BILL 2011-32

****** Third Reading ******

Memo

To: Mayor and City Council

Fr: Shellby Hendee, CEcD, Development Director

Dt: March 15, 2011

Re: Ordinance, Conditional Use Permit Amendments

ISSUE

The Planning and Zoning Commission has conducted public hearings and research over the past several months to revise and update the City's conditional use regulations. The Commission noted that several listed conditional uses have never been approved, are inappropriate and should be eliminated. The Commission also wishes to codify those uses which have been added or approved in practice to the list of permitted uses; add a table for ease in comparison as well as adding a list of permitted uses in each zoning district chapter. It adds such uses as field crops, large inflatable's, multiple dogs and professional office to the list. The Commission also recommends adding an exception for active military personnel stationed overseas for vehicle storage and number of dogs. The Commission also forwarded a recommendation to extend the period of time to pay Personal Property under the Conditional Use regulation for overseas personnel. However, the City Manager is recommending that Council amend the Real and Personal Property Tax Policy to allow the extension. That Resolution is in this week's packet and agenda.

RECOMMENDATION

The Planning and Zoning Commission recommends that the City Council approve the attached ordinance amending the Conditional Use provisions of the City of Cameron. Staff has eliminated the area allowing extension of time to pay Personal Property Tax.

Bill 2011-32

AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DEKALB COUNTIES, MISSOURI, AMENDING ARTICLES 13 THROUGH 20, ALL ZONING DISTRICTS, OF CHAPTER 13, ZONING, OF THE CAMERON CITY CODE AND INSERTING A LIST OF THOSE CONDITIONAL USES PERMITTED IN EACH DISTRICT; AND AMENDING ARTICLE 31, CONDITIONAL USES, OF CHAPTER 13, ZONING, OF THE CAMERON CITY CODE TO REVISE THE LIST OF CONDITIONAL USES, PROVIDE FOR MILITARY EXCEPTION AND PROVIDE A DISTRICT USE TABLE THERERIN

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WHEREAS, review of the conditional use history of the City of Cameron shows that a number of conditional uses have never been approved and that several listed conditional uses are inappropriate for certain zoning districts; and

WHEREAS, several conditional uses which have previously been approved by the City should be added to the conditional use list plus two new uses; and

WHEREAS, the Articles for each Cameron zoning district do not contain a separate list of those conditional uses permitted in each district forcing the reader to consult the Conditional Uses Article for said information; nor does the Conditional Uses Article contain an easily-understood table of the uses by district; nor does it contain any provision for military exceptions; and

WHEREAS, the Planning and Zoning Commission, after publishing notice thereof in the ***Cameron Citizen-Observer***, a newspaper of general circulation, on October 21, 2010, conducted a series of public hearings on the matter beginning on November 8, 2010 through March 14, 2011 and recommends that the City Council make certain amendments to the conditional uses provisions of the City of Cameron Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AS FOLLOWS:

Section 1. Repeal Section 4, Established, of Article 31, Conditional Uses, of Chapter 13, Zoning of the Cameron City Code and establish a new Section 4 as follows:

4. Established: The following are established as 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 Art. 31.6. Definitions).

M. Adult entertainment facilities (see Art. 31.6. Definitions).

N. Bathhouses (see Art. 31.6. Definitions).

O. Massage Shops (see Art. 31.6. Definitions).

P. Modeling studios (see Art. 31.6. 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.

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2) Day care centers shall be licensed 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 that twenty (20) square feet in surface area.

Section 2. Enact a new Section 5, Conditional Uses by District, of Article 31, Conditional Uses, of Chapter 13, Zoning, of the Cameron City Code as follows and renumber existing and subsequent sections accordingly:

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	
Pvt. 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 & Breakfast		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	

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Sm. Animal Confinmt.										**X**
Pvt. Corrections 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**

Section 3. Enact a new Section 6, Military Exceptions, of Article 31, Conditional Uses, of Chapter 13, Zoning, of the Cameron City Code as follows and renumber existing and subsequent sections accordingly:

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.

