

ORDINANCE NO. 80-21

AN ORDINANCE AMENDING ORDINANCE 76-30 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY AMENDING SECTION 3; SECTION 8; SECTION 21,2,C,(3); SECTION 22.1,2,C(1); SECTION 22.11,2,C,(1); SECTION 22.111,3,C,(2); SECTION 22.IV, 2,C,(3); SECTION 23,2 (C),(2); SECTION 38,2,C,(7).

WHEREAS, the Coastal Area Planning Commission has recommended to the Board of County Commissioners to amend the Zoning Regulations;

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

SECTION ONE:

The Zoning Ordinance 76-30 is hereby amended as follows:

Amend Section 3, Paragraph H by adding the definition of an owner occupied child care center which reads as follows:

Child Care Centers Owner Occupied: a child care center located in the same structure as the residence in which the owner or operator resides. The term includes day nurseries, kindergartens, day care service, day care agency, nursery school, or play school. The term does not include foster homes.

Amend Section 8, by adding Paragraph 29 as follows:

29. CHILD CARE CENTER - OWNER OCCUPIED:

(A) The owner or operator must maintain his residence in the same structure on which the owner occupied child center is located. Churches are exempted from (A) and (B) of Paragraph 29, Section 8, but shall comply with the other requirements of this paragraph as well as the requirements of Section 14.

(B) The maximum number of children permitted shall be six (6) for the first 7,000 square feet of lot area and one (1) child for each 1,000 square feet of lot area in addition to the first 7,000 square feet of lot area.

The Board may approve a lot of less than 7,000 square feet in area if such lot was originally platted less than 7,000 square feet in area.

The maximum number of children which may be approved by the Board of County Commissioners for each owner occupied child care center shall be twenty-five (25) children.

(C) For the purpose of this ordinance, play area is defined as the area specifically designed and used for play, exercise, or outside teaching or training area and does not include off-street parking, loading and unloading areas, utility areas, building areas or required open space and landscaped areas.

(D) Fences and walls: A fence or wall shall be required as a separation between the play area and an abutting lot.

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A fence or wall may be constructed of wood, chain link or decorative concrete block, provided it allows the free flow of air through the play area and provides an eighty (80) percent opacity when viewed from an abutting lot.

All fences and walls shall be subject to the following restrictions unless approved otherwise by the Board:

- (1) In any residential district no closed wall or fence shall be erected or maintained within twenty (20) feet from the corner intersection of street right-of-way.
 - (2) Fences or walls outside of front building line shall be limited to a maximum height of four (4) feet. A fence or wall shall be limited to a minimum of 5' and a maximum of six (6) feet in the rear and side yards unless the rear and/or side yard is on a canal or waterfront in which case the maximum height shall be four (4) feet.
 - (3) No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in any residential area or district.
 - (4) Fences shall be treated as a structure for building permit purposes, and a permit shall be obtained prior to erection. Setbacks shall remain measured from the principal structure.
 - (5) A vegetative planting shall be allowed within the setback area between the fence or wall and the property line of the subject property.
- (E) The playing of music or the use of any type of broadcasting outside of the buildings shall be prohibited.
- (F) Supplementary conditions, as deemed appropriate, may be prescribed by the Board.

Amend Section 21,2,C(3) to read as follows:

- (3) Churches, schools; owner occupied Child Care Center subject to Section 8, Paragraph 29 in addition to the requirements of Section 14.

Amend Section 22.1,2,C,(1) to read as follows;

- (1) Churches, schools; owner occupied Child Care Center subject Section 8, Paragraph 29 in addition to the requirements of Section 14.

Amend Section 22.11,2,C(1) to read as follows:

- (1) Churches, schools; owner occupied Child Care Center subject to Section 8, Paragraph 29 in addition to the requirements of Section 14.

Amend Section 22.111,3,C,(2) to read as follows:

- (2) Churches, schools; owner occupied Child Care Center subject to Section 8, Paragraph 29 in addition to the requirements of Section 14.

Amend Section 22.IV,2,C(3) to read as follows:

- (3) Churches, schools; owner occupied Child Care Center subject to Section 8, Paragraph 29 in addition to the requirements of Section 14.

Amend Section 23,2,C(2) to read as follows:

- (2) Owner occupied Child Care Centers subject to Section 8, Paragraph 9 in addition to the requirements of Section 14.

Amend Section 30,2,C(7) to read as follows:

- (7) Owner occupied Child Care Centers subject to Section 8, Paragraph 8 in addition to the requirements of Section 14.

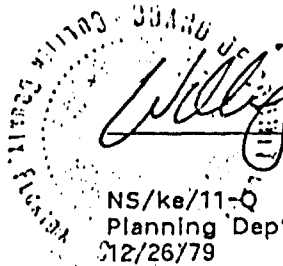
SECTION TWO:

This Ordinance shall become effective upon receipt of notice that it has been filed by the Secretary of State.

ADOPTED this 5th day of February, 1980.

ATTEST:
WILLIAM J. REAGAN, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA



William J. Reagan
NS/ke/11-Q
Planning Dept.
12/26/79

By: *Clifford Wenzel*
CLIFFORD WENZEL, CHAIRMAN

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

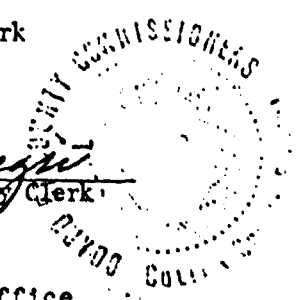
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which was adopted by the Board of County Commissioners during Regular Session February 5, 1980.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 5th day of February, 1980.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By: *Virginia Magri*
Virginia Magri, Deputy Clerk



This ordinance filed with the Secretary of State's Office the 9th day of February, 1980 and acknowledgement of that filing received this 14th day of February, 1980.

BY *Virginia Magri*
Deputy Clerk