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AN ORDINANCE AMENDING SECTIONS 94-5, 94-60, AND 94-62 OF THE BRANSON MUNICIPAL CODE PERTAINING TO DRAG SHOWS.

WHEREAS, the City of Branson and its citizens pride themselves on the City’s world-famous live entertainment shows and tourist attractions;

WHEREAS, the City estimates that in 2021, nearly 10 million people from across the nation visited Branson to vacation with family and friends, a trend that has continued into 2022 and 2023;

WHEREAS, the City is known around the nation as a family-oriented tourist destination that offers family-friendly live entertainment and tourist attractions;

WHEREAS, the City has over 100 years of history as a close-knit community that exemplifies the City’s values of “Faith, Family, Flag, and Fun;”

WHEREAS, the intention of the Board is to preserve the City’s values by restricting sexual activities to a location of the City that currently allows such activities and where citizens and tourists can expect to encounter and attend such activities if they wish;

WHEREAS, the City has zoned the Downtown District, where cultural institutions and popular entertainment such as live music, comedy shows, theater shows, dinner shows, and adult entertainment are permitted;

WHEREAS, the Downtown District appeals to adults, as opposed to the Entertainment District where family-friendly live entertainment is offered and which is inclusive to every member of the family;

WHEREAS, the Board created the Downtown District to ensure that the peace and safety of residential and neighborhood-adjacent districts are not negatively impacted by such entertainment, which may include bright signs and loud noises that emanate from live entertainment venues late into the evening;

WHEREAS, the Board created the Downtown District to maintain safety of residents and tourists by directing traffic and security to a particular location, as the Downtown District has been planned to accommodate traffic arriving to and departing from live entertainment venues, and the Branson Police Department patrols and maintains safety in the Downtown District;

WHEREAS, the Board created the Downtown District to establish a zone where residents and tourists can expect to encounter cultural institutions, live entertainment venues, adult entertainment, and performers away from residential and neighborhood-adjacent districts and can knowingly choose to attend performances if they so wish;

45 WHEREAS, the Board believes this Ordinance will counter those secondary effects of live
46 entertainment;

47
48 WHEREAS, the City is empowered by Chapter 89 RSMo. to create zoning regulations that
49 promote the health, safety, morals, and general welfare of the community;

50
51 WHEREAS, the Board of Aldermen believes this Ordinance does promote the health, safety,
52 morals, and general welfare of the Branson resident and tourism communities;

53
54 WHEREAS, the language of this Bill has been submitted to the Planning Commission, which,
55 after conducting a public hearing on the same which was properly noticed, has recommended that
56 the Board of Aldermen amend the Zoning Code of the City of Branson as provided herein; and

57
58 WHEREAS, the Board of Aldermen has conducted a public hearing on this matter in compliance
59 with Chapter 89 RSMo.

60
61 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
62 CITY OF BRANSON, MISSOURI, AS FOLLOWS:

63
64 Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the
65 provisions of this ordinance shall become and be made a part of the Branson
66 Municipal Code, and the sections of this ordinance may be renumbered to
67 accomplish such intention.

68
69 Section 2: That Chapter 94 – *Zoning*; Article I. – *In General*; Sec. 94-5. – *Definitions*; Article
70 IV. – *Uses*; Sec. 94-60. – *Table of permitted uses*; and Sec. 94-62. – *Special use*
71 *standards* of the Branson Municipal Code is hereby amended to read as follows:

72
73 **CHAPTER 94 – ZONING**
74 **ARTICLE I. – IN GENERAL**

75
76 **Sec. 94-5. – Definitions.**

77
78 **Drag Show: all or any portion of a live entertainment performance in which**
79 **characteristics of men or women are exaggerated by an in-person adult or group of adults**
80 **who impersonate male or female characters while wearing extravagant costumes, which may**
81 **include clothes, accessories, makeup, or removable prosthetics, excluding prosthetics for**
82 **limbs or eyes; and**

83
84 **(1) The impersonation by the adult or group of adults is intended to subvert gender**
85 **stereotypes; and**

86
87 **a. The performance includes jokes, references, dancing, singing, or any other**
88 **conduct that depicts, describes, or relates to specified sexual activities, as defined**
89 **herein. ~~or~~**
90
91

The amendment to strike this language was made during the July 25, 2023 Regular Board of Aldermen Meeting.

~~b. The adult or group is paid for the performance, or patrons are charged, to attend the performance.~~

Drag show establishment: an establishment at which a drag show is or has been offered as live entertainment.

ARTICLE IV. - USES

Sec. 94-60. – Table of permitted uses.

Table 94-60.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use/Nonresidential					Supplemental Use Standards	
Subcategory												<i>Note: This reference is to use-specific standards only, other code requirements may apply</i>
Specific Use Type	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	
Commercial Services												
Drag Show										S		

Sec. 94-62. - Special use standards.

(b) Commercial uses.

(3) Drag shows.

The amendment to strike this language was made during the July 25, 2023 Regular Board of Aldermen Meeting.

a. No drag show or drag show establishment shall allow minors to attend the performance. , unless a parent or legal guardian allows the minor to attend the performance. If the drag show occurs at an establishment with an alcohol license, the establishment must comply with the age restrictions for employees and patrons as described in Chapter 6, Alcoholic Beverages.

b. No drag show shall be permitted within 600 feet of any religious institution, school, or public park, or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment holding a drag show to the closest property line of the religious institution, school, or public park, or the property zoned for residential use.

c. No drag show establishment shall be allowed to locate or expand within 600 feet of any other drag show establishment or of any business licensed to sell or serve

129 alcoholic beverages, whether or not such business is also a drag show
130 establishment as defined in this article. The distance between any two drag show
131 establishments or between a drag show establishment or between a business
132 selling or serving alcoholic beverages shall be measured in a straight line without
133 regard to intervening structures from the closest exterior structural wall of each
134 business.

135
136 d. All access to and from the establishment holding a drag show shall be provided
137 from a street classified as a thoroughfare.

138
139 e. The property on which such use is located shall have a minimum of 100 feet of
140 street frontage.

141
142 f. The property on which the use is located shall be screened by a solid masonry
143 wall, at least six feet in height along all interior property lines. Such wall may
144 include the building walls where no yard exists.

145
146 g. The facility in which the use is located, and the parking for such facility, shall have
147 a front yard setback of 20 feet, a side yard setback of ten feet, and a rear yard
148 setback of ten feet.

149
150 h. The facility in which the use is located shall be designed in such a fashion that all
151 openings, entries, and windows prevent view into such facilities from any
152 pedestrian sidewalk, walkway, street or other public area. No drag show activities
153 shall take place partially or totally outside the establishment.

154
155 i. The facility in which such a use is located shall be limited to one wall-mounted
156 sign no greater than one square foot of sign per linear foot of wall length, not to
157 exceed a total of 50 square feet; said signs shall not flash, blink or move by
158 mechanical means and shall not extend above the roofline of the building. Further,
159 no merchandise or pictures of products or entertainment on the premises shall be
160 displayed in window areas or any area where such merchandise or pictures can
161 be viewed from the sidewalk in front of the building. No flashing lights and/or
162 lighting which leaves the impression of motion or movement shall be permitted.

163
164 j. Lighting in the parking area must provide a minimum light level of 0.25
165 footcandle over the entire parking area, but in no point shall the light level exceed
166 3.0 footcandles, nor shall any increase in light levels or visible glare be permitted
167 at the parcel line.

168
169 k. The hours of operation will not exceed 8:00 a.m. to 12:00 midnight on Sunday
170 through Thursday; and 8:00 a.m. to 1:00 a.m. on Friday and Saturday.

171
172
173 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE
174 WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.
175

176 Section 3: This ordinance shall be in full force and effect from and after its passage by the
177 Board of Aldermen and approval by the Mayor.

178
179 Section 4: That should any section, sentence or clause of this Ordinance be declared invalid
180 or unconstitutional, such declaration shall not affect the validity of the remaining
181 sections, sentences, or clauses.

182
183 Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors
184 identified within this Ordinance.

185
186
187 Read, this first time on this _____ day of _____, 20 ____.

188
189
190 Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson,
191 Missouri this _____ day of _____, 20 ____.

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Larry D. Milton
Mayor

199 ATTEST: APPROVED AS TO FORM:
200
201
202
203
204

Hillary Briand
City Clerk

City Attorney