

NOTICE OF MEETING AND CITIZEN ADVISORY COMMITTEE AGENDA



CITY OF OSAGE BEACH CITIZEN ADVISORY COMMITTEE

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

March 22, 2023 - 6:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOTION TO ELECT A CHAIRMAN

MOTION TO ELECT VICE CHAIRMAN

NEW BUSINESS

- A. Discussion -
 - 1. Food Trucks
 - 2. Osage Beach Sign Ordinance

ADJOURN

Remote viewing link:

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 x 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 forty-eight (48) hours in advance of the meeting at the above telephone number.

Section 610.010. Definitions. [R.O. 2006 §610.010; Ord. No. 03.03 §2, 4-17-2003]

As used in this Chapter, the following words have the meaning indicated:

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER — One who either:

1. For profit to himself/herself or his/her principal, locates temporarily at one (1) place or goes from place to place to sell any good or service or seeks donations for any cause of a profit-making or commercial character, or
2. Attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

SOLICITOR — One who either:

1. Solicits at any location within the City for a charitable, political or religious purpose, even if incidental for such purpose there is the sale of some good or service; or
2. Attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:
 - a. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or
 - b. Distributing a handbill or flyer advertising a commercial event or service.

Section 610.020. Exceptions. [R.O. 2006 §610.020; Ord. No. 03.03 §3, 4-17-2003]

A. This Chapter shall not apply to:

1. A Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer; or
2. A licensed itinerant vendor within the meaning of Section 150.380, RSMo.; or

3. An applicant who demonstrates they have a peddler license from the County and State as required by Section 150.470, RSMo.; or
4. An applicant who demonstrates he is exempt from said requirement.

Section 610.030. Identification Card Required For Peddlers and Solicitors — Available For Canvassers. [R.O. 2006 §610.030; Ord. No. 03.03 §4, 4-17-2003]

No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

Section 610.040. Fee. [R.O. 2006 §610.040; Ord. No. 03.03 §5, 4-17-2003]

- A. The fee for the issuance of each identification card shall be as follows:
1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City, no fee as long as the peddler is operating on the merchant's licensed premises.
 2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City, a five hundred dollar (\$500.00) fee for six (6) months plus thirty-five dollars (\$35.00) per card issued.
 3. The applicant shall deposit with the City Clerk a bond in the amount of one hundred dollars (\$100.00) (cash or surety) per card to secure collection and payment to the Missouri Department of Revenue all sales tax due and payable by reason of sales made within this City. Said bond shall be forfeited to the City if the applicant does not, within ninety (90) days of the expiration or surrender of the peddler's card, demonstrate by affidavit or otherwise that sales tax has been paid.
 4. For a solicitor (including a commercial solicitor) advertising an event, activity, good or service for purchase at a location away from the solicitor's premises — no fee.
 5. For a charitable organization recognized by the Internal Revenue Service (IRS) as a 501(c)(3) exempt organization — no fee.
 6. For a canvasser requesting an identification card — no fee.

Section 610.050. Application For Identification Card. [R.O. 2006 §610.050; Ord. No. 03.03 §6, 4-17-2003]

Any person or organization may apply for one (1) or more identification cards by completing an application form at the office of the City Clerk during regular office hours.

ARTICLE V

Signs

Section 405.350. Intent and Purpose. [R.O. 2006 §405.370(A); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 16.81 §§1 — 2, 11-3-2016]

- A. The intent and purpose of the following provisions is to provide sign regulations that promote the following objectives:
1. Effective communication without excessive proliferation or size of signage;
 2. Protection of the public from unsafe signs by requiring proper location, installation and maintenance, and avoiding undue distractions to persons driving motor vehicles;
 3. Provision of a quality community image, thereby protecting and enhancing the economic vitality of the City by ensuring that the City remain a desirable place to live, visit and conduct business; and
 4. No temporary sign is subject to any limitation based on its content. Any temporary sign authorized in this Chapter may contain any non-commercial copy in lieu of any other copy.

Section 405.355. Applicability. [R.O. 2006 §405.370(B); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 16.81 §§1 2, 11-3-2016]

The provisions of this Article shall govern the installation, erection, painting or display of any outdoor sign.

Section 405.360. Definitions. [R.O. 2006 §405.370(C); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 10.68 §1, 11-19-2010; Ord. No. 16.81 §§1 — 2, 11-3-2016]

Unless expressly stated, the following words or terms shall, for purposes of this Article, have the meanings as outlined below:

BILLBOARD — (See "SIGN, OFF-PREMISES ADVERTISING").

BUILDING FRONTAGE — The horizontal length of that portion of a building which faces a right-of-way or which faces a parking lot containing no less than twenty (20) parking spaces and serving the building.

BULLETIN BOARD — A sign on which copy is changed either manually or automatically (electronically), posting information pertinent to the business or establishment on the premises. These signs include message centers, reader boards and/or lamp banks subject to the limitations provided herein.

ERECT — To build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repair.

GROUND LEVEL — The elevation of the centerline of the adjacent right-of-way at the point closest to the sign.

MAINTAIN — To permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure or any part of each.

METRO SHOPPING CENTER — A commercial or retail development that has a minimum development area of ten (10) acres, a minimum of four hundred (400) feet of road frontage, and at least one hundred thousand (100,000) square feet of retail sales facility.

NAMEPLATE — A non-electrical sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

PAINTED GRAPHICS — Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

SIGN — A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

SIGN, CONSTRUCTION — A temporary on-premise sign used during construction of new buildings or substantial additions to buildings, which denotes a project name and/or identifies the architects, engineers, developers, contractors and the like.

SIGN, DIRECTIONAL — A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed.

SIGN, DIRECTORY — A sign listing the name, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

SIGN, FLASHING — A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source; any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off, or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign. Not to include message centers, automatic lamp banks or bulletin boards as provided for herein.

SIGN, FREESTANDING (POLE AND MONUMENT SIGNS) — A pole sign, not attached to a building, and supported wholly by uprights, braces, or posts; or a monument sign, not attached to a building, whereby the majority or the entirety of the base of the sign is attached directly to the ground, or attached to an elevated landscape planter box or structure not exceeding three (3) feet in height.

SIGN, IDENTIFICATION — A sign pertaining only to the use of the premises on which the sign is located and containing any of the following information, unless otherwise prohibited:

1. The name of the owner, occupant, management, business or building;
2. The address;
3. The type of business, profession, service or activity; and
4. The type of products offered.

SIGN, INCIDENTAL — A sign pertaining to a major service, commodity or facility offered on the premises and is incidental to and subordinate to primary signs listed in this Article.

SIGN, MARQUEE — A sign attached to, in any manner, or made part of a marquee.

SIGN, MESSAGE CENTER — (See "BULLETIN BOARD")

SIGN, OBSOLETE — A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISE ADVERTISING — An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard or other thing designed, intended or used to advertise or inform the traveling public of an establishment, products, services, entertainment or other information which is not sold, produced or furnished upon the property in which the sign is located. This does not include directional signs, in existence prior to adoption of this Article (November 18, 1999), at road intersections informing the traveling public of business locations not visible from highway or street corridors.

SIGN, OPEN LETTER — A wall sign consisting of individual or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element which is a part of a building. The surface that forms the background for the letters shall not be illuminated from behind.

SIGN, PAPER — A temporary sign made of paper, cardboard or similar material.

SIGN, PARKING DIRECTION — A sign indicating the entrance or exit to a parking

lot.

SIGN, PARKING REGULATION — A sign stating the regulations for use of a parking lot or individual or groups of parking spaces therein.

SIGN, PERMANENT — All signs which are not temporary signs.

SIGN, PORTABLE — Any sign not permanently attached or intended to be permanently attached to the ground or to a building.

SIGN, PUBLIC SERVICE MESSAGE — An electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

SIGN, ROOF — A sign erected on or above a roof, parapet or roof eave when installed in a manner such that the sign or any portion thereof extends beyond the limits of the visible surface of the roof or wall when viewed from normal eye level from the centerline of the adjacent public right-of-way.

SIGN, TEMPORARY — A sign that is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, WALL — Any sign attached and parallel to a wall or similar architectural element that is an integral part of a building.

SIGN, WINDOW — Any sign painted on, attached to or displayed in a window so as to direct attention of persons outside the building to a product or activity of the institution or business on the premises.

STREET FRONTAGE — The length of the property line of any one (1) premise along each public right-of-way it borders and to which direct vehicular access is provided.

TEMPORARY PROMOTIONAL DISPLAY — A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, a primary or accessory sales event, a community or sales event at an exposition or business center or a change in policy or in the status of a business.

Section 405.365. Sign Regulations — General. [R.O. 2006 §405.370(D); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 16.81 §§1 — 2, 11-3-2016]

- A. *Sign Permit Required.* It shall be unlawful for any person to erect, repair, enlarge, alter or relocate the sign within the City of Osage Beach without first obtaining a sign permit which has been duly issued by the Building Official and duly approved by the Zoning Administrator. This provision shall not apply to signs listed under Section 405.370(B).

B. *Permit Application.* Application for a sign permit shall be submitted to the Building Official and shall contain or have attached thereto the following information:

1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, and the company to be erecting or affixing the sign.
2. A set of plans (to scale) and specifications of the sign to be erected or affixed, detailing the method of construction and attachment to the building or ground. Such plans and specifications shall include information on material, dimensions (size and height) and electrical details (if applicable) and all other information required by the Building Official to determine compliance with the Building Code.
3. Elevations, renderings, or drawings of the sign faces or sign message.
4. For any freestanding sign or projecting sign, the applicant shall submit a site plan drawn to scale, locating such signs by dimension from the lot lines.
5. Written consent of the property owner upon which the sign is to be erected or affixed, if different from the applicant.
6. Such other information as may be determined necessary by the Building Official or the Zoning Administrator to determine compliance with this Article or other applicable codes.

C. *Determination Of Sign Area.* The following regulations shall govern the determination of sign area:

1. The surface area of a sign shall be computed by including the entire area within a perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material, framing or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
2. The posts or other supporting structures associated with a pole sign shall not be included in computing the sign area. In computing the sign area for a monument sign, the entire area of the sign shall be considered, exclusive of its elevated landscape planter box or base structure.
3. For two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:
 - a. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed five (5) feet.

- b. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the angle of the "V" does not exceed thirty degrees (30°).
- 4. For open letter signs, only two-thirds (2/3) of the area, computed in accordance with Subsection (C)(1) above, shall be counted as the area of the sign.

D. *Maintenance.*

- 1. All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.
- 2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign, is unlawfully installed, erected or maintained in violation of any of this Chapter or other applicable codes of the City, the owner thereof, or the person or firm maintaining the same, shall, upon written notice of the Building Official, forthwith in the case of immediate danger and in any case, within not more than ten (10) days, make such sign conform to this Article or other applicable codes of the City, or shall remove it. If within ten (10) days the order is not complied with, the Building Official may have such sign removed at the expense of the property owner, lessee, or other person responsible therefor.

E. *Miscellaneous Regulations — Building Code Requirements.*

- 1. All signs shall comply in every respect with the Building Code of the City of Osage Beach, and the following:
 - a. No sign shall be erected, displayed, or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress, or to obstruct any other means of egress required by the Building Code of the City of Osage Beach; and
 - b. No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Osage Beach.
- 2. *Sign illumination.* Internal and external illumination of signs shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- 3. *Signs not to constitute traffic hazard.* No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "go," "look," "danger," "one-way," "yield" or any other word, phrase, symbol or character

in such a manner as to interfere with, mislead or confuse traffic. Sign placement shall be in accordance with current City requirements regulating clear sight triangles and regulations for adequate visibility at intersections.

4. *Electrical hazards.* No freestanding sign shall be erected within eight (8) feet or less of any line conductors, service drops or power lines without approval of the appropriate utility company.

Section 405.370. Sign Regulations — All Zoning Districts. [R.O. 2006 §405.370(E); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 10.31 §1, 7-1-2010; Ord. No. 16.81 §§1 — 2, 11-3-2016]

A. *Prohibited Signs.* The following types of signs are prohibited in all zoning districts of the City of Osage Beach:

1. Moving signs of which all or any part of the sign moves or which appears to move by any means, including fluttering or rotating. This prohibition includes but is not limited to pennants, streamers, or propellers.
2. Flashing signs, except lamp bank type bulletin boards, reader boards and message centers, and illuminated signs which indicate the time, temperature, weather or other similar information provided that the total area of such sign is not greater than sixteen (16) square feet and the color or intensity of light is constant, except for periodic changes in the information display.
3. Strips or strings of lights outlining property lines or sales area(s).
4. Signs on public land or public rights-of-way other than temporary directional signs erected and removed the same day and those signs erected at the direction or with the permission of a public authority.
5. Signs that are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
6. Signs attached to, painted on or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking, does not exceed a period of sixteen (16) hours, except on weekends or holidays.
7. Temporary signs which do not comply with all provisions of this Article.
8. Obsolete signs remaining thirty (30) days after they become obsolete.

9. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this Article.
 10. Signs which have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty percent (50%) of its replacement value exclusive of foundations.
 11. Signs that give off a level of luminance greater than three hundred (300) Nits during the day time, which is defined for the purposes of this Section as the time thirty (30) minutes prior to sunrise to thirty (30) minutes after sunset, and signs that give off a level of luminance greater than one hundred (100) Nits during the night time, which is defined for the purposes of this Section as the time thirty (30) minutes after sunset to thirty (30) minutes prior to sunrise. Readings to determine the level of luminance will be measured from multiple separate points no greater than six (6) inches from the face of the sign or primary light source. **[Ord. No. 22.59, 8-18-2022¹]**
 12. Other signs not expressly permitted by this Article.
- B. *Permitted Signs.* Except as otherwise limited in this Article, the following types of signs are permitted, without a sign permit, in all zoning districts within the City of Osage Beach:
1. Temporary Signs, Generally. **[Ord. No. 18-37, 8-2-2018]**
 - a. Temporary signs allowed at any time:
 - (1) A property owner may place one (1) sign with a sign face no larger than two (2) square feet on the property at any time.
 - (2) A property owner may place a sign no larger than eight and five tenths (8.5) inches by eleven (11) inches in one (1) window on the property at any time.
 - b. One (1) temporary sign may be located on a property when the owner consents and that property is being offered for sale or lease any time prior to and up to the date of possession by a person purchasing or leasing the property.
 - c. One (1) temporary sign may be located on the owner's property two (2) days prior to and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than two (2) days in a year and the days must be consecutive and may not use this type of sign in any Commercial District for more than fourteen (14) days in a year and the days must be consecutive. For purposes of this Section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

1. Editor's Note: This ordinance also redesignated former Subsection (A)(11) as (A)(12).

- d. A property owner may place and maintain one (1) temporary sign on the property on July 4.
 - e. A person exercising the right to place temporary signs on a property as described in this Section must limit the number of signs on the property per twenty-five hundredths (0.25) acre at any one (1) time to two (2) plus a sign in the window as allowed in Subsection (1)(a).
 - f. The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than two (2) square feet.
- 2. Construction signs provided only one (1) such sign of no more than thirty-two (32) square feet may be erected on each street frontage for the duration of such construction activities. Such sign(s) shall be located on the property in which the construction activity is taking place.
 - 3. Official public notices and notices posted by a public authority in accordance with public notice requirements as may be required by law.
 - 4. Business directional signs posted by the City of Osage Beach where a business located on a lake road or other commercial or secondary collector street is not visible upon approaching the intersection, a business directional sign may be erected on public property. Such directional signs shall be constructed by the City and shall be of the type determined by the City. Businesses with existing off-premises advertising within three hundred (300) feet and/or located at the same intersection will not be allowed on the City directional sign until such existing signage is removed. All other directional signage on private property at such intersections shall be considered non-conforming. Businesses who otherwise are complying with all sign ordinances may request that their sign be placed on the business directional sign and a fee of no more than thirty dollars (\$30.00) per month for each space rented on City directional signs shall be charged by the City for the privilege. No such device shall be erected without the approval of the Planning Commission and Board of Aldermen. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.
 - 5. Governmental signs for the control or direction of traffic and other public purposes, such as neighborhood watch program signs, historical markers and plaques, or temporary emergency signs.
 - 6. (Reserved)
 - 7. "No Parking" or "No Trespassing" signs which are no larger than two (2) square feet in gross sign area.
 - 8. Single identification signs not exceeding five (5) square feet in gross sign area which are hung below a canopy or awning, provided they allow a clearance of at least seven (7) feet above the sidewalk or other pedestrian way.
 - 9. Painted graphics when located in a non-residential zoning district.

10. Tablets or plaques in building walls denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other similar material.
11. Address numbers.
12. *Subdivision or development identification signs.* Up to two (2) permanent subdivision or development signs (one (1) on each corner of the entry street) not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment) or condominium development with ten (10) or more lots or units, or for any commercial or industrial subdivision, or commercial/industrial planned development with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Section 405.375. Sign Regulations — Residential Uses. [R.O. 2006 §405.370(F); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 16.81 §§1 — 2, 11-3-2016]

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.
 1. *Single-family and two-family residential zoning districts and uses.* No signs other than those permitted under the provisions of Section 405.370(B) above shall be permitted in R districts, or in residential use areas.
 2. Multi-family residential zoning and use areas may include parking and/or directional sign(s) not exceeding twelve (12) square feet in gross sign area and not exceeding a height of ten (10) feet for each driveway serving the dwelling units.

Section 405.380. Sign Regulations — Non-Residential Uses. [R.O. 2006 §405.370(G); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 10.68 §2, 11-19-2010; Ord. No. 13.24 §1, 5-2-2013; Ord. No. 16.81 §§1 — 2, 11-3-2016]

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning

district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.

1. *Classification of signs.* For purposes of this Article, signs shall be classified as primary signs, secondary signs, and special-purpose signs.
 - a. Identification signs are the only signs which are classified as primary signs.
 - b. Secondary signs shall include the following signs: bulletin boards, incidental signs, paper signs, public service message signs, temporary promotional displays, and window signs.
 - c. Special purpose signs are limited to directory signs, parking direction signs, parking regulation signs, directional signs, shopping center identification signs, and marquee signs.
2. *Primary signs.*
 - a. Each business, office or institution, located in commercial zones, shall be permitted square footage devoted to primary signage equivalent to the average of the following square footage totals:
 - (1) One (1) square foot per two hundred (200) square feet of total land area devoted to the use;
 - (2) One (1) square foot per fifty (50) square feet of gross floor area for the ground level of the main building; and
 - (3) One (1) square foot per two (2) linear feet of street frontage devoted to the use.
 - b. The maximum size of any individual primary sign is limited in size to two hundred (200) square feet. The minimum size of any individual primary sign, unless desired by the applicant, shall not be less than thirty-two (32) square feet. Primary signs may be freestanding signs, wall signs, roof signs, window signs, or signs affixed to or painted on canopies or awnings, subject to the limitation stated herein.
 - c. Notwithstanding shopping center or related directory signage provisions herein, each business or institution occupying a floor or premises other than the ground floor and having direct exterior entrance on the ground floor shall be permitted primary wall, window or canopy signage at a rate of one (1) square foot per fifty (50) square feet of gross floor area. This provision shall also apply to businesses within a single level shopping center or mall setting such as a factory outlet mall. Signs shall only be displayed on the part of the building occupied by that business and/or at or near the ground floor entrance to that business.
 - d. *Freestanding primary signs.* One (1) freestanding primary sign, not exceeding twenty-five (25) feet in total sign height, shall be permitted for

each street frontage; except that when the street frontage exceeds two hundred (200) feet, such freestanding sign may be increased in sign height to a maximum of thirty-five (35) feet (above street elevation)

- e. Canopy and awning signs may be attached to or painted directly on a canopy or awning provided such signs shall not extend beyond the bottom edge of such canopy or awning.
3. *Secondary signs.* Signs authorized by this Section are not to be included in calculating the allowable gross area for primary signs. Except for temporary promotional displays, the total gross sign area of all secondary signs shall not exceed sixty percent (60%) of the allowable gross sign area for primary signs.
 - a. *Bulletin boards, message centers and reader boards.* No more than one (1) bulletin board, message center or reader board not exceeding thirty-two (32) square feet in area, shall be permitted for each street frontage for properties that do not meet specific criteria defined by "Article V" of Chapter 405. A commercial or retail development, that has a minimum development area of five (5) acres and at least twenty thousand (20,000) square feet of commercial facility, will be allowed no more than one (1) electronic message center sign, not exceeding sixty-four (64) square feet in area, on each free-standing primary sign permitted for the development. The electronic message center sign shall display only commercial messages for the occupants of the commercial facility or public or community service announcements as determined by the owner or manager of the development. Electronic message center signs shall not scroll or display a running message of continuous vertical or horizontal movement. Individually illuminated words used to form complete thoughts or advertising messages shall not exceed a maximum of five (5) seconds to complete for each complete message. **[Ord. No. 22.38, 6-16-2022]**
 - b. *Incidental signs.* No more than four (4) incidental signs, not exceeding forty (40) square feet in total coverage area, shall be attached to any single building wall face and shall not be attached perpendicular to the wall. Individual incidental sign attached to a building wall shall not exceed twenty (20) square feet in total coverage area. No more than four (4) incidental signs shall be affixed to a freestanding pole structure and shall not exceed eight (8) square feet in total coverage area for each sign. Such signs shall be restricted to trading stamps, credit cards accepted, notices of services or restrictions, or shall pertain to a major service, commodity or facility offered on the premises.
 - c. *Paper signs, banners and temporary window signs.* The total gross sign area of all paper signs, banners and temporary window signs shall not exceed fifty percent (50%) of the allowable gross sign area for primary signs for the street frontage on which the signs are displayed.
 - d. *Public service message signs.* Public service message signs shall be

permitted when attached to a freestanding sign or to a building wall, provided the street frontage of the use involving the sign exceeds three hundred (300) feet along the street on which the sign is located. The illuminated message area shall not exceed sixteen (16) square feet in area.

- e. *Temporary promotional displays.* Temporary promotional displays equal to seventy-five percent (75%) or more of the primary signage permitted for the business or use shall be permitted for a maximum of ten (10) consecutive calendar days on not more than four (4) separate occasions during a calendar year, provided the displays are securely mounted to minimize movement due to wind and air currents and a permit is obtained for such temporary promotional display prior to installation. Such permit shall not be issued unless a permit fee of ten dollars (\$10.00) and a cash bond of fifty dollars (\$50.00) are first paid to the Building Department. The bond is refundable only upon meeting all of the conditions of the permit, including the removal of the display in accordance with the removal date stated on the face of the permit.
4. *Special purpose signs.* Signs authorized in this Section are not to be included in calculating the allowable sign area for primary signs.
 - a. *Parking direction signs.* Freestanding parking direction signs shall be permitted for each driveway provided the sign does not exceed ten (10) square feet in gross sign area, the sign height does not exceed five (5) feet, and no portion of the sign is located closer than five (5) feet from a street curb line. If the sign is located at a private driveway, which is for the exclusive use of a single business or institution, the sign may contain the name or address of such business or institution. If the driveway is not for the exclusive use of a single business or institution, the parking directional sign shall be limited to directional information only and shall not contain any other information such as the name or address of a business or institution.
 - b. *Directional signs.* Directional signs other than parking direction signs shall not exceed ten (10) square feet in gross sign area or ten (10) feet in sign height and shall not be located within fifty (50) feet of a public or private right-of-way.
 - c. *Parking regulation signs.* One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) sign for each twenty (20) parking spaces or fraction thereof.
 - d. *Directory signs.* Buildings or a group of buildings containing various businesses or activities are permitted one (1) directory sign at or near each building or courtyard entrance. Such sign shall contain only the names of the businesses served by such entrance or courtyard and shall not exceed

a gross sign area of four (4) square feet times the number of businesses listed on the sign.

- e. *Shopping center identification signs.* Multi-tenant shopping centers containing a minimum of fifteen thousand (15,000) square feet of floor area, a minimum of four (4) establishments, and a minimum of three hundred (300) feet of street frontage, shall be permitted a shopping center identification sign which may be a wall sign or a freestanding sign not exceeding thirty-five (35) feet in sign height (measured from street grade) and located with a setback of at least five (5) feet from the right-of-way line. Such shopping center identification sign shall not exceed two hundred (200) square feet in gross sign area and may include the name of the shopping center, address, and directory information.
- f. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted provided the total square footage devoted to said sign shall not exceed the total square footage of the primary sign permitted for the property.
- g. *Group office and business complex signs.* Groups of businesses or institutions located in one (1) single or multi-level building shall be permitted to have freestanding directory sign(s) provided that:
 - (1) No other freestanding signs related to businesses within the group other than parking direction signs and directional signs not exceeding six (6) feet in height shall be located within two hundred (200) feet of a commercial group directory sign unless the sign is attached or constructed as an integral part of the primary sign permitted for the group.
 - (2) Sign area shall be limited to ten (10) square feet per occupancy not to exceed fifty percent (50%) of the total square footage of the primary sign permitted on the property.
- h. *Regional shopping center primary signs.* Regional shopping centers will be allowed a primary sign containing the name of the development, along with the names of the various businesses that operate within that development. The sign must be located on the development property. The sign can be a maximum of eight hundred (800) square feet, cannot exceed forty-five (45) feet in total height, and an allowance will be figured at a rate of one (1) square foot per fifty (50) square feet of gross floor area, with no individual establishment's sign to exceed two hundred (200) square feet on the individual freestanding sign.
- i. *Metro shopping center primary signs.*
 - (1) Metro shopping centers will be allowed one (1) primary sign containing the name of the development, along with the names of the various businesses that operate within that development located

on the development property in a location on the main frontage road for the development. If the Metro Shopping Center is bordered by more than one (1) State Highway, the development will be allowed a primary sign on each State Highway frontage that is a minimum of one thousand (1,000) feet. The Metro Shopping Center primary sign shall not exceed:

- (a) A maximum of six hundred (600) square feet; and
 - (b) Forty-five (45) feet in height from the road elevation nearest the sign location.
- (2) Tenant signs located on the Metro Shopping Center primary sign may not exceed the lesser of:
- (a) A total area of one (1) square foot per fifty (50) square feet of gross floor area occupied by that tenant; or
 - (b) Two hundred (200) square feet.
- (3) Each Metro Shopping Center primary sign may contain one (1) digital bulletin board sign not to exceed one hundred fifty (150) square feet in total area. The digital bulletin board shall display only commercial messages for the tenants of the Metro Shopping Center or public or community service announcements as determined by the owner or manager of the Metro Shopping Center.
- j. *Commercial properties with frontage on the 54 Expressway.*
- (1) Commercial properties that are a minimum ten (10) acres in total area with a minimum of one thousand (1,000) feet of frontage on the Highway 54 Expressway and are adjacent to a 54 Expressway interchange may locate a freestanding primary sign on the Highway 54 Expressway.
 - (2) Any additional freestanding primary signage for those properties locating a freestanding primary sign on the 54 Expressway frontage will only be allowed in the form of a monument sign whose total square footage is no greater than two hundred (200) square feet with a sign height no greater than twelve and one half (12.5) feet in total sign height or above street elevation, whichever is greater.
 - (3) All other commercial properties with frontage on the 54 Expressway not erecting a sign pursuant to Subsection (A)(4)(j)(1) listed above will be allowed a primary sign affixed to either the primary contained structure's wall or roof facing the 54 Expressway frontage provided it meets all other regulations contained within this Article.

Section 405.385. Off-Premises Advertising Signs. [R.O. 2006 §405.370(H); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990;

Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 10.45 §1, 10-14-2010; Ord. No. 13.24 §2, 5-2-2013; Ord. No. 16.81 §§1 — 2, 11-3-2016]

A. Off-premises advertising signs shall be subject to the regulations set forth herein and under Sections 226.500 to 226.600, RSMo., and other State and Federal laws pertaining to such signs. To the extent the regulations of this Article differ from the provisions of Sections 226.500 to 226.600, RSMo., and other State and Federal laws, the regulations of this Article shall apply. Notwithstanding other provisions of this Article which apply to off-premises advertising signs, the following regulations shall apply to any such off-premises advertising sign erected after November 18, 1999.

1. *Location of signs.*

- a. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of existing Highways 54 (Osage Beach Parkway), 42, KK, and D in areas zoned "C-1," "C-2," "I-1" or "I-2"; this does not include any off-premises signage for the future Highway 54 Expressway.
- b. No off-premises advertising sign shall be located within one thousand (1,000) feet of any R, M or residential PUD zoning district.

2. *Size of signs.* The maximum area for any one (1) sign shall be seven hundred (700) square feet with a maximum sign face height of fifteen (15) feet and width of fifty (50) feet subject to the measuring provisions of this Article.

3. *Height of signs.* The total maximum height of any off-premises advertising sign shall be forty (40) feet as measured from the average public street elevation closest to the base of the sign.

4. *Spacing of signs.* No off-premises advertising sign shall be erected within two thousand (2,000) feet of any other existing off-premises sign in any direction, which includes measurements from signs located outside the City limits.

5. *Lighting of signs.* Illumination of off-premises advertising signs shall be permitted, subject to the provisions of Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.

6. Off-premises advertising along the State Highway 54 Expressway and the portion of Osage Beach Parkway, between the Highway 42 intersection and the western end of Osage Beach Parkway South (commonly referred to as the one-way couple), shall only be permitted as follows: No new off-premises advertising signs shall be constructed facing, abutting, visible to, or within the line of sight of any driver on any public or private road, expressway or highway not otherwise permitted herein.

- a. *Size of signs.* The maximum area for any one (1) sign shall be eight hundred (800) square feet with a maximum sign face height of thirty (30) feet and width of seventy-two (72) feet subject to the measuring provisions of this Article.
 - b. *Height of signs.* The total maximum height of any off-premises advertising sign shall be:
 - (1) For signs which have a base located at a topographical elevation below the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - (2) For signs which have a base located at a topographical elevation equal to the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - (3) For signs which have a base located at a topographical elevation above the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the base of the sign.
 - c. *Spacing of signs.* No off-premises advertising sign shall be erected on the Highway 54 Expressway within one thousand four hundred (1,400) feet of any other existing off-premises sign on the same side of the road. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of the Highway 54 Expressway.
 - d. *Lighting of signs.* Illumination of off-premises advertising signs shall be permitted, subject to the provisions of Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.
 - e. *Location of signs.* Off-premises signs located on the Highway 54 Expressway will only be allowed in areas zoned "C-1," "C-2," "I-1," and "I-2."
7. *Permits.*
- a. The Building Official shall not issue a permit as required under this Article, without a permit having first been issued by the Missouri Department of Transportation and filed with the Building Department.
 - b. A one-time permit fee of five hundred dollars (\$500.00) shall be charged for new off-premises sign installations. Fees for off-premises sign permits cover costs associated with including the sign in the City's GIS system and the City's review for compliance with wind loading, spacing, electrical requirements, and other applicable building, zoning, and engineering codes of the City of Osage Beach. No annual fees are

required.

Section 405.390. Legal Non-Conforming Off-Premises Signs.² [R.O. 2006 §405.370(I); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 13.57 §5, 9-19-2013; Ord. No. 16.81 §§1 — 2, 11-3-2016]

- A. Any sign which was lawfully erected or affixed prior to November 18, 1999, and complied with all regulations in force at the time it was erected or affixed, but fails to conform to all applicable regulations and restrictions of this Article shall be considered a legal non-conforming sign. A legal non-conforming sign may be continued and shall be maintained in good condition, but shall not be:
1. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign. The type of materials used in the construction of the sign shall not be changed after the date the sign becomes non-conforming.
 2. Altered so as to increase the degree or extent of the non-conformity of the sign.
 3. Expanded in size or modified to include additional sign faces or lighting.
 4. Relocated or moved.
 5. Repaired by expenditure of more than fifty percent (50%) of the depreciated value of the sign, excluding foundation(s), for materials and/or labor for repair on any deteriorated or damaged non-conforming sign in any continuous 12-month period. Upon request for a sign permit, the Building Official may request substantiating information or documentation sufficient to determine the percentage of value expended for repair. The Public Works Director is the final authority in determining depreciated value. Any appeal alleging that an error exists in the City Building Official or Public Works Director's judgment or calculation(s) will be reviewed by the City's Board of Adjustment.
 6. *Abandoned or discontinued signs.* This occurs when:
 - a. The sign advertises services or products no longer available to the public and/or can no longer be obtained at the business or destination illustrated on the sign face.
 - b. The sign, for a continuous period of twelve (12) months or longer, is maintained without an advertising message. This includes a sign with a message which is partially destroyed so as not to identify a product, service, or destination; a sign which is blank or painted out; or a sign with a message consisting of advertisement of rental of the sign space or any other sign space.

2. Editor's Note — A fee for directional signs was approved by the voters on April 6, 1993.

Section 405.395. Severability of Sections 405.350 through 405.390. [Ord. No. 16.81 §§1 — 2, 11-3-2016]

This Chapter and the various components, Articles, Sections, Subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Chapter to be unconstitutional or invalid, such ruling shall not affect any other provision of this Chapter not specifically included in said ruling.