

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.586, 405.130, 405.640, 405.210, AND 405.240 OF THE OSAGE BEACH CODE OF ORDINANCES RELATING TO THE ZONING ORDINANCE REGARDING MARIJUANA FACILITIES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. That Section 405.586 of the Osage Beach Code of Ordinances is hereby amended to read as follows:

SECTION 405.586: Marijuana Facilities

1. "Purpose". The Marijuana Facilities regulations are established to promote the health, safety, morals, and general welfare of the citizens, visitors, and businesses of the City. This Section is intended to govern and provide locations within the City of Osage Beach where Marijuana Facilities can successfully provide their intended services to the citizens and visitors of Osage Beach while maintaining the standard of life to which they have become accustomed.
- A. "Comprehensive Marijuana Dispensary Facility". This use will only be permitted in the "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:
 1. No Comprehensive Marijuana Dispensary Facility shall be permitted within two hundred (200) feet, measured from property line to property line, of any religious institution, elementary or secondary school, or child daycare facility.
 2. Properties proposed to contain a Comprehensive Marijuana Dispensary Facility must be located in one of the previously established zones and also meet one of the following:
 - A. Be located within two thousand (2,000) feet of the Osage Beach Parkway Public Right of Way or the Interchange Right of Way for the Highway 54 Expressway or;
 - B. Be located within one thousand (1,000) feet from the State Highway 42 or State Highway KK Public Right of Way.
 3. No Comprehensive Marijuana Dispensary Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- B. "Comprehensive Marijuana Cultivation Facility". This use will only be permitted in the "A-1" and "I-2" zoning districts after meeting the following minimum requirements:
 1. Properties proposed to contain a Comprehensive Marijuana Cultivation Facility must be located in one of the previously established zones and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.

- B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contains a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone.
- 2. No Comprehensive Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- C. "Comprehensive Marijuana Infused Products Manufacturing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
 - 1. Properties proposed to contain a Comprehensive Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contain a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone.
 - 2. No Comprehensive Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- D. “Marijuana Testing Facility”. This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
 - 1. Properties proposed to contain a Marijuana Testing Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contain a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone.
 - 2. No Marijuana Testing Facility shall be permitted on a property that contiguous with the Lake of the Ozarks.
- E. Parking For Marijuana Facilities. Parking for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article IX “Off Street Parking and Loading Requirements.”

- F. Signage For Marijuana Facilities. Signage for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article V “Signs.”
- G. Marijuana Facilities shall not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare.
- H. Marijuana Facilities that propose having more than one type of facility on the same property or within the same building, will be required to follow the regulations for the more restricted facility. (For example; as adopted in 2019, a facility containing both a dispensary and cultivation, would be required to locate in the “I-2” zone with the distance requirements for a cultivation facility.)
- I. All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.
- J. No marijuana facility shall discharge or emit any odor, dust, smoke, gas or other noxious or offensive fume smell or substance.

Section 2. That Section 405.640 of the Osage Beach Code of Ordinances is hereby amended to read as follows:

SECTION 405.640 “Off-Street Parking Criteria”

Comprehensive Marijuana Dispensary Facility - One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

Microbusiness Dispensary Facility - One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

Section 3. That Section 405.210 of the Osage Beach Code of Ordinances is hereby amended to read as follows:

SECTION 405.210 “C-1 General Commercial District”

Comprehensive Marijuana Dispensary Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Dispensary Facilities subject to the use provisions outlined in Section 405.586

Section 4. That Section 405.240 of the Osage Beach Code of Ordinances is hereby amended to read as follows:

SECTION 405.240 “I-2 Heavy Industrial District”

Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Infused Products Manufacturing Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Testing Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Wholesale Facilities subject to the use provisions outlined in Section 405.586

Section 5. That Section 405.130 of the Osage Beach Code of Ordinances is hereby amended to read as follows:

SECTION 405.130 “A-1 General Agricultural District”

Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Section 7. Severability

The chapter, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 8. 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 9. The Mayor of the City of Osage Beach is hereby authorized to take all actions which may be necessary to fully enact this Ordinance.

READ FIRST TIME: February 2, 2023 READ SECOND TIME: February 16, 2023

I hereby certify that the above Ordinance No. 23.04 was duly passed on February 16, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4 Nays: 0 Abstain: 0 Absent: 2

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

February 16, 23
Date

Tara Berreth
Tara Berreth City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No. 23.04

February 16, 23
Date

Michael Harmison
Michael Harmison, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk