

BILL NO. 23.58

ORDINANCE NO. 23.58

FLOOR SUBSTITUTION

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 8.186 ACRES AS DESCRIBED IN REZONING CASE NO. 422

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 8.186 acres and contained in the legal description contained in Exhibit A, Exhibit B attached hereto is hereby amended to E-3 Entertainment District 3 attached hereto in Rezoning Case No. 422.

See Exhibit A: Legal Description.
See Exhibit B: Conditions

Section 2. That the development as described herein and referred to as Case 422 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: July 6, 2023 READ SECOND TIME: July 20, 2023

I hereby certify that the above Ordinance No. 23.58 was duly passed July 20, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 1

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

July 20, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby APPROVE Ordinance 23.58.

July 20, 2023
Date

Michael Harrison
Michael Harrison, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 16 WEST, CITY OF OSAGE BEACH, CAMDEN COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 11 AND THE EAST RIGHT OF WAY LINE OF JEFFRIES ROAD; THENCE LEAVING SAID QUARTER SECTION LINE, ALONG SAID EAST RIGHT OF WAY LINE; N27°53'20"W 71.28 FEET TO A POINT; THENCE S71°56'46"W 10.04 FEET TO A POINT; THENCE N19°50'41"W 374.68 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE RIGHT HAVING A RADIUS OF 407.78 FEET AN ARC LENGTH OF 177.76 FEET WITH A CHORD COURSE OF N06°39'26"W 176.36 FEET TO A POINT; THENCE N08°10'03"E 210.63 FEET TO A POINT AT THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE SOUTH LINE OF THE RIGHT OF WAY LINE OF THE ROADWAY ESTABLISHED BY GOODIN'S SUBDIVISION; THENCE LEAVING SAID EAST RIGHT OF WAY LINE ALONG SAID SOUTH RIGHT OF WAY LINE N51°18'35"E 127.57 FEET TO A POINT; THENCE N79°08'35"E 125.69 FEET TO A POINT INTERSECTING THE PROLONGATION OF THE WEST LINE OF LAKEWOOD RESORT CONDOMINIUM PHASE II FIRST ADDITION; THENCE LEAVING SAID INTERSECTION ALONG SAID PROLONGATION AND THE WEST LINE OF LOT 2 OF SAID SUBDIVISION S09°50'54"E 209.07 FEET TO A POINT; THENCE S38°37'17"E 79.12 FEET TO A POINT AT INTERSECTION OF THE WEST LINE OR PROLONGATION THEREOF WITH THE EDGE OF THE LAKE OF THE OZARKS AT ELEVATION 662 PER THE AUE DATUM; THENCE LEAVING SAID POINT ALONG SAID 662 CONTOUR ELEVATION APPROXIMATELY 1,020 FEET TO A POINT; THENCE LEAVING SAID CONTOUR ELEVATION S11°56'21"W 53.16 FEET TO A POINT; THENCE S49°53'36"W 13.01 FEET TO A POINT ON THE NORTH LINE OF THE RIGHT OF WAY LINE OF STATE ROUTE 54 THENCE ALONG SAID NORTH RIGHT OF WAY LINE; S78°50'52"W 25.95 FEET TO A POINT; THENCE S88°05'09"W 131.93 FEET TO A POINT; THENCE S76°58'41"W 59.52 FEET TO A POINT ON THE AFOREMENTIONED QUARTER SECTION LINE; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE ALONG SAID QUARTER SECTION LINE N89°04'27"W 200.61 FEET TO A POINT; THENCE S00°55'31"E 6.10 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE; THENCE ALONG SAID RIGHT OF WAY LINE S89°51'02"W 100.29 FEET TO A POINT; THENCE N27°53'20"W 9.10 FEET TO A POINT OF BEGINNING CONTAINING APPROXIMATELY 10.53 ACRES MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, PROPERTY BOUNDARY SURVEY AND COVENANTS OF RECORD. SAID DESCRIPTION TO BE UTILIZED FOR THE PURPOSE OF CREATION OF AN OVERLAY DISTRICT.

EXHIBIT B

Permitted Uses: The outdoor amusement park and entertainment venue that will include carnival type mechanical rides, arcades and games, food and concession facilities, outdoor restaurant and dining facilities, customary retail facilities, and other typical 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 requires a permit.

Parking: Will be required to meet the City Code governing off street parking for such a use. The required spaces can be addressed by using onsite parking lots and parking garage facilities.

Facility access, ingress, and egress: Ingress and egress for the development will be attained via access points from Jeffries Road. These accesses will be approved by MoDOT and the City as part of the roadway improvement plans during the construction permit process.

Signage: Signage for the development will be in conformance with the City of Osage Beach Municipal Code that regulates signage. 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

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 lighting proposed as part of this development must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: Buffering and sound mitigation will be required if noise or light becomes an issue for 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 the required changes.