

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI. BY REZONING 14 ACRES AS DESCRIBED IN REZONING CASE NO. 406.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That the real estate, described as follows, 14 acres zoned C-1b (Commercial Lodging) to C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre

See Exhibit A: Property Boundary Description.

Section 2. That the development as described herein and referred to as Case 406 shall conform to the provisions for the approved zones as listed in the Osage Beach Code of Ordinances, and the permitted uses and restrictions set forth in "Exhibit B" attached hereto.

Section 3. That this Ordinance shall be in full force and effect upon date of passage.

READ FIRST TIME: September 17, 2020

READ SECOND TIME: October 1, 2020

I hereby certify that the above Ordinance No. 20.51 was duly passed October 1, 2020, 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.

October 1, 2020
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance 20.51.

October 1, 2020
Date

John Olivarri
John Olivarri, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk

Exhibit A: Property Boundary Description

Commercial C1 Property Description:

That part of the West½ of Lot 3 of the Northwest Quarter of Section 6, Township 30 North, Range 15 West, Camden County, Missouri being part of land described in Warranty Deed recorded at Book 725, Page 124 in the Recorder of Deeds, Camden County, Missouri described as follows:

From the Southeast corner of the West½ of Lot 3 of the Northwest Quarter of Section 6 run North along the East line of the West½ Lot 3 of the Northwest Quarter 347.1 feet; thence South 87 degrees 15 minutes West 185.21 feet to the point of beginning; thence South 87 degrees 15 minutes West 568.69 feet to an iron pin set at the head of a cove near the shoreline of the Lake of the Ozarks; thence along the shoreline in a Southwesterly direction to a point on the West line of the West½ of Lot 3 of the Northwest Quarter of Section 6 which is North 235.1 feet from the Southwest corner of the West½ of Lot 3 of the Northwest Quarter; thence leaving the shoreline North along the West line of the West½ of Lot 3 of the Northwest Quarter 295.07 feet; thence leaving said West line North 57 degrees 33 minutes East 265.72 feet; thence North 74 degrees 00 minutes East 88.63 feet; thence North 83 degrees 20 minutes East 215.78 feet; thence South 87 degrees 25 minutes East 549.47 feet; thence North 80 degrees 05 minutes East 181.81 feet; thence South 390.76 feet to the place of beginning. Parcel contains 11 acres±.

E3 Overlay Property Description:

That part of the West½ of Lot 3 of the Northwest Quarter of Section 6, Township 30 North, Range 15 West, Camden County, Missouri being part of land described in Warranty Deed recorded at Book 725, Page 124 and in Book 665, Page 772 in the Office of the Recorder of Deeds, Camden County, Missouri described as follows:

From the Southeast corner of the West½ of Lot 3 of the Northwest Quarter of Section 6 run North 1 degree 11 minutes 46 seconds East along the East line of the West½ Lot 3 of the Northwest Quarter 347.1 feet; thence South 88 degrees 24 minutes 59 seconds West 500.0 feet to the point of beginning; thence North 1 degree 32 minutes 39 seconds West 200 .0 feet; thence South 88 degrees 27 minutes 21 seconds West 350.0 feet; thence South 1 degree 32 minutes 39 seconds East 531 .77 feet; thence North 88 degrees 27 minutes 21 seconds East 350 .0 feet; thence North 1 degree 32 minutes 39 seconds West 331.77 feet to the point of beginning. Parcel contains 4.3 acres±.

Exhibit B 1 of 3

Permitted Uses: The amphitheater and accessory uses requested as part of rezoning case 406 and illustrated on the submitted site plan. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

A maximum of twelve (12) events will be held at the subject facility per year.

All events will end at or prior to 11:45 PM Central Time.

Events will not take place concurrent with bands playing at the existing Backwater Jacks facility.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the City at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces and boat slips for the development as a whole. Any overflow parking will take place on the vacant lot located at the corner of Osage Beach Parkway and Beach Drive. Shuttles will be provided to take those patrons to and from the event if it is necessary to use the overflow lot. If a need for additional parking becomes evident, addition parking facilities will be required to be constructed on the commercially zoned property on site and owned by the applicant.

There will be no parking period along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Event Traffic Flow: The applicant is required to work with the Osage beach Police Department to provide officers to direct traffic 2 hours prior to the gates opening and after the event until the lots are substantially clear. This is part of the recommendation from the applicants traffic specialist and the City's Engineers. The applicant or his assigns must apply for and Event Permit through the City a minimum of 30 days prior to each event so that the Osage Beach Police Department has time to plan for and coordinate the additional service. Fees for said service will be established by the City of Osage Beach and paid for by the applicant.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. This sign cannot be back lit or have a digital reader board or running display. Other interior signage is required to meet the regulations established by the City's Sign Code for commercial properties. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Exhibit B 2 of 3

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section [220.040](#) of Chapter [220](#).

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Exhibit B 3 of 3

Buffering and Landscaping: A wooded area is required to be maintained around the facility to mitigate the noise pollution to surrounding properties. A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all of the required changes.