

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.430 MINIMUM DIMENSIONAL REQUIREMENTS OF THE CITY CODE AS SET FORTH.

WHEREAS, Sections 89.020 through 89.140, RSMo., authorize municipalities to adopt and amend zoning regulations for the purpose of promoting the public health, safety, morals, comfort, convenience, and general welfare of the community; and

WHEREAS, the City of Osage Beach has previously adopted zoning regulations establishing minimum dimensional requirements and building setbacks designed to promote orderly growth, traffic safety, adequate access, emergency response, utility placement, and compatible land development; and

WHEREAS, the Planning Department has identified portions of Section 405.430 that would benefit from clarification regarding the method of measuring required setbacks and the application of setback standards along various street classifications; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed amendments, conducted the public hearing required by Missouri law, and forwarded its recommendation to the Board of Aldermen; and

WHEREAS, the Board of Aldermen finds that clarification of the City's setback regulations will improve the consistent administration and enforcement of the Zoning Code, provide greater certainty to property owners, developers, design professionals, and City staff, and reduce unnecessary disputes regarding setback interpretation; and

WHEREAS, the Board further finds that these amendments preserve the overall intent of the City's zoning regulations while promoting predictable development patterns, protecting public infrastructure, maintaining adequate sight distance along public streets, and preserving the health, safety, and general welfare of the citizens of the City of Osage Beach; and

WHEREAS, after considering the recommendation of the Planning and Zoning Commission and the evidence presented, the Board of Aldermen finds that adoption of this Ordinance is reasonable, serves a legitimate public purpose, is consistent with the Comprehensive Plan to the extent applicable, and is in the best interests of the City.

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

Section 1. Amendment

Section 405.430 (D) is amended to read as follows:

D. Setback Requirements.

1. Minimum yard requirements shall be measured from property lines except as expressly provided below.
2. Arterial streets having a right-of-way of one hundred (100') feet or greater shall maintain a minimum setback of seventy-five (75') feet from the right-of-way centerline.
3. Arterial and collector streets having a right-of-way greater than forty (40') feet but less than one hundred (100') feet shall maintain a minimum setback of fifty-five (55') feet from the right-of-way centerline.
4. Collector streets having a right-of-way of forty (40') feet or less shall maintain a minimum setback of

forty-five (45') feet from the right-of-way centerline.

5. Local Streets. The minimum front yard setback in all zoning districts is twenty-five (25) feet as measured from the defined front property line with the minimum front yard setback in all zoning districts being twenty-five (25) feet as measured from the defined front property line.

6. All residential development must have a minimum front yard setback of twenty-five (25) feet.

7. Street classifications shall be determined by the City's adopted Major Thoroughfare Plan or, if not designated, by the City Planner and the Public Works Director.

8. Existing lawful structures shall not become nonconforming solely because of this amendment.

~~7. 9.~~ 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.

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: August 6, 2026

READ SECOND TIME: August 20, 2026

I hereby certify that Ordinance No.26.87 was duly passed on August 20, 2026, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

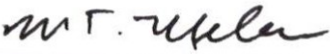
Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

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

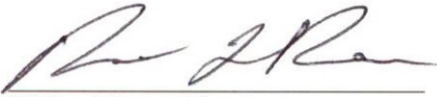
Aug. 20, 26
Date

Tara Berreth
Tara Berreth, City Clerk

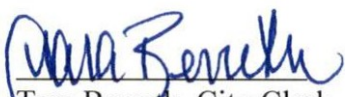
Approved as to form:


Interim City Attorney

I hereby approve Ordinance No.26.87.


Richard Ross, Mayor

Aug. 20, 26
Date


Tara Berroth, City Clerk