

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
APPROVING A SPECIAL USE PERMIT TO OPERATE A GROUP DAYCARE FOR
CHILDREN IN A RESIDENTIAL ZONING DISTRICT LOCATED AT 432 SOUTH
SHERWOOD AVENUE TO MEGAN SIERK**

WHEREAS, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, an application for a Special Use Permit was submitted by Megan Sierk (“Applicant”), to operate a group daycare for children located at 432 South Sherwood Avenue (“Property”); and

WHEREAS, a notice of the date and time of public hearings concerning this application was published on August 26, 2020, in *The Greene County Commonwealth*, a newspaper of general circulation in the City of Republic, in addition to the same notice being sent by certified mail to those property owners within 185 feet of land subject to this special use permit application; and

WHEREAS, the Planning and Zoning Commission did thereafter hold a public hearing on September 14, 2020, after which they recommended the approval of the application by a vote of 5 Ayes to 0 Nays; and

WHEREAS, Section 405.670 of the City of Republic’s Municipal Code of Ordinances authorizes the City Council to impose appropriate conditions and safeguards to protect the public welfare and to conserve and protect private property and property values in the neighborhood; and

WHEREAS, the application for this special use permit was submitted to the City Council at its regular meeting held on September 15, 2020, after which City Council did proceed to vote to approve the special use permit subject to the imposed conditions contained herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. That a Special Use Permit is hereby approved for Applicant, Megan Sierk, to operate a group daycare for children on the Property located at 432 South Sherwood Avenue, otherwise described as follows:

All of Lot Forty-one (41), FINAL PLAT SUNSHINE ESTATES PHASE II, City of Republic, GREENE County, Missouri, according to the recorded plat thereof.

Section 2. The following conditions and safeguards are hereby incorporated into the Special Use Permit:

- A. The application.
- B. Before any group daycare for children by the Applicant at the Property is established, maintained, operated, or advertised, the Applicant shall first have in full force and effect a written license granted to the Applicant

for the Property by the Missouri Department of Health and Senior Services for the group daycare service for children.

- C. To provide care for not more than 10 children, not related to the Applicant. The Applicant is limited to caring for no more than 2 children under the age of 2 years without the support of a fulltime adult assistant; with the support of a full-time adult assistant, the Applicant may care for a maximum of 4 children under the age of 2.
- D. The special use permit shall expire and/or terminate:
 - 1. At such time of sale or transfer of the Property subject to this special use permit.
 - 2. Upon death of the Applicant.
 - 3. Upon transfer of the special use for which the permit is granted.
 - 4. Abandonment of the special use for which the permit is granted for a period longer than 12 consecutive months.
 - 5. Upon the occurrence of any event which would terminate the same by operation of law including, but not limited to, violations of any City Ordinances, state or federal laws, or rules or regulations related to activity on the Property or upon the Property and activity on the Property being determined to be unsafe or unsuitable for continued operation.
 - 6. Upon the rezone of the Property.
 - 7. At such time as is established by Council.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.09.14 20:12:45
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____