

Bill NO. _____

Ordinance NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR OPERATION OF A BROTHEL ON PROPERTY LOCATED AT 123 MAIN STREET IN THE CITY OF CAMELOT

WHEREAS, Mary Smith, owner of *The Best Little Academy for Women in Missouri*, applied for a conditional use permit to operate a brothel at 123 Main Street ("Subject Property"); and

WHEREAS, in accordance with the applicable ordinances of the City of Camelot the application was submitted to the Planning and Zoning Commission for its investigation and report, and further that the Planning and Zoning Commission has returned its final report and has recommended that the conditional use permit be approved subject to certain conditions; and

WHEREAS, a notice was duly published as required by law notifying the public of the holding of a public hearing on the proposed conditional use permit; and,

WHEREAS, such hearing was duly held by the Board of Aldermen on the 12th day of Never, 2023, in the Aldermanic Chambers at Camelot City Hall in Camelot, Missouri, in conformity with such public notice, at which public hearing the parties in interest and the public were given an opportunity to be heard and were heard; and,

WHEREAS, the Board of Aldermen hereby finds and determines that the conditional use permit contemplated will not:

- a) Substantially increase traffic hazards or congestion;
- b) Substantially increase fire hazards;
- c) Adversely affect the character of the neighborhood;
- d) Adversely affect the general welfare of the community;
- e) Overtax public utilities; and

WHEREAS, the Board of Aldermen further finds and determines that the conditional use permit contemplated:

- f) Complies with all other applicable provisions of the zoning code including performance standards in regard to yard and setbacks, parking and loading areas, screening and buffering, refuse storage and service areas;
- g) Will contribute and promote the community welfare and convenience at the specific location;
- h) Will not cause substantial injury to the value of the neighboring property;
- i) Complies with the Camelot Comprehensive Plan or plans for any applicable zoning district regulations and provisions of the zoning chapter;
- j) Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this ordinance;
- k) Will be compatible with the surrounding area and thus will not impose an excess burden or have a substantial negative impact on surrounding or adjacent use or on community facilities or services.

Commented [KO1]: Use prefatory clauses to document that all procedural requirements for the action to be taken have been satisfied.

Commented [KO2]: The language for these kinds of "findings" clauses should come straight out of the approval criteria/standards in the governing code provision. Specifying that these requirements have been satisfied may help insulate the legislature's decision from successful judicial challenge.

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NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF CAMELOT, MISSOURI, AS FOLLOWS:

SECTION 1: Mary Smith, Permittee, is hereby granted a conditional use permit to operate a brothel at 123 Main Street, subject to the conditions contained in this section:

- 1) The conditional use permit is only to authorize the *The Best Little Academy for Women in Missouri* at 123 Main Street and no other enterprise, business or use of the premises.
- 2) The maximum hours of operation are 4 PM to 4 AM Monday through Friday, and 8 AM Saturday to 4 AM on Sunday. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, special events.
- 3) An opaque fence shall be erected around the outdoor patio sufficient to screen the patio from the adjacent childcare center.
- 4) All signs shall conform to Chapter 410 of the Camelot City Code regarding *Signs and Advertising Devices*, except that no red exterior lighting will be allowed.
- 5) The Subject Property shall be kept free of litter and debris at all times.
- 6) The landscaping shown on the approved site plan shall be maintained in a healthy condition at all times. Dead or dying vegetation shall be replaced in a timely manner.
- 7) No outdoor service or business activities shall be permitted on the premises.
- 8) This Conditional Use Permit shall not be assigned, sold, conveyed, or operated by another without prior approval in accordance with the Camelot City Code. No Occupancy Permit shall be issued to any assignee or successor until transfer approval is secured.
- 9) This Conditional Use Permit shall lapse and become void unless the Permittee commences full operation of the conditionally permitted use on the Subject Property within one (1) year of the effective date of this Ordinance.
- 10) This Conditional Use Permit shall be null and void if for any reason the Permittee ceases operation for a period of six (6) months or more.
- 11) This Conditional Use Permit shall be subject to suspension, termination or other discipline in accord with the provisions of the Camelot City Code in the event the conditionally permitted use is conducted in a manner which constitutes a violation of any state or federal laws or any ordinances of the City of Camelot or Lowe County, or if the conditionally permitted use or the Subject Property is allowed to become a public nuisance.
- 12) The Permittee shall, within ten (10) days of the adoption of this legislation, notify the City Clerk in writing that the conditional use permit provided for in this legislation is accepted and that the conditions set forth herein are understood and will be complied with.

SECTION 2: The provisions of this Ordinance shall not be severable. In the event a court of competent jurisdiction rules that any part of this Ordinance is unenforceable, the entire Ordinance shall be rendered null and void.

Commented [K03]: Be creative. Think of as many of the things that could be problematic if not handled properly and address them now, before it is too late.

Commented [K04]: The purpose here is to see to it that successors are aware of and agreeable to the conditions of approval.

Commented [K05]: Consider adding automatic lapsing clauses to guard against applicants "banking" land use approvals for use at a later time. These approvals are based on the circumstances at the time of approval. They can change rapidly.

Commented [K06]: The legislative body has the prerogative to NOT make legislation severable. In approving CUP's, permits, licenses, etc. consider making the approval legislation - especially if it contains conditions the applicant will have to abide by in the future - non-severable so the applicant loses the benefit of the legislation if they challenge any of the conditions imposed by the city.

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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 according to law.

PASSED BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____ 2023.

Presiding Officer

ATTEST:

City Clerk

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.

Arthur D. Lancelot, Mayor

ATTEST:

City Clerk