

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

Sec. 3-9-28. ES

1 ~~Sec. 3-9-28. Environmentally sensitive (ES).~~

2 ~~(a) *Intent.* The purpose and intent of the environmentally sensitive district is to preserve and protect~~
3 ~~certain land and water areas in unincorporated Charlotte County which have overriding ecological,~~
4 ~~hydrological, physiographic importance to the public at large. It is intended to preserve and protect~~
5 ~~open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas,~~
6 ~~scenic areas, beaches and native flora and fauna in those areas designated ES or LD on the~~
7 ~~comprehensive plan map. It is intended to allow limited public/private recreational/educational uses~~
8 ~~and their incidental accessory uses and structures.~~

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

11 ~~(1) Public and private game preserves, fish and wildlife management areas, hatcheries and~~
12 ~~refuges, parks and open spaces.~~

13 ~~(2) Water conservation areas, reservoirs and control structures, drainage systems and water wells.~~

14 ~~(3) Agricultural uses.~~

15 ~~(4) Piers, docks and wharves which comply with section 3-9-70, "Boat docks; boathouses; boat~~
16 ~~lifts."~~

17 ~~(5) Single family residences.~~

18 ~~(6) Limited educational facilities such as canoeing, hiking and nature study, and outdoor education~~
19 ~~in keeping with the intent of the district.~~

20 ~~(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and~~
21 ~~clearly incidental to permitted uses and structures are permitted in this district.~~

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

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

26 ~~(1) Primitive campgrounds, commercial recreation areas and hunting and fishing camps.~~

27 ~~(2) Resort and sports marinas and commercial fisheries.~~

28 ~~(3) Essential services and emergency services.~~

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

30 ~~a. Appropriate by reasonable implication and intent of the district.~~

31 ~~b. Similar to another use either explicitly permitted in that district or allowed by special~~
32 ~~exception.~~

33 ~~c. Not specifically prohibited in that district.~~

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

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

38 ~~Minimum lot requirements:~~

39 ~~Area10 acres~~

40 ~~Width250 feet~~

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1 Minimum yard requirements:

2 ~~yard feet~~

3 ~~Front25~~

4 ~~Side10~~

5 ~~Rear20~~

6 ~~Maximum lot coverage by all buildings, percent10~~

7 ~~Maximum height of structures, feet38~~

8 ~~Maximum residential density, unit per 10 acres1~~

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

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

14 ~~(h) Signs. Signs should be in accordance with section 3-9-95~~

15 ~~(Minutes of 12-8-81, § 7; Ord. No. 89-34, § 2, 5-31-89; Ord. No. 94-55, §§ 1-3, 11-3-94; Ord. No.~~
16 ~~2002-008, § 1, 1-28-02)~~

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Section 3-9-28. Environmentally Sensitive (ES)

(a) Intent. The purpose and intent of this district is to preserve and protect land and water areas which have ecological, hydrological, or physiographic importance to the public at large. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna. It is intended to allow limited public or private recreational and educational uses and their incidental accessory uses and structures.

(b) Permitted Uses and Structures (P):

(1) Fish and wildlife management area, nature preserve.

(2) Gamelands, public and private.

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

(4) Outdoor educational facility.

(5) Park, public or not-for-profit.

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

(7) Water conservation areas, reservoirs and control structures, drainage systems and water wells.

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

(1) Boat lifts.

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

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

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

c. Construction trailers and cargo containers are prohibited.

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

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

(5) Keeping of pets excluding animal breeding, boarding and training.

(6) Non-commercial boat docks and boat ramps may be permitted prior to the principal uses and structures.

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

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

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

(2) Manufactured home (HUD), minimum requirement is Wind Zone 3.

(e) Prohibited Uses and Structures: Any use or structures not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.

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(f) Special Exceptions (S): (For procedure see Section 3-9-6.2. Special Exceptions)

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

(2) Bed and breakfast, 3 or more bedrooms.

(3) Campground.

(4) Emergency services.

(5) Essential services. (See Sec. 3-9-72, Essential Services)

(6) Government uses and facilities.

(7) Such other uses as determined by the Zoning Official or his/her designee to be:

a. Appropriate by reasonable implication and intent of the district.

b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.

c. Not specifically prohibited in that district.

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

(g) Development Standards:

<u>Lot (min.)</u>	<u>Located in the Urban Area</u>	<u>Located in the Rural Area</u>
<u>Area (acres)</u>	<u>10</u>	<u>40</u>
<u>Width (ft.)</u>	<u>250</u>	<u>250</u>
<u>Setbacks (min. ft.)</u>		
<u>Front</u>	<u>25</u>	<u>40</u>
<u>Side</u>	<u>10</u>	<u>20</u>
<u>Rear</u>	<u>20</u>	<u>20</u>
<u>Abutting water</u>	<u>20</u>	<u>20</u>
<u>Side & rear abutting Gulf of Mexico</u>	<u>50</u>	<u>50</u>
<u>Bulk (max.)</u>		
<u>Lot Coverage of All Buildings</u>	<u>10%</u>	<u>10%</u>
<u>Height (ft.)</u>	<u>38</u>	<u>38</u>
<u>Density (unit/acres)</u>	<u>1 per 10 acres</u>	<u>1 per 40 acres</u>

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

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

(i) Signs. Signs should be in accordance with Sec 3-9-86.