

ARTICLE 31. CONDITIONAL USES

1. **General:** conditional uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate area and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section.
2. **Procedure:** The consideration of a conditional use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning and zoning commission and Governing Body.
3. **Requirements:** A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

The City Council may approve a conditional use application only if the following requirements have been met:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood and does not place undue burdens on the transportation and service facilities in the vicinity.
- B. The location of the proposed use will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.
- C. The proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity, and will conform to the general intent and purpose of these regulations.
- D. Height and area limitations for the district in which the proposed use is to be located are observed unless otherwise excepted.
- E. Acceptance and observance by the applicant of specified conditions (which conditions may require greater standards than normally required in a given district in order to correlate the proposed use to other property and uses in the vicinity) determined to be necessary by the City council including, but not limited to:
 - 1) Conformity to plans and drawing submitted with the application.
 - 2) Special yard, open space, buffer strips, walls, fences, hedges, and landscaping.

- 3) Performance standards relative to emission of noise, vibration or other potentially dangerous or objective elements.
 - 4) Limits on time of day for conduct of specified activities.
 - 5) Guarantees as to compliance with the terms of approval.
4. **Established:** The following are established conditional uses which may be located in the districts as indicated on the “Conditional Uses by District” table by obtaining a conditional use permit:
- A. Kennels.
 - B. Telecommunication towers.
 - C. Riding stables, riding academies and tracks.
 - D. Private athletic fields.
 - E. Rodeo and fair grounds.
 - F. Golf driving ranges.
 - G. Taxicabs.
 - H. Bed & breakfasts.
 - I. Photo studios.
 - J. Professional offices.
 - K. Billboards.
 - L. Adult bookstores (see Article 31.8 Definitions).
 - M. Adult entertainment facilities (see Article 31.8 Definitions).
 - N. Bathhouses (see Article 31.8 Definitions).
 - O. Massage Shops (see Article 31.8 Definitions).
 - P. Modeling studios (see Article 31.8 Definitions).
 - Q. Outdoor gun clubs, skeet shoots or target ranges.
 - R. Small animal confinement systems.

- S. Private corrections institutions.
- T. Field Crops.
- U. Multiple dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.
- V. Day care centers, provided the City Council finds the following conditions present or establishes provisions therefore:
 - 1) Use as proposed or specific plans filed with the application which conforms with these regulations and other ordinances of the City.
 - 2) Day care centers shall be licenses as required by the Division of Family Services according to Sections 210.201-210.245, Missouri Revised Statutes, prior to the commencement of operations and caring for clients.
 - 3) Signs: See Article 23.
 - 4) The use of all lands or buildings arranged, designed or intended for play space and/or required parking for staff and patrons shall be located behind the front yard setback line.
 - 5) Outdoor play activities shall be provided within a fenced area and limited to the hours between 8:00 a.m. and 8:00 p.m.
 - 6) The area designated for day care shall provide a minimum of thirty-five (35) square feet of usable floor space per child. Floor space occupied by permanent built-in cabinets or shelves, or large pieces of furniture or equipment not intended for children's use, may not be considered as usable floor space. Kitchen and bathroom areas shall not be counted as usable floor space.
- W. Inflatables over fifteen (15) feet in height and greater than twenty (20) square feet in surface area.

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5. **Conditional Uses by District:**

USE	R-1	R-2	R-3	R-4	C-1	C-2	C-N	CM-P	M-1	A-1
Kennels		X	X	X		X	X		X	X
Telecom Towers		X	X	X		X	X	X	X	X
Stables & Tracks						X			X	
Private Athletic Fields			X	X		X	X		X	
Rodeo & Fair Grounds		X	X	X		X	X		X	
Golf Driving Ranges	X	X	X	X	X	X	X	X	X	
Day Care Centers	X	X	X	X						
Taxicabs		X	X	X			X	X	X	
Bed & Breakfasts		X	X	X					X	
Photo Studios	X	X	X	X					X	
Professional Office		X	X	X					X	
Billboards			X	X	X	X		X	X	X
Adult Establishments					X	X				
Gun Clubs / Ranges					X	X		X	X	
Small Animal Confinement										X
Private Correction Inst.										X
Multiple Dogs	X	X	X	X	X	X	X			
Field Crops		X				X		X	X	
Inflatables (over 15 ft.)					X	X	X	X	X	X

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6. **Military Exceptions:** The City Manager, or his designee, shall have the authority to except or modify these regulations for active U.S. military personnel who are stationed outside the United States for up to one (1) year as follows:

- A. Number of dogs owned by such personnel, which may be kept with a friend or relative, however such animals must be vaccinated and licensed and comply with all other animal regulations of the City of Cameron.
- B. The Applicant shall submit evidence of anticipated overseas deployment in the form of a valid military order or letter signed by the commanding officer.
- C. The City Manager or his designee shall be further authorized, upon receipt of written evidence thereof, to grant extensions for reasons of injury, hospitalization, expected redeployment or similar extenuating military-related circumstances.

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7. **Intent and Purpose:** Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surrounding, and upon the use and enjoyment of adjacent property. It is the intent of these regulations to provide for the confinement of adult entertainment establishments to those commercial and industrial areas in which these special impacts are judged to be least disruptive to the use and enjoyment of adjacent properties. These regulations are further intended to require that adult entertainment establishments shall not be

permitted to locate in such concentration that their operational features may establish the dominant character of any commercial or industrial area.

These regulations are further intended to protect and balance lawful rights of expression which other lawful rights to the enjoyment and use of property. Adult entertainment uses are recognized as having serious objectionable operational characteristics, particularly if several such uses are concentrated, thereby having a deleterious effect upon adjacent areas, and could contribute to blight and degradation of the surrounding neighborhood. The special regulation of adult entertainment establishments is necessary to ensure that the adverse affect of such uses will not contribute to the blighting or downgrading of surrounding neighborhoods whether residential or on-residential by location or concentration and to ensure the stability of such neighborhoods.

8. **Definitions:** The definitions stated below shall apply to those conditional uses enumerated in 4.(M) through (Q) listed above.

A. **Adult Bookstore:** an establishment having as a ten (10) percent portion of its stock in trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin operated means, or other periodicals which are distinguished or characterized by their principle emphasis on matters depicting, describing or relating to specific sexual activities as said term is defined herein.

B. **Adult Entertainment Facility:** any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of person wholly or partially nude with the genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

C. **Bathhouse:** An establishment or business which provides the services of baths of all kinds including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist license by the State of Missouri.

- D. Massage Shop: An establishment which has a fixed place of business having a source of income or compensation sixty (60) percent or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids or rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.
- E. Modeling Studio: an establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.
- F. Specified Sexual Activities: (1) Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast; (2) sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.
- G. Adult Entertainment Establishments: Any of the establishments, businesses, buildings, structures or facilities defined in Section 4.(M) through and including (Q).

9. Special Conditions for Adult Entertainment Establishments:

- A. No adult bookstore, adult entertainment facility, bathhouse, massage shop or modeling studio shall be permitted within 1,200 feet of any religious institution, school, or public park or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, or public park or the property zoned for residential use.
- B. No adult entertainment establishment shall be allowed to locate or expand within 1,000 feet of any other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is

also an adult entertainment establishment as defined in this section. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures.

- C. All access to and from the adult entertainment establishment shall be provided from a street classified as a thoroughfare.
- D. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
- E. The property on which the use is located shall be screened by solid masonry wall, at least six (6) feet in height along all interior property lines.
- F. the facility on which the use is located and the parking for such facility shall have a front yard setback of twenty (20) feet, a side yard setback of ten (10) feet, and a rear yard setback of ten (10) feet.
- G. Off-street parking shall be provided at a ratio of one (1) parking space per 75 square feet of interior floor area. All off-street parking requirements shall conform to Article 24 of this ordinance.
- H. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.
- I. The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; and said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures or products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
- J. Lighting in the parking area must provide a minimum light level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.

10. **Site Plan Required:** Each application for a conditional use permit for adult entertainment establishments shall require the submission of an accompanying site plan. The site plan shall include, as a minimum, the following information:
- A. The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.
 - B. The site plan shall delineate the property lines of the proposed project, and shall indicate the zoning and present use of abutting properties.
 - C. The site plan shall delineate existing rights of way and easements.
 - D. The site plan shall delineate the general location and width of all proposed streets and public rights of way, such as alleys, pedestrian ways and easements.
 - E. The site plan shall delineate the solid masonry screening as provided in subsection 7.E. above.
 - F. The site plan shall delineate the proposed building layout with the front, side and rear building setbacks as required in subsection 7.F. above.
 - G. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
 - H. The site plan shall delineate the location, number of parking spaces, and the proposed parking and loading ratio and its location and requirements in accordance with subsection G. above.
 - I. The site plan shall delineate all points of access and egress in accordance with subparagraph 7.C. above.
 - J. The site plan shall present in tabular form the proposed net density of the use providing the number of seats, employees or other applicable unit of measure.
 - K. The site plan shall delineate the gross floor area of the building or structure.
 - L. The site plan shall detail the proposed stages of construction for all land in development and improvements within the proposed district.
 - M. The site plan shall describe the landscaping to be provided.
 - N. The site plan shall delineate the proposed exterior lighting in accordance with subsection 7.K. above.

- O. The site plan shall delineate the proposed architectural details of the facility in accordance with subsection 7.I. above.
 - P. The site plan shall indicate the signage in accordance with subsection 7.J. above.
 - Q. The site plan shall set forth any other information necessary for determination of the suitability of the proposed use of the site.
 - R. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this ordinance.
11. **Permit Issued - Termination**: A conditional use permit shall be issued to the owner/occupant. Any change in ownership/occupancy of the site for which a conditional use permit has been granted shall terminate the conditional use permit.
12. **Commencement**: The conditional use granted herein must begin within six (6) months of approval by the city and be active within twelve (12) months of approval, or the permit shall expire unless an extension is granted by the City. If such use shall cease for a period of twelve (12) months, the permit shall be deemed to have expired.