

**City of Ozark Missouri**  
**Department of Planning & Zoning**

P.O. Box 295  
Ozark, MO 65721

Phone 417-581-2407  
Fax 417-581-0353

**Agenda**

**NOTICE** is hereby given to all citizens and parties that the Ozark Planning & Zoning Commission will meet in session on **Monday September 26, 2016** at **7:00 p.m.** at the Ozark City Hall in the Ozark City Council Chambers:

**UNFINISHED BUSINESS:**

- I. **Approval of Minutes** for the **August 22, 2016** Planning & Zoning meeting.

**NEW BUSINESS :**

**A. PUBLIC MEETING**

**ANNEXATION 2016-435**  
**Property: 3273, 3289 & 3295 N. State Hwy NN, Ozark MO**  
**Owner: Bittersweet, LLC & Robert & Robin Lynch, Trust**  
**Zoning Request: C-2 General Commercial**

**B. PUBLIC MEETING**

**Use Permit #82**  
**Property: 3295 N. State Hwy NN, Ozark, MO**  
**Owner: Bittersweet, LLC**  
**Applicant: Robert & Robin Lynch**  
**Use Requested: Business Office & Light Manufacturing**

**C. PUBLIC MEETING**

**FINAL PLAT**  
**Riverwood Subdivision**  
**Owner: Jacob Scott Development, LLC**  
**Location: Country Crest Road**  
**Current Zoning: R-1D Min. Lot 7,000 sf**

**D. PUBLIC MEETING**

**Zoning Amendment #2016-436**  
**Existing Zoning: R-1C Single Family 10,000 sf**

Proposed Zoning: C-4 Central Business District  
Property: 406 E. Church St., Ozark, MO  
Owner: Lacey J & Philip B Colbert

**E. PUBLIC HEARING**

**"An Ordinance Amending the Code of Ordinances of the City of Ozark by adding one new sub-section to Section 405.290 'Zoning District C-2 General Commercial District' relating to Auto Sales and Auto Detailing."**

**F. PUBLIC MEETING**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING ONE SUBSECTION FROM SECTION 405.915 AND ENACTING A NEW SUBSECTION RELATING TO RESIDENTIAL FENCING.**

**COMMISSION COMMENTS:**

**ADMINISTRATIVE COMMENTS:**

- Visitor's "Dr. Terrel A. Gallaway and Dr. David M. Mitchell" speaking on behalf of the Draft of Dark Sky Ordinance
- Dark Sky Ordinance & Proposed Central Lighting Zone for discussion.

**Posted:**

Please call Valerie Carr, Department of Planning and Development, with any questions, 417-581-2407.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the Planning & Development Department at least 3 days prior to the scheduled meeting. Hearing devices are available upon request.

# City of Ozark Missouri

## Department of Planning & Zoning



P.O. Box 295  
Ozark, MO 65721

Phone 417-581-2407  
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**AUGUST 22, 2016**

**The meeting of the Ozark Planning and Zoning Commission was called to order by Commissioner Matt Bedinghaus at 7:00.**

**Members Present: Charlie Powell, Mike Esterl, Joe Gunya, Jay Johnson and Matt Bedinghaus**

**Members Absent: Chuck Branch, Darrell McGuire, Jim Massey and Jean Ann Hutchinson**

**Staff Members Presents:**

**Mayor Rick Gardner  
Board of Alderman Jim Stewart  
Planning & Development Director Jeremy Parsons  
Valerie Carr, CFM Planning & Zoning Technician**

**Unfinished Business:**

- I. Approval of Minutes for the July 25, 2016 Planning & Zoning meetings passed unanimously by means of verbal approval.**

**NEW BUSINESS:**

- A. "An Ordinance Amending the Code of Ordinances of the City of Ozark by deleting one sub-section of Section 410.350 'Park Land Dedication/Impact Fees.' And amending two other subsections relating the dedication of park lands in newly developed subdivisions."**

**Commissioner Matt Bedinghaus introduced the above referenced item and opened the Public Hearing for discussion.**

**Planning & Development Director Jeremy Parsons explained that the above referenced ordinance were corrections that were needed.**

**Commissioner Matt Bedinghaus closed the Public Hearing and opened for discussion by the commission.**

**No comments.**

**Commissioner Mike Esterl made a motion to approve the above referenced ordinance.**

**Second by Charlie Powell**

**The motion to approve the Ordinance was made by roll call vote.**

**Aye: Charlie Powell, Mike Esterl, Joe Gunya, Jay Johnson and Matt Bedinghaus**

**Nay: None**

**Absent: Chuck Branch, Jean Ann Hutchinson, Darrell McGuire and Jim Massey**

**COMMISSION COMMENTS: Jean Anne Hutchinson arrived at 7:20.**

**ADMINISTRATIVE COMMENTS:**

- **Model Lighting Ordinance was discussed.**
- **Update on Transportation.**

**Jay Johnson made a motion to adjourn at 8:07 PM.**

**Second by Voice call "Aye"**

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**City of Ozark Missouri**

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

**BOARD OF ALDERMEN  
AUGUST 15, 2016  
REGULAR MEETING AT 7:00 P.M.**

**7:00 P.M.**

**Present:** Mayor Rick Gardner, Alderman Bruce Galloway, Alderman Nathan Posten, Alderman Ted Smith, Alderman Jim Stewart, Alderman Melissa Wagner and Alderman Eddie Campbell; City Administrator Steve Childers, City Clerk Chandra Hodges and City Attorney David Collignon.

1. **CALL TO ORDER:** Mayor Rick Gardner opened the Regular Meeting at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **ROLL CALL:** The City Clerk called the Roll:

Alderman Campbell	Present	Alderman Smith	Present
Alderman Galloway	Present	Alderman Stewart	Present
Alderman Posten	Present	Alderman Wagner	Present

4. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING(S):**

a. **August 1, 2016 Regular Session Minutes:**

Motion was made by Alderman Galloway to approve the August 1, 2016 Regular Session Minutes as written, seconded Alderman Posten with all present voting aye.

5. **CEREMONIAL MATTERS:**

6. **SCHEDULED VISITORS:**

1. **Andrea Sitzes, Ozark Chamber of Commerce Director**

Ms. Sitzes provided a written report in the Board of Alderman packet. Ms. Sitzes touched on the highlights of the report.

7. **FIRST READING BILLS AND RESOLUTION: (Open for Public Discussion)**

a. **BILLS REQUIRING A PUBLIC HEARING:**

b. **NEW BILLS:**

**c. RESOLUTIONS:**

**8. SECOND READING AND FINAL PASSAGE OF BILLS, Board Discussion Only:**

**1. Bill #2842 – An Ordinance Amending the Code of Ordinances of the City of Ozark by deleting One Subsection from Section 405.915 and Enacting a New Subsection Relating to Residential Fencing.**

Motion was made by Alderman Stewart to place Bill #2842 on its second and final reading by title and description only seconded by Alderman Campbell with all present voting aye.

City Attorney David Collignon read Bill #2842 by title and description only.

Planning and Director Jeremy Parsons fielded many questions from the Board of Alderman regarding Bill #2842.

Alderman Galloway stated that he spoke with someone at the Ozark Birthday Bash and they expressed concern and were not clear on when they may speak out about a matter before the Board.

Further discussion was held

It was recommended to amend Bill #2842 to a more restrictive language and table the Bill #2842 until September 5, 2016 at such time a Public Hearing can be held.

Alderman Stewart withdrew Bill #2842 entirely.

**2. Bill #2843 – An Ordinance Calling for an Election in the City of Ozark, Missouri on April 4, 2017 for the Purpose of Placing before the Voters a Proposition Relating to a Transportation Sales Tax.**

Motion was made by Alderman Posten to place Bill #2843 on its second and final reading by title and description only seconded by Alderman Stewart with all present voting aye.

City Attorney David Collignon read Bill #2843 by title and description only.

Motion was made by Alderman Posten to adopt Bill #2843 as Ordinance #16-032 seconded by Alderman Stewart. The Clerk called roll call vote:

Alderman Campbell	Aye	Alderman Smith	Aye
Alderman Galloway	Aye	Alderman Stewart	Aye
Alderman Posten	Aye	Alderman Wagner	Nay

**3. Bill #2845 – An Ordinance of the Board of Alderman of the City of Ozark, Missouri Approving Budget Amendments to the 2016 Budget for the City of Ozark, Missouri**

Motion was made by Alderman Smith to place Bill #2845 on its second and final reading by title and description only seconded by Alderman Posten with all present voting aye.

City Attorney David Collignon read Bill #2845 by title and description only.

Motion was made by Alderman Smith to adopt Bill #2845 as Ordinance #16-033 seconded by Alderman Posten. The Clerk called roll call vote:

Alderman Campbell	Aye	Alderman Smith	Aye
Alderman Galloway	Aye	Alderman Stewart	Aye
Alderman Posten	Aye	Alderman Wagner	Aye

**9. REPORT OF OFFICERS, BOARDS AND COMMITTEES:**

**a. City Administrator Steve Childers**

City Administrator Childers talked about the Competitive Site Assessment. It is a great opportunity for Ozark. City Administrator Childers praised Chamber Director Sitzes and Planning and Development Director Parsons for working with a very tight deadline and getting all the information together and submitted. A presentation will be given on August 30, 2016.

The Partnership in Progress meeting for August 23, 2016 has been cancelled and it proposed for September 20, 2016. A trip has been planned to Bentonville, Arkansas on September 8, 2016 and September 9, 2016 for members and staff of the Ozark Board of Alderman, Ozark School Board and Ozark Chamber of Commerce. Moving the meeting to September 20, 2016 would allow for a re-cap of the trip.

**b. Parks and Recreation: Director Samantha Payne**

**1. Written Report**

The Board of Alderman acknowledged the written report.

**c. City Clerk Chandra Hodges**

**1. Written Report – Records Destruction**

City Clerk Chandra Hodges stated the shredding company was not coming until August 18, 2016 and the Police Department had a few more boxes of documents to shred.

**10. MISCELLANEOUS COMMENTS/ANNOUNCEMENTS FOR MEMBERS OF THE BOARD AND/OR THE COUNCIL COMMENTS:**

**11. CLOSED SESSION**

**a. Litigation**

**b. Real Estate**

Alderman Stewart made a motion to adjourn into Closed Session to discuss Litigation and Real Estate pursuant to RSMo. 610.021 (1). Alderman Posten seconded the motion. The Clerk called the roll:

Alderman Campbell	Aye	Alderman Smith	Aye
Alderman Galloway	Aye	Alderman Stewart	Aye

Alderman Posten

Aye

Alderman Wagner

Aye

The meeting adjourned into Executive Session at 7:18 p.m. and returned to open session at 8:14 p.m.

## 12. ADJOURNMENT

Motion was made by Alderman Stewart to adjourn, seconded by Alderman Posten with all present voting aye. The August 15, 2016 Regular Board of Aldermen Meeting adjourned at 8:14 p.m.

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Rick Gardner, Mayor

ATTEST:

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Chandra Hodges, City Clerk



**City of Ozark Missouri**

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

**BOARD OF ALDERMEN  
SEPTEMBER 6, 2016  
REGULAR MEETING AT 7:00 P.M.**

**7:00 P.M.**

**Present:** Mayor Rick Gardner, Alderman Bruce Galloway, Alderman Nathan Posten, Alderman Ted Smith, Alderman Jim Stewart, Alderman Melissa Wagner and Alderman Eddie Campbell; City Administrator Steve Childers, City Clerk Chandra Hodges and City Attorney David Collignon.

1. **CALL TO ORDER:** Mayor Rick Gardner opened the Regular Meeting at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **ROLL CALL:** The City Clerk called the Roll:

Alderman Campbell	Present	Alderman Smith	Present
Alderman Galloway	Present	Alderman Stewart	Present
Alderman Posten	Present	Alderman Wagner	Present

4. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING(S):**
  - a. **August 15, 2016 Regular Session Minutes and August 29, 2016 Special Meeting**

**Minutes:**

Motion was made by Alderman Wagner to approve the August 15, 2016 Regular Session Minutes and the August 29, 2016 Special Meeting Minutes as written, seconded Alderman Posten with all present voting aye.

5. **CEREMONIAL MATTERS:**
6. **SCHEDULED VISITORS:**
7. **FIRST READING BILLS AND RESOLUTION: (Open for Public Discussion)**
  - a. **BILLS REQUIRING A PUBLIC HEARING:**
  - b. **NEW BILLS:**
    1. **Bill #2849 – An Ordinance Amending the Code of Ordinances of the**

**City of Ozark by Deleting Section 410.350 and Enacting, In Lieu Thereof, a New Section 410.350 Relating to Dedication of Park Lands in Newly Developed Subdivisions.**

Motion was made by Alderman Stewart to place Bill # 2849 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Administrator Childers explained the nature of Bill #2849.

Mayor Gardner stated Bill #2849 will be held over to the next Legislative Session on September 19, 2016.

**2. Bill # 2850 – An Ordinance Authorizing the Mayor to Sign an Engagement Letter with Yates, Mauck, Bohrer, Elliff & Fels, P.C. for Professional Bond Counsel Services**

Motion was made by Alderman Smith to place Bill #2850 on its first reading by title and description only, seconded by Alderman Posten with all present voting aye.

City Administrator Childers stated the City sent out Request for Proposals for Bond Counsel Services and Yates, Mauck, Bohrer, Elliff & Fels P.C. is the recommended firm. Alderman Galloway stated that the Firm's rates are very competitive and would serve the City well.

Mayor Gardner stated Bill #2850 will be held over to the next Legislative Session on September 19, 2016.

**c. RESOLUTIONS:**

**1. Resolution #1890 –A Resolution Authorizing and directing the Offering for Sale of Additional Certifications of Participation to Finance for Capital Improvements for the Benefit of the City of Ozark, Missouri**

Motion was made by Alderman Smith to place Resolution #1890 on its first reading by title and description only seconded by Alderman Stewart with all present voting aye.

City Administrator Childers stated that in 2012, the City did the 1<sup>st</sup> of 2 lettings for improvements to the City's water system. The City signed an engagement letter with Piper Jaffray for these services. It is time to move forward for the 2<sup>nd</sup> letting for the improvements.

**John Forrester, Olsson & Associates**

Mr. Forrester gave a history of the City's water system and improvements leading to this point and the future plans. The City is going to be moving the water tower behind Wal-Mart and relocating it behind Walgreens. Future plans include changes to the Finley Valley water system and eliminating the Fasco water tower and pushing the capacity to the larger tanks. Other future plans to include wells # 1(downtown), 9 and 10 (Finley Valley) to be abandoned. Mr. Forrester discussed the risks of leaving well #1 standing.

**Jack Dillingham, Piper Jaffray**

Mr. Dillingham explained the Bonds to the Board. The term is for 20 years, 2016 to 2036. The rates are lower than they were in 2013 which was 4.2%, The rate will be 3.3% and the City's bond rating has been increased to A+ from A. Mr. Dillingham gave the timeline for securing the bonds and moving forward with the water improvements.

Motion was made by Alderman Galloway to adopt Resolution #1890 seconded by Alderman Campbell. The Clerk called roll:

Alderman Eddie Campbell	Aye	Alderman Jim Stewart	Aye
Alderman Bruce Galloway	Aye	Alderman Ted Smith	Aye
Alderman Nathan Posten	Aye	Alderman Melissa Wagner	Aye

**8. SECOND READING AND FINAL PASSAGE OF BILLS, Board Discussion Only:**

**9. REPORT OF OFFICERS, BOARDS AND COMMITTEES:**

**a. City Administrator Steve Childers**

**1. Update on Competitive Site Assessment**

City Administrator Childers stated that he met with Janet Ady, Ady Advantage. Ozark Chamber Director Andrea Sitzes and Planning and Development Director worked very hard with a very short timeline to put together a packet to show the readiness of the City of Ozark for a new business. The firm visited 6 cities and Ozark scored very high marks with a score of 4.9 out of 5.

**2. Update on SREP Summit Meeting**

City Administrator along with Mayor Gardner and Alderman Smith were updated via conference call on leading trends for our Region.

City Administrator Childers spoke about the upcoming bus trip to Bentonville, Arkansas on September 8, 2016 and September 9, 2016 with the City, Ozark School District and the Ozark Chamber of Commerce.

**3. Open Positions Posted for PW Superintendent and PW Director**

City Administrator Childers stated the positions in the Public Works Department are posted and we are accepting applications. He also explained some of the changes in the structure of the Public Works Department stating Mike Grider is overseeing the Public Works crews in the interim period.

**10. MISCELLANEOUS COMMENTS/ANNOUNCEMENTS FOR MEMBERS OF THE BOARD AND/OR THE COUNCIL COMMENTS:**

**11. CLOSED SESSION**

**a. Real Estate**

Alderman Stewart made a motion to adjourn into Closed Session to discuss Real Estate pursuant to RSMo. 610.021 (1). Alderman Posten seconded the motion. The Clerk called the roll:

Alderman Campbell	Aye	Alderman Smith	Aye
Alderman Galloway	Aye	Alderman Stewart	Aye
Alderman Posten	Aye	Alderman Wagner	Aye

The meeting adjourned into Executive Session at 8:02 p.m. and returned to open session at 8:25 p.m.

**12. ADJOURNMENT**

Motion was made by Alderman Stewart to adjourn, seconded by Alderman Posten with all present voting aye. The September 6, 2016 Regular Board of Aldermen Meeting adjourned at 825 p.m.

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Rick Gardner, Mayor

ATTEST:

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Chandra Hodges, City Clerk



**City of Ozark, Missouri**  
**Department of Planning & Development**

**ITEM "A"**

P.O. Box 295 Ozark, Missouri 65721 \* Fax: 417-581-0353 \* Phone: 417-581-2407 \* [www.ozarkmissouri.org](http://www.ozarkmissouri.org)

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**September 23, 2016**

**ANNEXATION #2016-435**

**Property: 3273, 3289 & 3295 N. State Hwy NN**

**Owner: Bittersweet, LLC & Robert & Robin Lynch, Trust**

**Requested Zoning: C-2 General Commercial**

Dear Commissioners,

The applicant has requested Annexation of the above referenced property with the Zoning of C-2 General Commercial. This request is compatible with all the surrounding properties and is currently on City services and they plan to expand their current business in the City of Ozark and therefore are following our requirements of the Urban Service Area that had been approved by Christian County Commission, which requires Annexation if they have access to our service and are compact and contiguous.

Also, there will a Use Permit attached to this Annexation which is required for the mixed use in C-2 General Commercial. (See Item "B")

If you should have any questions regarding the information above please feel free to contact me at the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,

Valerie Carr, CFM  
Planning & Zoning Technician





Annexation 2016-435  
Property: 3273, 3289 & 3295 N. State Highway NN, Ozark, MO  
Owner(s): Bittersweet, LLC & Robert & Robin Lynch, Turst  
Proposed Zoning: C-2 General Commercial

**DISCLAIMER**  
The information presented on this map and/or digital file is distributed "as is" for general information purposes only. The City of Ozark and all contributing data suppliers make no warranties expressed or implied, regarding the accuracy, completeness, reliability or suitability of this data for any specific use. In addition, the City of Ozark and all contributing data suppliers assume no liability whatsoever associated with the use or misuse of this data.

# City of Ozark Missouri

## Planning & Development



P.O. Box 295  
Ozark, MO 65721

Fax: 417-581-0575  
Phone: 417-581-8909

### ◆ APPLICATION FOR ANNEXATION & ZONING DESIGNATION ◆ (HUSBAND & WIFE)

#### ● REQUIRED INFORMATION

*\*\*In the event title to subject property is transferred during the process of this application; new owner will have to start application process over\*\**

*\*\*\*Information must be submitted by 5:00 pm on the 3<sup>rd</sup> Friday of the month.\*\*\**

*Attached*

Completed "Petition Requesting Annexation" form. This petition must be signed by the property owners and their signatures must be notarized.

A copy of the property owners' deed. This must include the legal description of the subject property and the names of the persons holding title to the property.

*Valerie*

The names and mailing addresses of all property owners within 185 feet of the subject property. This list must be obtained from the Christian County Assessor's Office and include their tax map.

The applicant is responsible for a *CERTIFIED MAILING* giving Notice of a Public Hearing to all the property owners within the 185 feet. The Certified Mailing must be done 15 days prior to the Planning and Zoning Commission meeting. The Planning and Zoning Department will provide the Notice of Public Hearing to be used in the mailing.

After mailing, the postmarked certified receipts will need to be returned to the Planning & Zoning Department.

Most recent paid Real Estate Tax Receipt from the Christian County Collector's office.

One 24x36 copy of Survey of the property signed and sealed by a Professional Land Surveyor or a Survey of all property described by Metes and Bounds compliant with the Missouri Minimum Standards for Property Boundary Surveys that includes the following:

- (a) Location of properties to be annexed, including all easements, right-of-ways, structures, or other physical improvements made to property.
- (b) The area of each lot in square feet. If a lot is greater than 43,560 square feet, the acreage of the lot shall also be listed in addition to the square footage.
- (c) City of Ozark Geographic Reference System (GRS) Stations shall be used to base the survey on the Missouri Coordinate System of 1983, Central Zone. (City of Ozark GRS Station info can be acquired from the GIS Department.)

- (d) A table containing coordinates based on the Missouri Coordinate System of 1983, Central Zone for all of the following:

City of Ozark GRS Stations  
Public Land Surveyor Section Corners  
All Boundary Corners (existing and created)

- (e) All easements and rights-of-way, with the limitations of the easement rights stated on the survey.
- (f) Provide written verification on the survey that all existing utilities are located within recorded utility easements. Existing utilities are not required to be shown on the drawing.
- (g) The lots numbered in consecutive order. Plats with more than one block shall also be numbered in consecutive order. In the case of re-subdivision of lots in any block, the re-subdivided lots shall be designated alphanumerically using the original lot number and a letter in alphabetical order.
- (h) The setback lines as fixed by the zoning map or transportation plan and any other setback lines established by public authority.
- (i) The location of flood zones, if applicable.
- (j) The location of sinkhole rims, if applicable. Sinkhole rim locations shall also show setback lines of 25 feet.
- (k) After all approvals are made, the following copies will be required:
- 2 Each 24" X36" Mylar (signed and notarized by the owner)
  - 2 Each 24" X36" paper copies (signed and notarized by the owner)
  - Any additional copies the property owner desires
  - 1 Each digital copy of the Re-Plat of Survey -- The digital copy shall be provided as an AutoCAD dwg. File, complying with the following:  
Missouri Coordinate System of 1983, Central Zone (in US feet)

✓ Street address of the property.

N/A In the event a Power of Attorney is assigned for annexation, a copy of the Power of Attorney must be submitted with application.



•ANNEXATION PROCESS SCHEDULE

- 1) Submit required information. Pay \$225 application fee.
- 2) First reading of Annexation resolution at the Board of Aldermen Meeting.  
(1<sup>st</sup> Monday of the month)
- 3) The City is responsible to have a Notice of Public Hearing published in the local newspaper, no later than 15 days prior to the Planning & Zoning Meeting.
- 4) Pay publication costs.
- 5) The City is responsible to post the Notice of Public Hearing on the property, no later than 15 days prior to the Planning & Zoning Meeting.
- 6) The applicant is responsible for a *CERTIFIED MAILING* giving Notice of a Public Hearing to all the property owners within 185 feet of the subject property. The Certified Mailing must be done 15 days prior to the Planning and Zoning Commission Meeting. The Planning and Zoning Department will provide the Notice of Public Hearing to be used in the mailing. Certified Mailing costs are the responsibility of the applicant.

After mailing, the postmarked certified receipts will need to be returned to the Planning & Zoning Department.

- 7) Public Hearing at Planning & Zoning Meeting.  
(4<sup>th</sup> Monday of the month at 7:00 pm)

*Applicant or representative is required to attend this meeting.*

- 8) Public hearing at the Board of Aldermen Meeting.  
(1<sup>st</sup> Monday of the following month at 7:00 pm)

*Applicant or representative is required to attend this meeting.*

- 9) Ordinance approving or declining the annexation, at the following Board of Aldermen Meeting.  
(3<sup>rd</sup> Monday of the month)

*Information provided is for reference only. It has been taken from the City of Ozark Planning & Zoning Regulations and Building Regulations. If any errors, omissions, or conflicts exist in this information, the original regulations are the correct source of information.*

**•PETITION REQUESTING ANNEXATION TO THE CITY OF OZARK, MO**

We the undersigned Robert Lynch and Robin Lynch, husband and wife, hereinafter referred to as Petitioners, for our petition to the Board of Aldermen of the City of Ozark, Missouri, state and allege as follows:

1. That we the owners of all fee interests of record in the real estate in Christian county, Missouri described as follows, to-wit:
  
2. That the said real estate is not now a part of any incorporated municipality.
  
3. That the said real estate is contiguous and compact to the existing corporate limits of the City of Ozark, Missouri.
  
4. That we request that the said real estate be annexed to, and be included within the corporate limits of, the City of Ozark, Missouri, as authorized by the provisions of Section 71.012, RSMo.
  
5. That we request the Board of Aldermen of the City of Ozark, Missouri to cause the required notice to be published and to conduct the public hearing by law and to thereafter adopt an ordinance extending the limits of the City of Ozark, Missouri to include the above described real estate.
  
6. That we request the Board of Aldermen to assign a zoning classification of C2 to the above described property.
  
7. That the above described property was assessed at Ozark by the Christian County Assessor's Office for the year of 2016.

Dated this 12th day of September, 2016

/s/ Robert Lynch  
Name

/s/ Lane Lane  
Name

STATE OF MISSOURI

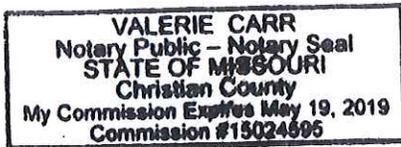
COUNTY OF CHRISTIAN

On this 12th day of September, 2016

before me personally appeared Robert Lynch and Robin Lynch  
to be known as the persons described in and who executed the foregoing instrument, and  
acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my  
office in Ozark, Missouri the day and year first above written.

My term expires: May 19, 2019



/s/ Valerie Carr  
Notary Public

Zoning Classification:

- A-1 General Agriculture District
- R-1A Single-Family Estate District, minimum lot size of 20,000 square feet
- R-1B Single-Family District, minimum lot size of 15,000 square feet
- R-1C Single-Family District, minimum lot size of 10,000 square feet
- R-1D Single Family District, minimum lot size 7,000 square feet
- R-1P Single-Family Patio Homes District
- R-2 Two-Family District
- R-3 Medium Density Multi-Family District
- R-4 High Density Multi-Family District
- C-2 General Commercial
- C-3 Planned Shopping District
- C-4 Central Business District
- I-1 Light Industrial District
- M Manufactured Home District
- OW Office Warehouse District

# CHRISTIAN COUNTY TAX RECEIPT 2015 REAL ESTATE



TED NICHOLS COLLECTOR  
100 WEST CHURCH ROOM 101  
OZARK, MO 65721  
(417) 582-4330

PAY TAXES/PRINT RECEIPTS ONLINE at:  
[www.christiancountycollector.com](http://www.christiancountycollector.com)

LYNCH, ROBERT & ROBIN (TRUST)  
P O BOX 1760  
OZARK MO 65721

# PAID

PARCEL ID#: 11-0.2-10-004-003-002.000  
SEC, TWN, RNG: 10-27-21  
ACRES: 12.59  
TAX DISTRICT#:   
SITUS ADDRESS: 3273 N. STATE HWY NN

SE4 W OF HWY NN(EX N565)(EX 1AC SECOR) & (EX BEG SWCOR N465 TO POB E335  
S32 E40 N40 E285 NE25 W250 N110 NE15 N95 W435 S TO P OB EX TR SOLD

SUBTOTALS	
Residential	11,760
Agricultural	820
Commercial	20,990
<b>TOTAL VALUATION</b>	<b>33,570</b>

Tax District	Levy per \$100	Total Tax
STATE	0.0300	10.07
COUNTY REVENUE	0.0715	24.00
LIBRARY	0.0887	29.78
HEALTH	0.0444	14.91
SEN. BILL 40 BOARD	0.0799	26.82
SEN.CITZ.SERV.	0.0500	16.79
OZARK SCHOOL	4.1400	1,389.80
OZARK SPECIAL ROAD	0.1482	49.75
OZARK FIRE DIST.	0.6380	214.18
AMBULANCE DIST.	0.1324	44.45
JUNIOR COLLEGE	0.1494	50.15
SUR TAX	0.3400	71.37
FEES & INT		177.50
<b>TOTAL</b>		<b>2,119.57</b>

*Non-clearance of payment voids receipt.*

**VALIDATED BY TED NICHOLS  
CHRISTIAN COUNTY COLLECTOR**

RECEIPT #: 210188  
DATE: 01/26/2016

AMOUNT PAID: 2,119.57

PAID BY: \_\_\_\_\_  
PAYMENT TYPE: \_\_\_\_\_

***REAL ESTATE TAX RECEIPTS CANNOT  
BE USED TO LICENSE VEHICLES***

Recording Date/Time: 05/31/2016 at 10:24:01 AM

Instr #: 2016L06699

Book: 2016 Page: 6627

Pages: 5

Fee: \$36.00 S

Electronically Recorded  
Waco Title Company



Kelly Hall  
Recorder of Deeds

**ATTEST A TRUE COPY:**

**KELLY HALL, RECORDER  
CHRISTIAN COUNTY, MISSOURI**

BY Kelly Hall

---

Title of Document: Trustees General Warranty Deed

Date of Document: April 20, 2016

Grantor(s): Robert Lynch and Robin Lynch, Co-Trustees under The Lynch Trust  
Agreement dated October 14, 2015

Grantee(s): Robert Lynch and Robin Lynch, Co-Trustees under The Lynch Trust  
Agreement dated October 14, 2015

Mailing Address: P.O. Box 1760, Ozark, Mo. 65721

Legal Description: See Attached Exhibit A Page 2

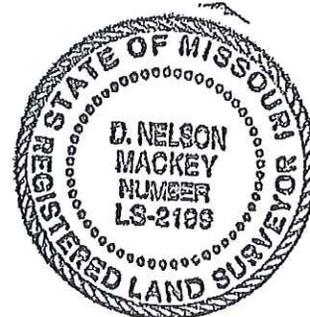
Reference Book and Pages: Book 2016 Page 4653 This Deed is being re-recorded to correct  
and error in the original legal description.

# EXHIBIT "A"

## PROPERTY DESCRIPTION OF TRACT 4A-2:

A PART OF THE SOUTH HALF (S1/2) OF SECTION TEN (10), TOWNSHIP TWENTY-SEVEN NORTH (T27N), RANGE TWENTY-ONE WEST (R21W) OF THE 5th. P.M. IN CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SECTION 10, THENCE N87°56'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 1861.57 FEET TO THE WEST LINE OF HIGHWAY NN; THENCE N11°18'50"W, ALONG SAID WEST LINE OF HIGHWAY NN, 219.00 FEET TO AN IRON PIN SET AT THE POINT OF BEGINNING; THENCE CONTINUING N11°18'50"W, ALONG THE WEST LINE OF HIGHWAY NN, 767.19 FEET TO AN IRON PIN; THENCE CONTINUING N11°18'50"W, ALONG THE WEST LINE OF HIGHWAY NN, 125.16 FEET TO AN IRON PIN; THENCE LEAVING THE WEST LINE OF HIGHWAY NN AND RUN SOUTHWESTERLY ALONG A 30 FEET RADIUS TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING OF S35°08'28"W, A CHORD DISTANCE OF 43.49 FEET, A CENTRAL ANGLE OF 92°54'35" AND ARC LENGTH OF 48.66 FEET TO AN IRON PIN SET AT THE PT; THENCE S81°35'45"W, 86.78 FEET TO THE PC OF A 400.03 FEET RADIUS TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING OF S86°49'23"W, A CHORD DISTANCE OF 72.89 FEET, A CENTRAL ANGLE OF 10°27'16" AND ARC LENGTH OF 72.99 FEET TO AN IRON PIN SET AT THE PT; THENCE N87°56'59"W, 361.47 FEET TO AN IRON PIN SET ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE CONTINUING N87°56'59"W, 98.94 FEET TO AN IRON PIN; THENCE S01°23'54"W, 65.00 FEET TO AN IRON PIN; THENCE S87°56'59"E, 98.94 FEET TO AN IRON PIN (PLS-2007017965) SET ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE S01°23'54"W, ALONG THE WEST LINE OF SAID SW1/4 OF THE SE1/4, 150.00 FEET TO AN IRON PIN (PLS-002199); THENCE S88°45'49"E, 166.00 FEET TO AN IRON PIN (PLS-002199); THENCE S39°31'46"E, 96.91 FEET TO AN IRON PIN (PLS-002199); THENCE S88°45'49"E, 201.46 FEET TO AN IRON PIN; THENCE S00°00'57"E, 84.22 FEET TO AN IRON PIN; THENCE N88°37'12"W, 12.05 FEET TO AN IRON PIN; THENCE S00°43'56"W, 132.97 FEET TO AN IRON PIN; THENCE N88°41'13"W, 54.81 FEET TO AN IRON PIN; THENCE S01°38'59"W, 62.25 FEET TO AN IRON PIN (PLS-002199); THENCE S89°49'54"W, 527.11 FEET TO AN IRON PIN (PLS-002199); THENCE S05°48'06"E, 443.88 FEET TO AN IRON PIN (PLS-002199) SET IN THE SOUTH LINE OF SAID SECTION 10; THENCE S87°57'40"E, 103.86 FEET TO AN IRON PIN (PLS-1252) SET AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE SE1/4 OF SAID SECTION 10; THENCE S87°56'40"E, ALONG THE SOUTH LINE OF SAID SW1/4 OF THE SE1/4, 572.16 FEET TO AN IRON PIN (PLS-2007017965); THENCE N11°18'50"W, 204.20 FEET TO AN IRON PIN; THENCE N88°11'10"E, 213.30 FEET TO THE POINT OF BEGINNING. SAID TRACT 4A-2 CONTAINS 13.295 ACRES, MORE OR LESS, THAT IS SUBJECT TO A 20 FEET WIDE INGRESS AND EGRESS EASEMENT FOR ACCESSING TRACT 5A-1 THAT IS DESCRIBED IN TRACT 5A-1 PROPERTY DESCRIPTION INCLUDED WITHIN SURVEY JOB No. 16-0430-8, AND IS ALSO DESCRIBED IN BOOK 302 AT PAGE 2902. ALSO, TRACT 4A-2 IS TOGETHER WITH AND SUBJECT TO A 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT THAT IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AS SHOWN ON SURVEY JOB No. 15-0430-6, REV. "B", DATED 06/08/2015 THAT WAS RECORDED IN PLAT BOOK "V" AT PAGE 4123, DOCUMENT No. 2015L08141, ON 07/06/2015 IN THE CHRISTIAN COUNTY, MISSOURI RECORDER RECORDS. TRACT 4A-2 AND THE INGRESS AND EGRESS EASEMENTS INCLUDED HEREIN ARE SUBJECT TO ALL OTHER EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD, IF ANY. SAID TRACT 4A-2, THE SAID 20 FEET WIDE TRACT 5A-1 ACCESS EASEMENT, AND THE SAID 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT ARE ALSO AS SHOWN ON SURVEY JOB No. 16-0430-8 BY D. NELSON MACKAY, PLS-002199, AND SAID SURVEY IS INCORPORATED FULLY HEREIN BY REFERENCE.

*D. Nelson Mackey*  
corrected  
05/24/2016  
-----  
correction to  
03/09/2016



Recording Date/Time: 04/21/2016 at 11:18:41 AM

Instr #: 2016L04709

Book: 2016 Page: 4653

Pages: 3

Fee: \$30.00 S



Electronically Recorded  
Waco Title Company

Kelly Hall  
Recorder of Deeds

## Trustees' General Warranty Deed

THIS DEED, Made and entered into this 20 day of April, 2016, by and between ROBERT LYNCH and ROBIN LYNCH, CO-TRUSTEES under THE LYNCH TRUST AGREEMENT DATED OCTOBER 14, 2015, as GRANTOR, and ROBERT LYNCH and ROBIN LYNCH, CO-TRUSTEES under THE LYNCH TRUST AGREEMENT DATED OCTOBER 14, 2015, as GRANTEE, whose mailing address is: P.O. Box 1760, Ozark, MO 65721.

WITNESSETH: THAT THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell, Convey and Confirm unto GRANTEE, GRANTEE'S heirs and assigns, the following described lots, tracts and parcels of land situated in the County of CHRISTIAN and State of Missouri, to wit:

**SEE LEGAL DESCRIPTION SET FORTH ON EXHIBIT "A" ATTACHED HERETO**

Subject to easements, restrictions, reservations, and covenants of record, if any.

GRANTOR'S liability under this Deed in respect to any covenants or warranties is specifically limited to the assets of the trust estate held by Grantor as Trustee under the aforesaid Trust created by Robert Lynch and Robin Lynch under a Trust Agreement dated October 14, 2015. This deed is executed pursuant to the powers of the aforesaid Trust, which remains in full force and effect as of the date of this deed.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said GRANTEE and unto GRANTEE'S heirs and assigns forever; the GRANTOR hereby covenanting that GRANTOR is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that GRANTOR has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by GRANTOR or those under whom GRANTOR claims, except as stated above and except for all taxes assessments, general and special, not now due and payable, and that GRANTOR will warrant and defend the title to the said premises unto GRANTEE and unto GRANTEE'S heirs and assigns forever, against the lawful claims and demands of all persons whomsoever. If two or more persons constitute the GRANTOR or GRANTEE, the words GRANTOR and GRANTEE will be construed to read GRANTORS and GRANTEES whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The GRANTOR has hereunto executed this instrument on the day and year above written.

Robert Lynch  
ROBERT LYNCH, CO-TRUSTEE UNDER  
THE LYNCH TRUST AGREEMENT DATED  
OCTOBER 14, 2015

Robin Lynch  
ROBIN LYNCH, CO-TRUSTEE UNDER  
THE LYNCH TRUST AGREEMENT DATED  
OCTOBER 14, 2015

STATE OF MISSOURI )  
COUNTY OF Greene ) ss

On this 20 day of April, 2016, before me appeared ROBERT LYNCH AND ROBIN LYNCH, CO-TRUSTEES UNDER THE LYNCH TRUST AGREEMENT DATED OCTOBER 14, 2015, to me personally known, and acknowledged that the instrument was signed on behalf of the Trust Estate, that the instrument is the free act and deed of the Trust, that they have full authority to execute this document on behalf of the Trust and that the Trust Estate is in full force and effect at the time of execution of this deed, never having been revoked or terminated.

In Witness Whereof, I have hereunto set my hand and affixed my notorial seal the day and year last above written.

Margaret A. Mhoon

Notary Public

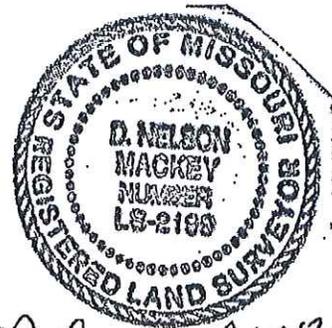
My commission expires: March 11, 2017



EXHIBIT "A"

PROPERTY DESCRIPTION OF TRACT 4A-2:

A PART OF THE SOUTH HALF (S1/2) OF SECTION TEN (10), TOWNSHIP TWENTY-SEVEN NORTH (T27N), RANGE TWENTY-ONE WEST (R21W) OF THE 5th. P.M. IN CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SECTION 10, THENCE N87°56'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 1861.57 FEET TO THE WEST LINE OF HIGHWAY NN; THENCE N11°18'50"W, ALONG SAID WEST LINE OF HIGHWAY NN, 219.00 FEET TO AN IRON PIN SET AT THE POINT OF BEGINNING; THENCE CONTINUING N11°18'50"W, ALONG THE WEST LINE OF HIGHWAY NN, 767.19 FEET TO AN IRON PIN; THENCE CONTINUING N11°18'50"W, ALONG THE WEST LINE OF HIGHWAY NN, 125.16 FEET TO AN IRON PIN; THENCE LEAVING THE WEST LINE OF HIGHWAY NN AND RUN SOUTHWESTERLY ALONG A 30 FEET RADIUS TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING OF S35°08'28"W, A CHORD DISTANCE OF 43.49 FEET, A CENTRAL ANGLE OF 92°54'35" AND ARC LENGTH OF 48.85 FEET TO AN IRON PIN SET AT THE PT; THENCE S88°35'45"W, 86.78 FEET TO THE PC OF A 400.03 FEET RADIUS TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING OF S86°49'23"W, A CHORD DISTANCE OF 72.89 FEET, A CENTRAL ANGLE OF 10°27'16" AND ARC LENGTH OF 72.99 FEET TO AN IRON PIN SET AT THE PT; THENCE N87°56'59"W, 361.47 FEET TO AN IRON PIN SET ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE CONTINUING N87°56'59"W, 98.94 FEET TO AN IRON PIN; THENCE S01°23'54"W, 65.00 FEET TO AN IRON PIN; THENCE S87°56'59"E, 98.94 FEET TO AN IRON PIN (PLS-2007017965) SET ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE S01°23'54"W, ALONG THE WEST LINE OF SAID SW1/4 OF THE SE1/4, 150.00 FEET TO AN IRON PIN (PLS-002199); THENCE S88°45'49"E, 166.00 FEET TO AN IRON PIN (PLS-002199); THENCE S39°31'46"E, 96.91 FEET TO AN IRON PIN (PLS-002199); THENCE S86°45'49"E, 201.46 FEET TO AN IRON PIN; THENCE S00°00'57"E, 84.22 FEET TO AN IRON PIN; THENCE N88°37'12"W, 12.05 FEET TO AN IRON PIN; THENCE S00°43'56"W, 132.97 FEET TO AN IRON PIN; THENCE N88°41'13"W, 54.81 FEET TO AN IRON PIN; THENCE S01°38'59"W, 62.25 FEET TO AN IRON PIN (PLS-002199); THENCE S89°49'54"W, 527.11 FEET TO AN IRON PIN (PLS-002199); THENCE S05°48'06"E, 443.68 FEET TO AN IRON PIN (PLS-002199) SET IN THE SOUTH LINE OF SAID SECTION 10; THENCE S87°57'40"E, 103.86 FEET TO AN IRON PIN (PLS-1252) SET AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE SE1/4 OF SAID SECTION 10; THENCE S87°56'40"E, ALONG THE SOUTH LINE OF SAID SW1/4 OF THE SE1/4, 572.16 FEET TO AN IRON PIN (PLS-2007017965); THENCE N11°18'50"W, 204.20 FEET TO AN IRON PIN; THENCE N88°11'10"E, 213.30 FEET TO THE POINT OF BEGINNING. SAID TRACT 4A-2 CONTAINS 13.295 ACRES, MORE OR LESS, THAT IS SUBJECT TO A 20 FEET WIDE INGRESS AND EGRESS EASEMENT FOR ACCESSING TRACT 5A-1 THAT IS DESCRIBED IN TRACT 5A-1 PROPERTY DESCRIPTION INCLUDED WITHIN SURVEY JOB No. 16-0430-8, AND IS ALSO DESCRIBED IN BOOK 302 AT PAGE 2902. ALSO, TRACT 4A-2 IS TOGETHER WITH AND SUBJECT TO A 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT THAT IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AS SHOWN ON SURVEY JOB No. 16-0430-8, REV. "B", DATED 06/08/2015 THAT WAS RECORDED IN PLAT BOOK "V" AT PAGE 4123, DOCUMENT No. 201508141, ON 07/08/2015 IN THE CHRISTIAN COUNTY, MISSOURI RECORDER RECORDS. TRACT 4A-2 AND THE INGRESS AND EGRESS EASEMENTS INCLUDED HEREIN ARE SUBJECT TO ALL OTHER EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD, IF ANY. SAID TRACT 4A-2, THE SAID 20 FEET WIDE TRACT 5A-1 ACCESS EASEMENT, AND THE SAID 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT ARE ALSO AS SHOWN ON SURVEY JOB No. 16-0430-8 BY D. NELSON MACKAY, PLS-002199, AND SAID SURVEY IS INCORPORATED FULLY HEREIN BY REFERENCE.



D. Nelson Mackey  
03/09/2016

# City of Ozark Missouri Planning & Development



P.O. Box 295  
Ozark, MO 65721

Fax: 417-581-0353  
Phone: 417-581-2407

## ◆ APPLICATION FOR ANNEXATION & ZONING DESIGNATION ◆ (CORPORATION OR LIMITED LIABILITY COMPANY)

### ◆ REQUIRED INFORMATION

*\*\*In the event title to subject property is transferred during the process of this application; new owner will have to start application process over. \*\**

*\*\*\*Information must be submitted by 5:00 pm on the 3<sup>rd</sup> Friday of the month.\*\*\**

*Attached*

Completed "Petition Requesting Annexation" form. This petition must be signed by Corporation or LLC officer, with his/her title, and the signature must be notarized.

A copy of the Corporation's or LLC's deed. This must include the legal description of the subject property and the name of the property owner.

*2*

The names and mailing addresses of all property owners within 185 feet of the subject property. This list must be obtained from the Christian County Assessor's Office and include their tax map.

*Valerie Has*

The applicant is responsible for a *CERTIFIED MAILING*, giving Notice of a Public Hearing to all of the property owners within the 185 feet. The Certified Mailing must be done 15 days prior to the Planning and Zoning Commission meeting. The Planning and Zoning Department will provide the Notice of Public Hearing to be used in the mailing.

After mailing, the postmarked certified receipts will need to be returned to the Planning & Zoning Department.

Most recent paid Real Estate Receipt from the Christian County Collector's office.

One 24x36 copy of Survey of the property signed and sealed by a Professional Land Surveyor or a Survey of all property described by Metes and Bounds compliant with the Missouri Minimum Standards for Property Boundary Surveys that includes the following:

- (a) Location of properties to be annexed, including all easements, right-of-ways, structures, or other physical improvements made to property.
- (b) The area of each lot in square feet. If a lot is greater than 43,560 square feet, the acreage of the lot shall also be listed in addition to the square footage.
- (c) City of Ozark Geographic Reference System (GRS) Stations shall be used to base the survey on the Missouri Coordinate System of 1983, Central Zone. (City of Ozark GRS Station info can be acquired from the GIS Department.)

- (d) A table containing coordinates based on the Missouri Coordinate System of 1983, Central Zone for all of the following:

City of Ozark GRS Stations  
Public Land Surveyor Section Corners  
All Boundary Corners (existing and created)

- (e) All easements and rights-of-way, with the limitations of the easement rights stated on the survey.
- (f) Provide written verification on the survey that all existing utilities are located within recorded utility easements. Existing utilities are not required to be shown on the drawing.
- (g) The lots numbered in consecutive order. Plats with more than one block shall also be numbered in consecutive order. In the case of re-subdivision of lots in any block, the re-subdivided lots shall be designated alphanumerically using the original lot number and a letter in alphabetical order.
- (h) The setback lines as fixed by the zoning map or transportation plan and any other setback lines established by public authority.
- (i) The location of flood zones, if applicable.
- (j) The location of sinkhole rims, if applicable. Sinkhole rim locations shall also show setback lines of 25 feet.
- (k) After all approvals are made, the following copies will be required:
- 2 Each 24" X36" Mylar (signed and notarized by the owner)
  - 2 Each 24" X36" paper copies (signed and notarized by the owner)
  - Any additional copies the property owner desires
  - 1 Each digital copy of the Re-Plat of Survey – The digital copy shall be provided as an AutoCAD dwg. File, complying with the following:  
Missouri Coordinate System of 1983, Central Zone (in US feet)

✓ Street address of the property.

N/A In the event a Power of Attorney is assigned for annexation, a copy of the Power of Attorney must be submitted with application.

**•FEES**

\$225.00 application fee, newspaper publication costs, and certified mailing costs.

**PROPERTY INFORMATION**

Street Address 3295<sup>32</sup>N St Hwy NN Ozark, MO 65721 - SkoD

Subdivision \_\_\_\_\_

Lot # \_\_\_\_\_

Lot Size \_\_\_\_\_

Existing Use \_\_\_\_\_

**PERSONS OF INTEREST**

Name	Address	Zip	Phone/Fax
PROPERTY OWNER(S) Bittersweet Acres, LLC - SkoD - Robin Lynch	PO Box 1760	Ozark MO	65721 417-838-6623

Lessee  
Tri-L Manufacturing, Inc.

Engineer, Survey Company, Architect  
Mackey Surveying (Nelson)

The Applicants shall be responsible for the cost of all third party reviews. This shall include, but not limited to storm water reviews, traffic reviews and etc. The City of Ozark will be the sole determiner of the requirements for these reviews. The City of Ozark will issue and track invoices for these costs.

