

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTERS 405 AND 705 OF THE CODE OF ORDINANCES OF THE CITY OF OSAGE BEACH BY DELETING BOCA (BUILDING OFFICIALS AND CODE ADMINISTRATORS) SECTION 405.020, SECTION 405.430, SECTION 705.010, SECTION 705.220 AND SECTION 705.530 AND ENACTING IN LIEU THEREOF A NEW SECTION 405.020, A NEW SECTION 405.430, SECTION 705.010, SECTION 705.220 AND SECTION 705.530

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

Section 1. That Section 705.010 Definitions of Chapter 705. Article I – Waterworks is hereby repealed, and a new Section 705.010 Definitions of Chapter 705. Article I – Waterworks is hereby enacted to read as follows:

Section 705.010 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPLICANT

Any person, persons, firm, corporation, partnership, agency or institution applying for connection to the public water system.

ASTM

American Society for Testing and Materials.

AWWA

American Water Works Association.

BOCA

~~Building Officials and Code Administrators (BOCA) National Building Code.~~

BUILDING SERVICE LINE

Extension of the water supply line from the water service connection to the building.

BUILDING WATER PIPING

Water piping within a building.

CORPORATION TAP

A type of tap that is made directly into a water main.

CUSTOMER

Any person who receives water from a public water system.

FLUORIDE

A naturally occurring element that is introduced into the City's public water system that promotes optimal dental health.

INSPECTION

A review of the work performed by others and conducted by the Building Official or his/her designee to ensure compliance with the City and other applicable codes.

IPC

International Plumbing Code.

MDNR

Missouri Department of Natural Resources.

MULTI-COMMERCIAL

A building designed for or occupied exclusively by two (2) or more commercial entities (i.e., office, retail, professional) not individually metered.

MULTI-FAMILY/MULTI-RESIDENTIAL

A building designed for or occupied exclusively by two (2) or more families, not individually metered.

POTABLE WATER

Water available for human consumption free from impurities in amounts sufficient to cause disease or harmful physiological effects.

PRIVATE POTABLE WATER SYSTEM

A water system, other than the City's public water system, which provides potable water.

PROPERTY OWNER

Any person, persons, developer, business, partnership, corporation, holding company, agency or institution in whose name the lot, parcel or business is legally titled and recorded.

PUBLIC WATER SYSTEM

A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days per calendar year. Such system includes any collection, treatment, storage or distribution facilities used in connection with such system.

REVENUE

That portion of the total customer charge collected, which is designated for operation and maintenance, including replacement purposes, and shall be deposited in a separate fund.

SERVICE MAIN

The water service line from the water main to the customer's property line including the meter box, water meter and shut-off valve at the meter set.

TAP FEE

A one-time fee paid for each water service connection.

WATER

Water pumped from various pumping stations, wells or towers to customers.

WATER FLUORIDATION

The process of adjusting the fluoride content of fluoride-deficient water in the community's water supply to the recommended level for the prevention of tooth decay. Acceptable level ranges are from seven-tenths (.7) to one and two-tenths (1.2) parts fluoride to one million (1,000,000) parts water.

WATER IMPACT FEE

A one-time developmental charge for connecting to the City water system.

WATER MAIN

A distribution main owned and operated by the City designed to transport potable water from source to customers.

WATER METER

A mechanical device or devices used to measure and record the quantity of water used by the customer.

WATER PERMIT

A written document issued by the Building Official or his/her designee authorizing work to be performed.

WATER PURVEYOR

A supplier furnishing potable water to customers through a distribution system.

WATER SERVICE CONNECTION

The connection of the service line to the water main. The connection includes the meter setup, water tap or tee ("T"), and the shut-off valve.

Section 2. That Section 705.220 Conformance To Applicable Codes Chapter 705. Article III – Water Service Connection To City Water System is hereby repealed, and a new Section 7005.220 Conformance To Applicable Codes Chapter 705. Article III – Water Service Connection To City Water System is hereby enacted to read as follows:

705.220 Conformance To Applicable Codes

The connection of a building service line into the water system shall conform to the requirements of the Plumbing Code, the City's design and construction manual or other applicable requirements or procedures of the City, as set forth in applicable specifications of the AWWA, ~~BOCA~~, and MDNR. The connections shall be made watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Building Official or his/her designee before installation.

Section 3. That Section 705.530 Article To Be Consistent With Plumbing Code and Building Codes Chapter 705. Article V – Cross-Connections and Backflow Control Program is hereby repealed, and a new Section 705.530 Article To Be Consistent With Plumbing Code and Building Codes Chapter 705. Article V – Cross-Connections and Backflow Control Program is hereby enacted to read as follows:

Section 705.530 Article To Be Consistent With Plumbing Code and Building Codes.

This Article is intended to be consistent with the provisions of the International Plumbing Code and ~~BOCA National Building Codes~~ as adopted by the City and referenced in the City's Code of Ordinances. In the event that any conflict is determined to exist between the provisions of this Article and these Codes, the more stringent provision providing the most protection for backflow prevention shall apply.

Section 4. That Section 405.020 Definitions Chapter 405 Article I In General is hereby repealed, and a new Section 405.020 Definitions Chapter 405 Article I In General is hereby enacted to read 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*" be 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 establishment's 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 ($\frac{1}{2}$) 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.
[Ord. No. 19.37, 6-20-2019]

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 premise 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

[Ord. No. 13.57 §5, 9-19-2013]

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 grad 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 houseparent's 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.

