
CITY OF OCALA PLANNING & ZONING COMMISSION REPORT

Meeting Date: 6/12/2023

Subject: Code amendment regarding Play Areas for Daycare Facilities

Submitted By: Emily W. Johnson, AICP

City Council Date: July 18, 2023 (Introduction) and August 1, 2023 (Second & final reading)

STAFF RECOMMENDATION (Motion Ready): Approve an ordinance to amend the supplementary regulations for day care facility play areas, to accommodate indoor play areas for licensed urban child care facilities.

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub & Innovative Environment

BACKGROUND: Staff has received a query from a local business owner regarding indoor play areas for day care facilities. Upon further research, it was identified that the State has adopted new guidelines for urban child care facilities licensed under s. 65C-22.001 F.A.C, which allow for such a facility to utilize additional indoor play area space in lieu of an outdoor play area, when outdoor play space is deemed not available.

In order to be classified as an urban day care facility under s. 65C-22.001 F.A.C, a prospective licensee must obtain written documentation from the local governing body that confirms the geographical area has been declared urban; the City is classified as an urban area by the U.S. Census Bureau. Additionally, a prospective licensee must consult with the licensing authority to verify that the required outdoor play space, required by Section 3.4.4(B) of the Child Care Facility Handbook does not exist or cannot be made available; availability of outdoor play space is defined and determined by the state licensing authority.

FINDINGS AND CONCLUSIONS:

The proposed ordinance was drafted by staff and is consistent with comparable ordinances concerning similar types of uses. The proposed amendment is consistent with the City's code of ordinances, and with state and local health and safety regulations.

LEGAL REVIEW: The ordinance is pending review by the City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve
- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Proposed ordinance

ORDINANCE

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-1314 CONCERNING CRITERIA FOR PLAY AREAS IN THE SUPPLEMENTARY REGULATIONS FOR DAY CARE FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. That Section 122-1314 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-1314. ~~Fenced p~~Play areas.

- ~~(a) A minimum of 45 square feet of usable outdoor play area must be provided for each child. Outdoor play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity.~~
- (a) Outdoor Play Areas. Outdoor play areas shall be encouraged to the greatest extent possible. All outdoor play areas must be identified on a site sketch or conceptual plan, and shall be designed in a manner consistent with all applicable state and local health and safety regulations.
 - 1. All outdoor play activities shall be conducted within a fenced play area, and no outdoor play activity shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - 2. The An outdoor play area must be fenced with no portion closer than 20 feet to any residential lot line, or closer than 50 feet to any public street. In addition, there shall be a ten-foot landscaped buffer between any portion of the fenced play area and any nonresidential lot line. This ten-foot buffer shall be designed in accordance with subsection 122-260(e).
 - 3. (b) A solid masonry wall shall be provided between fenced-outdoor play areas and residential lot lines. However, vegetative screening may be substituted for the wall if, in the opinion of the building official and planning director, this vegetative screening furnishes equal protection against noise.
- (b) Indoor Play Areas. In such cases that an outdoor play area is deemed not available, illogical, or hazardous due to site conditions or constraints, and a day care facility is appropriately licensed as an urban child care facility under S. 65C-22.001 F.A.C, an indoor play area shall be permitted. All indoor play areas must be identified on a site sketch or conceptual plan and shall be designed in a manner consistent with all applicable state and local health and safety regulations.
- ~~(c) All outdoor play activities shall be conducted within the fenced play area, and no outdoor play activity shall be conducted before 8:00 a.m. or after 8:00 p.m.~~

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the Mayor, or becoming law without such approval.

ATTEST:

CITY OF OCALA

By: _____
Angel B. Jacobs
City Clerk

By: _____
James P. Hilty Sr.
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2023.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney