

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

October 13, 2020

Call to Order

Mayor John Olivarri called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on October 13, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present Nancy Viselli, Mayor John Olivarri, Michelle Myler, Kelli Schuman, and Tony Kirn. The Commissioners absent were Chairman Susan Ebling, Alderman Tyler Becker, Alan Blair, and Jeff Dorhauer. Also present were City Planner Cary Patterson and City Attorney Ed Rucker.

Minutes – 9-8-2020

Mayor Olivarri asked if there were any corrections or comments regarding the September 8, 2020 minutes as they were amended and sent out to the Commission prior to the meeting. There were none. *Commissioner Viselli made a motion to approve the September 8, 2020 minutes as amended and Commissioner Myler seconded the motion which was voted on and passed unanimously.*

New Business

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

Planner Patterson delivered the following report:

<u>Applicant:</u>	Duenke Enterprises/ Owners of CED
<u>Location:</u>	Osage Beach Parkway to the old Swiss Village Road
<u>Petition:</u>	Right of Way vacation for portion of the old Swiss Village Road
<u>Existing Uses:</u>	Portion of Swiss Village Road cut off by the construction of the 54 Expressway
<u>Tract Size:</u>	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.

Planner Patterson informed the Commission that there was a new owner/applicant for the request as the property adjacent to the piece to be vacated had been sold. It was explained that the new owner had provided the necessary signed documents to the City to make them the official applicant of the request.

Planner Patterson explained that the Missouri Department of Transportation owns the property that is adjacent to the subject ROW on the other side of the road. He added that at such point that MoDOT deeds that piece to an adjacent property owner, the City can then work toward vacating the remainder of the subject ROW.

Commissioner Schuman made a motion to forward the request to vacate a portion of the old Swiss Village Road to the Board of Aldermen with a recommendation for approval and Commissioner Kirn seconded the motion, which was then voted on and approved unanimously.

Additions and Amendments to Chapter 405 "Zoning Regulations"

Planner Patterson delivered the following:

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 405.020Definitions.

[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. 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 405.160 "R-2" Two-Family District.

[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 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.
 - 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.

Planner Patterson explained the reasoning behind the amendments and additions that were being presented to the Commission.

Commissioner Myler questioned whether there would be any "grandfathering" of existing structures.

Planner Patterson explained that existing structures would be "grandfathered" but could not expand the structure or change the structure in any way unless it was done in conformance with code requirements.

Commissioner Myler then asked whether these changes would address secondary dwellings within existing homes or on single family zoned properties.

Planner Patterson explained that this was an issue that was already addressed in the code and that a secondary dwelling is not allowed on a property zoned single family residential.

Commissioner Myler then questioned if the proposed amendments addressed "tiny homes".

Planner Patterson answered in the affirmative and explained that the additions and amendments to the "R-3" zoning district provided an appropriate zoning district and regulations for "tiny home" developments.

Commissioner Kirn questioned the reasoning behind the 22-foot minimum width requirement in the "Residential" zones.

Planner Patterson explained that the 22-foot requirement has been in place since the zoning code was adopted, in order to assure that structures meet the character of the neighborhoods, including restricting

the placement of single wide mobile homes within the "R" zoned properties. He further explained that single wide mobile homes are allowed only on properties zoned "MH" (Mobile Home) within the City.

Commissioner Myler made a motion to forward the proposed amendments and changes to Chapter 405 "Zoning Regulations" to the Board of Aldermen with a recommendation for approval, Commissioner Schuman seconded the motion, which was then voted on and approved unanimously.

Reports

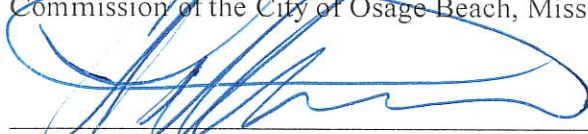
Planner Patterson reported that the community had experienced a successful year, both economically and in terms of development, with more on the way. He added that this was despite the challenges presented by the existence of Covid-19.

Discussion followed concerning that topic.

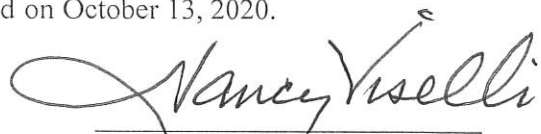
Adjourn

Mayor Olivarri adjourned the meeting at approximately 6:30 p.m.

I, Cary Patterson, City Planner, 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 October 13, 2020.



Cary Patterson
City Planner



Nancy Viselli
Planning Commission Secretary