

AN ORDINANCE AMENDING ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 7.7, "RO" RECREATION AND OPEN SPACE DISTRICT, SUBSECTION b. 3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY ADDING CHILD CARE CENTERS TOGETHER WITH CRITERIA; PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

SEP 4 1990

WHEREAS, the Community Development Division, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance Number 82-2, Section 7.7, "RO" Recreation and Open Space, Subsection b. 3), Permitted Provisional Uses and Structures, by adding Provisional Use (p) Child Care Centers, with criteria and relettering former Subsection 7.7 b. 3)(p) to 7.7 b. 3)(q).

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

SECTION ONE: Amendment To Section 7.7, "RO" Recreation And Open Space, Of Ordinance No. 82-2, As Amended.

Section 7.7, "RO" Recreation and Open Space, Subsection b. 3) Permitted Provisional Uses and Structures, of Ordinance 82-2, as amended, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

- 3) Permitted Provisional Uses and Structures:
 - (a) Public swimming pools.
 - (b) Marinas and boat ramps.
 - (c) Community centers.
 - (d) Amphitheater.
 - (e) Shooting range.
 - (f) Race track.
 - (g) Driving range.
 - (h) Miniature golf course.
 - (i) Archery ranges.
 - (j) Water ski jumps.
 - (k) Tennis facilities.

Words-struck-through are deleted; words underlined are added.

- (l) Zoo, sea aquarium, aviary, botanical garden, or other similar uses.
- (m) Restaurant in conjunction with recreational activity.
- (n) Private clubs and yacht clubs and related facilities of a non-commercial nature, such as boat ramps, docks, restaurant, cocktail lounge and limited overnight lodging units for persons arriving by yacht and docking at the club, provided such facilities are used exclusively by the members of the club and their invitees.
- (o) Sports facilities.
- (p) Child care centers

- 1. Child Care Centers shall be reviewed through a site development plan in accordance with Section 10.5 of the Collier County Zoning Ordinance No. 82-2.
- 2. A chain link fence or fence of approved material having a minimum height of four (4) feet shall be placed around all outdoor recreation play areas.
- 3. Landscaping shall be required in accordance with Section 8.30 of the Collier County Zoning Ordinance No. 82-2.
- 4. Child Care Centers shall comply with the State of Florida, Department of Health and Rehabilitative Services Child Day Care Standards, Chapter 10M-12, Florida Administrative Code, as may be amended from time to time.
- 5. 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.
- 6. Child Care Centers shall be prohibited except as allowed by these regulations.

~~(p)~~(q) Any other recreational use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

SECTION TWO: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the 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: August 28, 1990

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: James C. Giles, Clerk

BY: *Max A. Hasse, Jr.*
MAX A. HASSE, JR., Chairman

Approved as to form and
legal sufficiency:

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney
ZO-90-11 Amendment
bm/nb/3926

This ordinance filed with the
Secretary of State's Office the
4th day of Sept., 1990
and acknowledgement of that
filing received this 7th day
of Sept., 1990
By: *Laurence Chesonis*
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

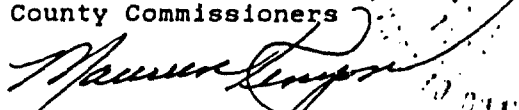
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-67

which was adopted by the Board of County Commissioners on
the 28th day of August, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 30th
day of August, 1990.

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


By: /s/Maureen Kenyon
Deputy Clerk