

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. 417.

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

Section 1. That the real estate, generally described as 10 acres and contained in the legal description contained in Exhibit A attached hereto is hereby amended to C -1 (General Commercial) with and E-3 Overlay for an entertainment facility as under the terms and conditions contained in Exhibit B attached hereto in Rezoning Case No. 417.

See Exhibit A: Legal Description.

See Exhibit B: Conditions

Section 2. That the development as described herein and referred to as Case 417 shall conform to the provisions for the approved zones as listed in the Osage Beach Code of Ordinances.

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

READ FIRST TIME: March 3, 2022

READ SECOND TIME: March 17, 2022

I hereby certify that the above Ordinance No. 22.06 was duly passed March 17, 2022, 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.

March 17, 22
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance 22.06.

John Olivarri
John Olivarri, Mayor

March 17, 2022
Date

ATTEST:

Tara Berreth
Tara Berreth, City Clerk

“EXHIBIT A”

E3 Overlay Property Description:

That part of the West ½ 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 West ½ 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 West ½ 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”

Permitted Uses: The outdoor aquatic entertainment venue and facility that will include multi-tiered pools, a video board, a substantially reduced stage for small music events, and customary accessory uses such as bars, restrooms, souvenir shop, etc. 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.

This facility will operate with the same time restraints and hours of operation as outlined in the code governing the E-3 overlays.

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 only. If a need for additional parking becomes evident, additional 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 allowed along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Facility access, ingress, and egress: Beach Drive must be rebuilt into a collector status street as determined by the City’s contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The owners will be required to work with the City and their contract engineers to finalize plans and construction procedures for the completion of the project. Funding for the design and construction of Beach Drive will be provided by the applicant. The reconstruction of Beach Drive must be completed by March 1, 2023. Failure to do so could result in the revocation of the E-3 overlay by the Board of Aldermen.

The Sunset Drive entrance into the complex will be gated and marked as a “private entrance, not for use as public access”. The Sunset Drive entrance will only be used by the people renting the Backwater Jacks vacation rentals, employees, and in case of emergency. Emergency usage will be in response to notification or request by the Osage Beach Police Department. All commercial traffic will be removed from Sunset Drive in accordance with the approval of this request.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. Any signage on the Sunset Drive access location will be for the Backwater Jacks vacation rentals only. 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:

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

. 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.

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.