

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

Sec. 3-9-31. EM

1 **Sec. 3-9-31. Excavation and Mining (EM)**

2 (a) *Intent.* The purpose and intent of this district is to allow agriculture, very-low density residential, rural
3 recreation, other rural uses, and commercial excavation activities and associated uses.

4 (b) *Permitted Uses and Structures (P):*

- 5 (1) 4H, FFA and similar uses and activities.
- 6 (2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
7 Living Facilities)
- 8 (3) Biofuel production, less than 5,000 gal per day.
- 9 (4) Cemetery, mausoleum.
- 10 (5) Commercial excavation.
- 11 (6) Community garden.
- 12 (7) Dairy, grain, fruit, field crop, and vegetable production, cultivation, and storage.
- 13 (8) Domestic animal breeding, boarding and training.
- 14 (9) Emergency services.
- 15 (10) Fish and wildlife management area, nature preserve.
- 16 (11) Fish hatchery.
- 17 (12) Gamelands, public or private.
- 18 (13) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture,
19 aquaculture, and commercial citriculture.
- 20 (14) Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses.
- 21 (15) Livestock breeding, boarding, training, and grazing.
- 22 (16) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 23 (17) Minor Home Occupation. (see Sec. 3-9-75. Home Occupations)
- 24 (18) Model home. (see Sec. 3-9-79. Model Homes)
- 25 (19) Outdoor educational facility.
- 26 (20) Park, public or not-for-profit.
- 27 (21) Plant nursery.
- 28 (22) Raising of poultry.
- 29 (23) Single-family detached. Detached single-family homes may or may not have a guest suite that
30 is structurally attached with or without cooking facilities.
- 31 (24) Stockpiling of fill.
- 32 (25) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-69. Communication
33 Towers)
- 34 (26) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-69. Communication
35 Towers)

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

Sec. 3-9-31. EM

- 1 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
2 clearly incidental and subordinate to permitted principal uses and structures are permitted in this
3 district, including, but not limited to:
- 4 (1) Agricultural accessory uses and structures may be permitted prior to the principal uses and
5 structures.
- 6 (2) Asphalt plant or concrete batch plant, associated with a commercial excavation.
- 7 (3) Carports, garages, and storage structures associated with agricultural uses may be permitted
8 prior to the principal uses and structures.
- 9 (4) Fences or walls which may be permitted prior to the principal uses and structures.
- 10 (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
11 not be permitted in a detached guest suite. It must meet all applicable development standards
12 set forth in the zoning district.
- 13 (6) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
14 structures.
- 15 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
16 Conditional Use or Structure, see Sec.3-9-70. Conditional Uses and Structures)
- 17 (1) Bed and breakfast, 1 or 2 bedrooms.
- 18 (2) Conservation subdivision.
- 19 (3) Farm labor housing.
- 20 (4) Guest home.
- 21 (5) Manufactured home (HUD), minimum requirement is Wind Zone 3.
- 22 (6) Minor yard trash processing facility. (see Sec. 3-9-71. Debris and Waste Facilities)
- 23 (e) *Prohibited Uses and Structures*: Any use or structure not specifically, or by reasonable implication,
24 permitted herein shall be unlawful in this district.
- 25 (1) Park models and Recreational Vehicles for living purposes.
- 26 (f) *Special Exceptions (S)*: (For procedure see Section 3-9-6.2. Special Exceptions)
- 27 (1) Agricultural industrial activities, leather tanning, wool processing, meat curing.
- 28 (2) Airport.
- 29 (3) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 30 (4) Amphitheater.
- 31 (5) Animal hospital and boarding facility with indoor or outdoor facilities.
- 32 (5) Animal and poultry slaughter, stockyards, rendering.
- 33 (6) Animal sanctuary, zoo.
- 34 (7) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
35 Congregate Living Facilities)
- 36 (8) Bed and breakfast, 3 or more bedrooms.
- 37 (9) Biofuel production, 5,000 to 15,000 gal per day.
- 38 (10) Biofuel production, greater than 15,000 gal per day.
- 39 (11) Campground.

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

Sec. 3-9-31. EM

- 1 (12) Clubhouse, community center.
- 2 (13) Composting facility. (see Sec. 3-9-71. Debris and Waste Facilities)
- 3 (14) Concentrated animal feeding operation.
- 4 (15) Correctional facility.
- 5 (16) Dairy, grain, fruit, field crop, and vegetable processing.
- 6 (17) Elementary, middle, or high school.
- 7 (18) Essential services. (See Sec. 3-9-72. Essential Services)
- 8 (19) Exotic animal breeding, boarding, and training.
- 9 (20) Farm equipment sales and service.
- 10 (21) Fertilizer manufacturing.
- 11 (22) Gas station.
- 12 (23) Government uses and facilities.
- 13 (24) Heliport, helistop.
- 14 (25) Livestock auction.
- 15 (26) Lumberyard.
- 16 (27) Major Home Occupation. (see Sec. 3-9-75. Home Occupations)
- 17 (28) Motor sports track, venue.
- 18 (29) Outdoor market space or exhibition space.
- 19 (30) Pistol, rifle, skeet, trap shooting and archery ranges.
- 20 (31) Place of Worship. (see Sec. 3-9-83. Places of Worship)
- 21 (32) Power plant.
- 22 (33) Private clubs.
- 23 (34) Private landing field.
- 24 (35) Recreation, outdoor.
- 25 (36) Sawmill, machine shop.
- 26 (37) Single-family residences used as a foster care facilities.
- 27 (38) Solid waste combustor. (see Sec. 3-9-71. Debris and Waste Facilities)
- 28 (39) Solid waste disposal facility. (see Sec. 3-9-71. Debris and Waste Facilities)
- 29 (40) Transfer station. (see Sec. 3-9-71. Debris and Waste Facilities)
- 30 (41) University or college.
- 31 (42) Such other uses as determined by the Zoning Official or his/her designee to be:
 - 32 a. Appropriate by reasonable implication and intent of the district.
 - 33 b. Similar to another use either explicitly permitted in that district or allowed by Special
 - 34 Exception.
 - 35 c. Not specifically prohibited in that district.

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

Sec. 3-9-31. EM

1 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 2 provision at the time the Special Exception application is presented to it. An unfavorable determination
 3 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 4 Appeals.

5 (g) *Development Standards:*

	EM
Site (min.)	
Area (acres)	50
Width (ft.)	250
Setbacks (min. ft.)	
Front	100
Side	100
Rear	100
Bulk (max.)	
Lot Coverage of All Buildings	10%
Height (ft.)	60
Density (units/acres)	1 per 10 acres

6
 7 The Excavation and Mining (EM) zoning district may not be established anywhere on barrier islands, or
 8 within one statute mile of the waters of the Gulf of Mexico, any intercoastal waterways, or the waters of
 9 Charlotte Harbor and the Peace River located west of the I-75 Interstate Highway bridge over the
 10 Peace River. The EM zoning district is intended to be applied only to those properties accommodating
 11 excavations that meet Group III criteria contained in the Charlotte County Excavation and Earthmoving
 12 Code.

13 (h) *Signs.* Signage shall be in accordance with Sec. 3-9-86, as well as Chapter 3-5, Article XXIII.

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