

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

Sec.3-9-32. RE

1 **~~Sec. 3-9-31. Residential, estate (RE).~~**

2 ~~(a) *Intent.* The residential, estate (RE) district is intended to require low-density, highly restricted, large~~
3 ~~lot developments using a small percentage of the lot area for buildings.~~

4 ~~(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this~~
5 ~~district:~~

6 ~~(1) Single family dwellings.~~

7 ~~(2) Nonprofit parks and playgrounds.~~

8 ~~(3) Occupied single family residences used as family day care homes.~~

9 ~~(4) One (1) guest house or servant's quarters for each permitted single family dwelling, provided~~
10 ~~that total lot area shall be not less than twice the minimum lot area required for a single family~~
11 ~~dwelling.~~

12 ~~(5) Art and music instruction provided only one (1) student at a time is receiving instructions.~~

13 ~~(c) *Permitted accessory uses and structures.* The following uses and structures which are customarily~~
14 ~~accessory and clearly incidental to permitted uses and structures are also permitted in this district,~~
15 ~~including:~~

16 ~~(1) Private garages and storage structures.~~

17 ~~(2) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.~~

18 ~~(3) Swimming pools.~~

19 ~~(4) Boat docks.~~

20 ~~(5) Private stables.~~

21 ~~(6) Tennis courts.~~

22 ~~(d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication~~
23 ~~permitted herein or permitted by special exception shall be unlawful in this district, including mobile~~
24 ~~homes.~~

25 ~~(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are~~
26 ~~special exceptions in this district:~~

27 ~~(1) Cluster houses and patio houses, provided a site plan is approved.~~

28 ~~(2) Yacht clubs, country clubs and golf courses, including executive or par-3 golf courses, but not~~
29 ~~including miniature golf courses or practice driving ranges not associated with a golf course,~~
30 ~~provided that any required parking area or building is located at least fifty (50) feet from property~~
31 ~~zoned for residential use.~~

32 ~~(3) Houses of worship, in accordance with section 3-9-80.1~~

33 ~~(4) Private aircraft landing strips and heliports.~~

34 ~~(5) Home occupations in accordance with section 3-9-79~~

35 ~~(6) Group home facilities, child and adult day care facilities.~~

36 ~~(7) Essential services and emergency services.~~

37 ~~(8) Adult congregate living facilities in accordance with section 3-9-63.1~~

38 ~~(9) Such other uses as determined by the zoning official or his/her designee to be:~~

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

5 ~~The board of zoning appeals shall review a favorable determination of the zoning official under this~~
6 ~~provision at the time the special exception application is presented to it. An unfavorable determination of~~
7 ~~the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.~~

8 (f) ~~Development standards.~~ The following development standards shall apply in this district:

9 Minimum lot requirements:

10 ~~Area — Acres~~

11 RE-55

12 RE-44

13 RE-33

14 RE-22

15 RE-11

16 ~~Width — Feet~~

17 RE-5250

18 RE-4225

19 RE-3200

20 RE-2150

21 RE-1125

22 Minimum yard requirements:

23 ~~Yard Feet~~

24 Front40

25 Side20

26 Rear20

27 Abutting water20

28 Accessory buildings shall be not closer than ten (10) feet from any rear property line.

29 ~~Maximum lot coverage by all buildings, percent20~~

30 ~~Maximum height of structures, feet38~~

31 ~~Maximum residential density for:~~

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- 1 RE-5, unit per 5 acres1
- 2 RE-4, unit per 4 acres1
- 3 RE-3, unit per 3 acres1
- 4 RE-2, unit per 2 acres1
- 5 RE-1, unit per 1 acres1

6 ~~Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the~~
7 ~~water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish~~
8 ~~Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in~~
9 ~~accordance with section 3-9-98.~~

10 ~~(g) Signs. Signs shall be in accordance with section 3-9-95~~

11 ~~(h) Off-street parking. Off-street parking shall be in accordance with section 3-9-90~~

12 ~~(Minutes of 12-8-81, § 7; Res. No. 85-286, § 1, 10-15-85; Res. No. 87-78, §§ 7, 8, 5-19-87; Res. No.~~
13 ~~87-254, § 16, 10-20-87; Ord. No. 89-34, § 5, 5-31-89; Ord. No. 94-55, §§ 11-13, 11-3-94; Ord. No.~~
14 ~~2002-008, § 1, 1-28-02)~~

15 **Editor's note—**

16 ~~These provisions were formerly found in § 3-9-30. The provisions of former § 3-9-31 are now~~
17 ~~found in § 3-9-32~~

18 **Cross reference—** ~~Tree requirements for RE district, § 3-2-187.~~

19 **Sec. 3-9-32. Residential Estate (RE)**

20 (a) Intent. The purpose and intent of this district is to allow low-density, large-lot residential and related
21 uses.

