

CONDITIONAL USE PERMIT CHILD DAY CARE HOME, SINGLE-FAMILY DISTRICT
City of Cleveland Heights



Application available at www.clevelandheights.com/forms. Please submit to City of Cleveland Heights City Hall, Department of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118. **REVIEW ALL PAGES PRIOR TO APPLICATION.** Call 216-291-4863 or e-mail planning@clvhts.com with questions.

Applicant(s) _____ Date of Birth _____

Phone _____ e-mail _____

Address of subject property _____ Zip Code: _____

Dwelling type: ___ single-family ___ two-family ___ multiple-family

Will the applicant (operator of this day care) reside in the home? Circle: Yes No

If you have any school-age children living in your home, what are their names and ages?

Property owner, if different from applicant _____

Phone _____ e-mail _____

Names and ages of persons whom you will be caring for in your home:

- | | |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

Names and, if applicable, address of care providers other than yourself (please note that no more than one person not living in your home may work there as a caregiver):

Will each provider be at least 18 years of age and have a minimum of six months experience in caring for children, either as a parent or in another context (previous employment, center observations, volunteer service, in-service training, etc.) and will the provider take preventative steps to ensure the safety of the children in care? Circle: Yes No

Has your home been inspected and approved for home day-care services by the Fire Department during the past 12 months? _____ If yes, when? _____

By signing, I declare that all information I provided is true, correct, and complete, to the best of my knowledge and that I will comply with the terms of my permit and the requirements of Code section 1165.02(b), Home Occupations Accessory to a Dwelling Unit in a Residential District.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY		Cond. Use Permit/Day Care Home permit # _____	
Date submitted: _____		Date permit issued: _____	
<input type="checkbox"/> Proof of ownership or lease agreement attached			
<input type="checkbox"/> Application fee (\$40.00) received by: _____		Date: _____	
<input type="checkbox"/> Fire Inspection fee (\$50.00) received by: _____		Date: _____	
<input type="checkbox"/> General compliance with City Codes			
Zoning district in which this property is located: _____			
Is this property contiguous to any existing home day-care operations? _____			
Is there an existing home day-care operation within 150 lineal feet? _____			
Is there an existing home day-care operation directly across the street? _____			
Zoning Administrator approval: _____		Date: _____	
Fire Inspection approval: _____		Date: _____	

****APPLICANT—KEEP PAGES 2-4 FOR YOUR REFERENCE****

Home day-care operations (sometimes called 'Type B') are regulated by the City of Cleveland Heights to ensure they are conducted in a manner suitable for a residential neighborhood and that the homes used for day-care services are in compliance with applicable health and safety regulations.

Application procedure

Please include:

- Completed application on page 1.
- \$40 permit application fee for Conditional Use/Home Day Care Permit* (annual renewal)
- \$50 fire inspection fee *
- Proof of property ownership or lease agreement. (If you are a renter, you must also include your landlord's written authorization of your plan to provide home-based day-care services, unless your landlord's authorization is clearly set out in your lease agreement.)

*Checks made payable to the City of Cleveland Heights or pay by credit card in person at City Hall.

Definition and general requirements

A child day-care home is defined as "a permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the child day-care home shall be counted."

Once your application has been received, it will first be reviewed for compliance with the following general requirements:

- 1) The number of children cared for cannot exceed six, and no more than three may be under the age of 24 months. Any of your own children under the age of six, who are at home when day-care services are being provided, must be counted toward this total.
- 2) You must reside in the home in which you are planning to provide home-based day-care services. No more than one person who is not a member of the immediate family living on the premises may be employed or engaged in the furtherance of the home-based day-care operation.
- 3) Property must be in the 'A' and AA single-family zoning districts. [Homes in 'B' two-family zoning district require a Planning Commission Conditional Use Permit. Application at www.clevelandheights.com/forms.] If you are unsure what zoning district your home is located in, contact Planning Department, (216) 291-4878.
- 4) You are not eligible to receive a child day-care home conditional use permit if there is an existing child day-care home on any lot contiguous to yours, if there is a child day-care home directly across the street from you, or if your home is within 150 frontage feet of an existing child day-care home.

If your proposed child day-care home would not comply with the above regulations, you may apply for a variance from the regulations, but must prove a practical difficulty.

The day care provider(s) shall meet these minimum standards:

- 1) The provider shall be at least 18 years of age and have a minimum of six months experience in caring for children, either as a parent or in [an]other context, including previous employment, center observations, volunteer service, in-service training, etc
- 2) The provider shall take preventative steps to ensure the safety of the children in care. These steps shall include: providing flashlights or other emergency lighting, repair of loose floor boards, removal of peeling and/or accessible lead paint, placing all toxic and dangerous substances out of reach of children, and removing sharp and dangerous objects.

Zoning Code regulations

1165.02(b) Home Occupations Accessory to a Dwelling Unit in a Residential District

A home occupation may be conducted in a dwelling unit in Cleveland Heights provided that the following standards are maintained:

- 1) There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling.
- 2) There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises.
- 3) There is no more than one person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises.
- 4) There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located.
- 5) There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit.
- 6) *Not applicable to home-based day-care facilities per Code ch.1153.05(d).*
- 7) No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons.
- 8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached garage.

Fire Department regulations

If the Zoning Administrator is satisfied that Zoning Code requirements have been met, your application will be forwarded to the Fire Department to review for compliance with Fire Codes and Codified Ordinance Chapter 1511 (<http://conwaygreene.com/ClevelandHts.htm>). The Fire Inspector will then contact you to schedule a health-and-safety inspection of your home. A \$50.00 inspection fee is required prior to the inspection. To prepare for this inspection, read the regulation summary:

REQUIREMENTS FOR INSPECTION (Codified Ordinances sections 1511.06-1511.99)

- Each child day-care home shall have emergency exit capacity as outlined below:
 - 1) All floors used for child day care shall have a primary escape route which provides a safe path for travel to the outside of the building. When the floor is above or below ground level, the primary escape route shall be an interior stairway or an exterior stairway.
 - 2) In addition to the primary escape route, each floor used for child day care, including floors used for sleeping or napping purposes, shall have an alternate means of escape. This includes either of the following:
 - (a) A door or stairway providing a means of unobstructed travel to the outside of the building at ground level; or
 - (b) An exterior window operable without the use of tools which provides a minimum clear opening of 20 inches in width, 24 inches in height, and five and seven-tenths square feet in area. The lower edge of the window shall not be more than 44 inches above the floor or platform which is permanently attached to the floor or wall under the escape window.
 - 3) No room or space that is accessible only by a ladder, folding stairs, or through a trap door shall be used for child day-care.
 - 4) All stairs, hallways, corridors, ramps, and passageways leading to an exit shall be maintained at a minimum illumination, measured at the floor level, of one footcandle.
 - 5) Doorways, corridors, and stairways which are part of the primary or alternate escape route shall be kept clear of obstructions such as, but not limited to, toys, clothing, snow, ice, accumulated trash, and assorted debris.
- Each child day-care home shall meet the following fire evacuation requirements:
 - 1) The provider must have a written fire evacuation plan which consists of a floor plan marked

with a primary escape route and an alternate escape route to a designated meeting place outside the home.

- 2) The provider shall practice the fire evacuation plan at least once each month at different times of the day. The date and time of day of each practice drill shall be kept in a written log.
- 3) The written fire evacuation plan and log of practice fire drills shall be available for review by the Fire Warden or other City official designated by the City Manager.

Storage of flammable, combustible materials and hazardous, toxic, or controlled substances, such as, but not limited to, gasoline, kerosene, fuels, rubbing alcohol, furniture polish and wax, rubber and contact cement, paint, paint thinner and stripper, detergents, herbicides, pesticides, and prescription drugs, shall be as follows:

- 1) No gasoline, kerosene, or fuels shall be stored in the home.
- 2) Flammable and combustible materials and controlled substances shall be:
 - (a) stored in their original containers;
 - (b) kept in closed storage;
 - (c) stored out of the reach of children; and
 - (d) stored away from heaters, furnaces, water heaters, and gas appliances.

There shall be at least one UL- or FM-approved smoke detector located in the basement and on each level. The provider shall place, install, test, and maintain smoke detectors in accordance with manufacturer's recommendations.

There shall be at least one UL- or FM-approved portable fire extinguisher in the home which shall have a minimum rating of 2A 10BC. At least one fire extinguisher shall be located in the kitchen of the home. Upon discovery of a fire on the premises, the provider shall immediately notify the City Fire Department to request their assistance, even if a home fire extinguisher has been used to put out the fire.

Unvented fuel-fired heaters shall not be used. When vented gas, oil, or wood-fired heaters are used, a guard shall be provided for each heater, stove, or fireplace, to protect the children from hot surfaces and open flames.

All electrical connections shall be made in junction boxes which are properly covered. Electrical extension cords shall not be used as permanent wiring. The provider shall install child-proof protective covers for all electrical outlets in all areas of the home where children are present.

Enforcement

A violation of any provision of this Chapter by any person shall constitute a fourth-degree misdemeanor, with a penalty as provided by Section 501.99 of the Codified Ordinances and further shall be cause for revocation of a child day-care home permit.

Once issued, the permit shall be valid only for the provider at the address designated on the permit and the permit shall be posted in a conspicuous place at the subject premises. The permit shall not be transferable.

The City Manager shall have the power to refuse issuance or suspend or revoke any permit granted:

- 1) if any false statement has been made by the permittee in connection with the application for the permit or in the operation.
- 2) If the permittee fails or refuses to comply with any provision of this chapter or with any other City ordinances or State laws applicable thereto.
- 3) If the building or premises for which the permit has been issued does not comply with all provisions of this chapter and all other City ordinances and State laws applicable thereto.

Support for your home-based day-care operation

Starting Point, an organization established to improve the quality of child care in our region, is available to help you as you get your home day-care business started. For more information, visit www.starting-point.org or call 216-575-0061.