

ORDINANCE NO. 2140

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2023-02) ALLOWING A CHILD CARE FACILITY FOR SIX (6) OR MORE PERSONS IN THE R-1 (SINGLE FAMILY RESIDENCES) DISTRICT LOCATED AT 517 W. MORGAN STREET, EDGERTON, KANSAS

WHEREAS, the City of Edgerton, Kansas received Application CU2023-02 for a Conditional Use Permit from New City Church (the "Applicant") on May 1, 2023 for the property located at 517 W. Morgan Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the property is owned by New City Church; and

WHEREAS, the Applicant is requesting permission to operate, pursuant to the terms of a Conditional Use Permit, a child care facility for six (6) or more persons; and

WHEREAS, the Edgerton Planning Commission held a public hearing on June 20, 2023 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request for a period of ten (10) years, conditioned on the following being adhered to by the Applicant and any future owner or tenant of the Property within that ten-year period.

1. The Conditional User Permit to allow Child Care for six (6) persons or more at 517 W. Morgan Street is valid for a period of ten (10) years following the date of approval.
2. All State laws pertaining to operating a Child Care facility must be followed.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning regulations and the recommendations of the Planning Commission, finds the Conditional User Permit should be approved upon the terms described above.

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed Conditional Use Permit for a Child Care facility for six (6) or more persons is hereby approved for the property located at 517 W. Morgan Street, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the two (2) conditions set forth above, which were recommended by the Edgerton City staff, Planning Commission, and

approved by the Edgerton City Council.

Section 3. The validity of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should the Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from the City to the Applicant/Owner specifying the breach and actions to be taken to cure the same, then , at the direction of the City Administrator, the Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. The Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official City newspaper. All Zoning Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit expires, is vacated, or is declared null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13th DAY OF JULY, 2023.

CITY OF EDGERTON, KANSAS

By: /s/
Donald Roberts, Mayor

ATTEST:

/s/
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

/s/
Lee Hendricks, City Attorney