

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

PLANNING AND ZONING COMMISSION

Regular Meeting

November 23, 2010

7:00 PM-Willard City Hall

224 W. Jackson Street

PLANNING AND ZONING MEMBERS

Mayor Jamie Schoolcraft

Aldermen Pat Lloyd

City Clerk Dale Duvall

Charles Gugel

Lucille Murray

Valorie Simpson

Robert Taylor

Randy Brown, Director of Development

www.cityofwillard.org

CITY OF WILLARD
PLANNING & ZONING
November 23, 2010
7:00 P.M.

Notice posted on November 19, 2010

Notice is hereby given that the City of Willard, Planning & Zoning Commission will conduct a meeting at 7:00 p.m. November 23, 2010 at Willard City Hall, 224 West Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

n PUBLIC HEARING TO CONSIDER THE REQUEST FOR A CONDITIONAL USE PERMIT FOR MARCY GALLAGHER AND MARVIN HALEY, TO PERMIT AN IN HOME DAYCARE AT THEIR RESIDENCE LOCATED AT 605 S. MILLER STREET WILLARD, MO 65781.

1. Call the meeting to order.
2. Roll Call.
3. Agenda Amendments/Approval of agenda.
4. Approve the minutes of the meeting on September 28, 2010.
5. Discussion /Recommendation of the Conditional Use Permit for In-Home Daycare for Marcy Gallagher.
6. Discussion of the proposed amendment to the ordinance of the Willard Municipal Code pertaining to R-1 single family residence district.
7. Old Business.
8. Adjourn meeting.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dale Duvall, City Clerk
224 West Jackson
Willard, Missouri 65781
(417) 742-3033

CITY OF WILLARD
PLANNING AND ZONING
~~SPECIAL~~ MEETING
September 28, 2010
7:00 P.M.

Board present: Lucille Murray; Charlie Gugel; Valorie Simpson; City Clerk, Dale Duvall; Robert Taylor and Aldermen Pat Lloyd. Mayor Schoolcraft was not present.

Staff present: Director of Development, Randy Brown; City Clerk, Dale Duvall and City Attorney, Sativa Boatman-Sloan.

Guest present: Janelle Royal, Sherri Eldred, David Gardner of Gardner Engineering, Jared Rasmussen of Olsson Engineering, and Matt Kelley of Freedom Bank

Chairman, Valorie Simpson called the meeting to order.

PUBLIC HEARING TO CONSIDER AND RECOMMEND TO THE BOARD OF ALDERMEN AN AMENDMENT TO TITLE IV, CHAPTER 400, SECTION 400.420 REGARDING FAMILY DAY CARE HOMES AND GROUP DAY CARE HOMES.

Attorney Sativa Boatman Sloane opened the public hearing.

Citizen Input

Sherri Eldred spoke to the Commission and stated that under this ordinance, daycare providers would be licensed by the state. She also stated that state codes would have to be followed and lastly, she stated that Willard needs good daycare options.

There was no other citizen input and so the hearing was closed by the Attorney Boatman-Sloane.

Roll Call

City Clerk, Dale Duvall called roll call: Lucille Murray-present; Charlie Gugel-present; Valorie Simpson-present; Pat Lloyd-present; Mayor Schoolcraft-----; Robert Taylor - present; Dale Duvall-present.

Attorney Sativa Boatman-Sloan opened the public hearing and there was no citizen input and so the hearing was closed.

Agenda Amendments/Approval of Agenda

Motion by Robert Taylor with a second by Lucille Murray to approve the agenda. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Aye; Mayor Schoolcraft----; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Special

Approve the Minutes of the Regular Meeting on August 11, 2010

Motion by Lucille Murray with a second by Robert Taylor to approve the minutes from the August 11, 2010. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Abstained; Mayor Schoolcraft----; Robert Taylor-Aye; Dale Duvall-Aye. Five votes aye. One Abstention. Motion carried.