Section 4. Enact Section 6, Conditional Uses, of Article 13, "R-1" Single Family Residential District, of Chapter 13, Zoning, of the Cameron City Code as follows:

6. **Conditional Uses: The following uses are permitted in the R-1 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.**

A. Golf driving ranges.

B. Day care centers (See Art. 31.4.L. for conditions).

C. Photo Studios.

D. Multiple Dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.

Section 5. Enact Section 5, Conditional Uses, of Article 14, "R-2" Two Family Residential District, of Chapter 13, Zoning, of the Cameron City Code as follows:

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5. **<u>Conditional Uses:</u> The following uses are permitted in the R-2 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.**

A. Kennels.

B. Radio, television, microwave and mobile telephone towers.

C. Rodeo and fair grounds.

D. Golf driving ranges.

E. Day care centers (See Art. 31.4.L. for conditions).

F. Taxicabs.

G. Bed and breakfasts.

H. Photo studios.

I. Professional offices (See Art. 31.4.U. for space provisions).

J. Multiple Dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.

K. Field Crops.

<u>Section 6</u>. Enact Section 5, Conditional Uses, of Article 15, "R-3" Multi-Family Residential District, of Chapter 13, Zoning, of the Cameron City Code as follows:

5. **<u>Conditional Uses:</u> The following uses are permitted in the R-3 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.**

A. Kennels.

B. Radio, television, microwave and mobile telephone towers.

C. Private athletic fields.

D. Rodeo and fair grounds.

E. Golf driving ranges.

F. Day care centers (See Art. 31.4.L. for conditions).

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G. Taxicabs.

H. Bed and breakfasts.

I. Photo Studios.

J. Professional offices (See Art. 31.4.U. for space provisions).

K. Billboards or outdoor poster panels.

L. Multiple Dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.

Section 7. Enact Section 21, Conditional Uses, of Article 16, "R-4" Mobile Home Residential District, of Chapter 13, Zoning, of the Cameron City Code as follows:

21. Conditional Uses: The following uses are permitted in the R-4 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

A. Kennels.

B. Radio, television, microwave and mobile telephone towers.

C. Private athletic fields.

D. Rodeo and fair grounds.

E. Golf driving ranges.

F. Day care centers (See Art. 31.4.L. for conditions)

G. Taxicabs.

H. Bed and breakfasts.

I. Photo studios.

J. Professional offices (See Art. 31.4.U. for space provisions).

K. Billboards or outdoor poster panels.

L. Multiple Dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.

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Section 8. Repeal Section 3, Conditional Uses, of Article 16-A, "A-1 Agricultural District, of Chapter 13, Zoning, of the Cameron City Code and enact a new Section 3 as follows:

3. Conditional Uses: The following uses are permitted in the "A-1" District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

A. Kennels.

B. Private telecommunications towers, lines and equipment.

C. Billboards.

D. Small animal confinement systems.

E. Private corrections institutions.

F. Inflatables over fifteen (15) feet high and greater than twenty (20) square feet in surface area.

Section 9. Enact Section 6, Conditional Uses, of Article 17, "C-1" Central Commercial District, of Chapter 13, Zoning, of the Cameron City Code as follows:

6. Conditional Uses: The following uses are permitted in the C-1 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

A. Golf driving ranges.

B. Billboards or outdoor poster panels.

C. Adult bookstores (See Art. 31.5.-8. for special regulations).

D. Adult entertainment facilities (See Art. 31.5.-8. for special regulations).

E. Bathhouses (See Art. 31.5.-8. for special regulations).

F. Massage shops (See Art. 31.5.-8. for special regulations).

G. Modeling studios (See Art. 31.5.-8. for special regulations).

H. Outdoor gun clubs, skeet shoots or target ranges.

I. Multiple Dogs, providing that the applicant shall have owned said dogs upon moving to Cameron.

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J. Inflatables over fifteen (15) feet high and greater that twenty (20) square feet in surface area.

