

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.020 DEFINITIONS, 405.130 "A-1" GENERAL AGRICULTURAL DISTRICT, 405.140 "R-1a" SINGLE FAMILY DISTRICT, 405.160 "R-2" TWO-FAMILY DISTRICT, 405.170 "R-3" MULTI-FAMILY DISTRICT OF THE OSAGE BEACH CODES OF ORDINANCES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That Section 405.020 Definitions of the Osage Beach Code of Ordinances is hereby amended to add two (2) new definitions (in red) to read as follows:

Section 405.020. Definitions. [R.O. 2006 §405.020; CC 1985]

§27-2; Ord. No. 87.28 Art. II §B, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §1, 11-21-1991; Ord. No. 93.06 §2, 5-20-1993; Ord. No. 93.15 §2, 5-20-1993; Ord. No. 95.50 §1, 12-7-1995; Ord. No. 95.55 §1, 11-16-1995; Ord. No. 96.05 §1, 3-7-1996; Ord. No. 96.21 §1, 6-20-1996; Ord. No. 96.48 §1, 12-5-1996; Ord. No. 97.02 §2, 4-3-1997; Ord. No. 97.47 §1, 12-4-1997; Ord. No. 98.03 §1, 6-18-1998; Ord. No. 98.39 §9, 9-17-1998; Ord. No. 00.44 §1, 12-7-2000; Ord. No. 01.01 §1, 1-18-2001; Ord. No. 04.28 §1, 9-16-2004; Ord. No. 05.44 §1, 9-15-2005; Ord. No. 06.46 §1, 10-5-2006]

LIVING SPACE -Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

UNCONVENTIONAL DWELLING -A dwelling in which more than 50% of the enclosed usable square footage within the primary structure is dedicated to space customarily defined as accessory such as storage, garage, shop space, and similar uses thereto.

Section 2. Section 405.130 "A-1" General Agricultural District of the Osage Beach Code of Ordinances is hereby amended to add new item (in red) to read as follows:

[R.O. 2006 §405.130; CC 1985 §27-151; Ord. No. 87.28 Art. V §A, 10-1-1987]

A. *Permitted Uses.* In District "A-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one (1) or more of the following uses (for exceptions, see Section **405.590** "Special Uses Require Special Permission", Article **VIII** "Non-Conforming Uses" and Article **X** "Board of Adjustment"):

1. General agricultural operations, but this shall not include or permit:
 - a. Intensive feeding operations and agribusiness.
 - b. The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
 - c. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure if such use or activity results in offensive odor, dust, or noise.
2. **Single-family, two-family, and unconventional dwellings.**

3. Transportation, pipeline, utility easements and rights-of-way.
4. *Group homes*. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within one thousand (1,000) feet of another group home. Group homes shall be eleemosynary or not-for-profit in nature. [Ord. No. 16.40 §§1 — 2, 5-19-2016]
5. Temporary roadside stands for the sale of farm products grown on the premises; provided however, that up to one-third (1/3) of the display area for produce may be used for the sale of products not grown on the premises. Such a temporary stand shall be required to set back from the edge of the roadway pavement at least twenty-five (25) feet to permit adequate ingress, egress, and parking.
6. Advertising signs.
7. Churches.
8. Public parks and playgrounds.
9. Public buildings and facilities.
10. Public stables or riding academies.
11. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning.
12. Golf courses, not including golf course club houses, miniature golf courses or driving ranges.
13. The use of buildings or premises for such public utility services as are authorized by the Public Service Commission or by permit of the Board of Aldermen, and excluded from the jurisdiction of the Planning Commission under the Enabling Act, Laws of Missouri, provided the building or premises is enclosed, landscaped, and in keeping with the appearance of the neighborhood.
14. Medical marijuana cultivation facilities subject to the use provisions outlined in Section **405.585**. [Ord. No. 19.37, 6-20-2019]

Section 3. Section 405.140"R-1a" Single-Family District of the Osage Beach Code of Ordinances is hereby amended to add new item (in red) to read as follows:

[R.O. 2006 §405.140; CC 1985 §27-152; Ord. No. 87.28 Art. V §B, 10-1-1987; Ord. No. 92.22 §8, 8-19-1993; Ord. No. 97.47 §2, 12-4-1997; Ord. No. 00.22 §1, 7-6-2000]

A. *Permitted Uses*. In District "R-1a" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one (1) or more of the following uses (for exceptions, see Section **405.590** "Special Uses Require Special Permission", Article **VIII** "Non-Conforming Uses" and Article **X** "Board of Adjustment"):

1. Single-family dwellings.

2. Accessory buildings customary, incidental, and subordinate to the use of the main building. Accessory buildings would include but not necessarily be limited to garages, carports, swimming pools, pergolas, patios and fireplaces.
 3. Churches.
 4. Public parks and playgrounds.
 5. Public buildings and facilities.
 6. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning.
 7. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within one thousand (1,000) feet of another group home. Group homes shall be eleemosynary or not-for-profit in nature. [Ord. No. 16.40 §§1 — 2, 5-19-2016]
 8. Golf courses, but not including golf course club houses, miniature golf courses or driving ranges.
 9. The use of building or premises for such public utility services as are authorized by the Public Service Commission or by permit of the Board of Aldermen, and excluded from the jurisdiction of the Planning Commission under the Enabling Act, landscaped, and in keeping with the appearance of the neighborhood.
 10. Accessory uses customarily incident to the above uses and located on the same lot therewith, but not including home occupations.
- B. *Coverage.* The Primary Structure shall not cover more than fifty percent (50%) of the lot area. Detached accessory structures including garages, shops, pole barns, storage facilities, and similar uses shall not cover more than fifteen percent (15%) of the front and rear yards. This provision does not include decks, patios, gazebos, pools, sidewalks and walkways, and other similar uses customarily used to create additional usable or recreational space.
- C. *Water Supply and Sewage System.* Each lot within an "R-1a" Zoning District shall be served by a public water supply and a public sewer system at such time as the systems are installed and reasonably available.
- D. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Article IX of this Chapter.
- E. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.430 of this Chapter.
- F. All dwellings must comply with the following exterior architectural standards:
1. Dwellings, constructed on properties with an area of 10,000 square feet and less, are required to have a minimum of sixty percent (60%) of the primary structure that is dedicated to defined living space.

2. Dwellings, constructed on properties with an area of 10,001 to 20,000 square feet, are required to have a minimum of fifty percent (50%) of the primary structure that is dedicated to defined living space.
 3. Dwellings, constructed on properties with an area of 20,001 to 40,000 square feet, are required to have a minimum of forty percent (40%) of the primary structure that is dedicated to defined living space.
 4. Dwellings, constructed on properties with an area greater than 40,001 square feet, will not have a regulated percentage of the primary structure be designated to defined living space provided that the structure can be defined as a dwelling as per the International Building Code adopted by the City of Osage Beach at the time a Building Permit is applied for.
 5. The structure must have a measured minimum width of no less than twenty-two (22) feet for the main body of the dwelling.
 6. The dwelling must be placed on a continuous and complete frost protected perimeter foundation of masonry, concrete, or comparable material of the same appearance.
 7. The exterior wall covering shall be either:
 - a. Wood or masonry finish, or its appearance, and/or
 - b. Vertically or horizontally grooved siding or lap siding, or its appearance.
 8. Use of flat or corrugated galvanized sheet metal for the exterior walls or roof covering is prohibited. This provision shall not include standing seam or similar modern roofing materials.
- G. Modular, mobile, prefabricated, and similar dwellings must comply with the following exterior architectural standards:
1. The dwelling must have a roof pitch of no less than three (3) inches of vertical rise to each twelve (12) inches of horizontal run.
 2. The dwelling must have a roof overhang and/or eave width of no less than one (1) foot measured horizontally around the entire perimeter of the structure.
 3. The structure must have a measured minimum width of no less than twenty-two (22) feet for the main body of the dwelling.
 4. The dwelling must be placed on a continuous and complete frost protected perimeter foundation of masonry, concrete, or comparable material of the same appearance.
 5. The exterior wall covering shall be either:
 - a. Wood or masonry finish, or its appearance, and/or
 - b. Vertically or horizontally grooved siding or lap siding, or its appearance.
 6. Use of flat or corrugated galvanized sheet metal for the exterior walls or roof covering is prohibited. This provision shall not include standing seam or similar modern roofing materials.

7. The Administrative Review Committee may approve deviations for site built homes from one (1) or more of the architectural standards when the architectural style proposed provides compensating design features and the proposed dwelling will be compatible and harmonious with existing structures and residential character of the area. Appeals of such determinations shall be reviewed by the Board of Adjustment.

Section 4. Section 405.160"R-2" Two-Family District of the Osage Beach Code of Ordinances is hereby amended to add new item (in red) to read as follows:

[R.O. 2006 §405.160; CC 1985 §27-154; Ord. No. 87.28 Art. V §D, 10-1-1987; Ord. No. 92.22 §8, 8-19-1993]

A. *Permitted Uses.* In District "R-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one (1) or more of the following uses (for exceptions, see Section **405.590** "Special Uses Require Special Permission", Article **VIII** "Non-Conforming Uses" and Article **X** "Board of Adjustment"):

1. All uses permitted within an "R-1b" Single-Family District. (Providing that single-family construction when occurring in this zoning classification will be constructed as if the property were zoned in like manner. For example, if single-family housing were being constructed in this zone, it would be constructed following the same guidelines as shown for single-family housing in Article III, Section 405.150.)
2. Two-family dwellings or single-family dwellings with accompanying garage apartments.

B. *Coverage.* The Primary Structure shall not cover more than fifty percent (50%) of the lot area. Detached accessory structures including garages, shops, pole barns, storage facilities, and similar uses shall not cover more than fifteen percent (15%) of the front and rear yard. This provision does not include decks, patios, gazebos, pools, sidewalks and walkways, and other similar uses customarily used to create additional usable or recreational space.

C. *Water Supply and Sewage System.* Each lot within an "R-2" Zoning District shall be served by a public water supply and a public sewer system at such time as the systems are installed and reasonably available.

D. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Article **IX** of this Chapter.

E. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section **405.430** of this Chapter.

Section 5. Section 405.170"R-3" Multi-Family District of the Osage Beach Code of Ordinances is hereby amended to add new item (in red) to read as follows:

[R.O. 2006 §405.170; CC 1985 §27-155; Ord. No. 87.28 Art. V §E, 10-1-1987; Ord. No. 92.22 §8, 8-19-1993; Ord. No. 00.44 §2, 12-7-2000]

A. *Permitted Uses.* In District "R-3" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one (1) or more of the following uses (for exceptions, see Section **405.590** "Special Uses Require Special Permission", Article **VIII** "Non-Conforming Uses" and Article **X** "Board of Adjustment"):

1. Single-family dwelling construction when occurring in this zoning classification will be constructed with the following requirements.
 - a. Lot area for each home will be a minimum of 3,250 square feet to a maximum of 5,000 square feet.
 - b. The primary structure shall not cover more than 50% of the lot area.
 - c. The primary structure will be built a minimum 25-foot front yard setback, 5-foot side yard setback, and 15-foot rear yard setback.
 - d. Individual lots can only front and be accessed from local streets.
2. Two-family dwelling ("R-2") construction when occurring in this zoning classification will be constructed as if the property were zoned in like manner. For example, if two-family dwellings were being constructed in this zone, construction would follow the same guidelines shown for two-family dwellings in Article **III**, Section **405.160**.
3. Multi-family residential dwellings.
4. Rooming and boarding houses but not hotels, motels and condominiums that are rented for less than a month at a time.
5. Nursing homes and homes for the aged.
6. Family day care facilities. Day care centers and similar operations only with a special use permit under the use provisions of Section **405.590**.

B. *Coverage.* The Primary Structure shall not cover more than fifty percent (50%) of the lot area. Detached accessory structures including garages, shops, pole barns, storage facilities, and similar uses shall not cover more than fifteen percent (15%) of the front and rear yard. This provision does not include decks, patios, gazebos, pools, sidewalks and walkways, and other similar uses customarily used to create additional usable or recreational space.

C. *Play Or "Green" Space.* Suitable play or park-like green space shall be provided which is easily accessible from the living units without encountering traffic hazards. Such space shall contain not less than the following area:

1. One thousand (1,000) square feet for the first four (4) family units;
2. Plus sixty (60) square feet per unit for all units over four (4).

D. *Water Supply and Sewage System.* Each lot within a "R-3" Zoning District shall be served by a public water supply and a public sewer system at such time as the systems are installed and reasonably available.

E. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Article **IX** of this Chapter.

F. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section **405.430** of this Chapter.

Section 6. Severability. The provisions of every Chapter, Section, paragraph, sentence, clause and phrase are severable. If any provision of a Chapter, Section, paragraph, sentence, clause and/or phrase is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the Chapter, Section, paragraph, sentence, clause and/or phrase are valid unless the court finds the valid provisions of the Chapter, Section, paragraph, sentence, clause and/or phrase are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 8. That this Ordinance shall be in full force and effect upon date of passage.

READ FIRST TIME: November 5, 2020 READ SECOND TIME: November 19, 2020

I hereby certify that the above Ordinance No. 20.72 was duly passed on November 19, 2020, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

Nov. 19, 2020

Date

Tara Berreth

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker

Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 20.72.

Nov. 19, 2020

Date

John Olivarri

John Olivarri, Mayor

ATTEST:

Tara Berreth

Tara Berreth, City Clerk

