

AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 7.26, "I" INDUSTRIAL DISTRICT, SUBSECTION b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, TO ADD CHILD CARE CENTERS TOGETHER WITH CRITERIA FOR THEIR LOCATION AND USE; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Collier County Planning Commission, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance Number 82-2, Section 7.26, Subsection b.3), Permitted Provisional Uses and Structures, by adding Provisional Use (e) Child Care Centers.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE: PERMITTED PROVISIONAL USES AND STRUCTURES

Section 7.26, "I" Industrial District, Subsection b.3), "Permitted Provisional Uses and Structures", of Ordinance Number 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended by adding Child Care Centers to read as follows:

- 3) Permitted Provisional Uses and Structures: The following uses shall include, but not be limited to any other uses which in the opinion of the Zoning Director is of a similar character as those specified below:
 - (a) Manufacturing: Involving primary production of the following products from raw materials: Asphalt, cement, charcoal and fuel briquettes, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric, and sulphur acid, coal, coke and tar products, explosives, fertilizer, gelatin, animal glue and size, gas manufacturing; unless incidental to a principal use, turpentine, matches, rubber, soaps, fat rendering.
 - (b) Processing: Involving the following: Nitration of cotton or other materials magnesium foundry, reduction, refining, smelting of metal or metal ores, refining of petroleum products and by-products; curing or tanning of raw green or salted hides or skins, melting and alloying of metals; stockyards;

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recycling centers; slaughterhouses; slag piles; ammonia; and storage of fireworks or explosives and automobile wrecking.

- (c) Wholesale storage of gasoline, liquefied petroleum gas, oil, or other flammable liquids or gases, but not located within five hundred (500) feet of the nearest residential district.
- (d) Detached residence in conjunction with business: One (1) per business.

(e) Child Care Centers.

1) All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the Child Care Center's nearest property line.

(A) For purposes of this subsection, the following definitions shall apply

(i) Hazardous Materials - A material that has any of the following properties, ignitable, corrosive, reactive and or toxic.

(ii) Toxic substances - A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings.

2) Shall not be located within 500 feet of the nearest property line of land encompassing wholesale storage of gasoline, liquified petroleum, gas, oil, or other flammable liquids or gases.

3) Shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.

4) Shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.

5) Shall provide a minimum usable open space of no less than 30% of the total square footage of the lot area.

6) Shall provide that all open spaces to be used by children will be bounded by a fence of no less than five feet in height, to be constructed of wood, masonry or other approved material.

7) Shall provide a landscape buffer in accordance to Section 8.37 of the Collier County Zoning Ordinance (82-2).

8) Shall comply with the State of Florida, Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code, Chapter 10M-12, Effective March 11, 1986.

9) Where a Child Care Center is proposed in

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conjunction with, and on the same parcel as, a facility which is a permitted use, the requirements set forth in subparagraphs 1-8 above, with the exceptions of 4 and 5 shall be used to provide the protections to children using the Child Care Center intended by this section consistent with the development of the proposed permitted use.

SECTION TWO: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

DATE: January 23, 1990

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST: *James C. Giles*
JAMES C. GILES, CLERK

BY: *Max A. Hassé, Jr.*
MAX A. HASSE, JR., CHAIRMAN

Marjorie M. Student
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-89-24 ORDINANCE
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This ordinance filed with the
Secretary of State's Office the
31st day of Jan, 1990
and acknowledgement of that
filing received this 31st day
of Jan, 1990

By: *James Chesnic*
Deputy Clerk

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STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance 90-5

which was adopted by the Board of County Commissioners on the 23th day of January, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 26th day of January, 1990.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk

