



**CITY OF OSAGE BEACH
PLANNING COMMISSION**

1000 City Parkway
Osage Beach, MO 65065
573-302-2000
www.osagebeach.org

AGENDA

Regular Meeting

**October 13, 2020 - 6:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE September 8, 2020 REGULAR MEETING
4. NEW BUSINESS
 - A) Duenke - Street Vacation for portion of the old Swiss Village Road
 - B) Additions and Amendments to Chapter 405 "Zoning Regulations"
5. REPORTS
6. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the following:
Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ex 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's office 48 hours in advance of the meeting at the above telephone number.

THE CITY OF OSAGE BEACH, MISSOURI
PLANNING COMMISSION MINUTES OF THE REGULAR MEETING

September 8, 2020

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on September 8, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Tyler Becker, Chairman Susan Ebling, Jeff Dorhauer, Nancy Viselli, Michelle Myler, Tony Kirn, Alan Blair, and Kellie Schuman. Absent was Don Chisholm. Also present: City Planner Cary Patterson, Planning Commission Secretary Pam Campbell, and City Attorney, Ed Rucker.

It was announced that Don Chisholm resigned from the Planning Commission for personal reasons and we have a new committee member in attendance, Jeff Dorhauer.

Minutes - 8/11/2020

Chairman Ebling asked if there were any corrections or comments regarding the August 11, 2020 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the August 11, 2020 minutes and Michelle Myler seconded the motion which passes unanimously.*

Chairman Ebling read the following:

The Planning Commission is a board of volunteers that is appointed by the Mayor and Board of Aldermen. Its function is to review and make recommendations to the Board of Aldermen on matters concerning development, the Land Use Code, and Zoning Map of the City of Osage Beach, including amendments and changes thereto. Recommendations will be made with consideration of conformance to the Osage Beach Municipal Code along with the following:

- Relatedness of the proposed amendment to goals and outlines of the long-range physical plan of the City.
- Existing uses of property within the general area of the property in question.
- The zoning classification of property within the general area of the property in question.
- The suitability of the property in question to the uses permitted under the existing zoning classification.
- The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

Our goal in regulating is to provide adequate provision for transportation, water, sewer, schools, parks, and other public needs including safety, health and general welfare, light and air, while conserving the value of buildings and property through encouraging the most appropriate use of land within the municipality.

New Business

Chairman Ebling stated that the first order of business is the hearing of Rezoning Case No 408 Carol Ann Branson, Special Use Permit for a Residential Expansion in a Commercial Zone and

Department Comments:

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a small subdivision that was subdivided and the homes constructed prior to the initial adoption of the Zoning Code. The fact that the original homes are still present and being used as single-family dwellings lends favorably to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
3. A building permit must be obtained for the addition and all other zoning codes be adhered to.

Carol Branson stated all the neighbors have agreed to this request.

Chairman Ebling asked if there were any questions of the City Planner or the applicant or if there was any opposition. There were none.

Commissioner Tony Kirn made a motion to approve Rezoning Case No 408 Carol Ann Branson, Special Use Permit for a Residential Expansion in a Commercial Zone and Kellie Schuman seconded the motion.

Chairman Ebling stated that the second order of business is the hearing of Rezoning Case No 409 Robert Gresham, Special Use Permit to allow for a Residential Addition in a Commercial Zone and asked for comments from the staff on this request. Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	September 8, 2020	Case: 409
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Applicant: Robert Gresham

Location: 1444 Perch Lane.

Petition: Sup to allow an addition to an existing dwelling in a commercial zone.

Existing Use: Single-family dwelling
Zoning: C-1 General Commercial
Tract Size: Approximately 3,500 square feet

The Osage Beach Comprehensive Plan Designates this area as appropriate for: High density residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		May 1984

Utilities: Water: **City** Electricity: **Ameren UE**
Sewer: **City**

Access: Property has frontage on Slope Lane, but access is derived from Perch Lane

Analysis:

