

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