

PART III -- UNIFIED LAND DEVELOPMENT AND GROWTH MANAGEMENT CODE

Chapter 2. Zoning

Article 2.2. Conventional Zoning Districts

Division 2.2.1. Open Space & Rural Chapter 3-9 ZONING

ARTICLE II. DISTRICT REGULATIONS

Section 2.2.1.4. - 3-9-55??- Excavation and mining Mining (EM)-

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

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

- (b) *Permitted Uses (P) and Structures:* ~~The following uses and structures are permitted in this district:~~
- ~~(1) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture, aquaculture, and commercial citriculture. Aquaculture.~~
 - ~~(2) Dairy, grain, fruit, field crop, and vegetable production, cultivation and storage.~~
 - ~~(3) Domestic animal breeding.~~
 - ~~(4) Horse stable.~~
 - ~~(5) Livestock breeding, training, and boarding.~~
 - ~~(6) Raising of poultry.~~
 - ~~(67) Plant nursery.~~
 - ~~(7) Silviculture.~~
 - ~~(8) Manufactured home (HUD).~~
 - ~~(98) Single-family detached, conventional or DCA-approved modular. modular. (Single family detached, conventional or DCA approved modular)~~
 - ~~(109) Cemetery, mausoleum.~~
 - ~~(104) Emergency services.~~
 - ~~(121) Community garden. (see Division 3.67.4. Community Garden-)Section ?? "Special Use Standards")~~

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

(143) Fish hatchery.

(154) Gamelands, public or private.

(165) Outdoor educational facility.

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

(187) Animal hospital, boarding facility. (see Division 3.67.2. Animal Hospital, Boarding Facility.) Section ?? "Special Use Standards")

(198) Biofuel production, 5,000 gal per day or less. (see Division 3.6.3. Biofuel Production, Storage.) Section ?? "Special Use Standards")

(20) Biofuel production, 15,000 gal per day or less. (see Section ?? "Special Use Standards")

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

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

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

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

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

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

~~(d) *Conditional Use (C):* (For rules and regulations for any use designated as a Conditional Use, see Article 3.2. Conditional Uses)~~

(1) Commercial excavation. (see Chapter 6. Earthmoving)

(2) Stockpiling of fill.

(3) Conservation subdivision. (see Article 4.3. Conservation Subdivisions)

(4) Minor yard trash processing facility. (see Division 3.7.6. Debris and Waste Facilities)

(5) Telecommunications facility, 50 feet or less in height. (see Division 3.7.5. Communication Towers)

(7) Telecommunications facility, greater than 50 feet in height. (see Division 3.7.5. Communication Towers)

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

(9) Campground.

(10) Manufactured home (HUD).

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

~~(ef) Special Exceptions (S):- (For procedure see Division 1.1.5. Special Exceptions.) All special exceptions sought in this district must be approved prior to, and shall expire upon the termination of, an excavation permit granted under chapter 3-5 chapter 3-5, article XXIII, of the Code of Laws and Ordinances of Charlotte County. The following are the special exceptions permitted in this district (for procedure see section 3-9-7 section 3-9-7 "Special Exceptions"):-~~

(1) Animal sanctuary, zoo.

(2) Concentrated animal feeding operation.

(3) Exotic animal breeding.

(4) Public building.

(5) Composting facility. (see Division 3.67.6. Debris and Waste Facilities.)

~~see Section ?? "Special Use Standards")~~

(6) Solid waste combustor. (see Division 3.67.6. Debris and Waste Facilities.)~~Section ?? "Special Use Standards")~~

(7) Solid waste disposal facility. (see Division 3.67.6. Debris and Waste Facilities.)~~see Section ?? "Special Use Standards")~~

(8) Transfer station. (see Division 3.67.6. Debris and Waste Facilities.)~~Section ?? "Special Use Standards")~~

(9) Airport.

(10) Heliport, helistop.

(11) Private landing field.

(12) Essential services.

(13) Power plant.

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

(15) Amphitheater.

(16) Clubhouse, community center.

(17) Place of worship.

(18) Motor sports track, venue.

(19) Recreation, outdoor.

(20) Farm equipment, supply establishment.

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- (21) Outdoor market or exhibition space. (see Division 3.67.9. Outdoor Retail Sales, Display, and Storage.) Section ?? "Special Use Standards"
- (22) Gas station with or without retail sales.
- (23) Motor vehicle repair, service.
- (24) Agricultural industrial activities, leather tanning, wool processing, meat curing.
- (25) Animal and poultry slaughter, stockyards, rendering.
- (26) Biofuel production, 15,000 gal per day or less. (see Division 3.67.3. Biofuel Production, Storage.)
- (27) Biofuel production, more than 15,000 gal per day. (see Division 3.67.3. Biofuel Production, Storage.) Section ?? "Special Use Standards"
- (287) Dairy, grain, fruit, field crop, and vegetable processing.
- (298) Fertilizer manufacturing.
- (3029) Sawmill, machine shop.
- (31) 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 BZA 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 Division 1.1.1. BZA.

Excavation or mining operations that involve blasting.*

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

- (2) Chemical processing, refining, or manufacturing of materials from the gravel, rock, and ore including asphalt and/or concrete batch plants as accessory uses to an active excavation or mining operation.
- (f) Conditional Use (C): (For rules and regulations for any use designated as a Conditional Use, see Article 3.2. Conditional Uses.) Section ??, "Conditional Uses."
 - (1) Commercial excavation. (see Chapter 6. Earthmoving.)
 - (2) Stockpiling of fill.

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~~(3) Conservation subdivision. (see Article 4.3. Conservation Subdivisions. Section ?? "Special Use Standards")~~

~~(4) Minor yard trash processing facility. (see Division 3.67.6. Debris and Waste Facilities.) see Section ?? "Special Use Standards")~~

~~(5) Telecommunications facility, 50 feet or less in height. (see Division 3.67.5. Communication Towers.) Section ?? "Special Use Standards")~~

~~(7) Telecommunications facility, greater than 50 feet in height. (see Division 3.67.5. Communication Towers.)~~

~~Section ?? "Special Use Standards")~~

~~(8) Bed and breakfast, 1 or 2 bedrooms.~~

~~(9) Campground.~~

(g) Development Standards:- The following development standards shall apply in this district:

Minimum Lot Requirements:

Area, acres50

Width, feet250

Minimum Yard Requirements:

Front yard, feet100

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

(* when abutting property zoned other than residential)

(** when abutting vacant property zoned residential)

(*** from existing residential or institutional structures)

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

(* when abutting property zoned other than residential)

(** when abutting vacant property zoned residential)

(*** from existing residential or institutional structures)

Maximum lot coverage by all buildings (percent)10

Maximum heights of structures (feet)60

Site (min.)	
Area (acres)	50
Width (ft.)	250
Yards (min. ft.)	
Front	100
Side	100

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Rear	100
Bulk (max.)	
Lot Coverage	150%
Height (ft.)	60
Density	1 unit
(units/acres)	per ten
	10
	acres 0.1

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 excavation and mining (EM) zoning district is intended to be applied only to those properties accommodating excavations that meet ~~group III~~ criteria contained in the Charlotte County Chapter 6. Earthmoving~~Excavation and Earthmoving Code~~.

~~(gh) Signs.~~ Signage shall be in accordance with ~~section 3-9-95 Article 4.10. Sign Code~~~~section 3-9-95~~, as well as ~~chapter 3-5 Article 4.7. Landscaping and Buffering~~, ~~article XXIII~~.

~~(hj) Off-street parking.~~ Off-street parking shall be in accordance with ~~section 3-9-90 Article 4.9. Parking Standards~~.~~section 3-9-90~~

~~(Ord. No. 2007-090, § 1, 12-11-07)~~