encroachments shall maintain a clear distance of nine (9) feet above the sidewalk and fifteen (15) feet~~
23 ~~above the street measured from the crown of the street (Reference Appendix X — Frontage Standards).~~

24 ~~d. — Accessory structures: Accessory structures may include carports, covered parking, garages and other~~
25 ~~similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty~~
26 ~~(150) square feet.~~

27 ~~e. — Parking: Two (2) or fewer bedrooms per unit, at least one (1) off-street parking space per unit. Three (3) or~~
28 ~~more bedrooms per unit, at least two (2) off-street parking spaces per unit.~~

29 ~~f. — Landscape: A minimum of one hundred (100) square feet of shrub planting shall be required for each two~~
30 ~~thousand (2,000) square feet of building footprint, and one (1) tree shall be required for each four (4,000)~~
31 ~~square feet of lot area, inclusive of street trees, with such plantings in planting areas, raised planters, or~~
32 ~~planter boxes in the front of the building and a minimum of ground cover, or other alternative cover approved~~
33 ~~by the developer's architectural review board, for the remainder of the property.~~

34 ~~(F) — Town Center Design Standards — Mixed Use (Reference Appendix X — XII)~~

35 ~~i. — Maximum building height:~~

36 ~~• Nonresidential: 140 feet.~~

37 ~~• Multi-family: 100 feet~~

38 ~~• Single-family: 38 feet~~

39 ~~ii. — Minimum lot size:~~

40 ~~• Nonresidential: 1,000 square feet~~

41 ~~• Single-family, attached: 1,000 square feet~~

42 ~~• Single-family, detached: 3,000 square feet~~

43 ~~iii. — The town center shall be laid out in a grid pattern with interconnected streets to allow for dispersion of traffic and to~~
44 ~~promote future transit and walkability. Block perimeter length shall be one thousand five hundred (1,500) to two~~
45 ~~thousand five hundred (2,500) feet.~~

46 ~~iv. — At a minimum all proposed streets shall include sidewalks on both sides of the street, parallel to the right-of-way,~~
47 ~~and a streetscape or street furnishings area (Reference Appendix XI — Roadway Sections). The developer may~~
48 ~~propose alternative street cross sections if not found herein with approval of county engineer and the developer's~~
49 ~~architecture and design review board.~~

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- v. —Setbacks: Single-family attached residences shall have a front building setback from zero (0) to twelve (12) feet for a primary street, from zero (0) to eight (8) feet for a secondary street, a rear set back of zero (0) to twenty (20) feet (five-foot rear for accessory structure), and a side setback of zero (0) for interior lots (reference Appendix XII — Lot Diagrams, Exhibit 3 — Single-Family Attached).
- vi. —Setbacks: Multi-Family residences shall have a minimum front setback from zero (0) to ten (10) feet for a primary street, minimum side yard setback from zero (0) to five (5) feet, minimum rear yard setback twenty (20) feet, five (5) feet for accessory structures (Reference Appendix XII Lot Diagrams, Exhibit 2 Multi-Family).
- vii. —Setbacks: Mixed Use buildings shall have minimum setbacks from all property boundaries shall be zero (0) feet and the maximum setback from the front boundary shall be ten (10) feet (reference Appendix XII — Lot Diagrams, Exhibit 1 — Mixed Use). The maximum setback from the front boundary may be increased in order to create public spaces such as plazas and courtyards. Maximum areas for these public spaces are found in Appendix X — Frontage Standards.
- viii. —Accessory structures: Accessory structures may include carports, covered parking, garages and other similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty (150) square feet.
- ix. —Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may encroach into the right-of-way, up to a maximum of fifty (50) percent of the street furnishings area. A minimum six-foot clear pedestrian way shall be maintained and not obstructed by any encroachment. Encroachments shall maintain a clear distance of nine (9) feet above the sidewalk and fifteen (15) feet above the street measured from the crown of the street (Reference Appendix X — Frontage Standards).
- x. —The amount of required parking shall be demonstrated through a shared parking analysis submitted with a site plan application. Parking shall be determined utilizing the modal splits and parking demands for various uses recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one (1) use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.
- xi. —Parking spaces shall be provided both on-street, and off-street in the rear of buildings, or along the side (secondary streets). Side parking is limited to one (1) use per block and is limited to two (2) rows of parking with a travel way. Side parking shall provide a minimum landscape area of five (5) feet in width between the sidewalk and the parking lot. Surface parking shall be organized into a series of small bays delineated by landscape islands of varied sizes. A maximum spacing between landscape islands shall be ten (10) spaces. Landscape islands and tree diamonds greater than fifteen (15) square feet in size shall have a minimum of one (1) tree. Parking is prohibited in front of buildings, except within the right-of-way. Parking lots shall be accessed from alleys, service lanes or secondary streets. Parking structures fronting on a primary street shall either include ground floor retail or have a minimum ten-foot wide landscaped area at grade.
- xii. —Light industrial, manufacturing, warehousing, distribution and similar uses may provide surface parking on the side of the building. Side surface parking shall be buffered from the sidewalk by a two-foot wall or landscape area a minimum of five (5) feet in width.
- xiii. —Building entrances are required on the primary street.
- xiv. —Upper level residential units or office space shall be encouraged with ground level retail, office, or other similar business activity to promote diversity.
- (G) —*Transition of Intensity.* Permitted uses such as industrial, manufacturing, distribution, repair shops, car washes, wholesale, warehouse, processing and packaging, mining, laboratories and clinics, research, design and product development, and gas stations shall not abut a residential unit, including residential units within mixed-use buildings, and shall not be located directly across a street from a residential unit. To facilitate this, a transition area shall be required between the specified use and any residential unit, including residential units found within a mixed-use building. The transition area shall include:
- i. —An abutting use of commercial, office, civic, institutional, governmental or recreation; and
- ii. —The specified uses and residential may not be located on the same block.
- iii. —Appendix XII, Exhibit 6 — Transitional Use Diagram, illustrates the intended transition area and the relationship between the specified uses and residential.
- iv. —The developer's architectural and design review board reserves the right to require a transition area between residential units and other uses not specified herein, and/or to require additional transition standards.
- (H) —*Town Center Permitted Signs*
- i. —Wall — A sign affixed directly to or painted directly on an exterior wall or fence. Maximum sign area — Facade width x 2.5.

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- 1 ii. — Projecting — Any sign which projects from and is supported by a wall of a building with the display of the sign
2 perpendicular to the building wall. Maximum sign area = the face area x .05 up to a maximum of one hundred
3 (100) square feet
- 4 iii. — Window — A sign affixed to or behind a window. Maximum sign area — the area of the window with the sign x .30.
- 5 iv. — Hanging — A sign attached to and located below any eave, arcade, canopy or awning. Maximum sign area — twenty
6 (20) square feet (two (2) faces of twenty (20) square feet each).
- 7 v. — Awning — A sign or graphic attached to or printed on an awning. Maximum sign area — the area of the awning x .25.
- 8 vi. — Pole — A sign mounted at the top of or bracketed from a vertical pole that is supported by the ground. Maximum
9 sign area — twenty-four (24) square feet (two (2) faces @ twelve (12) square feet each.); maximum height — twenty
10 (20) feet.
- 11 vii. — Monument — A sign secured to a base that is built directly upon the ground. Maximum sign area — fifty (50) square
12 feet, exclusive of the base. (two (2) faces of fifty (50) square feet each). Maximum height above grade — six (6) feet.
- 13 viii. — Marquee — A sign usually projecting from the face of a theater or cinema that contains changeable text to announce
14 events. Sign area shall be compatible with the design of the theater building. Minimum height above grade — ten
15 (10) feet. Minimum distance from curb four (4) feet.
- 16 ix. — Sandwich boards — A movable sign comprised of two (2) sign panels hinged together at the top. Maximum sign
17 area — twelve (12) square feet (two (2) faces at twelve (12) square feet each).
- 18 x. — Banners — Fabric panels projecting from light poles or other structures. Maximum sign area — shall be proportional
19 to the height of the pole: sixteen (16) feet pole — fifteen (15) square feet maximum (two (2) faces at fifteen (15)
20 square feet ea.); twenty (20) feet pole — twenty (20) square feet max. (two (2) faces at twenty (20) square feet
21 each); thirty (30) feet pole — thirty-six (36) square feet max (two (2) faces at thirty-six (36) square feet each).
- 22 xi. — Flashing or animated signs (except time and temperature signs), allowed by special exception.
- 23 xii. — Signs with changeable text (except marquee), allowed by special exception.
- 24 (I) — *Prohibited signs.*
- 25 i. — Pole signs greater than twelve (12) square feet in area;
- 26 ii. — Portable or mobile signs except sandwich boards; and
- 27 iii. — Off-site signs — Billboards.
- 28 (J) — *Sign design.*
- 29 i. — Design shall be carefully integrated with site and building design to create a unified appearance for the total
30 property.
- 31 ii. — Signs shall be installed in a location that minimizes conflicts with windows or other architectural features of the
32 building.
- 33 iii. — Signs that block the view of signs on adjacent property shall not be permitted.
- 34 iv. — Sign area: The area of any sign shall be the area of a rectangle that encloses all elements of the sign (excluding
35 poles and brackets) including all text and any symbols or logos.
- 36 v. — Signable area: The signable area (total of all individual signs on that facade or related to that facade) of a face
37 facing a public street or a parking lot shall be limited to twenty (20) percent of the total area of the facade.
- 38 vi. — Mounting height: No part of a sign that projects from a building or is mounted on a pole or bracket shall be less
39 than eight (8) feet above the grade.
- 40 vii. — Illumination: Signs may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed
41 and shielded so as not to glare onto adjacent properties or the public right-of-way.
- 42 viii. — Material: Signs shall be constructed of durable materials suitable to the sign type. The long-term appearance of the
43 sign shall be a major consideration in the selection of materials.
- 44 ix. — Color: The color of signs shall be compatible with the colors and style of the building to which they are attached or
45 otherwise associated. The developers architectural and design review board shall make this determination.

46 (2) — *Village (Tracts 1, 3, 4, 7, 1A, 3A, 3B, 4A, 7A — Reference Appendix II and V).*

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~~(A) Intent. Village shall be comprised of several neighborhoods and a village center. Villages may be surrounded by greenways, and/or other natural and manmade features that provide for transition areas. Golf courses may be included within a village. The village center shall serve the community's daily goods and services. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks within each neighborhood as defined in the development agreement.~~

~~Neighborhoods shall provide for a wide range of energy-efficient housing types, materials and practices consisting of single-family and multi-family dwelling units. Elementary and middle schools (to the extent located within a village), community parks and neighborhood parks (to the extent located within a village) shall be sized and located to define neighborhoods or a cluster of neighborhoods.~~

~~Neighborhoods shall be integrated and connected to each other, with limited use of any of gated communities (no more than ten (10) percent of the total residential units, as provided for in the development agreement). Integration and connection will be achieved by pedestrian, bicycle, and/or alternative vehicle access ways located within streets, greenways and open space.~~

~~(B) Principal uses and structures - Village (Tracts 1, 3, 4, and 7). The allowable uses within a village are residential, RV park (allowable by special exception only), open storage area for mobile homes and recreational equipment (allowable by special exception only), home occupations (reference Appendix VIII - Home Occupations), neighborhood scale goods and services, civic, institutional, parks, schools, churches, and accessory uses.~~

Table 2: Minimum and Maximum Uses Within a Village

Villages (individually)	Minimum	Maximum
Size	400 acres	1,200 acres
Residential dwellings	1,200 du	4,500 du
Commercial/Retail/Office	40,000 sf	200,000 sf
Public/Civic	10,000 sf	50,000 sf
Hotel Rooms	0	50

~~Note: Public/Civic space does not include schools or churches, which square footage will be additional.~~

~~Note: The gross density in a village shall range from three (3) to sixteen (16) units per acre, and shall not exceed thirty-two (32) du/net acre within any block.~~

~~(C) Prohibited uses (Reference Appendix IX - Prohibited Use Matrix).~~

~~(D) Special exceptions. Special exceptions procedures are set forth in subsection 3-9-54(j)(C) of the overlay code. Special exceptions in the village are such uses as determined by zoning official (or zoning official's designee) to be:~~

- ~~a. Appropriate by reasonable implication and intent of the district;~~
- ~~b. Similar to another use either explicitly permissible in that district or allowed by special exception; and~~
- ~~c. Not specifically prohibited in that district.~~

~~(E) Village Design Standards - Residential (Tracts 1, 3, 4, 7 - Reference Appendix X - XII).~~

- ~~i. The maximum building height:

 - ~~a. Detached single-family: 38 feet~~~~

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- 1 • Attached single-family: 45 feet
- 2 • Multi-family: 60 feet
- 3 ii. — Maximum block perimeter: two thousand five hundred (2,500) feet, except that a larger block perimeter shall be
4 allowed where an alley or pathway provides through access, or the block includes water bodies or public facilities.
- 5 iii. — Single-family uses shall adhere to the following;
- 6 a. — Minimum Lot Size:
- 7 • Single-family, attached: 1,000 square feet
- 8 • Single-family, detached: 3,000 square feet
- 9 b. — Setbacks: Single-family small lot detached residences shall have a front building setback from zero (0) to
10 twenty (20) feet for a primary street, and from zero (0) to fifteen (15) feet for a secondary street, a rear/alley
11 setback of zero (0) to twenty (20) feet, and a side setback from zero (0) to ten (10) feet, with the total of both
12 side yards being ten (10) feet minimum. Applies to principal and accessory structures, includes garages
13 (reference Appendix XII — Lot Diagrams, Exhibit 4 — Single Family Small Lot).
- 14 c. — Setbacks: Single-family large lot detached residences shall have a front building setback from zero (0) to
15 forty (40) percent of the lot depth for a primary street, from zero (0) to fifty (50) percent of the lot width for a
16 secondary street, a rear setback from zero (0) to sixty (60) percent of the lot depth, and a side setback of
17 zero (0) to fifty (50) percent of the lot width.
- 18 d. — Setbacks: Single-family attached residences shall have a front building setback from zero (0) to twelve (12)
19 feet for a primary street, from zero (0) to eight (8) feet for a secondary street, a rear setback of zero (0) to
20 twenty (20) feet (five-foot rear for accessory structure), and a side setback of zero (0) for interior lots
21 (reference Appendix XII — Lot Diagrams, Exhibit 3 — Single Family Attached).
- 22 e. — Encroachments: Porches, stoops, chimneys, bay windows, canopies, balconies and overhangs may
23 encroach into the front yard fifty (50) percent of the total front yard setback. These same elements may
24 encroach into the side yard so long as 3.5 feet remains as the distance from the encroachment to the
25 property line.
- 26 f. — Accessory Structures: Accessory structures may include carports, covered parking, garages and other
27 similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty
28 (150) square feet.
- 29 g. — Parking: Minimum of one (1) off-street parking space inclusive of driveways and garage space, unless on-
30 street parking is provided on the adjacent street.
- 31 h. — Landscape: shall include a minimum of sixty (60) square feet of shrub planting per lot on lots that are three
32 thousand (3,000) square feet or less in area; eighty (80) square feet on lots that are greater than three
33 thousand (3,000) square feet but less than five thousand (5,000) square feet in area; and one hundred (100)
34 square feet for lots five thousand (5,000) square feet or larger in area. Plantings shall be in identified
35 planting areas, raised planters, or planter boxes in the front of the dwelling, with, at a minimum, ground
36 cover, or other alternative cover approved by the developer's architectural review board, for the remainder of
37 the property.
- 38 iv. — Multi-family residential uses shall adhere to the following:
- 39 a. — Lots shall be a maximum of four (4) acres.
- 40 b. — Setbacks: minimum front setback from zero (0) to ten (10) feet for a primary street, minimum side yard
41 setback from zero (0) to five (5) feet, minimum rear yard setback twenty (20) feet, five (5) feet for accessory
42 structures (Reference Appendix XII Lot Diagrams, Exhibit 2 Multi-Family).
- 43 c. — Encroachments: Porches, stoops, chimneys, bay windows, canopies, balconies and overhangs may
44 encroach into the front yard fifty (50) percent of the total front yard setback. These same elements may
45 encroach into the side yard so long as 3.5 feet remains as the distance from the encroachment to the
46 property line (Reference Appendix X — Frontage Standards).
- 47 d. — Accessory Structures: Accessory structures may include carports, covered parking, garages and other
48 similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty
49 (150) square feet.
- 50 e. — Parking: Two (2) or fewer bedrooms per unit, at least one (1) off-street parking space per unit. Three (3) or
51 more bedrooms per unit, at least two (2) off-street parking spaces per unit.

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f. ~~Landscape: A minimum of one hundred (100) square feet of shrub planting shall be required for each two thousand (2,000) square feet of building footprint, and one tree shall be required for each four thousand (4,000) square feet of lot area, inclusive of street trees, with such plantings in planting areas, raised planters, or planter boxes in the front of the building and a minimum of ground cover, or other alternative cover approved by the developer's architectural review board, for the remainder of the property.~~

~~(F) Neighborhood Goods and Service — Village Residential.~~

~~(1) Intent. Neighborhood goods and services are intended to enhance the pedestrian atmosphere of the district by locating neighborhood goods and services in close proximity to the residents.~~

~~(2) Principal Uses and Structures. Uses allowed in neighborhood goods and services locations are retail, civic, institutional, and indoor recreational and fitness. Neighborhood goods and services shall be clustered in one location, and shall be adjacent to a neighborhood park or green, and located within a neighborhood containing a minimum of five hundred (500) dwelling units.~~

~~(3) Prohibited Uses (Reference Appendix IX — Prohibited Uses Within the District).~~

~~(4) Neighborhood Goods and Services Design Standards.~~

~~i. Maximum square footage per use: three thousand (3,000). Total neighborhood goods and services square footage allowed is fifteen thousand (15,000) per location.~~

~~ii. Minimum lot area: No less than the minimum lot area of the smallest of the abutting lots.~~

~~iii. Minimum lot width at front setback: No less than the smallest of the abutting lots.~~

~~iv. Minimum lot depth: one hundred ten (110) feet.~~

~~v. Minimum front yard setback: Equal to the smallest of the front yard setbacks of the adjacent lots.~~

~~vi. Minimum side yard setback: ten (10) feet minimum building separation between buildings on abutting lots.~~

~~vii. Minimum corner side yard setback: Equal to the contiguous side or front setback of the adjacent corner lot.~~

~~viii. Minimum rear yard setback: twenty (20) feet for primary structures or five (5) feet for accessory structures.~~

~~ix. Maximum height: thirty-eight (38) feet.~~

~~x. Parking: There shall be one on-street or off-street parking space for each four hundred (400) square feet of floor area. Required on-street parking must be provided along lot street frontage. No off-street parking shall be permitted between the front facade and the front property line or between the side facade and the street side property line for corner lots.~~

~~xi. Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may encroach into the right-of-way, up to a maximum of fifty (50) percent of the street furnishings area. A minimum six-foot clear pedestrian way shall be maintained and not obstructed by any encroachment. Encroachments shall maintain a clear distance of nine (9) feet above the sidewalk.~~

~~xii. Landscape: Minimum of one hundred (100) square feet of shrub plantings per one thousand (1,000) square feet of building footprint. Minimum of ground cover for the remainder of the property. Plantings shall be in planting areas, raised planters, or planter boxes in the front of the building. Street trees and minimum parking lot planting applies.~~

~~xiii. Loading docks and refuse containers and facilities shall 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 (5) feet in height. Walls shall be constructed of a material compatible with the principal structure it is serving. Enclosures shall include opaque gates. Trash containers serving nonresidential uses shall not be located abutting residential property.~~

~~xiv. Signs:~~

~~• Sign Area: The area of any sign shall be the area of a rectangle which encloses all elements of the sign (excluding brackets) including all text and any symbols or logos.~~

~~• Signable Area: Ten (10) percent of the total area of the facade.~~

~~• Mounting Height: No part of a sign which projects from a building or is mounted on a bracket shall be less than eight (8) feet above the grade unless not in the pedestrian path.~~

~~• Illumination: Signs may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed and shielded so as not to glare onto adjacent properties or the public right-of-way.~~

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XV. Permitted neighborhood goods and services sign types.

- Wall — A sign affixed directly to an exterior wall or fence. Maximum sign area — twenty four (24) square feet
- Projecting — Any sign which projects from and is supported by a wall of a building with the display of the sign perpendicular to the building wall. Maximum sign area = The facade area x .05 up to a maximum of forty (40) square feet
- Window — A sign affixed or applied to or behind a window. Maximum sign area — twenty (20) percent of the area of the window.
- Hanging — A sign attached to and located below any eave, canopy or awning. Maximum area — twelve (12) square feet (may be double sided)
- Awning — A sign or graphic attached to or printed on an awning. Maximum sign area — twenty (20) percent of the area of the awning.
- Monument — A sign secured to a base which is built directly upon the ground. Maximum sign area — thirty (30) square feet, exclusive of the base. (two (2) faces of thirty (30) square feet each). Maximum height above grade — four (4) feet.
- Sandwich boards — A portable sign comprised of two (2) sign panels hinged together at the top. Maximum sign area — twelve (12) square feet (two (2) faces at twelve (12) square feet each).
- Flashing or animated signs (except time and temperature signs), allowed by special exception.
- Signs with changeable text (except marquee), allowed by special exception.

XVI. Prohibited Sign Types.

- Pole signs

~~(G) Principal uses and structures — Village Center (Tracts 1A, 3A, 4A, 7A). Permitted uses includes any and all businesses and services under retail, service, office, residential, home occupations (reference Appendix VIII — Home Occupations), schools, churches, civic and governmental uses, parks and recreation, and accessory uses and structures, except as prohibited herein.~~

~~(H) Prohibited uses (Reference Appendix IX — Prohibited Use Matrix).~~

~~(I) Special exceptions. Special exceptions procedures are set forth in subsection 3-9-54(j)(C) of the overlay code. Special exceptions are such uses as determined by zoning official (or zoning official's designee) to be:~~

- i. — Appropriate by reasonable implication and intent of the district;
- ii. — Similar to another use either explicitly permissible in that district or allowed by special exception; and
- iii. — Not specifically prohibited in the district.

~~(J) Village Design Standards — Village Center (Reference Appendix II and V). Each village center shall have civic or institutional facilities. The facilities may include a park, school, government buildings, churches or community centers. Sheriff substations, fire stations, government offices or other public services are encouraged within the village centers. To share infrastructure such as parking, these types of facilities shall be located together to the extent practicable.~~

~~The following standards shall govern the design of a village center:~~

- i. — Uses may occur in shared use buildings or single use buildings;
- ii. — Maximum building height:
 - Detached single family: 38 feet
 - Attached single family: 45 feet
 - Multi-family: 60 feet
 - Nonresidential: 60 feet
- iii. — Minimum lot area:

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- 1 • Nonresidential: 1,000 square feet
- 2 • Single family, attached: 1,000 square feet
- 3 • Single family, detached: 3,000 square feet
- 4 iv. — Block Perimeter Length: 2,500 feet maximum;
- 5 v. — At a minimum all proposed streets shall include sidewalks on both sides of the street, parallel to the right-of-way,
6 and a street furnishings area between the back of curb and the sidewalk (Reference Appendix XI — Roadway
7 Sections);
- 8 vi. — Setbacks: Mixed Use buildings shall have minimum setbacks from all property boundaries shall be zero (0) feet
9 and the maximum setback from the front boundary shall be ten (10) feet (reference Appendix XII — Lot Diagrams,
10 Exhibit 1 — Mixed Use). The maximum setback from the front boundary may be increased in order to create public
11 spaces such as plazas and courtyards. Maximum areas for these public spaces are found in Appendix X —
12 Frontage Standards. For residential setback requirements, see the standards within village residential;
- 13 vii. — Accessory structures: Accessory structures may include carports, covered parking, garages and other similar uses.
14 Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty (150) square feet.
- 15 viii. — Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may
16 encroach into the right-of-way up to the street furnishings line. A minimum six-foot clear pedestrian way shall be
17 maintained and not obstructed by any encroachment. Encroachments shall maintain a clear distance of nine (9)
18 feet above the sidewalk and fifteen (15) feet above the street measured from the crown of the street (reference
19 Appendix X — Frontage Standards). For residential encroachment requirements, see the standards within village
20 residential;
- 21 ix. — The amount of required parking shall be demonstrated through a shared parking analysis submitted with a site plan
22 application. Parking shall be determined utilizing the modal splits and parking demands for various uses
23 recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces
24 available to more than one (1) use or function, recognizing the required parking will vary depending on the multiple
25 functions or uses in close proximity which are unlikely to require the spaces at the same time;
- 26 x. — Parking spaces shall be provided both on-street, and off-street in the rear of buildings, or along the side (secondary
27 streets). Side parking is limited to one (1) use per block and is limited to two (2) rows of parking with a travel way.
28 Side parking shall provide a minimum landscape area of five (5) feet in width between the sidewalk and the parking
29 lot. Surface parking shall be organized into a series of small bays delineated by landscape islands of varied sizes.
30 A maximum spacing between landscape islands shall be ten (10) spaces. Landscape islands and tree diamonds
31 greater than fifteen (15) square feet in size shall have a minimum of one (1) tree. Parking is prohibited in front of
32 buildings, except within the right-of-way. Parking lots shall be accessed from alleys, service lanes or secondary
33 streets. Parking structures fronting on a primary street shall either include ground floor retail or have a minimum
34 ten-foot wide landscaped area at grade. For residential parking requirements within a village center, see the
35 standards within village residential;
- 36 xi. — Landscape minimums for nonresidential uses within the village center shall be met by providing landscaping within
37 parking lots as described, and by providing plantings within the street furnishings area. For residential landscape
38 requirements, see the standards within village residential;
- 39 xii. — Village center signs:
- 40 a. — Sign Area: The area of any sign shall be the area of a rectangle that encloses all elements of the sign
41 (excluding poles and brackets) including all text and any symbols or logos.
- 42 b. — Allowable Sign Area: The allowable sign area (total of all individual signs on that facade or related to that
43 facade) of a facade facing a public street or a parking lot shall be limited to twenty (20) percent of the total
44 area of the facade.
- 45 c. — Mounting Height: No part of a sign which projects from a building or is mounted on a pole or bracket shall be
46 less than eight (8) feet above the grade unless not in the pedestrian path.
- 47 d. — Illumination: Signs may be illuminated by external spot lighting or internally illuminated. Lighting shall be
48 designed and shielded so as not to glare onto adjacent properties or the public right-of-way.
- 49 e. — Permitted Signs:
- 50 • Wall — A sign affixed directly to an exterior wall or fence. Maximum sign area — twenty-four (24) square
51 feet;
- 52 • Projecting — Any sign which projects from and is supported by a wall of a building with the display of the
53 sign perpendicular to the building wall. Maximum sign area = the facade area x .05 up to a maximum of forty
54 (40) square feet;

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• Window – A sign affixed to or behind a window. Maximum sign area – twenty (20) percent of the area of the window;

• Hanging – A sign attached to and located below any eave, canopy or awning. Maximum area — twelve (12) square feet (may be double sided);

• Awning – A sign or graphic attached to or printed on an awning. Maximum sign area — twenty (20) percent of the area of the awning;

• Monument – A sign secured to a base that is built directly upon the ground. Maximum sign area – thirty (30) square feet, exclusive of the base. (two (2) faces of thirty (30) square feet each). Maximum height above grade – four (4) feet;

• Pole – A sign mounted at the top of or bracketed from a vertical pole that is supported by the ground. Maximum sign area – twenty-four (24) square feet (two (2) faces @ twelve (12) square feet each.); maximum height — twenty (20) feet; and

• Sandwich Boards – A movable sign comprised of two (2) sign panels hinged together at the top. Maximum sign area – twelve (12) square feet (two (2) faces at twelve (12) square feet each).

• Flashing or animated signs (except time and temperature signs), allowed by special exception.

• Signs with changeable text (except marquee), allowed by special exception.

f. — Prohibited Sign Types:

• Portable or Mobile signs except sandwich boards;

• Signs with changeable text including;

• Banners;

• Off-site signs – Billboards

~~(3) — Hamlet (Tracts 2, 5, 8, 9, 2A, 5A, 8A, 9A — Reference Appendix II and V).~~

~~(A) — Intent. Hamlets are rural residential areas with primarily single-family housing, may include farmsteads or co-op farming, agriculture, eco-tourism, recreation uses and parks, golf courses, research and education facilities, essential services, civic and institutional uses and limited range of convenience-oriented goods and services.~~

~~Hamlets may be surrounded by greenways and other natural and manmade features that provide for transition areas.~~

~~(B) — Principal uses and structures. The allowable uses within the hamlet includes any and all businesses and services under residential, RV park (allowable by special exception only), open storage area for mobile homes and recreational equipment (allowable by special exception only), home occupations (reference Appendix VIII – Home Occupations), neighborhood scale goods and services, civic, institutional, agriculture, parks and recreation, school (to the extent provided for in the development agreement), agriculture, mining, eco-tourism, golf courses, research and education facilities, essential services, civic and institutional uses.~~

Table 3: Minimum and Maximum Uses Within a Hamlet

Hamlets (individually)	Minimum	Maximum
Size	300 acres	750 acres
Residential dwellings	150 du	1,500 du
Commercial/Retail/Office	5,000 sf	40,000 sf
Public/Civic	2,500 sf	10,000 sf

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Hotel	0	50
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Note: Public/civic space does not include schools or churches, which square footage will be additional.

Note: The gross density in a hamlet shall range from three (3) to sixteen (16) units per acre, and shall not exceed thirty-two (32) du/net acre within any parcel or lot.

~~(C) Prohibited uses (Reference Appendix IX).~~

~~(D) Special exceptions. Special exceptions procedures are set forth in subsection 3-9-54(j)(C) of the overlay code. Special exceptions are such uses as determined by zoning official (or zoning official's designee) to be:~~

- ~~i. Appropriate by reasonable implication and intent of the district;~~
- ~~ii. Similar to another use either explicitly permissible in that district or allowed by special exception; and~~
- ~~iii. Not specifically prohibited in the district.~~

~~(E) Hamlet Design Standards- Residential (Tracts 2, 5, 8, 9).~~

- ~~i. The maximum building height:
 - ~~▪ Single family, detached: 38 feet~~
 - ~~▪ Single family, attached: 45 feet~~
 - ~~▪ Multi-family: 60 feet~~
 - ~~▪ Nonresidential: 60 feet~~~~
- ~~ii. Maximum block perimeter: two thousand five hundred (2,500) feet, except that a larger block perimeter shall be allowed where an alley or pathway provides through access, or the block includes water bodies or public facilities.~~
- ~~iii. Minimum lot size:
 - ~~▪ Single family, attached: 1,000 square feet~~
 - ~~▪ Single family, detached: 3,000 square feet~~~~
- ~~iv. Setbacks:
 - ~~▪ Single family small lot detached residences shall have a front building setback from zero (0) to twenty (20) feet for a primary street, and from zero (0) to fifteen (15) feet for a secondary street, a rear/alley setback of zero (0) to twenty (20) feet, and a side setback from zero (0) to ten (10) feet, with the total of both side yards being ten (10) feet minimum. Applies to principal and accessory structures, includes garages (reference Appendix XII — Lot Diagrams, Exhibit 4 — Single Family Small Lot).~~
 - ~~▪ Single family large lot detached residences shall have a front building setback from zero (0) to forty (40) percent of the lot depth for a primary street, from zero (0) to fifty (50) percent of the lot width for a secondary street, a rear setback from zero (0) to sixty (60) percent of the lot depth, and a side setback of zero (0) to fifty (50) percent of the lot width.~~
 - ~~▪ Single family attached residences shall have a front building setback from zero (0) to twelve (12) feet for a primary street, from zero (0) to eight (8) feet for a secondary street, a rear setback of zero (0) to twenty (20) feet (five-foot rear for accessory structure), and a side setback of zero (0) for interior lots (reference Appendix XII — Lot Diagrams, Exhibit 3 — Single Family Attached).~~~~
- ~~v. Encroachments: Porches, stoops, chimneys, bay windows, canopies, balconies and overhangs may encroach into the front yard fifty (50) percent of the total front yard setback. These same elements may encroach into the side yard so long as 3.5 feet remains as the distance from the encroachment to the property line (Reference Appendix X — Frontage Standards).~~
- ~~vi. Accessory structures: Accessory structures may include carports, covered parking, garages and other similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty (150) square feet.~~

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- ~~vii.~~—Parking: Minimum of one (1) off-street parking space inclusive of driveways and garage space, unless on-street parking is provided on the adjacent street.
- ~~viii.~~—Landscape: shall include a minimum of sixty (60) square feet of shrub planting per lot on lots that are three thousand (3,000) square feet or less in area; eighty (80) square feet on lots that are greater than three thousand (3,000) square feet but less than five thousand (5,000) square feet in area; and one hundred (100) square feet for lots five thousand (5,000) square feet or larger in area. Plantings shall be in identified planting areas, raised planters, or planter boxes in the front of the dwelling, with, at a minimum, ground cover, or other alternative cover approved by the developer's architectural review board, for the remainder of the property.
- ~~ix.~~—Multi-family residential uses shall adhere to the following:
- ~~a.~~—Lots shall be a maximum of four (4) acres.
- ~~b.~~—Setbacks: minimum front setback from zero (0) to ten (10) feet for a primary street, minimum side yard setback from zero (0) to five (5) feet, minimum rear yard setback twenty (20) feet, five (5) feet for accessory structures (Reference Appendix XII Lot Diagrams, Exhibit 2 Multi-Family).
- ~~c.~~—Encroachments: Porches, stoops, chimneys, bay windows, canopies, balconies and overhangs may encroach into the front yard fifty (50) percent of the total front yard setback. These same elements may encroach into the side yard so long as 3.5 feet remains as the distance from the encroachment to the property line (Reference Appendix X—Frontage Standards).
- ~~d.~~—Accessory structures: Accessory structures may include carports, covered parking, garages and other similar uses. Miscellaneous structures, such as potting and tool sheds, are permitted up to one hundred fifty (150) square feet.
- ~~e.~~—Parking: Two (2) or fewer bedrooms per unit, at least one (1) off-street parking space per unit. Three (3) or more bedrooms per unit, at least two (2) off-street parking spaces per unit.
- ~~f.~~—Landscape: A minimum of one hundred (100) square feet of shrub planting shall be required for each two thousand (2,000) square feet of building footprint, and one (1) tree shall be required for each four thousand (4,000) square feet of lot area, inclusive of street trees, with such plantings in planting areas, raised planters, or planter boxes in the front of the building and a minimum of ground cover, or other alternative cover approved by the developer's architectural review board, for the remainder of the property.
- ~~(F)~~—*Neighborhood Goods and Service — Hamlet Residential*
- ~~(1)~~—Intent: Neighborhood goods and services are intended to enhance the pedestrian atmosphere of the district by locating neighborhood goods and services in close proximity to the residents.
- ~~(2)~~—Principal Uses and Structures: Uses allowed in neighborhood goods and services locations are retail, civic, institutional, and indoor recreational and fitness. Neighborhood goods and services shall be clustered in one (1) location, and shall be adjacent to a neighborhood park or green, and located within a neighborhood containing a minimum of five hundred (500) dwelling units.
- ~~(3)~~—Prohibited Uses (Reference Appendix IX—Prohibited Uses Within the District).
- ~~(4)~~—Neighborhood Goods and Services Design Standards:
- ~~i.~~—Maximum square footage per use: three thousand (3,000). Total neighborhood goods and services square footage allowed is fifteen thousand (15,000) per location.
- ~~ii.~~—Minimum lot area: No less than the minimum lot area of the smallest of the abutting lots.
- ~~iii.~~—Minimum lot width at front setback: No less than the smallest of the abutting lots.
- ~~iv.~~—Minimum lot depth: one hundred ten (110) feet.
- ~~v.~~—Minimum front yard setback: Equal to the smallest of the front yard setbacks of the adjacent lots.
- ~~vi.~~—Minimum side yard setback: ten (10) feet minimum building separation between buildings on abutting lots.
- ~~vii.~~—Minimum corner side yard setback: Equal to the contiguous side or front setback of the adjacent corner lot.
- ~~viii.~~—Minimum rear yard setback: Twenty (20) feet for primary structures or five (5) feet for accessory structures.
- ~~ix.~~—Maximum height: thirty eight (38) feet.
- ~~x.~~—Parking: There shall be one (1) on-street or off-street parking space for each four hundred (400) square feet of floor area. Required on-street parking must be provided along lot street frontage. No off-street parking

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shall be permitted between the front facade and the front property line or between the side facade and the street side property line for corner lots.

~~xi. Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may encroach into the right-of-way, up to a maximum of fifty (50) percent of the street furnishings area. A minimum six-foot clear pedestrian way shall be maintained and not obstructed by any encroachment. Encroachments shall maintain a clear distance of nine (9) feet above the sidewalk.~~

~~xii. Landscape: Minimum of one hundred (100) square feet of shrub plantings per one thousand (1,000) square feet of building footprint. Minimum of ground cover for the remainder of the property. Plantings shall be in planting areas, raised planters, or planter boxes in the front of the building. Street trees and minimum parking lot planting applies.~~

~~xiii. Loading docks and refuse containers and facilities shall 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 (5) feet in height. Walls shall be constructed of a material compatible with the principal structure it is serving. Enclosures shall include opaque gates. Trash containers serving nonresidential uses shall not be located abutting residential property.~~

~~xiv. Signs:~~

~~• Sign Area: The area of any sign shall be the area of a rectangle which encloses all elements of the sign (excluding brackets) including all text and any symbols or logos.~~

~~• Signable Area: ten (10) percent of the total area of the facade.~~

~~• Mounting Height: No part of a sign which projects from a building or is mounted on a bracket shall be less than eight (8) feet above the grade unless not in the pedestrian path.~~

~~• Illumination: Signs may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed and shielded so as not to glare onto adjacent properties or the public right-of-way.~~

~~xv. Permitted Neighborhood Goods and Services Sign Types.~~

~~• Wall – A sign affixed directly to an exterior wall or fence. Maximum sign area – twenty-four (24) square feet.~~

~~• Projecting – Any sign which projects from and is supported by a wall of a building with the display of the sign perpendicular to the building wall.~~

~~• Maximum sign area = The facade area x .05, up to a maximum of forty (40) square feet.~~

~~• Window – A sign affixed or applied to or behind a window. Maximum sign area – twenty (20) percent of the area of the window.~~

~~• Hanging – A sign attached to and located below any eave, canopy or awning. Maximum area – twelve (12) square feet (may be double sided).~~

~~• Awning – A sign or graphic attached to or printed on an awning. Maximum sign area – twenty (20) percent of the area of the awning.~~

~~• Monument – A sign secured to a base which is built directly upon the ground. Maximum sign area – thirty (30) square feet, exclusive of the base. (two (2) faces of thirty (30) square feet each). Maximum height above grade – four (4) feet.~~

~~• Sandwich boards – A portable sign comprised of two (2) sign panels hinged together at the top. Maximum sign area – twelve (12) square feet (two (2) faces at twelve (12) square feet each).~~

~~• Flashing or animated signs (except time and temperature signs), allowed by special exception.~~

~~• Signs with changeable text (except marquee), allowed by special exception.~~

~~xvi. Prohibited sign types.~~

~~• Pole signs~~

~~(G) Hamlet Design Standards – Center. The following standards shall govern the design of a hamlet center:~~

~~i. Uses may occur in shared use buildings or single use buildings;~~

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- 1 ii. —Maximum building height:
- 2 • Single-family, detached: 38 feet.
- 3 • Single-family, attached: 45 feet.
- 4 • Multi-family: 60 feet.
- 5 • Nonresidential: 60 feet.
- 6 iii. —Minimum lot area:
- 7 • Single-family, attached: 1,000 square feet.
- 8 • Single-family, detached: 3,000 square feet.
- 9 • Nonresidential: 1,000 square feet.
- 10 iv. —Block perimeter length: 2,500 feet maximum;
- 11 v. —At a minimum all proposed streets shall include sidewalks on both sides of the street, parallel to the right-of-way,
12 and a street furnishings area between the back of curb and the sidewalk (Reference Appendix XI — Roadway
13 Sections).
- 14 vi. —Setbacks: Minimum from all property boundaries shall be zero (0) feet. The setback from the front boundary may
15 be increased in order to create public spaces such as plazas and courtyards. Maximum areas for these public
16 spaces are found in Appendix X — Frontage Standards.
- 17 vii. —Encroachments: Awnings, arcades, colonnades, pedestrian bridges, balconies, planters and outdoor dining may
18 encroach into the right-of-way up to the street furnishings line. A minimum six-foot clear pedestrian way shall be
19 maintained and not obstructed by any encroachment. Encroachments shall maintain a clear distance of nine (9)
20 feet above the sidewalk and fifteen (15) feet above the street measured from the crown of the street (reference
21 Appendix X — Frontage Standards). For residential encroachment requirements, see the standards within hamlet
22 residential.
- 23 viii. —The amount of required parking shall be demonstrated through a shared parking analysis submitted with a site plan
24 application. Parking shall be determined utilizing the modal splits and parking demands for various uses
25 recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces
26 available to more than one (1) use or function, recognizing the required parking will vary depending on the multiple
27 functions or uses in close proximity which are unlikely to require the spaces at the same time.
- 28 ix. —Parking spaces shall be provided both on-street, and off-street in the rear of buildings, or along the side (secondary
29 streets). Side parking is limited to one (1) use per block and is limited to two (2) rows of parking with a travel way.
30 Side parking shall provide a minimum landscape area of five (5) feet in width between the sidewalk and the parking
31 lot. Surface parking shall be organized into a series of small bays delineated by landscape islands of varied sizes.
32 A maximum spacing between landscape islands shall be ten (10) spaces. Landscape islands and tree diamonds
33 greater than fifteen (15) square feet in size shall have a minimum of one (1) tree. Parking is prohibited in front of
34 buildings, except within the right-of-way. Parking lots shall be accessed from alleys, service lanes or secondary
35 streets. Parking structures fronting on a primary street shall either include ground floor retail or have a minimum
36 ten-foot wide landscaped area at grade. For residential parking requirements within a village center, see the
37 standards within hamlet residential section.
- 38 x. —Landscape minimums for nonresidential uses within the hamlet center shall be met by providing landscaping within
39 parking lots as described, and by providing plantings within the street furnishings area. For residential landscape
40 requirements, see the standards within hamlet residential.
- 41 xi. —Signs within the hamlet center shall comply with the village center standards provided in subsection 3-9-54(J)(xiii).
- 42 (5) —*Greenways (Reference Appendix II — Sketch and Legal Descriptions of Each District, and Appendix VII — Primary Greenway*
43 *Plan).*
- 44 (A) —*Intent.* Greenways shall consist of all lands within the overall boundary of this district and not otherwise within the limits of
45 any tract identified herein. Greenways may be environmentally sensitive lands and/or natural resource areas, and trails.
46 These areas shape development boundaries for the district by surrounding and defining hamlets, villages and the town
47 center.
- 48 (B) —*Principal uses and structures.* The uses allowed within the greenways designation include active, passive, corridor, and
49 observation greenways as defined herein. The primary greenways plan for the Babcock Ranch Overlay District (reference
50 Appendix VII — Primary Greenway Plan) has been categorized based on level of public use and natural resource
51 protection, and will be adjusted through the DRI, state and federal permitting processes. Reasonable access to those
52 persons with disabilities will be provided.

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The four (4) categories are: Active Greenway, Passive Greenway, Observation Greenway and Corridor Greenway. Compatible land management activities may be conducted in all of these Greenways, including but not limited to, ecological burning, ecosystem restoration and hydrologic restoration.

i. Active greenways are located in close proximity to the town center and villages and provide passive and active recreational opportunities, with the potential for ADA accessibility. Such recreational activities may 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 and similar uses. Other allowable uses may include nurseries, low-intensity agriculture, silviculture as a land management tool, transportation and utility crossings, stormwater management, habitat restoration and other similar uses. All uses shall be designed to minimize impacts to native vegetation, flowways and wetlands.

ii. Passive greenways are located in close proximity to certain villages and hamlets, are farther removed from the town center area, and provide passive recreational opportunities, which shall be less intense than uses within active greenways. Such recreational uses to be accommodated include neighborhood parks, picnic areas and playgrounds, primitive camping, equestrian use, hiking trails, boardwalks and observation decks, limited paved trails and similar uses. Other allowable uses may include low intensity agriculture, silviculture as a land management tool, transportation and utility crossings, stormwater management, habitat restoration and other similar uses. All uses shall be designed to minimize impacts to native vegetation, flowways and wetlands.

iii. The corridor greenway is a wildlife corridor between Telegraph Swamp and the Curry Lake area intended to promote the movement of wildlife, and to be protected in perpetuity by an appropriate conservation easement. The design and final width of the wildlife corridor shall be established in coordination with Charlotte County and the Florida Fish and Wildlife Commission. Management of the wildlife corridor shall include the preservation and/or enhancement of natural habitats through the planting of native vegetation and removal of exotic and nuisance vegetation.

iv. Observation greenways consist primarily of native vegetative communities and are largely un-impacted by agricultural activities. The primary goal of the observation greenway is conservation and limited public use. Observation greenways shall have the fewest uses and impacts, similar to the corridor greenway. Recreational uses within observation greenways include hiking trails, limited boardwalks and observation decks, and unpaved pathways linking the developed portion of the district area to the remaining portion of the Babcock Ranch to the east. Other allowable uses may include silviculture as a land management tool and habitat restoration. All uses shall be designed to minimize impacts to native vegetation, flowways and wetlands.

The primary greenways plan is subject to adjustment through the DRI, state and federal permitting processes, to the extent such adjustment meets the BROD Objectives and Policies and incorporates all features shown on the Primary Greenways Plan (Reference Appendix VII — Primary Greenway Plan).

~~(C) Prohibited uses (Reference Appendix IX).~~

~~(D) Greenways Sign Standards:~~

~~i. A minimum of one (1) ground mounted internal sign shall be provided per park.~~

~~ii. Locate near key pedestrian entry walks leading into the park along the primary direction of travel, with a minimum setback from ROW: five (5) feet.~~

~~iii. Sign shall be ground mounted, extending directly from the ground.~~

~~iv. Sign text - Maximum area: twenty (20) square feet. Shall include park name and may include a graphic icon logo as appropriate.~~

~~(j) Provisions and Uses Common to the District. The provisions of this subsection 3-9-54(j) shall apply to the entire district and shall be considered as general guidelines in establishing development, design and dimensional standards for the district. Uses and standards included in this section apply throughout all areas of the district. Sections 3-9, 3-9-5.1, 3-9-71.1, and 3-5-91, unless otherwise noted, shall regulate all appropriate uses and permitting procedures.~~

~~(1) Principal Uses and Structures: Maintenance facilities, community infrastructure uses and facilities, nurseries, co-op farmland, civic uses, education, research and eco-tourism facilities, agriculture, mining, parks, cell towers, utilities, and temporary uses customarily associated with development such as sales centers, models, temporary housing for construction workers.~~

~~i. Fill storage, stockpiling, and clearing.~~

~~a. Fill Storage: Fill storage is generally permitted as a principal use throughout the district. Fill material may be transported to and stockpiled upon areas that have been disturbed (farmed) or are shown as development areas on an approved site plan (SP), final plat (FP), or tree removal permit. Following approval of an SP, FP or tree removal permit, development areas including building footprints, shall be allowed to be cleared (prior to the issuance of the building permits).~~

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A re-vegetation bond shall not be required for clearing of development areas included in an approved SP, FP or tree removal permit.

b. ~~Stockpile: Stockpile areas shall be designated as one (1) of the following:~~

~~• Long-term stockpile area defined as a stockpile area to be left in place for a period greater than six (6) months (one hundred eighty (180) calendar days). Such long-term stockpile areas shall be sodded or hydroseeded and erosion control devices installed.~~

~~• Temporary stockpile area defined as a stockpile area to be left in place for a period of less than six (6) months (one hundred eighty (180) calendar days). Contractor shall employ methods in accordance with section 3-5-91 or "best management practices" (which ever is more stringent) to prevent erosion of stockpiles. Fencing (plastic barricading, silt fence or other similar visible barriers) shall be provided around the entire perimeter of stockpile area if the following apply:~~

~~Stockpile side slopes are steeper than 1:4.~~

~~Stockpile height (as measured from average existing ground elevation adjacent finished grade) is greater than ten (10) feet.~~

c. ~~Cleaning. All lots may be cleared and filled upon in accordance with section 3-9-91.~~

ii. ~~Lake setbacks: Where roadway is constructed with a non-mountable curb, lake edge of water shall be set back a minimum distance from the road and/or right of way, as determined by the following criteria. The greater of the two distances shall be utilized:~~

~~a. Thirty-foot minimum from top of bank to closest edge of through travel lane (excludes edges of parking spaces or turn lanes).~~

~~b. Twenty (20) feet minimum from lake control elevation to right-of-way.~~

~~Where roadway is constructed with a mountable curb, lake edge of water shall be set back a minimum distance from the road and/or right of way, as determined by the following criteria. The greater of the two (2) distances shall be utilized.~~

~~a. Forty (40) feet from top of bank to closest edge of through travel lane (excludes edges of parking spaces or turn lanes); or~~

~~b. Twenty (20) feet minimum from lake control elevation right-of-way.~~

~~The setback distance provided above may be reduced by the use of protective barriers (such as guard rail), landscaping, berming, or other impediments to vehicular traffic. The lake setback requirements listed above apply to water bodies with seasonal water depths greater than three (3) feet for extended periods of time.~~

iii. ~~Bulkhead/Retaining Walls: Bulkhead/retaining walls are allowed within stormwater management lakes at up to forty (40) percent of the lake perimeter at control elevation (decorative water features are not restricted to this requirement). Greater percentages of lake bank may be allowed to receive vertical bank treatment, if approved by the water management district through the Environmental Resources Permit (ERP) process. When bulkhead/retaining wall is present, compensating at 8:1 minimum lake bank slope will be provided within the lake for a length equal to the bulkhead length.~~

~~a. A maintenance and access easement is not required for portions of the lake constructed with bulkhead.~~

~~b. No building setback from bulkhead will be required.~~

iv. ~~Fences and walls: Fences and walls shall be permitted throughout the district as determined during site development planning. All fences shall be located and constructed in accordance with section 3-9-77 except as may be otherwise noted within these standards. Fences and walls shall not exceed eight (8) feet in height, measured relative to the greater of the crown of the adjacent roadway or the adjacent minimum finished floor, as applicable. Fencing and wall materials may be made of wood, vinyl, iron, or masonry products.~~

~~(2) Landscape. Landscape plans are required with all site applications. The following guidelines shall be considered in the design of the landscape plan:~~

~~(A) In public areas (owned and maintained by the CDD, special district, HOA, or other similar government structure, including right-of-way), at least ninety (90) percent of all trees and shrubs used in landscaping shall be indigenous to Florida.~~

~~(B) In privately owned areas (outside of the right-of-way and not owned by the HOA), at least seventy-five (75) percent of the total number of required trees used in landscaping must be indigenous to Florida, and at least fifty (50) percent of the shrubs must be indigenous to Florida.~~

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- 1 ~~(C)~~ Primary greenways shall be planted only with plant species indigenous to Florida.
- 2 ~~(D)~~ Plant material used for re-vegetation must conform to the standards for Florida Number 1, or better as given in Grades
3 and Standards for Nursery Plants (1998 or latest), and Grades and Standards for Nursery Plants, part II, Florida
4 Department of Agriculture and Consumer Services, Tallahassee, Florida.
- 5 ~~(E)~~ In the district, there shall be no planting of nuisance, exotic, or non-native plants as defined in subsection 3-2-186.r —
6 Prohibited Trees (Figure 5) of the Charlotte County Land Development Code. Any such plants that exist on a parcel for
7 which a development order has been issued shall be removed during the site clearing and preparation of the subject
8 property, including areas within the boundary of the subject parcel, which are not within the footprint of any proposed
9 structures or other improvements.
- 10 ~~(F)~~ In general, larger well-placed contiguous planting areas will be preferred over small, disconnected areas;
- 11 ~~(G)~~ Street trees shall be used to provide form and shade and may be combined with under story plant materials or sod;
- 12 ~~(H)~~ Landscape design shall follow appropriate CPTED design standards;
- 13 ~~(I)~~ All landscape materials shall be installed per current industry standards.
- 14 ~~(J)~~ Landscape maintenance shall incorporate environmentally sound management practices including the use of reuse water
15 where available, the use of energy efficient irrigation systems, such as drip systems, and planting design based on water
16 zone requirements, which may include Xeriscape.
- 17 ~~(3)~~ *Lot and Block Size, Building Placement.* The following shall be incorporated when addressing lot and block size, building
18 placement and setbacks. Application of these standards are illustrated in Appendix X, XI, and XII.
- 19 ~~(A)~~ A variety of lot sizes shall be provided to facilitate housing diversity, enhance choices and meet the needs of people with
20 different housing requirements;
- 21 ~~(B)~~ Lot width shall create a relatively symmetrical street cross section that reinforces the public street as a unified public
22 space.
- 23 ~~(C)~~ At least one (1) entrance of all principal structures shall be oriented to the primary street. Vehicular openings such as
24 driveways to garages or carports shall not be constituted as a pedestrian or public entrance.
- 25 ~~(4)~~ *Architectural Standards.* A variety of architectural features and building materials are required to give each building or group of
26 buildings a distinct character. Buildings throughout the district shall be designed to address human and pedestrian scale and
27 access. The following shall be considered in developing design and architectural standards for district:
- 28 ~~(A)~~ Architectural features, materials and the articulation of a building shall be continued on all sides visible from a public
29 street.
- 30 ~~(B)~~ A minimum of forty (40) percent of the street level facades of commercial, office, civic, institutional, and government
31 buildings shall be transparent, consisting of window and door openings allowing views into and out of the interior.
- 32 ~~(C)~~ Residences shall have an architectural feature such as a front porch, pent roof, or roof overhang to define the front
33 entrance.
- 34 ~~(D)~~ Structures on opposite sides of the same street shall follow compatible scale and architectural styles. This does not apply
35 to buildings bordering civic uses.
- 36 ~~(E)~~ Exterior building or site lighting shall be designed to minimize glare and spill, on to adjacent properties.
- 37 ~~(F)~~ External mechanical equipment and storage areas shall be screened from view.
- 38 ~~(5)~~ *Parking.* Methods shall be used to minimize the amount of land developed as surface parking, especially within the town center,
39 village and hamlet centers. The following shall be considered in providing parking facilities throughout the district:
- 40 ~~(A)~~ Provide for shared parking and site access.
- 41 ~~(B)~~ If structure parking/parking garages are provided within the District they shall be designed to provide, where feasible,
42 ground floor retail or office along the street frontage.
- 43 ~~(C)~~ The location of surface parking shall not create large gaps in building lines. Surface parking shall be located, where
44 feasible, at the rear of buildings and accessed by local streets and/or rear alleys.
- 45 ~~(6)~~ *Transportation Circulation and Facilities.* The following shall be considered in planning, designing and implementing circulation
46 systems within the district:
- 47 ~~(A)~~ *Pedestrian Circulation.* Convenient and safe pedestrian circulation facilities shall be provided throughout the District. All
48 streets, except alleys, shall be bordered by a sidewalk on both sides. Sidewalks shall be at least five (5) feet wide in

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neighborhood residential areas, and ten (10) to twelve (12) feet in the town center and other areas where heavy pedestrian traffic is anticipated (Reference Appendix XI — Roadway Sections). Walkways from the entrance of primary structures within the town center, and village and hamlet centers shall connect to the public sidewalk. Intersections of sidewalks and streets shall be designed with clearly defined edges and dimensioned to safely accommodate pedestrians. Sidewalks shall be separated from streets using landscape zones, tree planting areas or other devices to clearly distinguish the pedestrian area from the vehicular area. Crosswalks shall be well lighted and clearly marked.

~~(B) Bicycle Circulation.~~ Bicycle circulation shall be accommodated on appropriate streets through the use of bike lanes, residential streets through the promotion of "Share the Road" and on multi-use trails throughout the district.

~~(C) Facilities.~~ Transit shelters shall be located and designed to promote transit ridership, convenience and safety.

~~(D) Motor Vehicular Circulation.~~ Motor vehicle circulation shall be designed to minimize conflicts with pedestrians, bicyclists and transit. It is the design intent to enhance connectivity among land use areas throughout the District. Traffic calming features such as, but not limited to, traffic circles, medians, changes of pavement materials, changes in perceived road width, narrow travel lanes, regulatory signage, and pedestrian operated signals at crossings, queuing streets and curb extensions shall be considered throughout the district to provide for safe circulation for all users. Intersections shall be at right angles wherever possible, maintain adequate line-of-site triangles and provide safe pedestrian crossings.

The typical roadway cross sections for the transportation corridors are included in Appendix XI — Roadway Sections. Typical roadway sections are subject to adjustment through the DRI, state and federal permitting processes, to the extent such adjustment meets the district's intent, board policy and incorporates all features shown on the typical cross section. Where feasible, streets shall be arranged such that centerlines intersect at right angles. In cases where streets do not intersect at right angles, one (1) of the following shall be provided:

i. — A minimum fifty foot tangent from the intersection center lines, or

ii. — A landscape island that separates traffic and channels vehicles making left turns from the angled street to a nearly perpendicular alignment with the intersecting street.

iii. — In no case shall the angle between intersection roadway centerlines be less than sixty (60) degrees.

iv. — The minimum intersection spacing provided between local streets shall abide by at least one (1) of the following:

a. — In no case shall intersections be located closer than one hundred (100) feet apart as measured from the centerline of the intersecting streets, including commercial driveway access; or

b. — In no case shall intersections be located closer than one hundred twenty-five (125) feet apart as measured from the closest edges of pavement of the intersecting streets.

c. — The intersection spacing requirements provided above do not apply to the separation between local streets and alleys, between alleys themselves, or driveways.

~~(7) Signs.~~ Community gateways shall be considered where the district interfaces with the external community along SR 31 and CR78. Village or neighborhood gateways may be constructed to announce each area. Signs shall be integrated throughout the district to provide pedestrian and vehicle directional information. Signs will not by their reason, size, location, construction or manner of display endanger public safety, confuse, mislead or obstruct the vision necessary for traffic safety or detract from the community appearance. This section is further intended to permit and regulate the signs in such a way as to support and complement land use development objectives set forth in this ordinance. Unless explicitly stated herein all signs shall conform to section 3-9-95 of the County Code of Laws and Ordinances.

The following are general permitted signs throughout the district:

~~(A)~~ Should any of the signs requested to be placed within a county or state dedicated right-of-way, a right-of-way permit must be applied for and approved and issued by the county.

~~(B)~~ All signs shall be located so as not to cause sight line obstructions.

~~(C)~~ All internal district rights-of-way may be utilized for decorative landscaped entrance features and signage.

~~(D) Boundary Marker.~~ One (1) boundary marker or monument may be located at each property corner. The boundary marker may contain the name of the neighborhood, and the insignia or logo.

i. — The sign face area may not exceed eighty (80) square feet and may not exceed the height or length of the monument upon which it is located. If the sign is two-sided, each sign face may not exceed sixty (60) square feet in area.

ii. — Sign face area is calculated by total square footage of name, insignia, and logo only.

~~(E) Entrance Signs:~~ A maximum of three (3) ground or wall-mounted entrance signs may be located at an entrance. The locations include both sides of the entrance right-of-way and in the entry median. Such signs may contain name, insignia, or logo.

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- i. — No sign face area may exceed one hundred (100) square feet and the total sign face area of entrance signs may not exceed two hundred (200) square feet if the sign is a single, two-sided sign, each sign face may not extend beyond one hundred (100) square feet in area. The sign face area shall not exceed the height or length of the wall or monument upon which it is located.
- (F) — Temporary Signs: Temporary signs may be permitted and may consist of the following types: project identification, boundary marker, real estate, sales center identification, and directional.
 - i. — Each sign may not exceed one hundred sixty (160) square feet in area. If the sign is two-sided, each sign face may not exceed one hundred sixty (160) square feet in area.
 - ii. — Temporary signs may not exceed twenty (20) feet in height above the finished ground level of the sign site.
 - iii. — Temporary signs may remain in place simultaneously with permanent signage until the project reaches ninety-nine (99) percent build-out within each phase of each tract.
 - iv. — No building permit is required for temporary signs as listed above; a zoning clearance must be obtained from the zoning official or designee.
- (G) — Special event signs not exceeding thirty-two (32) square feet per side in size may be displayed to announce or advertise such temporary uses as open houses, community fairs or programs or any charitable, educational event. Such sign shall be located no closer than ten (10) feet to any property line. Grand opening signs shall not exceed thirty-two (32) square feet total.
- (H) — Construction Entrance Signs: Two (2) "construction ahead" signs may be located at appropriate distances ahead of a construction entrance, with a maximum of twenty (20) square feet each in size. No building permit is required.
 - i. — One sign, with a maximum of twenty (20) square feet in size, may be located at each construction entrance to identify the entrance as such. No building permit is required.
- (I) — Internal Signs: Residential and community facilities entrance signs may be located on both sides of the neighborhood entrance street and within an entry median. Setbacks from internal road right of way may be zero (0) feet. Such signs may be used to identify the location of neighborhoods, districts, recreation areas, etc. Individual signs may be a maximum of one hundred (100) square feet per sign face area. Such monument signs may have a maximum height of twelve (12) feet. No building permit is required.
- (J) — Directional or identification signs may be allowed internal to the district. Such signs may be used to identify the location or direction of approved uses such as sales centers, model centers, recreational uses, and information. Directional signs help with wayfinding centers, or the individual components of the development. Individual signs may be a maximum of six (6) square feet per side or signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of sixty-four (64) square feet per side and a maximum height of eight (8) feet.
- (K) — 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.
- (8) — Lighting Standards: Streetlights throughout the district shall use mechanisms to reduce light pollution, through downward shielding, low intensity lighting, and other techniques to the greatest extent possible.
 - (A) — Using Table 4 as a guide, lighting zones shall determine limitations for lighting as specified within the boundaries of the Babcock Ranch Overlay District.
 - (B) — A decrease of one (1) or more lighting zones or increase of one (1) lighting zone number may be granted to a specific land parcel upon special application to and approval by the community development director or designee.

Table 4: Lighting Zone (LZ) Ratings and Characteristics Zone

Zone	Ambient Illumination	Representative Locations
LZ-1	Dark	Developed and undeveloped areas abutting state lands and wetlands, primary Greenways*, and conservation/open space and marsh** where the intent is to conserve natural illumination levels.

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LZ-2	Low	Low-density neighborhoods
LZ-3	Medium	Medium to high-density neighborhoods and village centers and town-center.

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*-Appendix VII

** map 11a-4 of BROD

~~(C)~~ Luminaire Lamp Wattage, Shielding, and Installation Requirements.

i. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 2.

ii. Only luminaries that are allowed to be unshielded in Table 5 may employ flexible or adjustable mounting systems. All other luminaries shall be permanently installed so as to maintain the shielding requirements of Table 5.

iii. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture meets or exceeds the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

iv. All canopy lighting must be fully shielded. Indirect up light is permitted under a dense canopy.

~~Table 5: Maximum Wattage and Required Shielding~~

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ-1	70	30	None permitted	None permitted
LZ-2	150	55	None permitted	Low voltage landscape lighting
LZ-3	450	100	55	Landscape and facade lighting 100 watts or less; ornamental lights of 55 watts and less

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~~(D)~~ *Exceptions.* Lighting systems not complying with the technical requirements of this section may be installed for the following applications:

i. Active recreation such as sport fields, tennis, and basketball courts;

ii. Construction lighting;

iii. Industrial lighting for hazardous areas;

iv. Bridges;

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v. National and state flag lighting with spotlights greater than seventy (70) watts in LZ 3, and greater than thirty-nine (39) watts in LZ 2 and LZ 4.

vi. Floodlighting of buildings over two (2) stories high;

vii. Public monuments, public buildings and houses of worship;

viii. Sign lighting;

ix. Public safety shall be considered in the design of trail lighting.

Source: International Dark Sky Association

(9) *Disaster Preparedness.* Hurricane shelters shall be constructed in accordance with the Development Agreement. The facilities are to be built to the standards in ARC publication 4496 or equivalent standards.

~~(k) Review/Approval Processes for Properties within the District.~~

~~i. Subdivision/Construction Plans. Subdivision — Construction plans and plats shall follow the procedures and authorization provisions of Chapter 3-7 of the County Code. Submission, review, and approval of preliminary subdivision plats for the project may be accomplished in phases to correspond with the planned development of the property.~~

~~ii. Site Plan Approval. The site plan approval process shall follow the procedures and authorization provisions of Chapter 3-9-5-1 of the County Code.~~

~~iii. Special Exceptions.~~

~~a. The provisions of this subsection 3-9-54(j)(C) shall apply to zoning districts established by the overlay code.~~

~~b. Special exceptions shall be subject to the special section procedures set forth in section 3-9-7 of the zoning code, as modified by this subsection 3-9-54(j)(C).~~

~~c. It is recognized that certain physical circumstances may arise in which the application of a particular design standard in these regulations does not produce a result which furthers the design objectives of these regulations. In such a case, an applicant may request an alternative design approach to a standard set forth in these regulations. Such an alternative may be allowed by the board of zoning appeals upon a showing by the applicant that:~~

~~(i) Application of the general regulation to the specific physical circumstances involved will inhibit the achievement of a particular design objective set forth in these regulations, and the alternative approach will further that design objective;~~

~~(ii) The alternative approach will not be incompatible with other design objectives in these regulations;~~

~~(iii) The alternative approach will not result in reduced open space and will not impact natural vegetation or habitat which is to be preserved; and~~

~~(iv) The alternative approach will not adversely impact abutting land uses.~~

~~d. Additional Requirements. Developer shall submit a Babcock Ranch Zoning Overlay District Monitoring Schedule with each site plan application, accompanied by a letter of review and approval from the developers Architectural Review Board (reference Appendix XIII — District Monitoring Schedule).~~

(Ord. No. 2006-058, § 1, 6-20-06)

Editor's note—

Appendices I—X111 attached to Ord. No. 2006-058 are on file and available in the office of the clerk of the circuit court. **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.

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1
2 (C) Intent. The intent of the Babcock Overlay Zoning District (“District”) is to establish the regulations for
3 design and development that address the qualities of nature and community that are envisioned for
4 the Babcock Community. The District is intended to accommodate compact development patterns,
5 interconnected open space, native habitat, and recreation. The intended activities within the District
6 include a mix of residential, retail and office commercial, light industrial, civic and educational
7 facilities, open space, parks and recreational and institutional uses.

8
9 (D) Applicability; Conflict with other Ordinances; Exemptions. The maximum development within this
10 zoning overlay classification is controlled by the Development of Regional Impact Master
11 Development Order, Incremental Development Orders and the comprehensive plan. All new
12 development and future redevelopment within the District shall be subject to these regulations. The
13 terms development and redevelopment shall be construed liberally and shall include any plat, special
14 exception, variance, site plan approval, building or sign permit, or any other official action of Charlotte
15 County that has the effect of permitting development and/or redevelopment or any application for any
16 of the preceding matters. Except where expressly provided herein, the terms of the Babcock Zoning
17 Code shall supersede and control in the event and to the extent of a conflict between the Babcock
18 Zoning Code and another provision of the County Code. Due to the unique circumstances of the
19 property, the following specific exemptions are granted:

20
21 1. Landscape and Tree Requirements. Approximately 7,725 acres within the District are to be
22 developed, the majority of which were agricultural lands at the time of adoption of this Babcock
23 Zoning Code, and over 5,700 acres within the District are to be preserved, the majority of which
24 are wooded. This results in 5,975,492 Removal Tree Points and 32,002,479 Preservation Tree
25 Points (not including Palmettos and Wax Myrtles). Due to the unique circumstances of the
26 property and the excess of Preservation Tree Points, all development within the District is exempt
27 from the County tree removal permit process and Article XVIII of Chapter 3-5, Landscaping and
28 Buffers requirements of the County Code and Article IX of Chapter 3-2, Tree Requirements, of
29 the County Code. The Landscape Requirements of the Babcock Zoning Code provided herein
30 are applicable.

31
32 (E) Use of Pattern Books for Development. Pattern Books may be submitted to define development
33 parameters and design standards applicable within a defined site, area or subdistrict to establish
34 some or all of the governing design parameters and standards, which may constitute waivers of
35 submittal requirements and deviations, including but not limited to: setbacks, building heights,
36 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
37 coverages, and standards for roadway design and rights-of-way. Approval of Pattern Books shall be
38 issued by the Zoning Official or designee (Zoning Official) upon finding that standards, waivers, and
39 deviations are consistent with public health, safety and welfare. An amendment to an approved
40 Pattern Book may be requested at any time, to be approved by the Zoning Official. Approval of
41 Pattern Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is
42 not granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to
43 review and approval by the Board of County Commissioners. Where standards defined in an
44 approved Pattern Book conflict with provisions of the Babcock Zoning Code or the County Code, the
45 Pattern Book shall apply. Development in areas that are not subject to a Pattern Book shall be
46 governed by the standards and provisions set forth in this Babcock Zoning Code.

47
48 (F) Existing Uses. The Babcock Zoning Code shall not render an existing use, including, but not limited to
49 mining, silviculture, agriculture and sod farming, on a parcel as nonconforming, even if such existing
50 use is not a principal use or a permitted accessory use in the applicable subdistrict. Any such
51 existing use shall not be considered nonconforming, and may be continued and expanded with
52 appropriate permitting as required.

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1
2 (G) Establishment of Subdistricts. The following subdistricts are established to allow for different forms of
3 development within the District, as depicted on the Babcock Overlay Zoning District - Subdistrict Map:

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5
 - 6 • Mixed Use Residential Commercial (MURC)
 - 7 • North Babcock
 - 8 • Greenways

9 **(b) Definitions**

10
11 Terms used in this Section shall have their commonly accepted meaning unless they are defined in (b).
12 When terms are defined both in this Section and elsewhere in the County Code, definitions for such terms
13 in this subsection shall control. The following terms shall have the meanings set forth in this subsection:

14
15 Agriculture uses: Agriculture uses within the District includes such uses as agricultural production (crops,
16 citrus, landscape nursery, ranching, livestock raising and animal specialties, pasture, sod and grazing);
17 silviculture, agricultural services, cultural, educational and/or eco-tourism uses and support facilities and
18 their related modes of transporting participants, viewers, or patrons; tour operations, such as, but not
19 limited to airboats, swamp buggies, horse and similar modes of transportation; agricultural labor housing;
20 excavation and earthmoving incidental to agricultural operations; farm products warehousing and storage;
21 single-family detached dwelling unit; forestry; hunting; riding stables; research facilities; non-commercial
22 kennels; telecommunication towers; outdoor shooting ranges; and aquaculture.

23
24 Alley: A right-of-way providing a secondary means of access and service to abutting property. For
25 purposes of determining setbacks or required yards, the lot line along an alley is never a front lot line.

26
27 Building height: The vertical distance measured from the greater of: (1) the FEMA first habitable floor
28 elevation requirement, (2) 18 inches above the elevation of the average crown of the adjacent roads; or
29 (3) the average natural grade (the natural contours of a land area generally unaltered by human
30 intervention) to the highest point of a flat roof, the deck line of a mansard roof, or the mean height
31 between the eaves and ridge of a gable, hip or gambrel roof.

32
33 Civic, government, and institutional uses: Structures developed for and/or used by established
34 organizations or foundations dedicated to public service or cultural activities including, but not limited to,
35 the arts, education, government and religion.

36
37 District: shall mean the Babcock Overlay Zoning District.

38
39 Eco-Tourism: The practice of touring natural habitats and support facilities thereof in a manner meant to
40 minimize ecological impact. Eco-tourism is considered a commercial enterprise located in an agricultural
41 or preservation area intended to attract tourists and provide supplemental income for the property owner.
42 Eco-tourism uses include, but are not limited to: transient guest lodging, hunting, nature trails, canoeing,
43 fishing, wildlife observation, and birding.

44
45 Encroachments: Physical structures that reach into or above a required yard or a right-of-way or roadway
46 easement. Encroachments are not allowed unless identified as permissible.

47
48 Guest unit, accessory: An accessory dwelling which is attached to or detached from a principal dwelling
49 located on the same residential parcel and which serves as an ancillary use providing living quarters and
50 which may contain kitchen facilities. Accessory guest units are not considered dwelling units for purposes
51 of density.
52

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1 Pathway: A defined corridor within the District's overall transportation network designed to accommodate
2 pedestrians and other alternative modes of transportation.

3
4 Parking lot. An outdoor area or space, paved or unpaved, designed and constructed for the purpose of
5 motor vehicle parking or storage. A driveway that does not contain or provide access to delineated
6 parking spaces is not a parking lot.

7
8 Pattern book: A set of development parameters and design standards applicable within a defined site,
9 area or subdistrict to establish some or all of the governing design parameters and standards, which may
10 constitute waivers of submittal requirements and deviations, including but not limited to: setbacks,
11 building heights, building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot
12 sizes, coverages, and standards for roadway design and rights-of-way.

13
14 Setback: The minimum distance between a right-of-way line, property line, bulkhead line, shoreline,
15 seawall, ordinary high water line (OHWL), access easement line or other defined location whichever is
16 the most restrictive, and the beginning point of the buildable area. Setbacks may be measured from the
17 legal boundary of a lot and are inclusive of easements with the exception of easements that comprise a
18 road right-of-way. For purposes of determining setbacks, the lot line along an alley is never a front lot
19 line.

20
21 Transient guest lodging: A building or group of buildings operated for commercial purposes, and therefore
22 not considered residential units for purposes of density, in which sleeping accommodations and sanitary
23 facilities are offered to guests and intended for use on a daily or weekly basis, irrespective of the form of
24 ownership, and which may include kitchens in each unit.

25
26 **(c) Subdistricts within the Babcock Overlay Zoning District**

27
28 (A) Mixed Use Residential Commercial (MURC). The MURC Subdistrict shall be the most diverse
29 subdistrict, with a full range of uses to support a live, work, shop, play environment. The MURC
30 Subdistrict may include residential, commercial, recreational, civic, industrial, and mixed uses. The
31 MURC is to be developed according to a Town Center, Village and Hamlet framework that is further
32 defined by Pattern Book. Buildings may be single or multi-use. Parking shall be provided on-street,
33 off-street, and within parking structures.

34
35 1. Permitted Principal Uses and Structures. Permitted principal uses within the MURC Subdistrict
36 include any and all uses not listed as prohibited uses in (d)(C), including, but not limited to:
37 commercial businesses and services, retail, office, civic, education (elementary, middle, high
38 schools, colleges and universities), institutional, light industrial and manufacturing, mining,
39 earthmoving, nurseries, essential services, single family and multifamily residential, assisted living
40 facilities, continuing care retirement communities, transient guest lodging including hotel, motel
41 and bed and breakfast, home occupations per (d)(K), parks, recreation, manufacturing,
42 distribution, wholesale, warehouse, processing and packaging, laboratories and clinics, research,
43 design and product development. Mixed use buildings and single use buildings are permitted. Any
44 use not listed may be deemed permitted by the Zoning Official by a finding that the use is
45 reasonable according to the intent of the subdistrict; similar to another permitted use in the
46 subdistrict; and not specifically prohibited in the subdistrict.

47
48 2. Permitted Accessory Uses and Structures. Permitted accessory uses and structures include all
49 uses that support or relate to principal uses, including accessory guest units that are attached or
50 detached in conjunction with single family residential dwellings, except as otherwise prohibited
51 herein.

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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
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.

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- 1 (2) May be reduced as long as sum of side setbacks is 10 ft. minimum.
2 (3) Setback applies to interior lots. If not connected to an adjoining structure, side setback is 5' which may be
3 reduced as long as sum of side setbacks is 10 ft. minimum.
4 (4) Schools are exempt from this setback table, school development is according Charlotte County School District
5 policy.
6 (5) Encroachments into front yards are allowed for porches, stoops, awnings, colonnades, or other elements that
7 serve as transition from the public to the private realm.
8 (6) It must be demonstrated that driveways can accommodate space for parking for at least two vehicles on the
9 driveway without overhanging onto the adjoining sidewalk, or onto vehicle travelway where no sidewalk exists. If
10 on-street parking spaces are available in the right-of-way within 300 ft., on-street parking may substitute for
11 driveway parking.
12 (7) Building entrances are required on the primary street.
13 (8) Maximum area per use is 3,000 sq. ft. Total neighborhood goods and services permitted in one location is 15,000
14 sq. ft.
15 (9) Multi-family buildings with 2 or less bedrooms per unit shall require 1 space per unit. Multi-family buildings with 3
16 or more bedrooms per unit shall require 1.5 spaces per unit.
17 (10) The amount of required parking may be determined through a parking analysis submitted with a site plan
18 application.
19 (11) At the Town Center entries, the shopping and entertainment areas shall be set back a minimum of 100 ft. from the
20 ultimate road right of way of SR 31. For the remainder of the Town Center, the shopping and entertainment areas
21 shall be set back a minimum of 250 ft. from the ultimate road right of way of SR 31. The shopping and
22 entertainment areas of the Villages and Hamlets shall be located in the interior portion of those areas. (Ref. Sierra
23 Club Settlement Agreement Sec. B.8.)
24 (12) Encroachments are allowed for structures such as boardwalks, docks, and accessory structures providing views
25 and access to water, subject to approval from agencies with jurisdiction.
26
27 a. *Encroachments:* The following standards pertain to yard and right-of-way encroachments:
28
29 i. Yard encroachments. Every part of every required yard shall be open and unobstructed by the
30 principal structure from 30 inches above the ground, as measured from the average elevation
31 of the crown of road along the property frontage. Permissible encroachments into required
32 yards are limited to the following: pool equipment, generators, air conditioning equipment,
33 cornices, overhangs, decorative awnings, gutters, eaves, chimneys, bay windows, balconies,
34 means of egress, and any other structure deemed similar in nature by the Zoning Official.
35 Accessory structures including, but not limited to, refuse containers, loading docks, flagpoles,
36 play equipment, fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open
37 air pergolas, open air chickees and outdoor furniture are not considered encroachments and
38 are therefore allowed. Structures less than 30 inches in height, including but not limited to
39 pools, bermed earth, plant materials, driveways and pathways, are not considered
40 encroachments in required yards and are therefore allowed.
41
42 ii. Right-of-way or roadway easement encroachments. Allowable encroachments into rights-of-
43 way or roadway easements are limited to the following: awnings, arcades, colonnades,
44 pedestrian bridges, balconies, planters, outdoor dining, and any other structure deemed similar
45 in nature by the Zoning Official. A minimum 6-foot clear pedestrian way shall be maintained and
46 not obstructed by any encroachment. Encroachments shall maintain a clear distance of 9 feet
47 above the sidewalk and 15 feet above the street measured from the elevation of the crown of
48 the street if the encroachment passes over vehicle travel lanes.
49
50 b. *Density:* Maximum net density for residential is 24 units per acre in Town Center and 16 units per
51 acre in Villages and Hamlets. Accessory guest units, attached or detached, in conjunction with
52 single family residential dwellings are not considered toward density calculations.

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1
2 c. Parking: A parking needs analysis may be approved by the Zoning Official to determine the
3 appropriate number and location of parking spaces for any use based on characteristics of the
4 use, hours of operation, sound planning principles, shared parking agreements or trip
5 management techniques to be implemented. In the absence of a parking needs analysis, the
6 following number of parking spaces shall be provided on-site, unless otherwise provided:
7

8 i. Single family detached, zero lot line, two-family and single family attached: Minimum of one
9 on-site parking space inclusive of driveways and garage space. One additional parking space
10 is required for an accessory guest unit, which may be on-site or dedicated on-street parking
11 within 300 feet of the unit it serves.
12

13 ii. Multifamily: A minimum of one on-site parking space is required for units with two or fewer
14 bedrooms. A minimum of 1.5 on-site parking spaces is required for units with three or more
15 bedrooms. Additional parking may be provided on-site or as dedicated on-street parking
16 within 300 feet of the unit it serves.
17

18 iii. Non-residential: Non-residential uses shall provide a minimum of one on-site parking space
19 per 300 square feet of gross floor area.
20

21 iv. Mixed use: Mixed use buildings shall provide the total number of parking spaces required for
22 the residential and non-residential occupancies.
23

24 d. Minimum landscape requirements:
25

26 i. General tree planting requirements shall be:
27

28 (a) For every lot, a minimum of one tree shall be planted in the front yard or in the right-of-way
29 in front of the lot; or
30

31 (b) Street trees planted in or adjacent to the right of way with a minimum spacing of one tree
32 every 60 feet on average.
33

34 ii. The following perimeter landscaping requirements apply to development requiring site plan
35 review:
36

37 (a) A minimum of one shrub per 10 linear feet of front property line shall be planted in a
38 hedge row or otherwise clustered within the front yard.
39

40 (b) For landscape buffer areas that serve as transition between intense uses and residential
41 uses per (c)(A)3.e.ii, a minimum of one shrub per ten linear feet of property line shall be
42 planted in a hedge row or otherwise clustered in the transitional landscape buffer area.
43

44 (c) Substitution of trees for shrubs is permitted at a rate of 1 tree per three shrubs.
45

46 (d) The location of required plantings may be any of the following: in-ground planting areas,
47 raised planters, or planter boxes.
48

49 (e) In addition to the preceding provisions (a) through (d), wherever a parking lot abuts public
50 rights-of-way along a front property line, a hedge, or durable non-vegetative barrier, or
51 combination thereof, at least three feet in height, shall be placed along the entire length of
52 the front property line, except within sight triangles. Wherever non-vegetative barriers are

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1 employed, one shrub or vine shall be planted for every eight linear feet, distributed evenly
2 or in clusters.

3
4 iii. Parking area requirements: For parking constructed of impervious material, planter islands
5 shall be constructed to interrupt rows of parking. The maximum number of parking spaces
6 between planter islands is 15 spaces. Minimum dimension for a planter island is nine feet.
7 Each planter island must contain at least one tree maintained with a minimum six feet of clear
8 trunk measured from the ground up. Planter islands are not required for parking constructed
9 of pervious material.

10
11 e. *Standards specific to Mixed Use and Non-residential uses:*

12
13 i. Loading docks and refuse containers and facilities shall generally be placed to the rear or side
14 yard of the building. Refuse containers shall be hidden by an opaque wall or fencing of
15 sufficient height to screen the bin and any appurtenances, but not less than five feet in height.
16 Walls shall be constructed of a material compatible with the principal structure it is serving.
17 Trash containers serving nonresidential uses shall be screened from view from abutting
18 residential property, but refuse area enclosures are not required to be gated or otherwise
19 closed off.

20
21 ii. *Transition of Intensity.* Transition between intense uses (including industrial, manufacturing,
22 distribution, repair shops, car washes, wholesale, warehouse, processing and packaging,
23 mining, laboratories and clinics, research, design and product development, and gas stations)
24 and residential uses should be addressed through building orientation, site design, landscape
25 buffering or the placement of less intense uses to provide transition, such as commercial, office,
26 civic, institutional, governmental or recreation.

27
28 (B) *North Babcock Subdistrict.* The North Babcock Subdistrict is envisioned to be an educational and
29 recreational center with uses that represent a long-term preservation and development plan. The
30 subdistrict is intended to provide opportunities for the public to explore and enjoy ecosystems and
31 natural resources.

32
33 1. *Permitted Principal Uses and Structures.* Permitted uses within the North Babcock Subdistrict
34 include: Caretakers and operating staff quarters; Eco-tourism lodge; Sports lodge; Hunting club;
35 Transient guest lodging; Environmental education and research center (excluding bio-genetic
36 research on animals and/or plants); Riding stables; Equestrian facility and accessory uses;
37 Recreational Vehicle (RV) Park; Youth camp; Open storage for vehicles, recreational vehicles
38 (RVs), boats, trailers, recreational equipment, and similar items; Civic; Institutional; Schools;
39 Churches; Agricultural; Conservation Areas and associated boardwalks, observation decks,
40 restroom facilities, and paved or unpaved trails including trails to accommodate multi-modal
41 transit, such as golf carts or other electric vehicles; Land management activities including but not
42 limited to, hunting, ecological burning, ecosystem restoration, hydrologic restoration, transportation
43 and utility crossings, stormwater management, habitat restoration, earthmoving and other similar
44 uses; Alternative Energy Use: alternative energy and ancillary facilities including, but not limited to
45 support offices; Maintenance facilities to support the uses found in this section; Community
46 infrastructure uses and facilities, including utilities and fill storage, stock piling, and clearing; Parks;
47 Cell towers; Temporary uses customarily associated with development such as sales centers and
48 modular buildings; Commercial uses which are customarily associated with the uses permitted
49 within the subdistrict. Any use not listed that is deemed by the Zoning Official to be reasonable
50 according to the intent of the subdistrict; similar to another permitted use in the subdistrict; and not
51 specifically prohibited in the subdistrict per (d)(C).
52

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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.

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.

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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 nine feet. Each planter
4 island must contain at least one tree maintained with a minimum six feet of clear trunk
5 measured from the ground up. Planter islands are not required for parking constructed of
6 pervious material. No other landscaping or tree points are required for development within the
7 North Babcock Subdistrict, as the area is surrounded by Greenways which contain preserved
8 natural areas.

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

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

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

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

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

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

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

4
5 **(d) Provisions and Uses Common to the District**

6
7 (A) *Intent.* The provisions of this subsection shall apply to the Babcock Overlay Zoning District. Uses and
8 standards included in this subsection apply throughout all areas of the District.

9
10 (B) *Principal Uses and Structures:* Certain uses and structures are permitted by right throughout the
11 District.

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

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

27
28 (C) *Prohibited Uses:* Explosives manufacturing, animal slaughterhouses, and sexually oriented
29 businesses.

30
31 (D) *Fill Storage, Stockpiling, and Clearing.*

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

39
40 2. Stockpile: Stockpile areas shall be designated as one of the following:

41
42 a. Long-term stockpile area defined as a stockpile area to be left in place for a period greater
43 than six months. Such long-term stockpile areas shall be sodded or hydroseeded and erosion
44 control devices installed when such stockpile is not actively in use.

45
46 b. Temporary stockpile area defined as a stockpile area to be left in place for a period of six
47 months or less. Contractor shall employ methods in accordance with Sec. 3-5-95 of the
48 County Code or best management practices to prevent erosion of stockpiles.

49
50 c. Fencing (plastic barricading, silt fence or other similar visible barriers) shall be provided in
51 accordance with applicable state and federal permitting.

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

3
4 (F) *Bulkhead/Retaining Walls.* Bulkhead/retaining walls are allowed as permitted in the Environmental
5 Resources Permit (ERP) process.

6
7 (G) *Fences and walls.* Fences and walls shall be permitted throughout the District. All fences and walls,
8 including refuse or trash container enclosures, are not considered accessory structures and shall be
9 permitted throughout the District. Fences and walls shall be located and constructed in accordance
10 with Sec. 3-9-72 of the County Code except as may be otherwise provided in this Babcock Zoning
11 Code or as approved through a Pattern Book. Fences and walls shall not exceed 12 feet in height,
12 measured relative to the greater of the crown of the adjacent roadway or the adjacent minimum
13 finished floor, as applicable. Fencing and wall materials may be made of wood, vinyl, iron, or masonry
14 products.

15
16 (H) *Landscaping.* Due to the unique circumstances of the property and the excess of Preservation Tree
17 Points, all development within the District is exempt from the County tree removal permit process and
18 is subject only to the Landscape Requirements of the Babcock Zoning Code provided herein.

19
20 (I) *Roadway Sections, Access Standards and Block Length.*

21
22 1. Design of roadways, paths, rights-of-way, or roadway easements shall be according to Florida
23 Greenbook Standards, with deviations and modifications permitted by approval by the County
24 Engineer or approval of a Pattern Book.

25
26 3. The minimum number of access points for vehicular ingress and egress serving a subdivision is
27 one.

28
29 4. Sidewalks are required on at least one side of roadways within the Town Center.

30
31 5. There are no minimum or maximum block lengths.

32
33 (J) *Signs.* All signs shall conform to the following general sign provisions applicable throughout the
34 District:

35
36 1. For signs proposed within a County or State dedicated right-of-way, a right-of-way permit is
37 required.

38
39 2. Signs are not subject to setbacks, as long as the signs are located so as not to cause sight line
40 obstructions.

41
42 3. Sign area shall be calculated as the area within the smallest regular geometric shape or
43 combination of shapes that incorporates the advertised use. Only one side of a multi-sided sign
44 shall be calculated as "sign area."

45
46 4. Sign illumination shall not exceed ten candlepower per square foot, as measured ten feet from
47 the sign. Lights must be shielded from direct view.

48
49 5. Primary non-residential sign standards. Primary signs include any permanent freestanding or
50 building sign. Primary signs shall not exceed 20 feet in height above the crown of the adjoining
51 roadway. Primary signs may have either digital or mechanical changeable copy, provided the
52 message is not animated and that the message remains static for at least fifteen seconds

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1 between cycles. The following primary signs are permitted to be arranged within a cumulative
2 maximum sign area allowance per unit equal to three times the unit's linear feet of right-of-way or
3 building frontage, whichever is greater, not to exceed 750 square feet of signage:

4
5 a. Non-residential freestanding signs: Each commercial unit is allowed one sign per roadway
6 frontage, with a sign area not to exceed 150 square feet. For multitenant commercial
7 properties, each individual storefront unit qualifies as a commercial unit, provided that a
8 multitenant parcel shall not be entitled to more than one freestanding primary sign per right-
9 of-way. For properties with multiple right-of-way frontages, signs must be located to provide
10 a minimum separation of 100 feet.

11
12 b. Non-residential building signs: Each commercial unit is allowed unlimited building signage so
13 long as the cumulative maximum sign area allowance is not exceeded, with no individual
14 building sign area to exceed 300 square feet.

15
16 6. Secondary non-residential sign standards. In addition to primary signs, the following secondary
17 signs are allowed for each commercial unit:

18
19 a. Wall placard – A placard sign affixed directly to an exterior wall or fence with maximum sign
20 area of 24 square feet.

21
22 b. Projecting – A sign which projects from and is supported by a wall of a building with the
23 display of the sign perpendicular to the building wall, with a maximum sign area of 20 square
24 feet.

25
26 c. Hanging – A sign attached to and located below any eave, canopy or awning, with a
27 maximum sign area of 12 square feet.

28
29 d. Awning – A sign or graphic attached to or printed on an awning or umbrella, with a maximum
30 sign area of 20% of the awning or umbrella area.

31
32 e. Directional, Wayfinding or Educational Signage – A sign that is secured to a base which is
33 built directly upon the ground or mounted on railings or observation decks, with a maximum
34 sign area of 20 square feet, exclusive of the base.

35
36 f. Sandwich Boards – a portable sign comprised of two sign panels hinged together at the top,
37 with maximum sign area of 12 square feet (two faces at 12 square feet each).

38
39 7. Primary residential sign standards.

40
41 a. Boundary Marker: One boundary marker or monument may be located at each corner of
42 neighborhoods or subdivisions to include the name of the neighborhood or subdivision, and
43 the insignia or logo, provided that the sign area, comprising name, insignia and logo, may not
44 exceed 120 square feet and may not exceed the height or length of the monument or
45 structure upon which it is located.

46
47 b. Entrance Signs: A maximum of three ground or wall-mounted entrance signs may be located
48 at a neighborhood or subdivision entrance. Such signs may be used to identify the location of
49 neighborhoods, districts, recreation areas, etc. Sign area shall not exceed 200 square feet,
50 and the sign shall not exceed the height or length of the wall or monument upon which it is
51 located.

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1 8. Other signs. In addition to the signs listed above, the following other signs are allowed
2 throughout the District:

3
4 a. Temporary Signs: Temporary signs are permitted, including project identification, boundary
5 marker, real estate, sales center identification, and directional signs. Each sign may not
6 exceed 160 square feet in area, and may not exceed 20 feet in height. Temporary signs may
7 remain in place simultaneously with primary signage until the Babcock Charlotte community
8 reaches 99 percent build-out.

9
10 b. Special Event Signs: Special event signs, with sign area not to exceed 32 square feet, may
11 be displayed to announce or advertise such activities as open houses, grand openings,
12 community fairs or programs or charitable, or educational events.

13
14 c. Construction Entrance Signs: Two construction entrance signs may be located at appropriate
15 distances ahead of each construction entrance. Each sign area shall not exceed 20 square
16 feet.

17
18 d. Traffic Signs: Traffic signs such as street signs, stop signs, and speed limit signs may be
19 designed to reflect a common architectural theme. Traffic signs shall meet all FDOT safety
20 standards.

21
22 e. Community gateways shall be considered where the District interfaces with the external
23 community along State Road 31. Community gateway signage shall be approved as part of a
24 Pattern Book.

25
26 (K) Home Occupations. Home occupations shall be allowed in conjunction with any residential use
27 subject to the standards provided herein.

28
29 1. Home occupations shall be subordinate and incidental to the primary residential use.

30
31 2. Home occupations shall be conducted by the residents of the principal dwelling unit and not more
32 than one nonresident employee.

33
34 3. Home occupations shall be conducted entirely within a dwelling unit or accessory structure.

35
36 4. No home occupation shall utilize any process or equipment with a potential for creating a
37 life/safety hazard, as may be determined by the Zoning Official or Fire Marshall.

38
39 5. The floor area of the home occupation within the principal building shall be limited to 25 percent
40 of the total residential floor area.

41
42 6. No merchandise shall be stored on the premises, except such merchandise that can be produced
43 on the premises. Other merchandise may be kept on the premises temporarily prior to
44 distribution to the consumer. No merchandise, goods, supplies, equipment, or materials shall be
45 displayed or stored outdoors.

46
47 7. No alterations to the exterior or interior of structures, temporary or permanent, that change the
48 essential residential character of the land or structures on a lot shall be permitted, except that one
49 non-illuminated nameplate or wall placard, not to exceed two square feet in area, may be
50 attached to the building on or next to the entrance.

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1 8. The creation of noise, vibration, glare, fumes, odors, or electrical interference that has an adverse
2 impact on nearby properties is not permitted.

3
4 9. The creation of visual or audible interference with any radio, television, phone, or internet
5 connection off the premises, or the creation of fluctuations in line voltage off the premises, is not
6 permitted.

7
8 10. The following are not permitted as home occupations: detailing, servicing or repairing of motor
9 vehicles; grooming, treating, boarding or propagating animals, poultry or livestock; production of
10 pornographic material; or the medical care or treatment of persons such as medical practices or
11 nursing facilities (however, home child daycare services, Certified Massage Therapists and
12 licensed psychologists and psychiatrists are allowed).

13
14 **(e) Special provisions for development approval within the District**

15
16 (A) An inter-departmental review team may be established to ensure orderly consideration of all
17 applications subject to review and to streamline the review process for projects within the District.

18
19 (B) Any application for County development permit within the District must be accompanied by
20 documentation of approval by the Master Developer, or its successor or assign, in order for the
21 application to be accepted by the County.

22
23 (C) *Subdivision/Construction Plans.* Subdivision — Construction plans and plats shall follow the
24 procedures and authorization provisions of Chapter 3-7 of the County Code, subject to exceptions
25 enumerated herein and modifications and waivers granted through approval of a Pattern Book.

26
27 1. Submission, review, and approval of subdivision plats for the project may be accomplished in
28 phases to correspond with the planned development of the property.

29
30 2. Construction plans may be submitted, reviewed, and approved concurrently with plat applications.

31
32 3. Preliminary and final plat applications may be concurrently reviewed and processed for approval.

33
34 4. Determination of the adequacy of public facilities may be stipulated at time of construction plan
35 approval and plat approval on the condition that connection to water and sewer service facilities is
36 demonstrated at time of Certificate of Occupancy.

37
38 (D) *Assurance of completion of improvements.* Subdivision plats may be accepted if all infrastructure is
39 not constructed, provided that security in the form of a surety or cash performance bond is posted
40 with the Board of County Commissioners and made payable to the County in an amount equal to 110
41 percent of the full cost of installing the remaining required improvements approved by the County for
42 each phase of development. Upon County acceptance of any portion of the infrastructure, the surety
43 or cash performance bond may be adjusted and renewed at any time at 110 percent of the cost of
44 completing remaining required improvements until completion. The Board may also accept letters of
45 credit or escrow account agreements or other forms of security provided the County Attorney
46 approves the document.

47
48 (E) *Construction trailers, sales centers and model homes.* Model homes, sales centers, sales offices,
49 construction offices, and other uses and structures related to the promotion and sale of real estate
50 shall be permitted as either "wet" or "dry" facilities. A "dry" facility allows for the issuance of a building
51 permit for a structure to be used temporarily under a conditional certificate of occupancy for sales,
52 display and promotion before connections to a central water and wastewater utility are

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1 available. "Dry" facilities are not to be occupied by sales staff. Connections to a central water and
2 wastewater utility are required for a "dry" facility to be converted for permanent certificate of
3 occupancy as a dwelling unit. A "wet" facility is equipped with water and wastewater and can be
4 occupied by sales staff and used for sales, display and promotion under a conditional certificate of
5 occupancy. "Wet" facilities may use septic tanks or holding tanks for waste disposal subject to the
6 Florida Administrative Code, and may use potable or irrigation wells. Connections to a central water
7 and wastewater utility are required for a "wet" model home to be converted for permanent certificate
8 of occupancy as a dwelling unit.
9

- 10 1. For each subdivision, the maximum allowable number of model homes is ten or ten percent of
11 proposed dwelling units within the subdivision, whichever is greater.
12
- 13 2. Both "wet" and "dry" facilities may be constructed upon building permit approval following the first
14 round of County review for plat approval, prior to final plat.
15
- 16 3. A "wet" facility may be served by a temporary utility system with ultimate connection to the central
17 system. Interior fire protection facilities in accordance with NFPA requirements are required
18 unless a permanent water system is available.
19
- 20 4. A water management plan shall be provided which accommodates water run-off from the facility,
21 parking areas, access road/driveway and other impervious surfaces.
22
- 23 5. Site Plan approval is required for sales centers and for "wet" models to function as sales offices.
24 Site Plan approval is not required for single family "dry" models or construction trailers.
25

26 (F) *Site Plan Approval.* The site plan approval process shall follow the procedures and authorization
27 provisions of Sec. 3-9-7 of the County Code, subject to exceptions herein and modifications and
28 waivers granted through approval of a Pattern Book.
29

30 (G) *Special Exceptions.* Special exceptions shall be subject to the procedures set forth in Sec. 3-9-6.2 of
31 the County Code.
32

33 (H) *Waivers and Deviations.*
34

- 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 of the County Code. Once official
38 copies of federal, state or regional permits and development approval records in effect for the
39 District are established on file with the Department of Community Development, requirements to
40 submit copies of those permits or development approvals with plat, construction plan or site plan
41 applications shall be waived to reduce the waste associated with duplication of multiple copies of
42 documents as long as they are unchanged, because of the unique nature of the District, which
43 will develop in a succession of phases, subject to multiple and extensive agency permitting
44 documents.
45
- 46 2. Waivers and deviations may be granted through approval of Pattern Books as authorized in
47 subsection (a)(E), which may define development and design standards applicable within a
48 defined site, area, or subdistrict for matters including but not limited to setbacks, building heights,
49 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
50 coverages, standards for roadway design and rights-of-way, waiver of submittal requirements,
51 and deviations. Approval of Pattern Books shall be issued by the Zoning Official upon finding that
52 standards, waivers, and deviations are consistent with public health, safety and welfare. An

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

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

19 Table 3. Summary Phasing Plan

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

20 *1 – All non-residential square footage is cumulative by Certificate of Occupancy threshold.

21 *2 – Non-residential square footage threshold is minimum.

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Sec. 3-9-51.1 Babcock Community Pattern Book

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

(B) The initial Pattern Book, submitted to Charlotte County in July 2014, is hereby approved by the Board of County Commissioners on November 25, 2014.