22 (b) Permitted Uses and Structures (P): The following uses and structures are permitted in this district:

23 (1) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62, Adult Congregate
24 Living Facilities)

25 (2) Community garden.

26 (3) Emergency services.

27 (4) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.

28 (5) Minor Home Occupation. (see Sec. 3-9-75. Home Occupations)

29 (6) Model home. (see Sec. 3-9-79. Model Homes)

30 (7) Noncommercial boat docks.

31 (8) Park, public or not-for-profit.

32 (9) Single-family detached. Detached single-family homes may or may not have a guest suite that
33 is structurally attached with or without cooking facilities.

34 (9) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-69. Communication
35 Towers)

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2 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
3 clearly incidental to permitted and conditional uses and structures are permitted in this district,
4 including, but not limited to:

5 (1) Boat lifts.

6 (2) Carports, garages, and storage structures.

7 a. Detached accessory structures greater than 250 square feet in area shall be compatible in
8 appearance with the primary residence, at a minimum, materials and color shall be
9 compatible with the primary residence.

10 b. The total area of all detached accessory structures shall not exceed 10% of the parcel size
11 or 1,000 square feet, whichever is greater.

12 c. Detached accessory structures in RE-1 shall be located behind the leading edge of the
13 living area of the residence except carports and garages, but must maintain required
14 setbacks.

15 d. Construction trailers and cargo containers are prohibited.

16 (3) Fences or walls which may be permitted prior to the principal uses and structures.

17 (4) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
18 not be permitted in a guest suite. It must meet all applicable development standards set forth in
19 the zoning district.

20 (5) Non-commercial boat docks and boat ramps.

21 (6) Swimming pools, tennis court or other similar non-commercial recreational uses and
22 structures..

23 (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a
24 Conditional Use or Structure, see Sec.3-9-70. Conditional Uses and Structures)

25 (1) 4H, FFA, and similar uses and activities.

26 (2) Bed and breakfast, 1 or 2 bedrooms.

27 (3) Clubhouse.

28 (4) Cluster housing. (see Sec. 3-9-68. Cluster Housing)

29 (5) Domestic animal breeding, boarding, and training.

30 (6) Guest home.

31 (7) Horse stable.

32 (8) Livestock breeding, boarding, training, and grazing.

33 (e) *Prohibited Uses and Structures:* Any use or structure not expressly or by reasonable implication
34 permitted herein or permitted by Special Exception shall be unlawful in this district, including
35 manufactured homes.

36 (f) *Special Exceptions (S):* (For procedure see Sec. 3-9-6.2. Special Exceptions)

37 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.

38 (2) Animal sanctuary, zoo.

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- 1 (3) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62, Adult
- 2 Congregate Living Facilities)
- 3 (4) Bed and breakfast, 3 or more bedrooms.
- 4 (5) Cemetery, mausoleum.
- 5 (6) Day care center, child.
- 6 (7) Elementary, middle, or high school.
- 7 (8) Essential services. (See Sec. 3-9-72, Essential Services)
- 8 (9) Fish and wildlife management area, nature preserve.
- 9 (10) Government uses and facilities.
- 10 (11) Major Home Occupation. (see Sec. 3-9-75. Home Occupations)
- 11 (12) Place of Worship. (see Sec. 3.7.83. Places of Worship)
- 12 (13) Plant nursery.
- 13 (14) Private clubs.
- 14 (15) Private landing field.
- 15 (16) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-69. Communication
- 16 Towers)
- 17 (17) University or college.
- 18 (18) Such other uses as determined by the Zoning Official or his/her designee to be:
- 19 a. Appropriate by reasonable implication and intent of the district.
- 20 b. Similar to another use either explicitly permitted in that district or allowed by special
- 21 exception.
- 22 c. Not specifically prohibited in that district.

23 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 24 provision at the time the special exception application is presented to it. An unfavorable determination of
 25 the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 26 Appeals.

27 (g) Development Standards:

Lot (min.)		
Area (acres)	<u>1</u>	<u>5</u>
Width (ft.)	<u>125</u>	<u>250</u>
Setbacks (min. ft.)		
Front	<u>40</u>	<u>40</u>
Side	<u>20</u>	<u>20</u>
Rear	<u>15</u>	<u>15</u>
Rear (accessory buildings)	<u>10</u>	<u>10</u>
Abutting water	<u>20</u>	<u>20</u>
Bulk (max.)		

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<u>Lot coverage of all buildings</u>	<u>20%</u>	<u>20%</u>
<u>Height (ft.)</u>	<u>38</u>	<u>38</u>
<u>Density (units/acres)</u>	<u>1 per acre</u>	<u>1 per 5 acres</u>

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2 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
3 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the
4 Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-89,
5 Waterfront Property.

6 (h) Signs. Signs shall be in accordance with Sec. 3-9-86.

7 (i) Off-street parking. Off-street parking shall be in accordance with Sec. 3-9-80.