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.

[Ord. No. 19.37, 6-20-2019]

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.

[Ord. No. 19.37, 6-20-2019]

MEDICAL MARIJUANA TESTING FACILITY

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

[Ord. No. 19.37, 6-20-2019]

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.

[Ord. No. 19.37, 6-20-2019]

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 ~~or is built to the BOCA Basic Building Code~~ 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.

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, rights-of-way, 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.

[Ord. No. 19.37, 6-20-2019]

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.

[Ord. No. 19.37, 6-20-2019]

SEXUAL CONDUCT

Shall have the same meaning as defined in Section 210.430.

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.

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 5. That Section 405.430 Minimum Dimensional Requirements Chapter 405 Article VI

Additional Zoning District Regulations is hereby repealed, and new Section 405.430 Minimum Dimensional Requirements Chapter 405 Article VI Additional Zoning District Regulations is hereby enacted to read as follows:

Section 405.430 Minimum Dimensional Requirements.

A. The minimum required lot area, lot widths and yard dimensions in each district shall be in accordance with the following tabulation:

District	Front Yard	Side Yard	Rear Yard	Minimum Lot Per Family	Minimum Lot Width	Minimum Lot Size
"A-1"	25 Feet	10 feet	25 feet	3 acres	N/A	3 acres
"R-1a"	See Setback requirement below	10 feet	50/30/20 **	10,000 sq. ft	50 feet	10,000 sq. ft
"R-1b"		10 feet	40/20**	6,500 sq. ft	50 feet	N/A
"R-2"		5 feet	30 feet	3,250 sq. ft	50 feet	6,500 sq. ft
"R-3"		5 feet	30 feet	2,500 sq. ft	50 feet	7,500 sq. ft
"C-1a"		10 feet	10 feet	N/A	N/A	N/A
"C-1b"		10 feet	10 feet	2,500 sq. ft	N/A	N/A
"C-1c"		10 feet	*	2,500 sq. ft	N/A	N/A
"C-1"		*	*	2,500 sq. ft	N/A	
"C-2"		*	20 feet			
"I-1"		*	N/A			
"I-2"		*	N/A			
"M"		5 feet	10 feet	3,500 sq. ft	40 feet	
"PUD-1"		See Setback requirement in Subsection (C)	*	*	N/A	N/A
"PUD-2"	*		*	N/A	N/A	N/A

*	As provided by BOCA-2012 International Building Code Regulations
**	Less rear yard setback is required for "R-1a" and "R-1b" Districts when sewage is treated by a State approved treatment plant off-site. Thirty (30) foot rear setback is required for "R-1a" Districts when lots are contiguous to the Lake of the Ozarks. This Section does not include steps, patios or decks built above the sixty hundred sixty (660) foot contour line on lots contiguous to the Lake of the Ozarks.

B. The minimum dimensional requirements for the "M" Mobile Home District shall be in accordance with the design standards set forth in Article III, Section 405.250 of this Chapter.

C. *Opaque Fences, Walls, Etc. — Height Limits.* Whenever any new commercial or industrial building or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque fence, wall or real line of a hedge at a height to be determined by the Planning Commission, but in no case less than five (5) feet in height, shall be constructed and maintained in good condition.

D. *Setback Requirements.*

1. Minimum yard requirements shall be measured from property lines except as provided for below.

2. The minimum front yard setback in all zoning districts is twenty-five (25) feet as measured from the property line. As provided for below, front yard setback requirements may be greater or lesser depending upon the classification and location of abutting streets.

3. *Arterial streets (KK, Route D, Highway 42, Highway 54).* No building or structure may be permitted closer than seventy-five (75) feet from the right-of-way centerline.

4. *Collector streets (State designated lake roads).* No building or structure may be permitted closer than fifty-five (55) feet from the pavement centerline.

5. *Local streets.* No building or structure may be permitted closer than forty-five (45) feet from the pavement centerline except on corner lots platted prior to May 10, 1984, where a local street adjoins the lot on two (2) sides. For these lots the secondary frontage shall be considered a side yard of one-half ($\frac{1}{2}$) the required front yard or twelve and one-half ($12\frac{1}{2}$) feet for a typical twenty-five (25) feet front yard setback.

6. Accessory structures without living quarters in rear yards within "R" and "M" Zones may be placed within five (5) feet of side and rear property lines provided that the total floor area of the accessory structure covers twenty-five percent (25%) or less of the rear yard. Accessory structures in rear yards adjacent to a street must adhere to the setback requirements for the main dwelling.

E. *Schools.* Schools in all permitted zoning districts require a minimum lot size of two (2) acres with a minimum front yard lot width of one hundred fifty (150) feet to insure adequate space for the safety, health and welfare of the students.

Section 6. Severability.

The chapter, sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court or any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or section 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 7. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into

effect unless therein otherwise express provided; but no suit, prosecution, proceeding, right, fine, or penalty instituted, created, given, secured, or accrued under this ordinance previous to its repeal shall not be affected, released, or discharged but may be prosecuted, enjoined, and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 8. Effective Date.

This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FIRST TIME: November 7, 2019 READ SECOND TIME: November 21, 2019

I hereby certify that the above Ordinance No. 19.76 was duly passed on November 21, 2019, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0

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

Nov. 21, 2019
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward Rucker
Edward Rucker, City Attorney

I hereby approve Ordinance No. 19.76

Nov. 21, 2019
Date

John Olivari
John Olivari, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk