

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 405 ZONING REGULATIONS, SECTIONS 405.020 DEFINITIONS AND SECTION 405.590 SPECIAL USES REQUIRE SPECIAL PERMISSION OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

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

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Section 405.020 Definitions.

- A. For the purposes of this Chapter words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "*shall*" is mandatory and not directory.
- B. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

ACCESSORY BUILDING OR USE

A subordinate building or a portion of the main building located on the same lot with the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.

ADULT BOOKSTORE

~~An establishment having in excess of ten percent (10%) of its stock, as determined by value or volume, whichever is greater, 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 principal emphasis on matters depicting, describing or relating to specified sexual activities as said terms are defined herein.~~

ADULT ENTERTAINMENT ESTABLISHMENTS

~~Any of the establishments businesses, buildings, structures, or facilities defined in this Chapter, which comply with the definitions for:~~

- ~~1. Adult entertainment facility;~~
- ~~2. Bathhouse;~~
- ~~3. Modeling studio; or~~
- ~~4. Adult bookstore.~~

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 predominately distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and erotic 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 persons wholly or partially nude with their 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.~~

ALLEY

A public way which affords only a secondary means of access to property abutting thereon, or which is less than twenty (20) feet wide.

ANTENNA

Any structure or device used in sending and receiving electromagnetic waves or similar forms of wireless communications.

ANTENNA HEIGHT

The vertical distance measured from the base of the antenna mount at grade to the highest point of the antenna.

APARTMENT

A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suits.

APARTMENT HOUSE

See *"Dwelling, Multiple"*.

BAR

An establishment serving intoxicating liquors for consumption on the premises. The term *"bar"* shall include taverns, discotheques, nightclubs, private liquor clubs and saloons, but shall not include a restaurant. A *"bar"* shall include any establishment, whether or not there is a restaurant or similar facility on the premises, in which at least twenty-five percent (25%) of the gross income is derived from the sale of intoxicating liquors on the premises. For purposes of this definition, an *"intoxicating liquor"* means an intoxicating liquor as defined in Section 311.020, RSMo., as amended. A *"bar"* may include a *"restaurant bar"* as defined in Section 311.097, RSMo., if the establishment meets the thresholds set forth in this definition.

BASEMENT

A story having part but not more than one-half (½) of its height above grade.

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 licensed by the State of Missouri.~~

BED AND BREAKFAST

A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than five (5) groups of patrons in a twenty-four (24) hour period.

BOARDING HOUSE

A building other than a hotel where, for compensation and by arrangement, lodging and meals are provided for three (3) or more persons.

BUILDING

Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF

The vertical distances from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

CELL SITE

A tract, parcel of land, or location that contains wireless communication facilities consisting of the antennae, support structure and related equipment.

CELLAR

A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CHILD DAY CARE FACILITY

A commercial or non-commercial facility for childcare during any part of a twenty-four (24) hour day.

CLINIC, MEDICAL

An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

COLLOCATION

Locating more than one (1) antenna or set of antennae on the same antenna mount.

COMMUNICATION TOWER

A land or water based tower including television; AM/FM radio; two-way radio; cellular phone; microwave; and similar transmission structures used for wireless communications.

CONDOMINIUM

A legal arrangement in which a dwelling unit in an apartment building is individually owned but to which the common areas are owned, controlled and maintained through an organization controlled by the individual owners.

DAY CARE CENTER

A facility, other than the provider's permanent residence, where child day care is provided.

DISTRICT

A section or sections of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DOCKOMINIUM

A legal arrangement or agreement between persons in which boat slips in a boat docking building or complex are sold and individually owned. Common areas and other amenities are owned,

controlled, and maintained through an organization comprised of the individual owners.

DWELLING

Any building or portion thereof which is designed for or used exclusively for residential purposes.

DWELLING, MULTIPLE

A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY

A building designed for or occupied by one (1) family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two (2) families.

ELEMENTARY SCHOOL

A school for the first four (4) to six (6) grades and includes kindergarten.

FAA

Abbreviation for the Federal Aviation Administration.

FCC

Abbreviation for the Federal Communications Commission.

FAMILY

An individual or two (2) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

FAMILY DAY CARE

A permanent single-family residence occupied by a childcare provider in which care is given to no more than ten (10) children.

FILLING STATION OR SERVICE STATION

Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

FRONTAGE

All the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE

An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) tons capacity.

GARAGE, PUBLIC

A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING

A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

GARDEN APARTMENT

Adjoining apartments to which the first (1st) floor units have individual fenced yards.

GRADE

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the corners of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line shall be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the Public Works Director.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GUYED TOWER

A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HIGH RISE APARTMENT

Generally an apartment type building of more than six (6) stories where elevators are the normal form of transit to the individual units.

HOME OCCUPATION

A lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. *Note:* See Section **405.435**.

HOTEL

A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, a lodging house, or an apartment, which are herein separately defined.

INSTITUTION

A business occupied by a nonprofit corporation or a nonprofit establishment for public use.

LAKE USE ZONE

The property lying within one hundred (100) yards of the shoreline with property lines extended lakeward from land as defined by AmerenUE.

LANDSCAPING

Lawns, trees, shrubs, hedges, blooming plants, living ground cover and similar vegetative material.

LAUNDROMAT

A business that provides home-type washing, drying or ironing machines for hire to be used by customer on the premises.

LIVING SPACE

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

[Ord. No. 20.72, 11-19-2020]

LOADING SPACE

A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) by forty (40) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE

A building other than a hotel where lodging only is provided for three (3) or more but not more than twenty (20) persons.

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT LINE

A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or place.

LOT OF RECORD

A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the effective date of this Chapter.

MANUFACTURED HOME

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing the Seal of the State of Missouri Public Service Commission, U.S.

Department of Housing and Urban Development, or its agent, which certifies that said dwelling was constructed in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280). A "*manufactured home*" shall not be considered a mobile home when the running gear is removed and the home is cited in conformance with the architectural design standards of Section **405.140(F)**.

MARINA

A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

MASSAGE THERAPY ESTABLISHMENT

Any place of business in which massage therapy is practiced.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility or to a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility or a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify and transport marijuana.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

MOBILE HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

MOBILE HOME PARK

Any parcel of land consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "*mobile home space*" means the area within a mobile home district designed for the accommodation of one (1) mobile home.

~~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.~~

MODULAR HOME

A factory-built, transportable structure which bears the Seal of the State of Missouri Public Service Commission as adopted by the City of Osage Beach, and does not have its own running gear and is designed and regulated as a typical site-built home.

MONOPOLE

A self-supporting communication tower or sign constructed with a single pole.

MOTOR COURT OR MOTEL

A building or group of buildings used primarily for the temporary residence of motorists or travelers, for compensation, as such it is open to the public.

MOTOR HOME

1. A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational, or vacation use; and when factory-equipped for the road.
2. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
3. A portable, temporary dwelling to be used for travel, recreational, and vacation purposes, constructed as an integral part of a self-propelling vehicle.
4. A canvas, folding structure, mounted on wheels and designed for travel, recreational, and vacation use.

NIT

Term used to describe a metric unit of luminance that is defined as one (1) candela per square meter (cd/m^2).

NON-CONFORMANCE

A condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

NON-CONFORMING USE

A structure or land occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING HOMES

A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

OFFICE BUILDING

A building composed of offices sharing common walls and corridors.

OPEN SPACE

This is the area within a planned unit development zone or a planned unit development overlay zone, which is not occupied by buildings, structures, right-of-ways, or parking areas, and for which ownership and maintenance provisions are provided for through some type of community/neighborhood association.

OUTDOOR DINING AREA

An unenclosed area located adjacent to a restaurant structure for the purpose of the service and consumption of food and beverages.

OUTDOOR ENTERTAINMENT

Activities which take place outside of the permanent enclosed structure which involve the patrons and/or the establishment's participation in activities or services offered by the establishment, such as dining, dancing, consumption of intoxicating liquors or noise producing activities. For purposes of this definition, patios, decks, porches, courtyards, piazzas, squares, terraces or yards are considered outside the permanent enclosed structure.

PARKING AREA

An open, unoccupied space used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

PARKING LOT

An open surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles may be equipped, repaired, rented or sold.

PARKING SPACE

A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords a factory ingress and egress for automobiles.

PLACE

An open unoccupied space or a public or private thoroughfare other than a street or as permanently reserved as the principal means access to abutting property.

PLANNED PUBLIC STREET

A roadway plan which has been studied and adopted by the City as an integral part of the Comprehensive Plan, or separate Major Thoroughfare Plan, Urban Development Plan, the general or detailed location of the street must be illustrated on the official map(s) of Osage Beach.

PLANNING COMMISSION

The official planning and zoning body of the City.

PRESCHOOL, NURSERY SCHOOL OR KINDERGARTEN CENTER

A facility where educational services are provided for children not otherwise a part of a school system. For purposes of this definition, such educational services and facilities shall be considered as a day care center.

PROFESSIONAL BUILDING

An office building generally housing doctors, lawyers or other licensed professional practitioners.

PUBLIC SEWER SYSTEM

A system of storage facilities, distribution and service mains, and other related equipment providing for the production and distribution of sewage which are owned and operated by the City of Osage Beach.

PUBLIC WATER SYSTEM

A system of storage facilities, distribution and service mains, and other related equipment providing for the production and distribution of potable water which are owned and operated by the City of Osage Beach.

REGIONAL SHOPPING CENTER

A commercial or retail development that has a minimum development area of fifty (50) acres, a minimum six hundred (600) feet of road frontage, and at least two (2) tenant spaces of fifty thousand (50,000) square feet or larger.

RELIGIOUS INSTITUTION

A building used for religious activities, particularly for religious worship services.

RESTAURANT

A building or structure in which at least seventy-five percent (75%) of gross income is derived from food prepared and served for consumption on the premises. Typical uses include buffets; cafes; cafeterias; caterers; theaters; fast food restaurants; food bars; frozen custard, ice cream and yogurt stores; luncheonettes; pizza parlors and pizzerias; sandwich bars; and snack shops. A "restaurant" may include a "restaurant bar" as defined in Section 311.097, RSMo., if the establishment meets the thresholds set forth in this definition.

SECONDARY SCHOOL

A school that is intermediate in level between elementary school and college and that usually offers general, technical, vocational, or college-preparatory curricula.

SEXUAL CONDUCT

Shall have the same meaning as defined in Section **210.430**.

SEXUALLY ORIENTED BUSINESS

Shall have the same meaning as defined in R.S.Mo. § 575.010(22) including all subcategories and subparts thereto.

SPECIFIED SEXUAL ACTIVITIES

1. Sexual conduct, being acts of, or simulated acts of, masturbation, homosexuality, sexual intercourse or physical contact with a person's genitals, pubic area, buttocks, or, if such a person be a female, her breasts;
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.

STORY

That portion of a building other than the cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes other than for a janitor or caretaker or his/her family

or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE

A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls excepting such repair or replacement as may be required for safety of the building, but not including openings in bearing walls as permitted by existing ordinances.

STRUCTURE

A combination of materials to form a construction for use occupancy or ornamentation whether installed on, above or below the surface of land or water.

TOURIST HOME

A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests, with which there is used only one (1) sign not more than two (2) square feet in area.

TOURIST OR TRAILER CAMP

An area where one (1) or more tents or auto trailers can be or are intended to be parked, designed or intended to be parked, designed or intended to be used as temporary living facilities for one (1) or more families and intended primarily for automobile transients.

TOWNHOUSE

One (1) in a row of houses usually connected by common sidewalls designed exclusively for residential occupancy.

TRAILER

A vehicle, other than a motor vehicle, designed or intended for use for dwelling purposes, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground.

TRANSITIONAL HOUSING FACILITY

Any facility used to house individuals who are subject to provisions of probation and/or parole or those who are in rehabilitation for substance abuse. This includes facilities that house those who are either of minor or adult status as defined by law.

UNCONVENTIONAL DWELLING

A dwelling in which more than fifty percent (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.

YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a

front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as being parallel to the street upon which the lot has its least dimension.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

YARD, SIDE

A yard between the main building and one side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.

ZONING MAP

The Official Zoning Map of the City, such map being located in the office of the City Clerk.

Section 405.590 Special Uses Require Special Permission.

B. *Use Requiring Special Permission — Duration Of Permission — Renewal.* Any of the following uses may be located in the district specified by special permission of the Board of Aldermen under such conditions as to operation, and off-street parking requirements as the Board of Aldermen may impose, and after public hearing by the Planning Commission, provided that in their judgement such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of planning and zoning as set forth in the Chapter 89, RSMo., and shall comply with the height and area regulations of the district in which they may be located. All special use permits granted under this Section, including renewals, unless otherwise stated below, shall expire on the last day of February following the calendar year of their issuance. The purpose of such special use permits being issued on an annual basis and for the forthcoming year is to allow for an annual review by the Board of Aldermen of all such special use permits in a manner which will allow public input and allow adequate notice to any affected, aggrieved or interested parties. The Board of Aldermen shall conclude their reviews on or before the last day of February with new or renewed permits effective March first (1st). All special use permits are renewable by the Board of Aldermen and subject to the rules and restrictions prescribed by the Board of Aldermen. The City Clerk shall mail by certified mail to all special use holders and property owners within one hundred eighty-five (185) feet of special use permit property, at least sixty (60) days in advance of February twenty-eighth

8. ~~Adult entertainment establishments~~ *Sexually Oriented Businesses*. This use may only be permitted in "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:

a. *Special conditions.*

- (1) No ~~adult bookstore, adult entertainment facility, bathhouse or modeling studio~~ **sexually oriented business** shall be permitted **in any location which is prohibited by R.S.Mo. § 573.531.1** ~~within two thousand (2,000) feet of any religious institution, school, or public park or any property zoned only 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 zones for residential use.~~
- (2) No ~~adult entertainment establishment~~ **sexually oriented business** shall be allowed to locate or expand **in any way which would be prohibited by R.S.Mo. § 573.531.1** ~~within one thousand (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 from the closest exterior structural wall of each business.~~
- (3) All access to and from the adult entertainment establishment shall be provided from a street classified as an arterial street.
- (4) The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
- ~~(5) 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.~~
- ~~(65)~~ The facility on which the use is located and the parking for such facility shall have a front setback as per Section **405.430**, a side yard setback of ten (10) feet, and a rear yard setback of ten (10) feet.
- ~~(76)~~ Off-street parking shall be provided at a ratio of one (1) parking space per seventy-five (75) square feet of interior floor area. All off-street parking requirements shall conform to Article IX of this Chapter.
- ~~(87)~~ The facility in which the use **sexually oriented business** is located shall be designed in such a fashion that all openings, entries, and windows prevent view into such facilities **such no "explicit sexual material," material or conduct which is "pornographic for minors," "sadoomasochistic abuse," "nudity," or "visual depictions" thereof (as those quoted terms are defined in R.S.Mo. § 575.010) may be visible** 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.~~
- ~~(98)~~ The facility in which such a use is located shall be limited to **the signage permitted by R.S.Mo. § 226.531** ~~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; 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 of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from~~ **any pedestrian, sidewalk walkway, street or other public area** ~~the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted. Nothing herein shall exempt a sexually oriented business~~

from the generally applicable sign requirements in Article V of this Chapter.

- (109) Lighting 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.

Section 2. Severability

The chapters, 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 degree 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 3. 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 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: May 18, 2023

READ SECOND TIME: June 1, 2023

I hereby certify that Ordinance No.23.42 was duly passed on June 1, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstentions: 0

Absent: 2

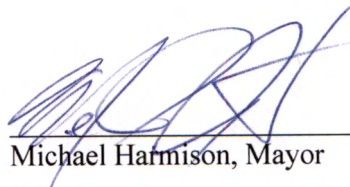
This Ordinance is hereby transmitted to the Mayor for his signature.

June 1, 2023
Date

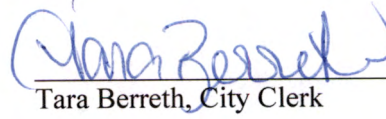
Tara Berreth
Tara Berreth, City Clerk

Approved as to form:
Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.42.



Michael Harmison, Mayor



Tara Berreth, City Clerk

June 1, 2023

Date