



City of Milford

General Administration
831-4192
248-5096 FAX

745 Center Street, Suite 200, Milford, Ohio 45150

www.milfordohio.org

To: Planning Commission

From: Pam Holbrook, Assistant City Manager

Date: 1/4/2019

Re: Public Hearing
Text Amendment: Child Day Care in Institutional District

In October the Milford First United Methodist Church approached staff about operating a Child Day Care Center at their church location, 541 Main Street. Staff informed the church that the Child Day Center use was not listed as a permitted or Conditional Use in the Institutional District. Staff discovered upon review of the Zoning Ordinance that Child Day Care Centers were permitted in all Zoning Districts except for the Institutional District. It is unclear whether this omission was intentional or an oversight but there doesn't appear to be a valid reason for not permitting this use in the Institutional District. Staff directed the Church to draft a letter outlining their request. (See Attachment 1)

At the November 14, 2018 meeting Planning Commission initiated a text amendment to add Child Day Care Center as a Conditional Use in the Institutional District in accordance with *Section 1133.01 Zoning Ordinance Amendments* in the Milford Zoning Ordinance.

The Public Hearing to review this request will be heard at the January 9th Planning Commission meeting.

Staff recommends the following changes to the Zoning Ordinance:

1. Add Child Day Care Centers as a Conditional Use Item 'B' to Section 1163.03. (See attachment 2)
2. No change to Child Day Care Center definition (See Attachment 3)
3. Add Institutional district to 1195.05.I .1. (See Attachment 3)
4. Change 1195.05.I.3 from Board of Zoning Appeals to Planning Commission
5. Delete second paragraph in 1195.05.I .6.
6. Change 1195.05.I.8 from Board of Zoning Appeals to Planning Commission
7. Fix typo in 1195.05.I .10.

The Milford Zoning Ordinance definition of Child Day Care Centers closely matches the State of Ohio definition; therefore, staff does not recommend any changes.

The Church indicated they cannot meet 1195.05. I.7. which states, "Outdoor play areas for children shall be permitted in the side and rear yards only. Outdoor play areas must be on the site of the day-care center." The Church would like the City to consider allowing Day Care play areas in the front yard since they are unable to meet the side and rear yard requirement. The State of Ohio does not regulate the location of the outdoor play area. Therefore, it becomes a zoning issue only. Staff would like to have a discussion about the pros and cons of changing this requirement.

Several documents from the Ohio Department of Job and Family Services have been attached for your reference.

ATTACHMENTS

1. Letter from Milford First United Methodist Church
2. Chapter 1163 "I" Institutional District
3. Section 1123.21 Child Day Care Center Definition and Chapter 1195.05.I Child Day Care Centers Conditional Use Standards
4. Opening and Operating a Child Day Care Program, Ohio Department of Job and Family Services
5. Child Care Center Rules, Indoor and Outdoor Space Requirements



*BUILDING BRIDGES:
Connecting People to Hope in Christ*
541 Main Street • Milford • Ohio • 45150

November 2, 2018

Mrs. Pam Holbrook
Assistant City Manager
City of Milford
745 Center St., Suite 200
Milford, Ohio 45150

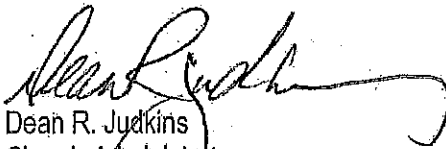
Dear Mrs. Holbrook,

Milford First wishes to start a daycare center within our church. From our conversation, you informed me that the church is zoned "institutional" and as such is not permitted to operate a daycare center under the current zoning code. I am writing to ask that the Planning Commission consider an exception to this code designation for the following reasons:

1. Our research has found that there is a need for daycare facilities, particularly for children who require assistance of some sort for their basic needs, and whose daycare needs are met through vouchers. The daycare would be open to all, of course, but there would not be exclusions based on ability to pay.
2. Milford First is strongly committed to serving the community and we consider operating a daycare center another way in which we can accomplish our mission.
3. Milford First is a nonprofit organization. The daycare center would be operated by the church as a subordinate part of the church and no outside organization, whether for-profit or not-for-profit, would be contracted with to provide administrative services.
4. While we understand the reasoning behind not permitting institutions per se to operate daycare centers, we would argue that a church is very different from other institutional organizations. In fact, some of the most successful daycare facilities in the Greater Cincinnati area are church run.

Milford First appreciates your consideration of our request. If you require additional information, feel free to contact me.

Sincerely,



Dean R. Judkins
Church Administrator

Steven Rodgers
Lead Pastor

CHAPTER 1163—"I" INSTITUTIONAL DISTRICT**1163.01 PURPOSE**

The purpose of the I Institutional District is to protect those lands used primarily by public or private institutional uses from development into other, incompatible or more intensive uses.

1163.02 PERMITTED USES

Permitted uses in this district shall be as follows:

- A. Cemeteries;
- B. Continuing Care Retirement Facilities;
- C. Educational Facilities;
- D. Nursing Homes/Convalescent Homes;
- E. Private Recreation Areas;
- F. Public Recreation Areas;
- G. Religious Places of Worship.

1163.03 CONDITIONAL USES

The following conditional use shall be permitted only if expressly authorized by the Planning Commission in accordance with Chapter 1195, Conditional Uses.

- A. Cellular or Wireless Communications Systems.

B. CHILD DAY CARE CENTER**1163.04 ACCESSORY USES**

The following accessory uses shall be permitted in accordance with Chapter 1181, Supplementary District Regulations, except for signs which shall be regulated by Chapter 1191, Signs.

- A. Accessory Buildings and Uses customarily incidental to the principal use of the lot;
- B. Multi-Family Dwellings in accordance with the regulations set forth in Chapter 1151, "R-5" Multi-Family Apartment Complex District concerning multi-family dwellings;
- C. Signs;
- D. Food Trucks.

1163.05 MAXIMUM HEIGHT

The maximum height for all structures within this district shall be 45 feet.

**New language in red and underlined, language removed will be denoted with a strikethrough*

- 1123.21 Child Day Care Center** shall mean any place in which child day-care or publicly funded child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

Chapter 1195 Conditional Uses

I. Child Day Care Centers

1. Child Day Care Centers are conditionally permitted in the R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, B-5, O, I and L-1 zoning districts.
2. A site plan shall be provided as a part of the application which shall clearly denote lot lines, the footprint(s) of any structure(s), the footprint(s) of any proposed new construction, parking areas, driveways, walkways, landscape details, setbacks from adjoining properties, and accessory uses, long with a rendering from each of the lot lines. Requirements are subject to Chapter 1127, Site Plan Review.
3. A traffic and circulation plan shall be submitted. The design and location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Milford ~~Board of Zoning Appeals~~ Planning Commission so as to reduce congestion, promote safety, and reduce the impact of the residential character of the neighborhood, when located in or adjacent to a residential district. The plan shall provide for the separation of incoming and outgoing vehicles during high volume period and shall provide a safe drop off point for children that will not impede traffic.
4. Parking areas shall not encroach upon any bufferyard required in Chapter 1189, Landscaping and Bufferyard Requirements.
5. Screening from adjacent residential areas, or from adjacent houses in a non-residential zone, is required on the perimeter of the parcel. Screening shall meet minimum requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements.
6. The light from any light source, including the interior of the building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, uses, or adversely affect safe vision of operators of motor vehicles moving on public or private roads, highways or parking areas. Light shall not shine into residential structures.

~~Landscaping projects involving more elements than perimeter screening and site illumination shall be submitted for a preliminary consultation with the Zoning Inspector prior to formal application.~~

7. Outdoor play areas for children shall be permitted in the side and rear yards only. Outdoor play areas must be on the site of the day-care center.
 - a. A minimum of sixty (60) square feet per child using the area at any one time shall be provided.
 - b. The outdoor play area shall be enclosed by a fence or otherwise protected from traffic or other hazards and screened from view of the adjoining property owners. Any day-care facility with an outdoor play area shall enclose said area with a fence or wall that is a minimum of five (5) feet in height. Fence or wall requirements shall also be subject to Section 1181.10, Fences, Walls and Hedges.
8. The hours of operation for child day-care centers shall be between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The use of outdoor play equipment and areas shall be limited to the hours between 8:00 a.m. and 6:00 p.m. Hours of operation may be extended by the ~~Board of Zoning Appeals~~ Planning Commission pursuant to its authority to impose requirements and conditions in authorizing a conditional use.
9. When located in a residential district, the exterior of the front of the facility shall not differ in appearance to the character of the surrounding neighborhood in which it exists.
10. The administrator, owner or provider~~d~~ of child day-care shall be responsible for compliance with all applicable city ordinance and state and federal statutes and regulations.

ATTACH 4



Opening and Operating a Child Care Program

Child Care Licensing
Procedural Guide

Table of Contents

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I. Introduction and Definitions

5104.02 Ohio Revised Code (ORC), the law that governs child care in Ohio, states: "No person, firm, organization, institution or agency shall operate, establish, manage, conduct or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code."

5104.01 ORC defines the following:

"Child Care" means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption for any part of the 24-hour-day in a place or residence other than a child's own home.

A **"Child Care Center"** means any place in which child care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care is provided for 7 to 12 children at one time. Children under 6 years of age who are related to the licensee, administrator or employee and who are on the premises of the center shall be counted in the total number of children in care.

*See
Milford
Zoning
1123.21*

A **"Type A Home"** means a permanent residence of the administrator in which child care is provided for seven to 12 children at one time—or a permanent residence of the administrator in which child care is provided for four to 12 children at one time if four or more children at one time are under 2 years of age. Any children under 6 years of age who are related to a licensee, administrator or employee who are on the premises of the type A home shall be counted in the total number of children in care.

The licensing process must be completed prior to any child care, as defined above, being provided. Please be sure to allow adequate time to complete the process.

Notes:

- Plan a minimum of 150 days after submitting an application to become licensed.
- This time frame may be extended if there are any structural issues that need to be addressed.

II. Licensing Law and Administrative Rules

You will want to read the law thoroughly and become familiar with the requirements, as your program will be regulated according to the requirements in the law and the rules. The child care rules, which tell you how you shall meet the requirements of the law, should also be reviewed.

Reading the rules is easier once you understand what each part of the number represents.

5101: 2-12-18.2				
5101	2	12	18	.2
Agency-Level Designation Number	Division Number	Chapter Number	Rule Number	Supplemental Rule Number

The rules are developed by the Ohio Department of Job and Family Services (ODJFS) with input from child care providers, parents and other child care professionals. The rules are reviewed at least every five years although proposals for changes in rules can be requested at any time. The licensing law and administrative rules establish minimum health, program and safety standards. They are designed to help you avoid known risks to children's health, safety and well-being while they are in your care.

Notes:

- A copy of the ORC, the law that governs child care in Ohio, may be found at: <http://codes.ohio.gov/>. Click on ORC, and then "Title [51] LI Public Welfare," and "5104 Child Day-Care."
- A copy of the Ohio Administrative Code (OAC), the rules that govern child care, may be found at the same Web site. On the main page, click on "OAC." Then scroll down to and click on "5101:2 Division of Social Services" and then either "Chapter 12" for child care centers or "Chapter 13" for type A homes.

III. Before You Apply For a License

After you have reviewed the law and rules, there are some initial issues you need to consider before you apply for a license.

A. Plan ahead

Before you are able to apply for a child care license, you must complete the first two sections of the following training sessions:

1. Session I, "How to Start," is available through local resource and referral agencies. This session provides a discussion of the business aspects of operating a child care program, such as budgeting, selecting a location, licensing procedures, necessary permits and approvals.
2. Session II, "The Plan of Operation Orientation," is offered monthly in one of the five field offices throughout the state. This session reviews the requirements of the Plan of Operation and discusses a sample timeline.
 - a. Plan of Operation (JFS 01250)

The plan of operation asks you to explain your plans for operating and administering your program and how you will meet the requirements of the child care rules. You may think of the plan of operation as an open-book test of the rules. You should have a copy of the rules available as you answer the various questions so you can reference rule requirements and develop your plans in compliance with the rules.
3. Session III, "Plan and Form Review," is a hands-on review and scoring of the plan of operation and a discussion of the forms that are required to be used in child care.