Freedom Bank Preliminary Plat

Randy Brown spoke to the Committee regarding Freedom Bank and asked for their recommendation for approval to take to the Board of Aldermen. City Clerk, Dale Duvall stated that the plat had been changed from the preliminary drawings. Matt Kelley with Freedom Bank told the board that the bank's Board of Directors did not want to spend the money to pave the road. The bank plans to sell lot #2. There was a motion made after discussion among the Commission and the parties involved in the project. The Commission requests that the detention structure be addressed before the final plat and that the road be taken within five (5) feet of the property line, as was shown in the first set of drawings. **Motion** by Valorie Simpson with a second by Lucille Murray to make the recommendation for approval to the Board of Aldermen with the above changes. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Aye; Mayor Schoolcraft----; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Discussion/Recommendations of Amendment to In-Home Daycare ordinance

Some of the Commission expressed concern over ten children being allowed in a R-1 district. There was also some confusion on what the amendment was going to allow. City Clerk, Dale Duvall said that she would get information from other cities to see what their regulations are with in-home daycares. **Motion** by Pat Lloyd with a second by Valorie Simpson to have the item revisited when more information is presented. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Aye; Mayor Schoolcraft----; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Annexation of tract of land for Willard R-2 School District

Randy Brown informed the Commission that Steve Vaughn and his students are building a transition house for students with special needs. The School would like to annex this property into Willard and be on water and sewer with the City. **Motion** by Pat Lloyd with a second by Robert Taylor to recommend the passage of the annexation to the Board of Aldermen. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Aye; Mayor Schoolcraft----; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Old Business

The Commission asked to have the design standards and guidelines, specifically the sidewalk ordinance, brought to the next meeting to reevaluate.

Adjourn Meeting

Motion made by Lucille Murray with a second by Valorie Simpson to adjourn the meeting. Lucille Murray-Aye; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd-Aye; Mayor Schoolcraft---; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

City Clerk, Dale Duvall

Valorie Simpson, Chairman



PUBLIC NOTICE

NOTICE IS HEREBY GIVEN to all interested citizens that the Willard Planning and Zoning Commission will hold a Public Hearing on November 23, 2010, at 7:00 p.m. at Willard City Hall, 224 E Jackson St. Willard, MO to consider and recommend to the Board of Aldermen, the following proposed conditional use permit. A conditional use permit for Marvin Haley II and Marcy Galligher, to permit an in home daycare at their residence located at 605 S. Miller Road Willard, MO 65781.

NOTICE IS HEREBY GIVEN to all interested citizens that the Willard Board of Aldermen will hold a Public Hearing on December 13, 2010, at 7:00 p.m. at Willard City Hall, 224 E Jackson St. Willard, MO. The hearing will be to discuss the above application for a conditional use permit and to consider the recommendations of the Planning and Zoning Commission thereto and public comments.

Information regarding this request for a conditional use permit may be obtained by contacting Dale Duvall, City Clerk at 417-742-5302.

Dale Duvall
Willard City Clerk

CITY OF WILLARD PLANNING AND ZONING



AGENDA ITEM #5 Conditional Use Permit Request

ACTION REQUIRED-DISCUSSION/RECOMMENDATION:

Attached is the conditional use permit application from Marcy Gallagher.

Staff is asking for discussion/recommendation to the Board of Aldermen.

Please contact me with any questions,

Dale Duvall



City of Willard

Zoning Case No. 10-20-10
Application Date 10-20-10
Application Fee \$25.00

APPLICATION CONDITIONAL USE PERMIT

We, the undersigned, request that the City of Willard, Missouri Board of Aldermen approve a conditional use permit for the tract of land as described in this application. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearings as required by the *Willard Land Development Regulations*. The City of Willard is authorized to prepare and publish all required legal advertising, and mail notifications, the cost of which is to be billed to the name listed below.

Legal Description of Property (attach additional sheet if necessary) Willard Hills
Add. Lot 3, a Subdivision in Greene County

Street Address of Property 605 S. Miller Rd

Current Zoning Classification of Property R-1 single Family

Current Use of Property Residence

Conditional Use Requested In home Daycare

Property Owner's Name Marvin W. Haley II

If Corporation, Corporate Official and Seal _____

Mailing Address 605 S. Miller Rd Willard MO 65781

Telephone Number 417-685-4266
or 417-849-4591

Fax Number _____

PROPERTY OWNER'S SIGNATURE:

Marvin W Haley II

Applicant's Name (if different than property owner): Marcy LeAnn Galligher

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this application. A power of attorney is attached.

→ Name _____

If Corporation, Corporate Official and Seal _____

Mailing Address 605 S. Miller Rd Willard, MO 65781

Telephone Number (417) 685-4266 Fax Number _____

or (417) 316-3044

Applicant's Signature:

Marcy Galligher

? → Indicate the applicant's legal interest in the property: to be used for a
Home daycare.

BILL LEGAL ADVERTISING AND MAIL NOTIFICATION COSTS TO:

Name Marcy Galligher

Address 605 S. Miller Rd Willard MO 65781

Attach to the conditional use permit application written responses to the following questions:

1. Provide evidence how the proposed conditional use will comply with the applicable standards in the *Willard Land Development Regulations*, Article III, Section 3.21.7 (see Attachment A).
2. ☒ If the proposed conditional use is a telecommunication tower, also provide information as required in the *Willard Land Development Regulations*, Section 3.21.7 and Section 6.9 (see Attachment B).
3. Indicate how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable zoning district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.
4. Identify any potentially adverse effects that may be associated with the proposed conditional use, and the means proposed to avoid or minimize such effects.
5. Indicate the hours of operation of the proposed conditional use.

Attach a site plan as required by the *Willard Land Development Regulations*, Article III, Section 3.21.5.

APPLICATION CHECKLIST CONDITIONAL USE PERMIT City of Willard, Missouri

This checklist is provided to help you make sure that you submit everything that is required for a complete conditional use permit application. The application must be complete or this case will not be processed. Applications must be filed with the City Clerk's Office by 4:00 p.m. at least 30 working days before the date of the Planning and Zoning Commission hearing at which the application will be considered. Contact the City Clerk at the telephone number below for filing deadlines and meeting dates.

APPLICATION FORM:	
☒	Provide the legal description of the tract of land for which a conditional use permit is requested. Attach this on an additional sheet if necessary.
☒	List the street address of the property.
☒	List the current zoning classification of the property and indicate the current use of the property.
☒	Describe the proposed conditional use.
☒	Attach answers to Questions 1, 3, 4, and 5 for all conditional uses. See Attachment A for information to be provided for Question 1.
☒	If the proposed conditional use is a telecommunication tower, also attach answers to Question 2. See Attachment B for information to be provided for Question 2.
☒	List the property owner's name, address, and telephone number. If a corporation, list the corporate official and include the corporate seal.
☒	Property owner must sign the application.
☒	If the applicant is different than the property owner, list the applicant's name, address and telephone number. If a corporation, list the corporate official and include the corporate seal. The applicant must provide a power of attorney with the application.
☒	Identify the applicant's legal interest in the property.
☒	The applicant must sign the application form.
☒	List the name and address for billing the legal advertising and mail notices for the public hearings.
APPLICATION FEE:	
☐	Include the \$25.00 application fee. Applicant also responsible for advertising and notification costs for public hearing.
PROPERTY OWNERS NOTIFICATION:	
☒	Provide a list of property owners' names and addresses within 185 feet of the subject property that has been compiled from the records of the Greene County Assessor's Office or prepared by a title company authorized to issue title policies in the State of Missouri.
SITE PLAN:	
☒	Submit eight copies of a site plan for the proposed conditional use with your application. See <i>Willard Land Development Regulations</i> , Article XIV, Section 14.3.1, for site plan contents.
Note: The Planning and Zoning Commission <u>shall not</u> forward its recommendation to the Board of Aldermen when the applicant or applicant's agent does not appear at the hearing before the Commission to provide evidence regarding the request for a conditional use permit. Final action on any case shall not be taken until the applicant has reimbursed the City of Willard for all advertising and notification costs.	

Submit Applications To:

Willard City Hall
224 W. Jackson, PO Box 187
Willard, MO 65705
(417) 742-3033

For mail delivery, use the post office box address
For hand or parcel delivery, use the street address

Statement #1

The daycare that I am hoping to open will attribute to the *Willard Comprehensive Plan* and the *Willard Land Development Regulations* because our visions for this community are very similar. I seek to provide a safe, clean and quiet place to raise my family and nurture the children that come into my home, and to have my service provided for the citizens of Willard and those surrounding us because we are a growing community and there is a need for my services to this community.

- This house is adequately set up to prevent flooding or water damaging hazards to any surrounding property.
- Since we have a 1 acre yard, we have adequate space between our house and the surrounding houses that we would not exceed the noise level.
- Our driveway is approx. 3 cars wide and 2,1/2 cars deep (at least), so there is adequate access to enter and exit the drive.
- Our street is of normal size, adequate enough for normal traffic flow.
- I see in no way will it decrease the safety or welfare of the community.
- The Daycare will be designed and operated so that it will not interfere with the normal daily habits of the neighborhood.
- And on a side note, the house has recently been refinanced and was appraised with a substantial increase of it's worth. It was approved for a HUD/FHA loan and as you may know must qualify at a higher standard of quality and condition.

Statement #2

Question #2 does not apply to my need of the *Conditional Use Permit*.

Statement #3

The daycare is to be designed to be age appropriate for children from birth to preschool age (toys included). The environment is arranged to be a safe, clean, and nurturing atmosphere. The daycare will be ran and operated so that we will not be a hindrance to any of the neighboring properties. Taking in the exception of working with children, depending on circumstances, your daily routine alters thru out the day. My daily schedule will layout approximately as such:

6am – 7am	Children arrive / free play (indoor)
7am – 7:30	Breakfast
7:30 – 8:30	Planned activity
8:30 – 9:30	Story time
9:30 – 10a	free play (indoor)
10a – 10:30	Snack time
10:30 – 12	Free play (indoor or out, depending on weather)
12 – 12:15	Wash time
12:15 – 12:45	Lunches
12:45 – 1p	Bathroom/prep cots/quiet time
1pm – 3pm	Nap
3pm – 3:15	Bathrooms
3:15 – 3:45	Snack time
3:45 - ?	Free play till parents arrive

Statement #4

With having children in your home, there's always the possibility for accidents and mishaps to occur. Children are naturally clumsy at a very young age and tend to get bumps and bruises of sorts. The best ways I have found to prevent, avoid, or even just minimize these types of things from happening is by keeping a safe, clean, happy, healthy environment. You can do this by:

- Having adequate space for children to play.
- Keeping the floor clean and free of trash, rubble, clutter, etc...
- Keep small objects out of reach, out of the daycare area.
- Keep cords out of the play area and out of reach
- Put latches on the doors and drawers and cabinets.
- Put up gates to block stairways.
- Put covers on all sharp corners.
- Put safety plugs in all exposed outlets.
- Lock away all chemicals and medications.

These are just to name a few.

Statement #5

Daycare hours of operation:

Monday – Friday
6am – 6pm

shed

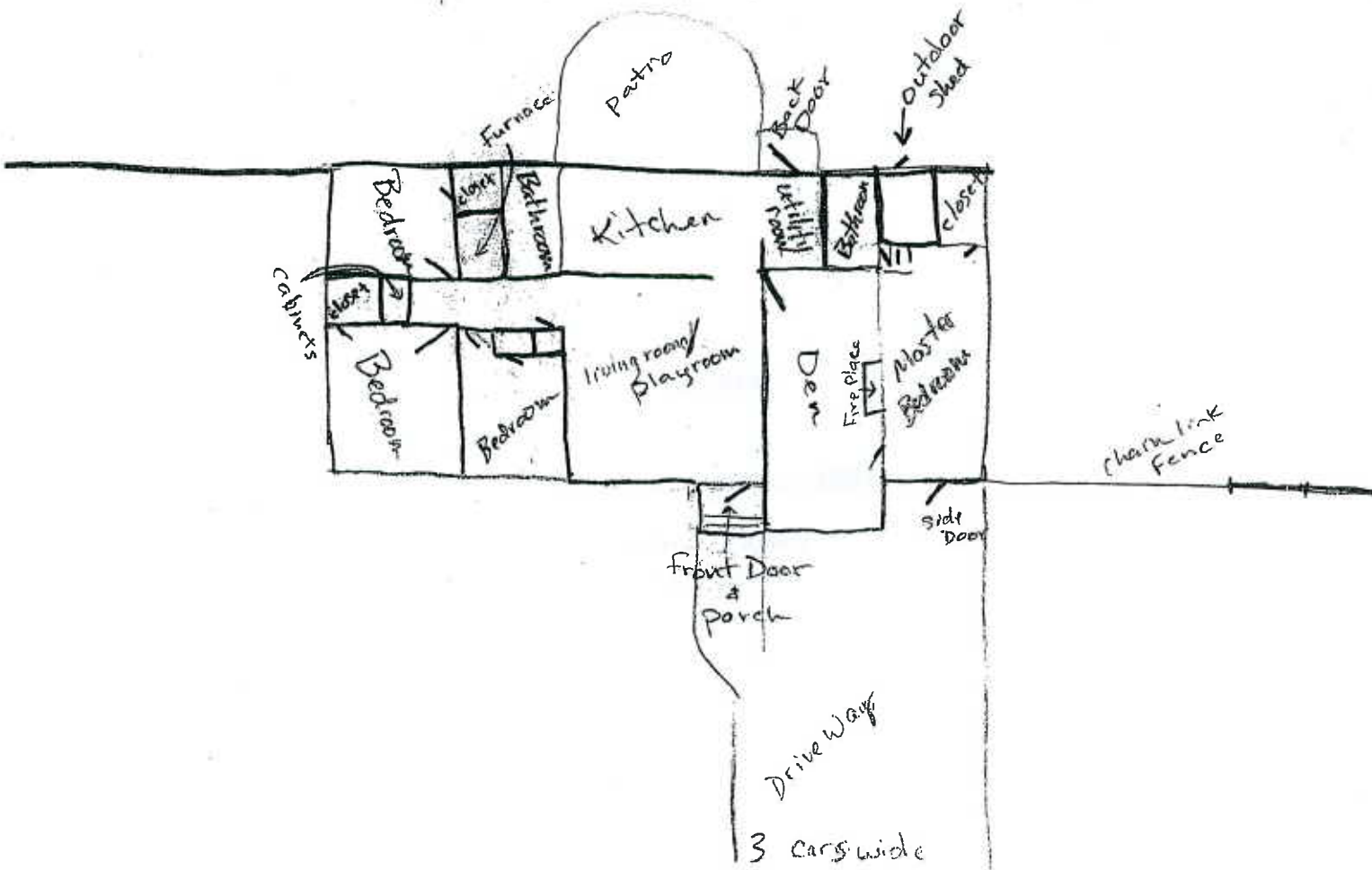
Play ground

shed dog pen

1 acre yard



shed



CITY OF WILLARD PLANNING AND ZONING



AGENDA ITEM #6 In-Home Childcare Ordinance

NO ACTION REQUIRED-DISCUSSION ONLY:

Attached are several pieces of information on in-home daycares and regulations.

I have enclosed some of the State regulations. If you would like a full copy of them please let me know.

Also attached is a rough draft of an ordinance to discuss.

Staff is asking for discussion only on this matter at this time.

This will be brought to Planning and Zoning in December for discussion and recommendation to the Board of Aldermen in December.

Please contact me with any questions,

Dale Duvall

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.420(A) AND SECTION 400.420(B) OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

WHEREAS, a public hearing was held on _____, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.420(A) and Section 400.420(B) regarding R-1 Single-Family Residence District Permitted Uses and Conditional Uses, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article V. Zoning District Regulations, Section 400.420(A) and Section 400.420(B) as follows:

SECTION 400.420: "R-1" SINGLE-FAMILY RESIDENCE DISTRICT

A. *Permitted Uses.* The "R-1" Single-Family Residence District is intended primarily for single-family detached dwellings at maximum densities of two and one-half (2.5) dwelling units per acre. Other uses necessary to meet educational, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district. The following uses are permitted in the "R-1" District:

1. Single-family detached dwellings, one (1) dwelling per lot.
2. Single-family detached modular dwellings, one (1) dwelling per lot.
3. **Family day care homes that meet the following requirement:**
 - a. **Use as proposed on a site plan filed with the application does not conflict with this or any other ordinance of the City.**
 - b. **No inventory of merchandise is maintained for the purpose of wholesale or retail sale on said premises.**
 - c. **Existing building proposed to be converted to uses for family day care homes must meet all fire, health, building, housing, plumbing and electrical requirements of the City.**
 - d. **The health, safety and general welfare of the area are not adversely affected and the intent of this Chapter is upheld.**

e. The use of all land or buildings arranged, designed or intended for play space, required parking for staff and patrons shall be located behind the lot front setback line.

f. Outdoor play activities shall be provided within a fenced area or accessible park and limited to the hours between 6:00 A.M. and 6:00 P.M.

g. The operation of the facility shall be restricted to reasonable operating hours as established by the Board of Aldermen.

4.f3.1 Residential group homes. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

5.f4.1 Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps on a minimum of five (5) acres of land.

6.f5.1 Churches and other places of worship, including parish houses and Sunday schools, but excluding temporary revivals, rescue missions and overnight shelters, that meet the following requirements:

- a. Frontage on and primary access to an arterial or higher classification street;
- b. Located not less than fifty (50) feet from any other lot in any other residential district; and
- c. Located on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Chapter is adopted shall be considered conforming uses.

7.f6.1 Publicly owned or operated parks, playgrounds, recreation facilities, golf courses and community buildings, all of a non-commercial nature.

8.f7.1 Home occupations as permitted pursuant to Article VI, Section 400.540.

9.f8.1 Government buildings of a cultural, service or administrative type, not including repair garages or yards, storage yards or warehouses, provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any residential district.

10.f9.1 Public utilities and buildings, transportation, pipeline and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.

11.f10.1 Truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale sale is conducted on the premises.

12.f11.1 Nurseries and greenhouses, agricultural uses, but not including commercial poultry farms,

BILL NO. _____

ORDINANCE NO. _____

hog farms, feedlots or other confined animal feeding operation or kennels; provided that any greenhouse or any building in which farm animals are kept shall be a distance not less than two hundred (200) feet from any dwelling other than a farm dwelling and from any lot in any residential district. See Article VI, Section 400.570 for more information on animals.

~~13.~~~~12.~~ Accessory uses in accordance with Article VI, Section 400.520.

~~14.~~~~13.~~ Temporary uses as permitted in Article VI, Section 400.530.

~~15.~~~~14.~~ Type I and II wireless facilities in accordance with the provisions of Article VI, Section 400.600.

B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, public art galleries and libraries on a minimum two (2) acres of land.
2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, buffer yards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter shall be considered conforming uses.
3. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, operated by a neighborhood or community organization or a property owners' association.
4. Cemeteries on a minimum of ten (10) acres of land.
5. Country clubs, golf courses and other private non-commercial recreation areas and facilities, but excluding miniature golf courses or driving ranges. Any principal building or accessory use shall be located not less than one hundred (100) feet from any other lot in any residential district.
- ~~6. Family day care homes, provided that the following conditions are met:~~
 - ~~a. Use as proposed on a site plan filed with the application does not conflict with this or any other ordinance of the City.~~
 - ~~b. No inventory of merchandise is maintained for the purpose of wholesale or retail sale on said premises.~~
 - ~~c. Existing building proposed to be converted to uses for family day care homes must meet all fire, health, building, housing, plumbing and electrical requirements of the City.~~
 - ~~d. The health, safety and general welfare of the area are not adversely affected and the intent of this Chapter is upheld.~~

BILL NO. _____

ORDINANCE NO. _____

- ~~e. The use of all land or buildings arranged, designed or intended for play space, required parking for staff and patrons shall be located behind the lot front setback line.~~
- ~~f. Outdoor play activities shall be provided within a fenced area or accessible park and limited to the hours between 8:00 A.M. and 8:00 P.M.~~
- ~~g. The operation of the facility shall be restricted to reasonable operating hours as established by the Board of Aldermen.]~~

6.[~~7.~~]Bed and breakfast.

7.[~~8.~~]Type III, IV and V wireless telecommunication towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.600(C).

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

BILL NO. _____

ORDINANCE NO. _____

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

BILL NO. _____

ORDINANCE NO. _____

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

Information from other Cities on In-Home Daycare in Residential Zones

Ash Grove- Follow state regulations. Business Permit required.

Walnut Grove- Permit for Home Occupancy required. Follow state regulations.

Republic- Business License and Special Use Permit required. Follow state regulations.

Billings- Home Occupation Permit required. Limit of six (6) children not including children related to care provider. Seven (7) or more children, require a state license. Maximum children under the age of two (2) is three (3) per household.

Ozark- Special Use Permit, State License, and Business License required. Must notify all neighbors of the business and bring it before Planning and Zoning and the Board of Aldermen where size, location and congestion of the road are considered. Must have a fenced in back yard. No signs allowed in residential areas. Follow state regulations.

Nixa- No ordinance. Special Use Permit required. Must go before the Board of Aldermen and Planning and Zoning. Follow state regulations.

Willard Regulations.