4. The applicant is the owner of the property in question. The lot is not a part of a platted subdivision and has an area of approximately 3,500 sq. ft.
5. The applicant wishes to remodel and build an addition on to the existing structure on the subject property. The addition will encroach to within 8.1 feet from the east property line and 8.82 feet from the west property line. The addition will be placed in the current location of the existing structure, which is to be removed, and will not encroach further into the required setbacks than the existing structure. smaller wrap around deck to be constructed around the new room. The remainder of the structure that will stay is also a legal non-conforming structure as it encroaches well within the front yard setback requirement. As the request is an addition to an existing legal non-conforming structure, a variance was required before the proposed construction could continue through the process.
6. A variance from the minimum setbacks was approved by the Board of Adjustment at their regular meeting held on August 19, 2020.
7. With the approval of the variance request, a Special Use Permit to construct a residential use in a commercial zone must now be reviewed by the Planning Commission and approved by the Board of Aldermen prior to a building permit being issued.

Department Comments:

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a small subdivision that was an old resort that has been converted into residential homes and are now owned by individuals. The fact that this

request is located in a subdivision that has developed residentially, although zoned commercial, lends this property very favorable to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

4. The structure must be built according to the submitted site plan.
5. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
6. A building permit must be obtained for the addition and all other zoning codes be adhered to.

The applicant was in attendance and said the neighbors can't wait.

Discussion was held regarding property lines and fire codes.

Commissioner Michelle Myler made a motion to approve Rezoning Case No 409 Robert Gresham, Special Use Permit to allow for a Residential Addition in a Commercial Zone and Alderman Tyler Becker seconded the motion.

Reports

Chairman Ebling asked Planner Patterson if he had any reports. Planner Patterson stated there will be a residential zoning review for the next month's meeting.

City Attorney, Ed Rucker, addressed the Commission and stated he has talked with the Mayor would like to go over the protections the City has and the Commissioners' service is protected and approved by the Board of Aldermen. The City will defend you as you serve on the Planning Commission. If there are any problems, questions or concerns, don't hesitate to call and the faster you tell the better, we can't defend if we don't know about the issue.

Adjourn

Chairman Ebling adjourned the meeting at 6:14 p.m.

I, Pam Campbell, Planning Department Secretary, for the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Planning Commission of the City of Osage Beach, Missouri, held on September 8, 2020.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: October 13, 2020

Case Number:

none

Applicant: Duenke Enterprises/ Owners of CED

Location: Osage Beach Parkway to the old Swiss Village Road

Petition: Right of Way vacation for portion of the old Swiss Village Road

Existing Uses: Portion of Swiss Village Road cut off by the construction of the 54 Expressway

Tract Size: Approximately 2,300 sq. ft.

Analysis:

- 1) The applicants own the land adjacent to the requested vacation property.
- 2) The applicants are asking that the City of Osage Beach vacate a portion of the existing right of way that was cut off by the construction of the 54 Expressway.
- 3) There is no City of Osage Beach service infrastructure currently in the subject ROW or that of any other provider. If there is infrastructure that was missed, easements for that infrastructure will need to be given if this request for vacation is approved.
- 4) An agency report was given to each of the following to get feedback on how this street vacation would affect each agency.
 - a) Osage Beach Public Works
- 5) According to the Public Works Project Manager, there are no apparent issues with the approval of this vacation. Easements will need to be given to any existing or future services or utilities within the boundaries of the subject property to be vacated.



City of Osage Beach

1000 City Parkway · Osage Beach, MO 65065
Phone (573) 302-2000 · Fax (573) 302-2039 · www.OsageBeach.org

October 5, 2020

City of Osage Beach
Cary Patterson
City Planner

Reference: Street Vacation

Dear Mr. Patterson:

We have reviewed the street vacation request by Mr. Duenke. This area was formerly known as Swiss Village Road. When MoDOT built the expressway, this became a dead-end. There are no city utilities within the area begin vacated. The Public Works Department is fine with vacating it.

Sincerely,

Stacy Bruns
Project Manager



Date Received: 9/14/2020
Date Completed:

PETITION FOR STREET VACATION

To The Honorable Mayor and Board of Aldermen of Osage Beach, Missouri:

The undersigned, Matthew Duenke, being an owner of real estate fronting and abutting on the portion of the street/alley/road/plat hereafter described, for the vacation of which this petition is filed, does hereby petition the Board of Aldermen of Osage Beach, Missouri to pass an ordinance vacating the following:
Attached as Exhibit A.

all in the said City of Osage Beach, Camden County, Missouri.

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, by the City on any street, avenue, alley, thoroughfare or public property intersected by the property to be vacated:

The cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

The following are names of people owning or claiming to own property abutting said street, avenue, alley, thoroughfare or public property proposed to be vacated:

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
Duenke Real Estate Holdings, LLC	A Tract of land lying in part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 39 North, Range 16 West, Camden County, Missouri	1026 Palisades Blvd, Ste 8 Osage Beach, MO 65065

Signature of Petitioner(s)

CITY OF OSAGE BEACH
CITY CLERK
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone - 573-302-2039 FAX

R. Miller Companies, LLC
PO Box 282
Osage Beach, MO 65065
(573) 348-9799

EXHIBIT A

LAND DESCRIPTION for RIGHT-OF-WAY VACATE REQUEST

Section:	21	County:	Camden
Township:	39	Date:	September 10, 2020
Range:	16		

A Tract of land lying in part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 39 North, Range 16 West, Camden County, Missouri, more particularly described as follows:

"Commencing at a stone marking the North Quarter Corner of said Section 21, run South 36 degrees 19 minutes 53 seconds West a distance of 618.04 feet to an iron pin on the eastern right-of-way of U.S. Highway; thence along and with said right-of-way, South 00 degrees 39 minutes 16 seconds West a distance of 158.61 feet to another iron pin for the POINT OF BEGINNING; thence departing the said right-of-way of U.S. Highway 54 and run along and with the north right-of-way of a 40 foot wide road formerly known as Swiss Village Road (Lake Road 54-59), North 89 degrees 21 minutes 41 seconds East (Deed = South 88 degrees 30 minutes West) a distance of 115.39 feet to another iron pin; thence departing the said right-of-way, South 38 degrees 21 minutes 41 seconds West a distance of 25.74 feet to another iron pin on the centerline of said Swiss Village Road; thence along and with the said centerline, South 89 degrees 21 minutes 41 seconds West (Deed = South 88 degrees 30 minutes West) a distance of 99.65 feet to another iron pin on the said east right-of-way of U.S. Highway 54; thence departing the said centerline and run along and with the said right-of-way, North 00 degrees 39 minutes 16 seconds East a distance of 20.01 feet returning to the Point of Beginning."

Containing 2150.41 Sq. Ft.

Subject to any right-of-ways, restrictions, reservations, condition easements and exceptions of record.

Ricky L. Wilson
Ricky L. Wilson
X10 REG. LS NO. #2638



KALER WOODS

Section 21, Township 39 North, Range 16 West, Camden County, Missouri

Note:

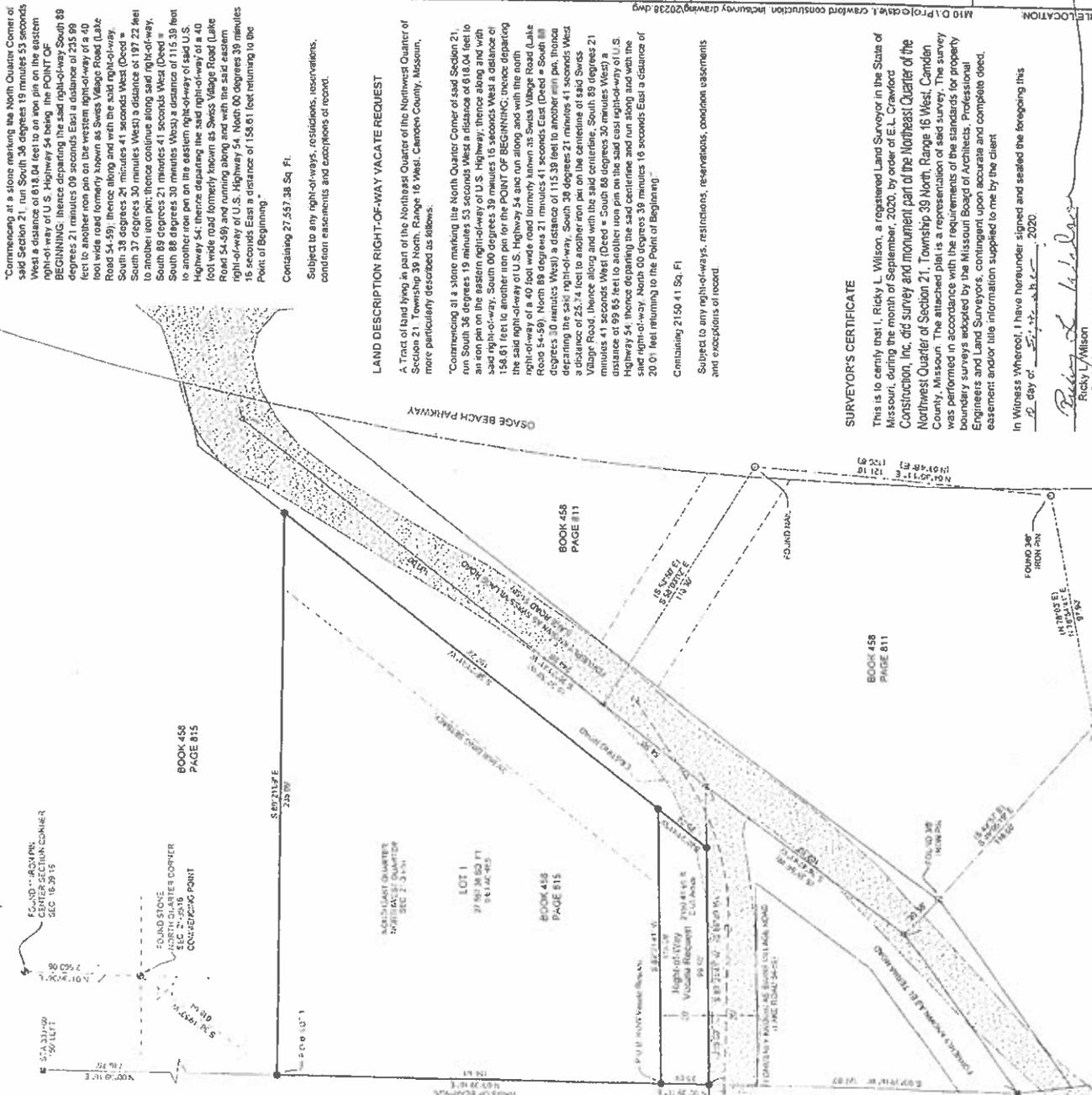
1. Bearings and Distances on monuments are from measured (survey) under plat.
2. All measurements set and found are 1/2" per foot, unless otherwise noted.

LEGEND

Standard symbols that may appear on this drawing

- | | |
|--|--------------------------|
| | Centerline of Road |
| | R-O-W-Line |
| | Property Line |
| | Setbacks |
| | Found Monument |
| | Set Monument |
| | No Found or Set Monument |
| | Government Corner |

Class of Survey Suburban



LAND DESCRIPTION LOT 1

A Tract of land lying in part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 39 North, Range 16 West, Camden County, Missouri, more particularly described as follows:

Commencing at a stone marking the North Quarter Corner of said Section 21, run South 58 degrees 19 minutes 55 seconds West a distance of 813.04 feet to an iron pin on the eastern right-of-way of U.S. Highway 54 being the POINT OF BEGINNING; thence departing the said right-of-way South 88 degrees 21 minutes 09 seconds East a distance of 235.99 feet to another iron pin on the western right-of-way of a 40 foot wide road formerly known as Swiss Village Road (Lake Road 54-59); thence along and with the said right-of-way South 38 degrees 21 minutes 41 seconds West (Deed = South 37 degrees 30 minutes West) a distance of 197.22 feet to another iron pin; thence continue along said right-of-way South 89 degrees 21 minutes 41 seconds West (Deed = South 88 degrees 30 minutes West) a distance of 115.39 feet to another iron pin on the eastern right-of-way of a 40 foot wide road formerly known as Swiss Village Road (Lake Road 54-59); thence along and with the said right-of-way North 54 degrees 19 minutes 55 seconds East a distance of 158.61 feet returning to the Point of Beginning.

Containing 27,557.38 Sq. Ft.

Subject to any right-of-ways, restrictions, reservations, condition easements and exceptions of record.