It is important to begin the licensing process several months before your proposed operating date. A minimum of 150 days is usually needed to meet the licensure requirements. While some applicants can become licensed within a shorter time period, other applicants may need more time if any difficulties are encountered in meeting requirements. An initial application can remain in pending status for one year.

Anyone who has an initial or renewal license application denied or license revoked pursuant to Chapter 119 of the Revised Code cannot be licensed for two years from the date of the Chapter 119 denial or revocation order. If such a person submits a license application during the two years after issuance of the order, ODJFS may not issue a license until the two-year period is over,

and the applicant is determined to be in compliance with the licensing law and rules.

Additionally, a license cannot be issued to anyone who had previously been certified as a type B family home, and whose certification the county department had revoked because of the applicant's refusal or inability to comply with the criteria for certification and that refusal or inability resulted in a risk to the health or safety of children.

B. Application Fee

An application fee is not refundable or transferable. If you file an application and then decide not to open a center or type A home, your fee cannot be refunded. If you file an application for one owner or address, the application cannot be used for any other owner or address.

C. Inspections of Physical Facilities

Inspections and approvals of the physical facilities by other departments will be required prior to the issuance of a child care license to ensure that health and safety standards not covered by child care laws and rules are met. It is the owner's responsibility to request these inspections from the appropriate agencies. Centers must be inspected and approved by building, fire and food service inspection agencies. Type A homes must be inspected and approved by building and fire inspectors. Type A homes are not required to be inspected and approved by food service inspectors; instead, they must have the kitchen and food areas inspected and approved by child care licensing specialists for compliance with meal preparation and service requirements. Additionally, type A homes that use water that is not publicly supplied must have the water sampled by the local health department and analyzed and approved as safe by an approved laboratory, prior to the initial license being issued.

ODJFS can act only as a referral agency in securing building, fire and food service approvals from other departments, as ODJFS does not have jurisdiction in these other inspection areas. It is a good idea to do some preliminary checking with these departments before applying for a license to secure information about code requirements and inspection procedures.

Notes:

- Contact your **local building inspection department** to find out how to secure a Certificate of Use and Occupancy for all parts of your facility that you want to use for child care*.
- Contact your local **fire department** to find out how to secure a fire approval for child care.
- Contact your **local health department** to find out the process for securing a food service license.

* Be sure to mention what age range of children you intend to care for at your program.

D. Zoning

Many communities have zoning requirements, which need to be cleared with local (city or county) zoning boards. Be sure that you are aware of land use controls and have proper zoning approval before submitting an application for licensure. Contact your local governmental body for this information.

E. Administrator

The administrator named for each program is responsible for the daily operation of the program and for maintaining compliance with all child care laws and rules. Each center must have an administrator who meets the qualifications outlined in Section 5104.011 (B)(4) of the ORC and rule 5101:2-12-24 of the OAC. Each type A home must have an administrator who meets the requirements of rule 5101:2-13-24 of the OAC. Administrators must be on site 50 percent of the child care hours of operation or 40 hours per week, whichever is less. Center administrators must also complete the child care rules review course within six months of the date of the appointment.

F. Staffing

Staff for the program will need to be designated before the facility can be licensed. Centers need to secure the following for each child care staff member: educational verification, a medical examination verifying fitness to care for children, three references, an employee policy review statement, a statement of nonconviction, and criminal records checks from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI).

G. Equipment

The program will have to be set up and ready to operate with equipment, materials and furniture before the license will be issued. Plan ahead so that you will have the financial backing needed to meet the requirements for these materials and equipment.

H. Outdoor Play Space

The program, if operating four or more hours per day, will be required to provide a safe outdoor play space.

As you can see, the above issues are critical points to consider in planning a child care program. It is a good idea to make plans to address these issues before applying so that you make the best use of your time and funds.

IV. Role of the Child Care Licensing Specialist

Notes:

- ☐ Contact the Office of Families and Children Help Desk at 1-866-886-3537, option 4 (8:00 am to 5:00 pm)
- ☐ ODJFS forms needed for child care (both prescribed and sample) can be accessed online at <http://www.odjfs.state.oh.us/forms/inter.asp>

The responsibilities of the child care licensing specialist are as follows:

- A. To review your plan of operation.
- B. To assess if your program is meeting the requirements of the licensing rules by doing an on-site inspection before a license is issued.
- C. To recommend to the director of ODJFS that the appropriate licensing action be taken, based on the results of the building, fire and health inspections and the program's compliance with the licensing law and rules, as confirmed by the specialist's findings and the information you have provided.
- D. After a license is issued, to monitor the program's continued compliance with the licensing law and rules through a series of announced and unannounced inspections, and to provide written notification of the findings of these inspections.
- E. To assist you in developing ways to comply with licensing requirements. There may be several ways to comply; the licensing specialist can discuss the options.
- F. To provide consultation in the areas of program, nutrition, health, administration and other aspects of child care.

The licensing specialist will welcome any comments, input and recommendations you may have about licensing rules or procedures. If you find that you disagree with a decision or action of the specialist, you can make arrangements to discuss your concerns with the licensing supervisor in the field office. Often problems can be resolved quickly and easily through this informal administrative review process.

V. The Licensing Process

While you are completing the required trainings (Session I-III), you will need to contact the appropriate government agencies to get written fire, building and health code approval. The time necessary to secure a license may be lengthened if you encounter problems in securing these written approvals and must make modifications to the building in order to receive approvals.

Centers: Upon receipt of written fire approval, a certificate of use and occupancy from the building department, and a food service license from the health department, your licensing specialist will set up an on-site inspection to complete your center's compliance

investigation.

Type A Homes: Upon receipt of written fire approval and a completed home inspection checklist from the local building inspection department, your licensing specialist will set up an on-site inspection to complete your home's compliance investigation.

- A. During this visit the specialist will tour the physical facility and review all aspects of the law to ensure that your plan for compliance is complete and will meet requirements once the facility is operating.
- B. After the initial inspection, you will need to submit written documentation that any areas that were not in full compliance have been corrected. The specialist cannot make a positive recommendation until all required information has been submitted.
- C. Once all compliance information has been submitted and reviewed and approved by the specialist, a letter will be written recommending that a license be issued. (The specialist does not actually issue the license to the owner, but will recommend to the director that a license be issued to the owner.)
- D. After review of all paperwork and information, the specialist's supervisor, as the director's representative, will determine whether the recommendation should be processed or if additional information is needed.
- E. If the recommendation is processed, the owner or administrator will be sent a provisional license letter stating that the program may begin operation and the numbers of children in each age group for which the program may provide care. You must have this written notification before opening your child care center or type A home.
- F. The licensing letter containing the recommendation for an initial license must be posted at the program until the actual license is received from the central office.

Careful planning is essential:

You need to start the licensing procedure well ahead of your proposed opening date to allow ample time for review and modification of plans, for securing inspections and approval reports from other agencies, and for completion of the compliance inspection.

VI. Provisional License

- A. A provisional license is the type of license granted to new applicants when requirements have been met. The provisional license will be effective for six months (180 days).
- B. The provisional license period gives the owner time to begin operation of the center or type A home and to implement the plan for compliance with the licensing law and rules.
- C. Within the six months, the owner must show that the program can meet all requirements on a continuing basis in order to qualify for a regular two-year license. The specialist will conduct an inspection at least once during the provisional license period to ascertain the facility's ongoing compliance with all areas of the licensing law and rules. After each inspection, the specialist will provide written notification of compliance findings and any needed corrective action.

VII. Transition from Provisional to Two-Year License

- A. If the provisional license inspection finds the center or type A home to be in compliance with all areas of the law and rules, the licensing specialist will recommend that a regular license be issued for the balance of the two-year license period (18 months).
- B. Another license application is not needed at this time. The regular license is issued from the central office and is valid for the balance of the two years unless revoked for good cause by ODJFS.

VIII. Notification of Inspection Findings

The licensing law requires that ODJFS provide written notification of noncompliance findings after every inspection.

- A. During the inspection the specialist will complete an inspection report on a hand-held computer. In most instances the specialist will print and review the report with the administrator prior to leaving.
- B. Noncompliance findings may pertain to the law, a rule or the conditions of the license. The licensing specialist will discuss the findings with the administrator and explain how to make the necessary corrections.
- C. The report, which also will be posted on the ODJFS Child Care website, will list the following:
 - 1. Area(s) of the law or rule inspected
 - 2. Specific noncompliance findings that were observed
 - 3. Corrective action(s) needed
 - 4. Date by which the corrective action plan must be completed and documentation submitted to ODJFS

IX. Complaint Investigations

- A. The licensing law requires that ODJFS investigate when a rule-related complaint is received about a licensed facility. If someone files a complaint about your program that involves the implementation of child care licensing rules, the specialist will inform you and investigate. The identity of the person who made the complaint is confidential under Ohio public records laws. The specialist cannot give you any information about this person.
- B. After the investigation is complete, the specialist will give you a written report that contains a summary of the compliance findings and any necessary corrective action that needs to be taken.

X. Summary

ODJFS is responsible for regulating the care of children in centers and type A homes in order to protect their health, safety and well-being. Along with this responsibility is a responsibility to protect your rights as a provider. This includes your right to due notice, the opportunity for you to comply with rules and law, your right

to administrative review and appeal and your right to due process regarding any legal action attempted by ODJFS. Through the involvement of providers, parents, the advisory council and other interested parties, the department has developed a licensing system to meet these responsibilities. ODJFS continues to evaluate and monitor the effectiveness of the licensing system and requirements and welcomes your comments and suggestions.

XI. Statewide Child Care Programs

The first program listed below, Step Up To Quality, is a voluntary program in which child care facilities can choose to participate. It is not part of the required licensing process. You may want to further research this program to find out if you want to participate in it once you have been issued a license. The second program, Regulation for the 21st Century, is the system ODJFS is using to improve the regulatory processes for child care facilities. Serious Risk Rules have been incorporated into licensing regulation and inspection reports.

- A. **Step Up To Quality** is Ohio's voluntary quality rating system for ODJFS licensed child care programs. Step Up To Quality recognizes early care and education programs that exceed quality benchmarks over and above Ohio's licensing standards. Supports and awards are available to assist programs in achieving and maintaining a Star Rating.
- B. **Regulation for the 21st Century:** In recent years, Ohio has developed and implemented strong systems to address the needs of children who are participating in out of home care. The Bureau of Child Care and Development currently has a strong program in place (Step-Up To Quality) that supports both quality and school readiness. Now we need to assure that our regulatory system is a strong foundation on which to continue to build these two programs.
- C. **Serious Risk Rules** have been identified as part of Regulation for the 21st Century, as rules which when violated present the greatest risk of harm to children. The serious risk rules were identified by a workgroup with statewide representation from diverse stakeholder groups. If a program has a non-compliance with any of these rules, it will prevent them from being eligible for a star rating until they have had a regular licensing visit without any serious risk non-compliances.

For more information on any of these programs, visit our website at:
<http://jfs.ohio.gov/cdc/childcare.stm>.

XII. For Further Information

On the following page you will find a list of the field offices and the counties that each office currently covers. Please be aware that sometimes, due to changes in staffing levels, the counties each field office covers may change.

All field offices may be contacted through the Office of Families and Children Help Desk at 1-866-886-3537, Option 4.

Field Office	Counties
Canton Field Office 402 Second Street, SE, Suite 100 Canton, OH 44702-1108	Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Stark, Summit, Tuscarawas, Wayne
Cincinnati Field Office Pictoria Tower 1 225 Pictoria Drive, Suite 500 Springdale, OH 45246	Adams, Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, Shelby, Warren
Cleveland Field Office E.J. Lausche Bldg. 10th Floor 615 West Superior Ave. Cleveland, OH 44113	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Trumbull
Columbus Field Office 50 W. Town Street, 6th Floor, Suite 400 P.O. Box 182709 Columbus, OH 43218-2709	Ashland, Athens, Champaign, Clark, Coshocton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Richland, Ross, Scioto, Union, Vinton, Washington
Toledo Field Office 1684 Woodlands Dr., Suite 200 Maumee, OH 43537	Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot
All field offices may be contacted through the Office of Families and Children Help Desk at 1-866-886-3537, Option 4.	

XIII. Resource and Referral Agencies

The Ohio Child Care Resource & Referral Association (OCCRRA) promotes the positive development of all children, especially those in out-of-home learning environments. OCCRRA's membership consists of resource and referral agencies providing services to families, early childhood professionals, and communities throughout

Ohio. Each member agency maintains a regional database of child care providers, provides families with information on how to select care, increases the quality effectiveness of providers by offering professional development opportunities, and provides information to policy and decision makers.

CCR&Rs provide an entry point to the child care field, helping providers meet licensing requirements. CCR&Rs also support providers by offering low-cost or free training in diverse topics like health and safety, child development and sound business practices. CCR&Rs work with local and state governments and the private sector to leverage resources for building and maintaining the supply of quality child care.

More information on how to contact your local
CCRR&R can be found at:

<http://occrro.org/members.php?pid=14>

Notes:



Ted Strickland, Governor
State of Ohio

Douglas E. Lumpkin, Director
Ohio Department of Job and Family Services

Office of External Affairs
JFS 01211 (Rev. 7/2010)

An Equal Opportunity Employer and Service Provider

Department of Job and Family Services

State Agencies | Online Services

ATTACH 5

[JFS HOME](#)[LEGAL/POLICY CENTRAL CALENDAR](#)[SEARCH CENTER](#)[FORMS CENTRAL](#)[Child Support
Program](#)[Cash / Food
Assistance](#)[Legal Services](#)[Child Care](#)[Families and
Children](#)[Workforce
Development](#)[Local
Administration](#)[Unemployment
Insurance
Operations](#)

eManuals Home  Family Assistance - Child Care  Child Care Center Manual  Child Care Center Rules 

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Child Care Center Rules

5101:2-12-11 Indoor and Outdoor Space Requirements for a Licensed Child Care Center

CCCM TL 16

Effective Date: December 31, 2016

Most Current Prior Effective Date: November 22, 2015

Appendix A -Depth of Protective, Resilient Surface Needed for Playground Equipment Adapted from the Consumer Product Safety Commission

(A) What are the indoor space requirements for a center?

- (1) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space for each child the center is licensed to serve.
- (2) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas not available or not used for child care.
- (3) Bathrooms may be included if they are used exclusively by children enrolled in the center.
- (4) Areas included in the center's square footage shall be exclusively available for child care during all operating hours of the child care program.
- (5) If the center is in a shared building, the center may identify a back-up space that is available for use on days the primary space is not available. When the back-up space is utilized, the space shall only be used for child care during that time and shall have building and fire approval.
- (6) The public may use areas such as entry ways, hallways, bathrooms and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.
- (7) The calculation of indoor space may include hallways, kitchens, storage areas and bathrooms not used exclusively by children and other areas not available for child care if either of the following apply:
 - (a) The center's license has been maintained since September 1, 1986; or
 - (b) A new license was issued due to the change of ownership of the center that was previously licensed prior to September 1, 1986.

(B) What are the additional space requirements for areas where there are groups that include children who are less than two and one half years of age?

The space shall:

- (1) Be separate from space being used for groups of children two and one half years old and older.
- (2) Be approved by the Ohio department of job and family services (ODJFS) prior to use for the care of children younger than two and one half years of age.
- (3) Provide at least thirty-five square feet of floor space for each child per room or area.
- (4) Be approved, as required, by local building and fire officials.
- (5) Be defined by a continuous permanent or non-permanent barrier that is at least thirty-six inches in height.

(C) What are the on-site outdoor space requirements for a center?

- (1) The center shall have an outdoor space that:

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- (a) Provides at least sixty square feet of usable space per child using the area at one time.
- (b) Is located away from traffic or protected from traffic or animals by a fence in good condition with functioning gates or a natural barrier. The fence or natural barrier shall assure that children are not able to leave the outdoor play area unsupervised and shall assure that any hazards from the outside cannot enter the outdoor play area without the staff being aware of them.
- (c) Has functional latches on gates which cannot be easily opened by young children if gates are used. Gates shall not be padlocked when children are present at the center.
- (d) Provides access to bathroom facilities and drinking water during play times.
- (e) Is free of foreign objects and trash during times children are outside playing. A trash can with a lid is permitted in the play area if it is emptied daily and kept in clean condition.
- (f) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. The center may also install lawn umbrellas that are securely anchored or other structures that provide shade in a safe manner.
- (2) Bodies of water (other than water tables designed for children to play in only with their hands) shall be separated from the play area by a fence or other physical barrier (the center door only is not a sufficient barrier) that prevents children from accessing the water. Wading pools shall only be accessible to children in accordance with rule 5101:2-12-24 of the Administrative Code.
- (3) The play area(s) and equipment shall be inspected quarterly by the administrator or designee during the months that the program is in operation. The inspection shall be documented on the JFS 01281 "Child Care Playground Inspection Report" (12/2016) and kept on file for one year.
- (D) What are the exemptions for having an on-site outdoor space?
 - (1) A center may be exempt if both of the following apply:
 - (a) The center has an indoor recreation area that has a minimum of one thousand four hundred forty square feet of space that is separate from the indoor space required by this rule and is regularly available and scheduled for daily use.
 - (b) There is a safe park or play area regularly available, scheduled for daily use in suitable weather and approved by the ODJFS. Access to this area shall be safe and convenient, and children shall be closely supervised during play and when going to and from the area.
 - (2) A center approved to use an off-site area may use the play space regardless of change of ownership unless it is determined, upon inspection, that the area or its accessibility is unsafe.
- (E) What are the requirements for outdoor equipment?
 - (1) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.
 - (2) Equipment, such as, but not limited to, climbing gyms, swings, and slides shall:
 - (a) Be placed out of the path of the area's main traffic pattern.
 - (b) Be anchored or stable and have all parts in good working order and securely fastened.
 - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.
 - (d) Have "S" hooks that are closed in order to prevent the chain from slipping off of the hook and prevents strangulation.
 - (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, toxic substances, protruding bolts, or tripping hazards.
 - (f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts.
 - (g) Have protected barriers on platforms that are thirty inches high or higher. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.
 - (h) Be assembled, installed and utilized according to manufacturer's guidelines.
 - (3) Sandboxes shall be covered with a lid or other covering when they are not in use.
- (F) What are the requirements for a fall zone?
 - (1) Outdoor play equipment designated for climbing, swinging, balancing and sliding shall have a fall zone of protective resilient material on the ground under and around the equipment.
 - (a) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips or synthetic material such as rubber mats or tiles manufactured for this purpose.
 - (b) Equipment shall not be placed directly over concrete, asphalt, blacktop, dirt, rocks, grass or any other hard surface.

- (c) Synthetic surfaces shall follow manufacturer's guidelines for depth.
 - (d) Protective resilient material depth for equipment that is over twelve inches in height shall be appropriate for the height and type of equipment as specified in appendix A to this rule.
 - (e) All loose fill materials, such as mulch, sand, wood chips, washed pea gravel shall be raked, as needed to retain their proper distribution and depth. Foreign materials must be removed prior to use by children.
- (2) All space around equipment designed for or observed being used for climbing, swinging, balancing or sliding shall extend a minimum of six feet in all directions from the perimeter of the equipment.
- (a) The fall zone for moving or swinging equipment shall extend six feet from the point of furthest extension.
 - (b) The fall zone between two stationary pieces of equipment shall be a minimum of nine feet.
 - (c) Fall zones shall be kept clear of all obstacles that children could run into or fall on top of including retaining devices such as, but not limited to, fencing, walls, landscape timbers and mulch retaining walls.
 - (d) Equipment used for climbing shall not be placed over carpet or mats that are not intended for use as surfacing for climbing equipment.
- (3) Centers licensed as of January 1, 2007 that have fall zones meeting the requirements listed in paragraph (F)(1) of this rule are exempt from the requirements of (F)(2) of this rule, unless stationary equipment designed for or are observed being used for climbing, swinging, bouncing or sliding is added, replaced or relocated. When this type of equipment is added, replaced or relocated the center must comply with the requirements of paragraphs (F)(1) and (F)(2) of this rule for all pieces of equipment designed or observed used for climbing, swinging, bouncing or sliding on that playground.

Replaces: [5101:2-12-13](#), [5101:2-12-14](#)

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