SECTION 400.120:

DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of this Chapter, have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

DAY CARE CENTER: A facility, other than the provider's permanent residence, where child day care is provided for any part of a twenty-four (24) hour day.

DAY CARE HOME, FAMILY: A home, occupied by the day care provider, in which care is given to four (4) or less children, not including children related to the provider, for any part of a twenty-four (24) hour day. The maximum number of children under the age of two (2) years shall be two (2).

DAY CARE HOME, GROUP: A home, occupied by the day care provider, in which care is given to five (5) but not more than ten (10) children, not including children related to the provider, for any part of a twenty-four (24) hour day. The maximum number of children under the age of two (2) years shall be two (2), unless there is a full-time adult assistant, in which case the maximum number of children under the age of two (2) years shall be four (4).

1-4
KIDS

5-10
KIDS

19 CSR 30-61.010 Definitions

PURPOSE: This rule defines the terms used in the licensing rules for family day care homes.

- (1) Adult is any individual eighteen (18) years of age or older.
- (2) The assistant is an adult who is employed or volunteers in the home to care for children in case of an emergency, to meet staff/child ratios, to substitute for the provider during absences or to assist the provider with the care of children.
- (3) Caregiver is the child care provider or an assistant.
- (4) Child care provider or provider is the person(s) licensed or required to be licensed under section 210.221, RSMo in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities, as determined by the division:
 - (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
 - (B) Ultimate financial control of the operation of the facility.
- (5) A child day care center or center, whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24)-hour day.
- (6) Day care is care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a family day care home, group day care home or day care center.
- (7) A day care facility or facility is a day care home, day care center or group day care home.
- (8) Director is the director of the Missouri Department of Health and Senior Services.
- (9) Department is the Missouri Department of Health and Senior Services.
- (10) A family day care home or home, whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a family day care home provider for no more than ten (10) children not related to the provider for any part of the twenty-four (24)-hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.
- (11) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.
- (12) A group day care home, whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than twenty (20), children not related to the child care provider, for any part of the twenty-four (24)-hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group day care home or family day care home.
- (13) Infant is any child under twelve (12) months of age.
- (14) Night is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.
- (15) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.
- (16) Preschool child is any child two through five (2-5) years of age who is not in kindergarten for five (5)-year-old children.
- (17) Premises is a house(s), dwelling(s) or building(s) and its adjoining land.
- (18) Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.
- (19) Review board is the Child Care Licensing Review Board.
- (20) School-age child is any child five (5) years of age or older who is in kindergarten or elementary school.
- (21) School system is a program established primarily for education and which meets the following criteria:
 - (A) Provides education in at least the first through the sixth grade; and
 - (B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.
- (22) Staff/child ratio is the number of caregivers required in relation to the number of children in care.
- (23) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children no younger than five (5) years of age and providing no day care for children younger than five (5) years of age in the same building or in the same outdoor play area.
- (24) Toddler is any child between twelve to twenty-four (12--24) months of age.
- (25) A well-known religious order is defined as--
 - (A) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code of 1954; and
 - (B) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

19 CSR 30-61.045 Initial Licensing Information

PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.

(1) Licensing Authority.

(A) According to section 210.221(3), RSMo, the department has the authority to issue uniform rules deemed necessary and proper to establish standards of service and care to be rendered by the provider. To implement the rules, the department shall be responsible for inspecting, evaluating and licensing all family day care homes.

(B) The department or any other agency of Missouri that the department asks to assist it, is authorized to make an inspection and investigation of any proposed or operating family day care home, and of any personnel connected with that home to the extent that this inspection and investigation is required to determine if the family day care home will be, or is being, operated in accordance with state statutes and licensing rules for family day care homes.

(2) Persons Subject to Licensure.

(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.

(B) Licensing rules shall not apply to children related to the provider as defined in 19 CSR 30-61.010(18). In order to document the exemption for related children, identifying information shall be on file at the home on related children as required by 19 CSR 30-61.135 Admission Policies and Procedures.

(C) In an incorporated family day care home, the exemption for related children does not apply as a corporation cannot have relatives.

(3) Licensing Process.

(A) Upon receipt of an inquiry regarding day care licensing, an interview shall be held to discuss the licensing rules and the licensing process.

(B) Upon receipt of a completed application for license, on the form provided by the department, a licensing investigation shall be made. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.

(C) The licensing investigation shall include an inspection of the entire premises of the day care home by the licensing representative.

(D) Prior to the granting of a license, the following shall be submitted by the applicant:

1. A sketch or diagram of the home showing the arrangement of the rooms, including the location of toilet and

handwashing facilities, the kitchen and the doors. The licensing representative and the applicant shall measure the home jointly;

2. A sketch or diagram of the outdoor play area and placement of equipment, indicating if the area is fenced. The licensing representative and the applicant shall measure the area jointly;

3. Written policies pertaining to the program goals, admission, care and discharge of children;

4. A schedule of daily activities for children;

5. A sample weekly menu;

6. An itemized list of available materials and equipment to be used by children;

7. A statement of discipline and guidance policies;

8. The names and addresses of two (2) references not related to the applicant who have knowledge of the applicant's character, experience and ability;

9. If a day care home is incorporated, the names and addresses of two (2) references for the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. The references shall not be related to the officer designated by the corporation;

10. Sample forms used, other than those supplied by the department;

11. Evidence of compliance, if applicable, with local or state requirements, or both, for any nonpublic water supply or sewage disposal system;

12. If the family day care home is incorporated, Articles of Incorporation, Certificate of Incorporation and the Annual Registration Report (if applicable) as issued by the Missouri secretary of state;

13. Required information for assistants; and

14. Other information required by the department to make a determination regarding licensure of the family day care home.

(E) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-61.086 Fire Safety.

(F) Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review (CRR) from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending

criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.

1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Information received by the provider shall be retained in the individual's file in a confidential manner.

(G) The child care provider, other household members and other child care personnel shall be screened for child abuse/neglect prior to initial issuance of the license.

(H) Medical examination reports for the provider and child care assistants as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.

(I) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler or preschool child as required by 19 CSR 30-61.125 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-61.125.

(J) Enrollment information for each child shall be on file at the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.

(K) Identifying information shall be on file at the home for each child to be cared for who is related to the provider and not living in the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.

(L) The child care provider shall not provide care for more than four (4) unrelated children until the home is in compliance with state statutes and licensing rules for family day care homes.

(M) After approval by a licensing representative and a licensing supervisor, a temporary license may be granted by the department for a period not to exceed sixty (60) days.

(N) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and reinvestigation. Until the official license is received, the temporary license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit. Thereafter, the official license shall be posted near the entrance of the home.

(O) The address and telephone number of the Child Care Licensing Unit shall be posted near the license.

(P) The granting of a license shall be denied by the director upon failure of the applicant to comply with state statutes and licensing rules for family day care homes.

(Q) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(R) If there is a change of ownership of a family day care home, the new owner(s) shall meet the requirements of the current licensing rules. A licensing investigation shall be made as required by 19 CSR 30-61.045 Initial Licensing Information.

(S) The license shall be the property of the department and shall be subject to revocation by the director upon failure of the provider to comply with state statutes and licensing rules for family day care homes. The license shall be returned to the department if revoked or not renewed.

(T) If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial or within twelve (12) months after all appeal rights have been exhausted, whichever is later.

(U) The number and ages of children a family day care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules.

(V) All day care provided on the premises of a licensed family day care home shall be in compliance with the licensing rules and the conditions specified on the license.

(W) Upon issuance of the license, a licensing representative shall visit the family day care home throughout the licensing period for supervision and consultation. Both announced and unannounced visits shall be made. Visits shall be at varying times during the hours child care is provided, with the entire premises subject to inspection.

(X) Upon the department's receipt of a complaint regarding the facility, a complaint investigation shall be made as determined necessary by the department.

(Y) The provider shall permit the department access to the facility, premises and records during all visits.

(Z) A licensed child care provider shall not deny a child admission to, or the benefits of, any program provided by the family day care home on the basis of race, sex, religion or national origin.

(AA) Licensing records are public records and may be reviewed by appointment with the Child Care Licensing Unit as authorized in sections 610.010-610.150, RSMo.

THERE WILL BE A SPECIAL PLANNING AND ZONING
MEETING ON DECEMBER 7, 2010 AT 7:00 PM TO DISCUSS
PROPOSED CHANGES TO THE LAND DEVELOPMENT
REGULATIONS

PACKETS WILL BE SENT OUT EARLY TO GIVE YOU A
CHANCE TO REVIEW THEM.