Section 10. Enact Section 6, Conditional Uses, of Article 18, "C-2" General Commercial District, of Chapter 13, Zoning, of the Cameron City Code as follows:

6. Conditional Uses: The following uses are permitted in the C-2 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

A. Kennels.

B. Radio, television, microwave and mobile telephone towers.

C. Riding stables, riding academies and tracks.

D. Private athletic fields.

E. Rodeo and fair grounds.

F. Golf driving ranges.

G. Billboards.

H. Adult bookstores (See Art. 31.5.-8. for special regulations).

I. Adult entertainment facilities (See Art. 31.5.-8. for special regulations).

J. Bathhouses (See Art. 31.5.-8. for special regulations).

K. Massage shops (See Art. 31.5.-8. for special regulations).

L. Modeling studios (See Art. 31.5.-8. for special regulations).

M. Outdoor gun clubs, skeet shoots or target ranges.

N. Multiple Dogs, provided that the applicant shall have owned said dogs upon moving to Cameron.

O. Field Crops

P. Inflatables over fifteen (15) feet high and greater than twenty (20) square feet in surface area.

Section 11. Enact Section 6, Conditional Uses, of Article 18A, "C-N" Neighborhood Commercial District, of Chapter 13, Zoning, of the Cameron City Code as follows:

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6. **<u>Conditional Uses:</u> The following uses are permitted in the C-N District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.**

A. Kennels.

B. Radio, television, microwave and mobile telephone towers.

C. Private athletic fields.

D. Rodeo and fair grounds.

E. Golf driving ranges.

F. Taxicabs.

G. Multiple Dogs, providing that the applicant shall have owned said dogs upon moving to Cameron.

H. Inflatables more than fifteen (15) feet high and greater than twenty (20) square feet in surface area.

<u>Section 12</u>. Enact Section 7, Conditional Uses, of Article 19, "M-1" Light Manufacturing District, of Chapter 13, Zoning, of the Cameron City Code as follows:

7. **<u>Conditional Uses:</u> The following uses are permitted in the M-1 District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.**

A. Outdoor gun clubs, skeet shoots or target ranges.

B. Camping areas, picnic groves and fishing lakes.

C. Travel trailer parks.

D. Kennels.

E. Billboards or outdoor poster panels.

F. Radio, television, microwave and mobile telephone towers.

G. Riding stables, riding academies and tracks.

H. Private athletic fields.

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I. Rodeo and fair grounds.

J. Golf driving ranges.

K. Taxicabs.

L. Adult bookstores (See Art. 31.5.-8. for special regulations).

M. Adult entertainment facilities (See Art. 31.5.-8. for special regulations).

N. Bathhouses (See Art. 31.5.-8. for special regulations).

O. Massage shops (See Art. 31.5.-8. for special regulations).

P. Modeling studios (See Art. 31.5.-8. for special regulations).

Q. Bed and breakfasts.

R. Photo studios

S. Professional offices.

T. Inflatables more than fifteen (15) feet high and greater than twenty (20) square feet in surface area.

Section 13. Enact Section 13, Conditional Uses, of Article 20, "CM-P" Commercial & Manufacturing Planned District, of Chapter 13, Zoning, of the Cameron City Code as follows:

13. Conditional Uses: The following uses are permitted in the CM-P District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

A. Radio, television, microwave and mobile telephone towers.

B. Golf driving ranges.

C. Taxicabs.

D. Billboards or outdoor poster panels.

E. Outdoor gun clubs, skeet shoots or target ranges.

F. Field crops.

G. Inflatables more than fifteen (15) feet high and greater than twenty (20) square feet in surface area.

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Section 14. The Mayor is authorized to sign this ordinance approving it on behalf of the City.

Section 15. The City Clerk is directed to attest to the Mayor's signature.

Section 16. This ordinance shall be in full force and effect from and after its passage and approval.

Read and passed on first reading only on this 4th day of April 2011.
Read and passed on second reading only this 18th day of April 2011.
Read and passed on third reading by roll call this 2nd day of May 2011.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk

third reading