

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING ORDINANCE 20-54 A MORATORIUM ON THE ISSUANCE OF CERTAIN BUILDING PERMITS FOR SINGLE FAMILY RESIDENCES IN RESIDENTIAL ZONES FOR A PERIOD ENDING DECEMBER 31, 2020

WHEREAS Ordinance 20-54 was adopted to allow time for the Planning Commission and the Board to formulate a response to the appearance within the City of a new type of structure consisting of a living space and a garage/shop space joined together where the garage work space is substantially larger than earlier versions of garages constructed as part of single family houses with attached garages to which the Osage Beach community is familiar, and

WHEREAS the Board finds these structures are having a substantial and noticeable impact on the built and visual environment of the residential and neighborhood areas of the city, and

WHEREAS this new type of structure is now defined and regulated within the City by virtue of the adoption of Ordinance 20-72 which amended Chapter 405 of the Osage Beach Municipal Code to manage these structures:

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

Section 1. That Ordinance 20-54 is hereby repealed in its entirety and held for naught.

Section 2. Severability

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

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly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

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

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: December 3, 2020 READ SECOND TIME: December 3, 2020

I hereby certify that the above Ordinance No. 20.79 was duly passed on December 3, 2020, 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.

Dec 3, 2020
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 20.79.

Dec. 3, 2020
Date

John Olivarri
John Olivarri, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk