

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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REGULATIONS FOR OPERATING A HOME CHILD CARE BUSINESS IN CRESTED BUTTE SOUTH (ADOPTED NOVEMBER 2007, REVISED FEBRUARY 2010)

HOME CHILD CARE BUSINESS IN CRESTED BUTTE SOUTH shall be defined as a commercial business or activity conducted upon real property of a primarily residential character which involves the owner of the residential real property providing, for a fee, child care services for one or more minor children under the age of 12 years. A person who provides child care services only for their children in their own home is not engaged in a home child care business. Home child care business shall be considered on a case-by-case basis. Care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children include children six (6) years of age and older who are enrolled in the first (1st) grade or above. A child enrolled in a kindergarten program is not considered a school-age child until the child begins attending kindergarten a year before they enter first (1st) grade. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity. Residents of the home include, but are not limited to, birth, adopted, step or foster children of the provider. All in-home child care operations must meet all of the following requirements:

1. The applicant(s) shall possess a current state home child care license sufficient to authorize the operation of the proposed home child care business under applicable state law and regulations.
2. The applicant shall confirm in writing as part of the application that the proposed home child care business will always be limited to the care of a maximum of eight (8) children on-site at any time, as prescribed above.
3. The applicant shall submit a site plan demonstrating compliance with the applicable parking requirements of CB South for the existing residential use of the property where the home child care business is proposed to be operated. There shall be no additional parking requirement imposed for a home child care business in excess of the parking required for the existing residential use where the home child care business is proposed to be operated. The site plan shall also describe where outdoor activities will be conducted in connection with the operation of the home child care business.
4. The applicant shall confirm in writing as part of the application that there will never be more than one employee working in the home child care business who is not related by blood or marriage to the owner of the home child care business. Such person shall always work under the direct supervision of the owner of the home child care business.
5. The location and operation of the proposed home child care business shall found to be compatible with adjacent properties and land uses. As used in this paragraph, the term "adjacent properties and land uses" shall have the following meanings: (i) if the site of the proposed home child care business is located in an apartment, condominium or other multi-unit residential structure, adjacent properties and land uses shall mean all of the

- units located in that apartment, condominium or multi-unit residential structure; and (ii) if the site of the proposed home child care business is located in any other type of residential structure, adjacent properties and land uses shall mean those units, lots and parcels located within a radius of one-hundred feet from the site of the proposed home child care businesses, disregarding intervening public streets and alleys.
6. Applicants are responsible for notifying all adjacent properties/owners via certified mail no later than fifteen (15) days prior to the hearing for their initial home child care business application.
 7. The holder of the home child care business permit to operate the home child care business shall continuously possess a current state home child care license sufficient to authorize the operation of the home child care business under applicable state law and regulations.
 8. The home child care business shall be operated at all times in accordance with the terms and conditions of the CB South permit, and the applicable state law and regulations which govern the applicant's State home child care license.
 9. Any employee working in the home child care business who is not related by blood or marriage to the owner of the child care business shall work under the direct supervision of the owner of the home child care business. However, substitute caregivers shall be permitted if they comply with applicable state regulations.
 10. The renewal of a CB South permit to operate a home child care business shall be processed with the CB South Association Manager's Office or with an Agent of the P.O.A. Board of Directors. There shall be no fee for the renewal of a home child care business permit. The criteria for the renewal of a development permit for the operation of a home child care business shall be the same as for the issuance of a new permit to operate a home child care business; provided, however, that an applicant for renewal of an existing development permit to operate a home child care business shall not be required to demonstrate compatibility of the home child care business with adjacent properties and land uses.
 11. A permit for the operation of a home child care business is not transferable or assignable. A permit for the operation of a home child care business does not run with the land.
 12. A permit for the operation of a home child care business may be revoked by the CB South Board of Directors following a hearing. Such permit may be revoked for non-compliance with the terms and conditions of the permit which authorizes the operation of the home child care business, the terms and conditions of this Policy, or a violation of other applicable State or local rules, regulations, statutes and ordinances. Notice of the hearing on the proposed revocation shall be given in writing to the holder of the permit at the address for the permit holder shown on the permit, or such other address as may have been provided to the P.O.A. by the permit holder. Such notice shall set forth the grounds for the proposed revocation and the time and place of the hearing. Such notice shall be certified mailed to the permit holder, at least fifteen (15) days prior to the date set for the hearing. At the hearing the permit holder may appear with or without counsel and present such evidence as may be relevant. The decision of the P.O.A. Board of Directors with respect to a proposed revocation of a permit for the operation of a home child care business shall not be subject to appeal.

The P.O.A. Board of Directors may grant a variance from any provision of this Policy upon the written request of an applicant. A variance shall be granted upon a finding that: (i) the strict application of the requirements of this Policy would present a hardship; (ii) the hardship from which the applicant seeks to be relieved is not self-imposed; and (iii) the purposes of this Policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this Policy.