LAND DESCRIPTION RIGHT-OF-WAY VACATE REQUEST

A Tract of land lying in part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 39 North, Range 16 West, Camden County, Missouri, more particularly described as follows:

Commencing at a stone marking the North Quarter Corner of said Section 21, run South 36 degrees 19 minutes 55 seconds West a distance of 618.04 feet to the eastern right-of-way of U.S. Highway, thence along and with said right-of-way South 88 degrees 21 minutes 09 seconds East a distance of 158.61 feet to another iron pin on the POINT OF BEGINNING; thence departing the said right-of-way of U.S. Highway 54, east along and with the north right-of-way of a 40 foot wide road formerly known as Swiss Village Road (Lake Road 54-59) North 88 degrees 21 minutes 41 seconds East (Deed = South 88 degrees 30 minutes West) a distance of 115.39 feet to another iron pin, thence departing the said right-of-way, South 39 degrees 21 minutes 41 seconds West a distance of 25.74 feet to another iron pin on the centerline of said Swiss Village Road, thence along and with the said centerline, South 89 degrees 21 minutes 41 seconds West (Deed = South 88 degrees 30 minutes West) a distance of 99.85 feet to another iron pin on the said east right-of-way of U.S. Highway 54; thence departing the said centerline and run along and with the said right-of-way, North 60 degrees 38 minutes 16 seconds East a distance of 20.07 feet returning to the Point of Beginning.

Containing 2150.41 Sq. Ft.

Subject to any right-of-ways, restrictions, reservations, condition easements and exceptions of record.

SURVEYOR'S CERTIFICATE

This is to certify that I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the month of September, 2020, by order of E.L. Crawford Construction, Inc. did survey and monument part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 39 North, Range 16 West, Camden County, Missouri. The attached plat is a representation of said survey. The survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors, contingent upon accurate and complete deed, easement and/or title information supplied to me by the client.

In Witness Whereof, I have hereunder signed and sealed the foregoing this 2nd day of September, 2020.

Ricky L. Wilson
Ricky L. Wilson
MO. REG. NO. L.S. 2638

MILLER COMPANIES
Engineering • Land Surveying • Environmental Services
P.O. BOX 282 OSAGE BEACH, MO 65055
Eng (573) 678-9799 Fax (573) 678-5522
www.millerco.com



DRAWING DATE:	9/8/20
REVISIONS:	
DRAWN BY:	BPH
SCALE:	1" = 30'
PROJECT #:	MC 20238
SHEET:	2 OF 2
FIELD BOOK:	BK300 PG20
MO LSC NO:	2011027104

Section 21, Township 39 North, Range 16 West, Camden County, Missouri.
Part of the Northeast Quarter of the Northwest Quarter

M10 D:\Projects\1_crawford construction\Incturey drawing\20238.dwg FILE LOCATION



**Swiss Village Road
Vacation Request**



PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: October 13, 2020

Case Number: none

Action: Additions and Amendments to Chapter 405 “Zoning Regulations”.

Analysis:

This is the initial draft document intended to provide further regulation of housing within the Corporate City Limits of Osage Beach. The regulations were written in answer to discussion that has taken place concerning the need to protect neighborhoods and the community from dwellings that have an unconventional ratio of living space to storage/garage/shop space, that some believe create structures and uses that are out of character for established residential neighborhoods.

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]

- 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:

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 405.130 "**A-1**" **General Agricultural District.**

[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 405.140 "**R-1a**" **Single-Family District**.

[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 405.150 "R-1b" Single-Family District.

[R.O. 2006 §405.150; CC 1985 §27-153; Ord. No. 87.28 Art. V §C, 10-1-1987; Ord. No. 92.22 §8, 8-19-1993]

- A. *Permitted Uses.*** In District "R-1b" 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-1a" Single-Family District.
- 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-1b" 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.** *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 405.170 **"R-3" Multi-Family District.**

[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.
 - c.** Lot area for each home will be a minimum of 3,250 square feet to a maximum of 5,000 square feet.
 - d.** The primary structure shall not cover more than 50% of the lot area.

- e. The primary structure will be built a minimum 25-foot front yard setback, 5-foot side yard setback, and 15-foot rear yard setback.
 - f. 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.