

ORDINANCE NO. \_\_\_\_\_ - 2020

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR IN-HOME CHILD CARE BY ADDING PROVISIONS TO SECTION 1.95, DEFINITIONS; ADDING PROVISIONS FOR IN-HOME CHILD CARE TO SECTION 62.00, ZONING CLASSIFICATIONS / ACCESSORY USES WITHIN ZONING CLASSIFICATIONS, FOR RESIDENTIAL COUNTRY ESTATE (RCE), SINGLE-FAMILY DWELLING DISTRICT (R1), SINGLE-FAMILY DWELLING DISTRICT (R2), MULTIFAMILY DWELLING (LOW-DENSITY) DISTRICT (R2A), MULTIFAMILY DWELLING (HIGH-DENSITY) DISTRICT (R3), TOWN HOUSE DWELLING DISTRICT (TH), MOBILE HOME DISTRICT (MH) MOBILE HOME PARKS, MOBILE HOME COOPERATIVES, MOBILE HOME CONDOMINIUMS, GENERAL COMMERCIAL DISTRICT (C2), AND PROFESSIONAL DISTRICT (P1); AMENDING SECTION 80.03, HOME OCCUPATIONS, AND ADDING A NEW SUBSECTION 80.03(A)(11), IN-HOME CHILD CARE; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, the Rockledge Planning Commission has reviewed the need for modifications to the Rockledge Land Development Regulations to allow for In-Home Child Care as a use and occupation in certain zoning districts within the City in order to provide a needed service to City residents; and

**WHEREAS**, the Rockledge City Council has reviewed and accepted the recommendations of the Rockledge Planning Commission as beneficial to all Rockledge citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Rockledge Land Development Regulations are amended as follows:

A. Section 1.95. - Definitions - is amended to add a new subsection 1.95(161) as follows:

**(161) Household Children:** Children who are related by blood, marriage, or legal adoption to, or who are the legal wards at the family day care home licensed operator, or an adult household member who permanently resides (a length of stay of four weeks or greater constitutes residing in the home) in the home.

B. Renumber sections (161)-(167) as (162)-(168).

C. Section 1.95. - Definitions - is amended to add a new subsection 1.95(169) as follows:

**(169) In-Home Child Care:** Child care services provided in a homesteaded, owner-occupied property for children for more than one unrelated family for a period of less than 24 hours a day or more than one (1) day in and one (1) week or for periods longer than three (3) weeks in any calendar year and which receives a payment fee, or grant for any of the children needing care, whether or not operated for profit.

D. Renumber sections (169)-(394) as (170)-(395).

E. Section 62.10. - RCE-Residential Country Estate District, subsection 62.12, Uses, is amended by adding a new subsection 62.12(c)(9) as follows:

62.12(c)

**(9) In-home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03(A)(11) of this Code.**

F. Deleting subsection 62.12(d)(7).

G. Section 62.20. - R1-Single-Family Dwelling District, subsection 62.22, Uses, is amended by adding a new subsection 62.22(c)(5) as follows:

62.22(c)

**(5) In-Home home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03(A)(11) of this Code.**

H. Deleting subsection 62.22(d)(7).

I. Deleting subsection 62.22(f).

J. Section 62.30. - R2-Single-Family Dwelling District, subsection 62.32, Uses, is amended by adding a new subsection 62.32(c)(7) as follows:

62.32(c)

**(7) In-home child care, subject to all conditions, limitation and restrictions set forth in Section 80.03 (A)(11) of this Code.**

K. Deleting subsection 62.32(d)(7).

L. Deleting subsection 62.32(f).

M. Section 62.40. - R2A-Multi-Family Dwelling (Low-Density) District, subsection 62.42, Uses, is amended by adding a new subsection 62.42 (c)(7) as follows:

62.42(c)

**(7) In-home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03(A)(11) of this Code.**

N. Deleting subsection 62.42(d)(6).

O. Section 62.50. - R3-Multi-Family Dwelling (High-Density) District, subsection 62.52, Uses, is amended by adding a new subsection 62.52(c)(9) as follows:

62.52(c)

**(9) In-home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03 (A)(11) of this Code.**

P. Deleting subsection 62.52(d)(6).

Q. Section 62.60. - TH-Townhouse Dwelling District, subsection 62.62, Uses, is amended by adding a new subsection 62.62(c)(5) as follows:

62.62(c)

**(5) In-home child care, subject to all conditions, limitations and restriction set forth in Section 80.03 (A)(11) of this Code.**

R. Deleting subsection 62.62(d)(5).

S. Section 62.70. - MH-Mobile Home District, Part 1, subsection 62.72, Uses, is amended by adding a new subsection 62.72(c)(4) as follows:

62.72(c)

**(4) In-home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03 (A)(11) of this Code.**

T. Deleting subsection 62.72(d)(9).

U. Section 62.78. - Uses (mobile home parks, mobile home cooperatives, mobile home condominium), is amended by adding a new subsection (c)(3) as follows:

62.78(c)

**(3) In-home child care subject to all conditions, limitations and restrictions set forth in Section 80.03 (A)(11) of this Code.**

V. Deleting subsection 62.78(d)(11).

W. Section 62.120. - C2-General Commercial District, subsection 62.122, Uses, is amended by adding a new subsection 62.122(c)(17) as follows:

62.122(c)

**(17) In-home child care, subject to all conditions, limitations and restrictions set forth in Section 80.03 (A)(11) of this Code.**

X. Section 62.130. - P1-Professional District, subsection 62.132, Uses, is amended by adding a new subsection 62.132(c)(9) as follows:

62.132(c)

**(9) In-home child care in existing single-family residential dwellings, subject to all conditions, limitations and restrictions set forth in Section 80.03 (A)(11) of this Code.**

Y. Deleting subsection 80.20(b)(3)(f) of section 80.20, Single-family medium density subdivision.

Z. Section 80.03 - Home occupations, is amended by adding a new subsection 80.03(A)(11) as set forth in "Exhibit A" of this Ordinance:

**SEE "EXHIBIT A"**

**SECTION 2.** The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the City of Rockledge, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chairman, City Council of the  
City of Rockledge, Florida

ATTEST:

\_\_\_\_\_  
City Clerk

1st Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

**"EXHIBIT A"**

80.03. - Home occupations.

(A)

(11) In-Home Child Care. A homesteaded, owner-occupied residence in which properly licensed child care is provided for children from more than one unrelated family for a period of less than 24 hours a day on more than one (1) day in any one (1) week or for periods longer than three (3) weeks in any calendar year and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the in-home child care or on a field trip with children enrolled in the in-home child care, shall be included in the overall capacity of the licensed home.

(a) *Specific requirements.* An in-home child care, per F.S. § 402.302, shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (1) A maximum of four children from birth to 12 months of age.
- (2) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (3) A maximum of six preschool children if all are older than 12 months of age.
- (4) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(b) *Local Business Tax Receipt.* In addition to the requirements of Section 80.03(A)(11)(c) of this Code, an in-home child care shall be licensed, operated and subject to enforcement pursuant to F.S. §§ 402.301-402.319, Chapter 65C-20, Florida Administrative Code, and any subsequent amendments, except as otherwise provided in this article. An in-home child care not licensed on the effective date of this article shall have six (6) months to obtain a license. An annual Fire Inspection is required.

(c) *Substitute child care providers.* Substitute child care providers shall be subject to the minimum requirements for child care personnel in F.S. §402.305(2)(a), as may be amended.

(d) *Transportation.*

- (1) When any vehicle is used to provide transportation, the driver shall have a current state driver's license.
- (2) The licensee must maintain current insurance coverage on all vehicles used to transport children in care, and documentation thereof.
- (3) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.
- (4) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by state statute.
- (5) An adult must remain within sight and sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.
- (6) Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:
  - (a) A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.
  - (b) Upon arrival at the destination, the driver of the vehicle shall:
    1. Mark each child off the log as the child departs the vehicle;



2. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
3. Sign the log verifying that all children were accounted for and that the visual sweep was conducted.

(c) Smoking is prohibited in all vehicles being used to transport children.

(e) *Advertising.* All advertisements must include the license number issued by the local child care licensing agency and identify the category of license issued (ex. child care facility, family day care home, or large family child care home). There shall be no advertising visible from any street.

(f) *Outdoor play area requirements.* The outdoor play area shall be clean, in good repair, and free from litter, nails, glass, and other hazards.

1. Outdoor play areas must be free from unsecured bodies of water. All water hazards must be inaccessible to children and enclosed with a fence that is 4 to 6 feet high or higher, and the bottom or base of the fence must remain at ground level.
2. All homes' play activities shall be suitable to each child's age and development. All playground equipment, if provided, shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children.
3. All playground equipment shall be in the back yard of the family home day care.
4. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls. Equipment used for climbing must not be placed over, or immediately next to hard surfaces not intended for use as surfacing for climbing equipment. All permanent/anchored playground equipment must be placed over a shock absorbing material

that is either the unitary or the loose-fill type extending beyond the perimeter of the stationary equipment. Untreated organic materials that support colonization of molds and bacteria shall not be used.