

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

Sec. 3-9-31. EM

1 **~~Sec. 3-9-55. Excavation and mining (EM).~~**

2 ~~(a) *Intent.* The excavation and mining district provides for group III excavation activities and associated~~
3 ~~uses, as described in chapter 3-5, article XXIII, of the Code of Laws and Ordinances of Charlotte~~
4 ~~County ("Charlotte County Excavation and Earthmoving Code"), and previously permitted only in~~
5 ~~agricultural zoning districts (AE and AG). This district is used to implement the comprehensive plan~~
6 ~~within areas designated as agricultural or resource conservation on the future land use map. It~~
7 ~~should not be applied outside the agricultural areas. In areas of special environmental significance,~~
8 ~~including, but not limited to, the watersheds of the Peace River, the Myakka River, Shell Creek,~~
9 ~~Prairie Creek and Alligator Creek, group III excavation activities should not negatively impact any~~
10 ~~special environmental resources.~~

11 ~~Excavation operations are a necessary and vital part of the economy of the state, and provide a~~
12 ~~strong basis for economic opportunity and development within Charlotte County. However, such~~
13 ~~operations also are frequently associated with noise, dust, a high volume of heavy truck traffic, and other~~
14 ~~activities generally incompatible with urban-style living. Therefore, it is the purpose of the excavation and~~
15 ~~mining zoning district to provide areas for the establishment of excavation activities in selected areas~~
16 ~~where residential uses are permitted only at very low densities, and where both the direct and generally~~
17 ~~negative impacts of these excavations are absorbed by the smallest possible percentage of the county's~~
18 ~~population.~~

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

20 ~~(1) Construction of all structures, equipment, and facilities required for the extraction, processing,~~
21 ~~and transportation of earth, sand, gravel, peat, or mineral ore, including construction of access~~
22 ~~roads, pipelines, recirculating water systems, beneficiation facilities, power lines, and draglines,~~
23 ~~and site preparation such as clearing of vegetation and grading, all as part of an approved site~~
24 ~~plan.~~

25 ~~(2) The washing, sizing, flotation, storage, drying and grinding of gravel, rock, and mineral ore, and~~
26 ~~all activities reasonably related thereto except chemical processing, refining, or manufacturing~~
27 ~~of materials from the gravel, rock, and ore.~~

28 ~~(3) The restructuring, reshaping, and re-vegetation of disturbed lands to a form in which the lands~~
29 ~~may be beneficially used in the future, and includes the process of restoration, all as part of an~~
30 ~~approved reclamation plan.~~

31 ~~(4) Structures used for storing, routing and treating of excavated materials and/or process waters,~~
32 ~~including but not limited to, reservoirs, clay settling areas, canals, ditches and their associated~~
33 ~~dams and dikes, all as part of an approved site plan.~~

34 ~~(5) All uses permitted in the AG and AE districts.~~

35 ~~(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and~~
36 ~~clearly incidental and subordinate to permitted principal uses and structures are permitted in this~~
37 ~~district.~~

38 ~~(d) *Prohibited uses and structures.* Any use or structure not specifically, or by reasonable implication,~~
39 ~~permitted herein shall be unlawful in this district.~~

40 ~~(e) *Special exceptions.* All special exceptions sought in this district must be approved prior to, and shall~~
41 ~~expire upon the termination of, an excavation permit granted under chapter 3-5, article XXIII, of the~~
42 ~~Code of Laws and Ordinances of Charlotte County. The following are the special exceptions~~
43 ~~permitted in this district (for procedure see section 3-9-7 "Special Exceptions"):~~

44 ~~(1) Excavation or mining operations that involve blasting.*~~

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1 ~~(*nothing in this section shall be deemed to affect the authority of the state fire marshal to~~
2 ~~regulate the use of explosives in relation to construction materials mining activities pursuant to~~
3 ~~F.S. Chapter 552)~~

4 ~~(2) Chemical processing, refining, or manufacturing of materials from the gravel, rock, and ore~~
5 ~~including asphalt and/or concrete batch plants as accessory uses to an active excavation or~~
6 ~~mining operation.~~

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

8 ~~Minimum Lot Requirements:~~

9 ~~Area, acres50~~

10 ~~Width, feet250~~

11 ~~Minimum Yard Requirements:~~

12 ~~Front yard, feet100~~

13 ~~Side yard, feet25*/75**/1000***~~

14 ~~(* when abutting property zoned other than residential)~~

15 ~~** when abutting vacant property zoned residential)~~

16 ~~(*** from existing residential or institutional structures)~~

17 ~~Rear yard, feet25*/75**/1000***~~

18 ~~(* when abutting property zoned other than residential)~~

19 ~~** when abutting vacant property zoned residential)~~

20 ~~(*** from existing residential or institutional structures)~~

21 ~~Maximum lot coverage by all buildings (percent)10~~

22 ~~Maximum heights of structures (feet)60~~

23 ~~The excavation and mining (EM) zoning district may not be established anywhere on barrier islands,~~
24 ~~or within one statute mile of the waters of the Gulf of Mexico, any intercoastal waterways, or the waters of~~
25 ~~Charlotte Harbor and the Peace River located west of the I-75 Interstate Highway bridge over the Peace~~
26 ~~River. The excavation and mining (EM) zoning district is intended to be applied only to those properties~~
27 ~~accommodating excavations that meet group III criteria contained in the Charlotte County Excavation and~~
28 ~~Earthmoving Code.~~

29 ~~(g) *Signs.* Signage shall be in accordance with section 3-9-95, as well as chapter 3-5, article XXIII.~~

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

31 ~~(Ord. No. 2007-090, § 1, 12-11-07) **Sec. 3-9-31. Excavation and Mining (EM)**~~

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

34 ~~(b) *Permitted Uses and Structures (P):*~~

35 ~~(1) 4H, FFA and similar uses and activities.~~

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- 1 (2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
- 2 Living Facilities)
- 3 (3) Biofuel production, less than 5,000 gal per day.
- 4 (4) Cemetery, mausoleum.
- 5 (5) Commercial excavation.
- 6 (6) Community garden.
- 7 (7) Dairy, grain, fruit, field crop, and vegetable production, cultivation, packing, and storage.
- 8 (8) Domestic animal breeding, boarding and training.
- 9 (9) Emergency services.
- 10 (10) Fish and wildlife management area, nature preserve.
- 11 (11) Fish hatchery.
- 12 (12) Gamelands, public or private.
- 13 (13) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture,
- 14 aquaculture, and commercial citriculture.
- 15 (14) Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses.
- 16 (15) Livestock breeding, boarding, training, and grazing.
- 17 (16) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 18 (17) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 19 (18) Model home. (see Sec. 3-9-78. Model Homes)
- 20 (19) Outdoor educational facility.
- 21 (20) Park, public or not-for-profit.
- 22 (21) Plant nursery.
- 23 (22) Raising of poultry.
- 24 (23) Single-family detached, which may have a guest suite that is structurally attached, with or
- 25 without cooking facilities.
- 26 (24) Stockpiling of fill.
- 27 (25) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
- 28 Towers)
- 29 (26) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
- 30 Towers)

31 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and

32 clearly incidental and subordinate to permitted and conditional uses and structures are permitted in

33 this district, including, but not limited to:

- 34 (1) Agricultural accessory uses and structures may be permitted prior to the principal uses and
- 35 structures.
- 36 (2) Asphalt plant or concrete batch plant, associated with a commercial excavation.
- 37 (3) Carports, garages, and storage structures associated with agricultural uses may be permitted
- 38 prior to the principal uses and structures.

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

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

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

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

8 (d) Conditional Uses and Structures (C): (For rules and regulations for any use designated as a
9 Conditional Use or Structure, see Sec.3-9-69. Conditional Uses and Structures)

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

11 (2) Conservation subdivision.

12 (3) Farm labor housing.

13 (4) Guest home.

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

15 (6) Minor yard trash processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)

16 (e) Prohibited Uses and Structures: Any use or structure not specifically, or by reasonable implication,
17 permitted herein shall be unlawful in this district.

18 (1) Park models and Recreational Vehicles for living purposes.

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

20 (1) Agricultural industrial activities, leather tanning, wool processing, meat curing.

21 (2) Airport.

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

23 (4) Amphitheater.

24 (5) Animal hospital and boarding facility with indoor or outdoor facilities.

25 (6) Animal and poultry slaughter, stockyards, rendering.

26 (7) Animal sanctuary, zoo.

27 (8) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
28 Congregate Living Facilities)

29 (9) Bed and breakfast, 3 or more bedrooms.

30 (10) Biofuel production, 5,000 to 15,000 gal per day.

31 (11) Biofuel production, greater than 15,000 gal per day.

32 (12) Campground.

33 (13) Clubhouse, community center.

34 (14) Composting facility. (see Sec. 3-9-70. Debris and Waste Facilities)

35 (15) Concentrated animal feeding operation.

36 (16) Correctional facility.

37 (17) Dairy, grain, fruit, field crop, and vegetable processing.

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- 1 (18) Elementary, middle, or high school.
- 2 (19) Essential services. (See Sec. 3-9-71. Essential Services)
- 3 (20) Exotic animal breeding, boarding, and training.
- 4 (21) Farm equipment sales and services.
- 5 (22) Fertilizer manufacturing.
- 6 (23)—Gas station.
- 7 (24) Government uses and facilities.
- 8 (25) Heliport, helistop.
- 9 (26) Livestock auction.
- 10 (27) Lumberyard.
- 11 (28) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 12 (29) Motor sports track, venue.
- 13 (30) Outdoor market space or exhibition space.
- 14 (31) Pistol, rifle, skeet, trap shooting and archery ranges.
- 15 (32) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 16 (33) Power plant.
- 17 (34) Private clubs.
- 18 (35) Private landing field.
- 19 (36) Recreation, outdoor.
- 20 (37) Sawmill, machine shop.
- 21 (38) Single-family residences used as a foster care facilities.
- 22 (39) Solid waste combustor. (see Sec. 3-9-70. Debris and Waste Facilities)
- 23 (40) Solid waste disposal facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 24 (41) Transfer station. (see Sec. 3-9-71. Debris and Waste Facilities)
- 25 (42) University or college.
- 26 (43) Such other uses as determined by the Zoning Official or his/her designee to be:
- 27 a. Appropriate by reasonable implication and intent of the district.
- 28 b. Similar to another use either explicitly permitted in that district or allowed by Special
- 29 Exception.
- 30 c. Not specifically prohibited in that district.

31 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this

32 provision at the time the Special Exception application is presented to it. An unfavorable determination

33 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning

34 Appeals.

35 (g) Development Standards:

Site (min.)

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

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

- (h) *Signs.* Signage shall be in accordance with Sec. 3-9-85, as well as Chapter 3-5, Article XXIII.
- (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.