

Readings June 25, 2009
June 25, 2009

Bill No. 090
Ord. No. 09-13

AN ORDINANCE OF THE VILLAGE OF RIVERVIEW GRANTING A CONDITIONAL USE PERMIT FOR OPERATION OF A DAYCARE FACILITY AT 420 CHAMBERS ROAD BY JENNIFER ROSS, JITTERBUG'S DAYCARE- LEARNING CENTER, AND ESTABLISHING CERTAIN CONDITIONS RELATING THERETO.

WHEREAS, Jennifer Ross, Jitterbug's Daycare- Learning Center, has applied for a conditional use permit for operation of a daycare facility on certain property located at 420 Chambers Road, which is in an area zoned PC/R; and

WHEREAS, the Planning and Zoning Commission of the Village of Riverview reviewed and considered the application for the said conditional use permit for operation of a daycare facility on May 27, 2009, and recommended granting the requested permit subject to certain conditions; and

WHEREAS, a Public Hearing relating to the granting of a conditional use permit for the operation of a daycare facility as aforesaid was held by the Board of Trustees on June 3, 2009, after notice thereof as provided by law;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RIVERVIEW, MISSOURI, AS FOLLOWS:

Section One.

It is hereby found and determined relative to issuance of a conditional use permit for the operation of a daycare facility at 420 Chambers Road as requested by the applicant Jennifer Ross, Jitterbug's Daycare- Learning Center, subject to the conditions set forth in Section Three of this Ordinance, operation of a daycare facility for which the conditional use permit has been sought will meet the criteria specified in Section 405.920 of the Riverview, Missouri Village Code regarding conditional uses, and that the applicant has sustained the burden of proof necessary to establish that the proposed use will meet such criteria.

Section Two.

Pursuant to the provisions of Section 405.220 (C) and Section 405.920 of the Riverview, Missouri Village Code, and subject to the conditions set forth in Section Three of this Ordinance, a conditional use permit is hereby granted to Jennifer Ross, Jitterbug's Daycare-Learning Center ("Permittee") for operation of a daycare facility at 420 Chambers Road, Riverview, Missouri.

Section Three.

The conditional use permit granted hereby and the continuance of the use permitted thereby shall be expressly conditioned upon the satisfaction of the following conditions by the permittee at all times:

- A. The conditional use permit granted hereby shall not be transferable to any other person or entity and shall not run with the land; in the event Jennifer

Ross, Jitterbug's Daycare-Learning Center, shall fail or cease to operate a daycare facility on these premises, this permit shall be terminated.

- B. The premises for which this permit is granted shall at all times be maintained in conformity with the Property Maintenance Code of the Village and shall be kept free of litter and debris; all landscaping shall be maintained in a healthy condition at all times.
- C. The number of children to be provided day care service by the permittee shall not exceed the number of children allowed under any state license held by permittee and, in any event, shall not exceed the occupancy limit set by the Riverview Gardens Fire Protection District.
- D. The permittee shall not permit:
 - 1. Unusual, excessive, disturbing, unnecessary, or unreasonably loud noise in connection with the operation of the facility which reasonably disturbs the peace or repose of persons located on premises other than that for which this permit is granted; or
 - 2. Allow children to trespass on property where there is no permission for the children to enter; or
 - 3. Operate the facility in such manner as to cause damage to the property of others; or
 - 4. Operate the facility in such a manner as to cause, or contribute to causing, the permitted premises to become deteriorated.
- E. Permit may be revoked if it is determined by the Village that the permittee, or any other person regularly on the premises, has committed an act demonstrating a lack of fitness to care for children, including child molestation or abuse, theft, fraud, or any act of moral turpitude.
- F. Permittee shall make adequate provisions for the collection and removal of solid waste so as to avoid the creation of a nuisance, the sufferance of any obnoxious, offensive, or unhealthy odor, or the presence of any unhealthy or unsanitary conditions on or about the premises.
- G. Permittee shall secure all necessary permits and/or licenses, if any, required for operation of a child care facility from County, State, and Federal governments and shall be responsible for the observance of County, State, and Federal regulations regarding the operation of child care facilities.
- H. Permittee shall regulate all patrons of the facility permitted hereby so that drop off and pick up of children will not interfere with traffic on any street upon which the subject property has frontage and not interfere with access to or use of nearby private property.
- I. The regular hours of operation for the permitted facility shall be from 6:00 a.m. to 6:00 p.m. with 24-hour care provided on an as-needed only basis as

allowed by State license and only if permittee is in good standing with the State.

- J. No commercial or residential use of the rear (white) building on the property is allowed because the minimum square footage requirements for occupancy are not met.
- K. Permittee must maintain liability insurance and provide the Village with a copy of said insurance certificate.
- L. Permittee must allow inspection by the Village Code enforcement officials (including the Building Commissioner, Health Commissioner, Electrical Inspector, and Police and Fire Departments) upon reasonable notice.
- M. This conditional use permit may be revoked by the Board of Trustees after the permittee has had an opportunity to be heard thereon, upon the violation of any of the conditions contained in this Ordinance or other Ordinances of the Village. Said premises shall not be used in any way which would be contrary to the Conditional Use Permit or the Riverview, Missouri Village Code.

Section Four.

This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RIVERVIEW,
MISSOURI, THIS 25th DAY OF JUNE, 2009.**

Respectfully Submitted,

Steve Paro, Chairman

ATTEST:

Megan Askainen, Village Clerk