TO THE BEST OF MY KNOWLEDGE and BELIEF, INFORMATION CONTAINED IN THIS APPLICATION IS TRUE and CORRECT. I UNDERSTAND THAT SHOULD ANY OF THE FOREGOING INFORMATION PROVE TO BE MATERIALLY FALSE, MY APPLICATION CAN BE DENIED.

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone/Fax \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

P.O. # 200

•ANNEXATION PROCESS SCHEDULE

- 1) Submit required information. Pay \$225 application fee.
- 2) First reading of Annexation Resolution at the Board of Aldermen Meeting.  
(1<sup>st</sup> Monday of the month)
- 3) The applicant(s) request will be reviewed the Planning and Development Staff and Public Works will
- 4) The City is responsible to have a Notice of Public Hearing published in the local newspaper, no later than 15 days prior to the Planning & Zoning Meeting.
- 5) Pay publication costs.
- 6) The City is responsible to post a Notice of Public Hearing on the property, no later than 15 days prior to the Planning & Zoning Meeting.
- 7) The applicant is responsible for a *CERTIFIED MAILING* giving Notice of a Public Hearing to all the property owners within 185 feet of the subject property. The Certified Mailing must be done 15 days prior to the Planning and Zoning Commission Meeting. The Planning and Zoning Department will provide the Notice of Public Hearing to be used in the mailing. Certified Mailing costs are the responsibility of the applicant.

After mailing, the postmarked certified receipts will need to be returned to the Planning & Zoning Department.

- 8) Public Hearing at Planning & Zoning Meeting.  
(4<sup>th</sup> Monday of the month at 7:00 pm)

Applicant or representative is required to attend this meeting.

- 9) Public hearing at the Board of Aldermen Meeting.  
(1<sup>st</sup> Monday of the following month at 7:00 pm)

Applicant or representative is required to attend this meeting.

- 10) Ordinance approving or declining the annexation, at the following Board of Aldermen Meeting.  
(3<sup>rd</sup> Monday of the month)

*Information provided is for reference only. It has been taken from the City of Ozark Planning & Zoning Regulations and Building Regulations. If any errors, omissions, or conflicts exist in this information, the original regulations are the correct source of information.*

**•PETITION REQUESTING ANNEXATION TO THE CITY OF OZARK, MO**

The undersigned on behalf of Bittersweet Acres, LLC  
Corporation/LLC, hereinafter referred to as Petitioner, for its petition to the Board of  
Aldermen of the City of Ozark, Missouri, state and allege as follows:

1. That it is the owner of all fee interests of record in the real estate in Christian County, Missouri described as follows, to-wit:
2. That the said real estate is not now a part of any incorporated municipality.
3. That the said real estate is contiguous, or contiguous and compact, to the existing corporate limits of the City of Ozark, Missouri, as appropriate.
4. That it requests that the said real estate be annexed to, and be included within the corporate limits of, the City of Ozark, Missouri, as authorized by the provisions of Section 71.012, Revised Statutes of the State of Missouri.
5. That it is in "good standing" with the Missouri Secretary of State; and, that the undersigned officers are acting pursuant to a corporate resolution duly passed which authorizes this petition.
6. That it requests the Board of Aldermen of the City of Ozark, Missouri to cause the required notice to be published and to conduct a Public Hearing required by law and to thereafter adopt an ordinance extending the limits of the City of Ozark, Missouri to include the above described real estate.
7. That it requests the Board of Aldermen to assign a zoning classification of C-2 to the above described property.
8. That the above described property was assessed at Ozark by the Christian County Assessor's Office for the year of 20 16.

Dated this 12th day of September, 20 16

Name of Corporation or LLC: Bittersweet Acres, LLC

By:

Paul Syme

Office: Managing Member  
President

Attest: Robin Lynch  
Office: President Managing Member

STATE OF MISSOURI  
COUNTY OF CHRISTIAN

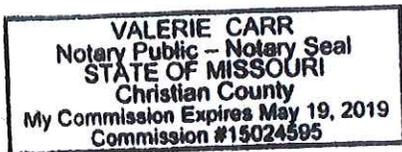
On this 12th day of September, 2016

before me personally appeared Robin Lynch, office Managing Member

of the above names Corporation/LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed on behalf of said Corporation/LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Ozark, Missouri the day and year first above written.

My term expires: May 19, 2019



/s/ Valerie Carr  
Notary Public

Zoning Classification:

- A-1 General Agriculture District
- R-1A Single-Family Estate District, minimum lot size of 20,000 square feet
- R-1B Single-Family District, minimum lot size of 15,000 square feet
- R-1C Single-Family District, minimum lot size of 10,000 square feet
- R-1D Single Family District minimum lot size of 7,000 square feet
- R-1P Single-Family Patio Homes District
- R-2 Two-Family District
- R-3 Medium Density Multi-Family District
- R-4 High Density Multi-Family District
- C-2 General Commercial
- C-3 Planned Shopping District
- C-4 Central Business District
- I-1 Light Industrial District
- M Manufactured Home District
- OW Office Warehouse District

Instr #: 2016L04711  
Book: 2016 Page: 4655

Pages: 4  
Fee: \$33.00 S

Electronically Recorded  
Waco Title Company



Kelly Hall  
Recorder of Deeds

ATTEST A TRUE COPY:

KELLY HALL, RECORDER  
CHRISTIAN COUNTY, MISSOURI

BY Kelly Hall

4/20/16

**GENERAL WARRANTY DEED**

THIS DEED witnesseth that BITTERSWEET ACRES, LLC, a Missouri limited liability company ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, does by these presents GRANT, BARGAIN and SELL, Convey and Confirm unto BITTERSWEET ACRES, LLC, a Missouri limited liability company ("Grantee"), whose mailing address is:

P.O. Box 1760 Ozark, MO 65721

its successors and assigns, the land situated in Christian County, Missouri, more particularly described as follows:

SEE LEGAL DESCRIPTION SET FORTH ON EXHIBIT "A" and "B" ATTACHED  
HERETO  
AND INCORPORATED HEREIN

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the premises described above, with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto said Grantee and unto its successors and assigns forever; said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises described herein; that it has good right to convey the same; that the said premises described herein are free and clear from any and all encumbrances, and that it will warrant and defend the title to said premises described herein unto Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has set its hand by and through its duly authorized undersigned representative as of this 20 day of April, 2016.

GRANTOR:

BITTERSWEET ACRES, LLC, a Missouri limited liability company

By: *Robin Lynch*  
Robin Lynch, Managing Member

STATE OF MISSOURI )  
COUNTY OF *Greene* ) ss.

On this *20* day of April, 2016, before me, the undersigned Notary Public, personally appeared Robin Lynch, the Managing Member of Bittersweet Acres, LLC, a Missouri limited liability company, personally known to me to be the same person who executed the foregoing instrument, and having been first duly sworn by me, acknowledged that she is the Managing Member of said limited liability company, and that she executed the foregoing instrument as the free act and deed of said limited liability company with due authority for the purposes stated therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Margaret A. Mhoon*  
Notary Public

My Commission Expires: *March 11, 2017*



EXHIBIT "A"

PROPERTY DESCRIPTION OF TRACT 5A-1:

A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TEN (10), TOWNSHIP TWENTY-SEVEN NORTH (T27N), RANGE TWENTY-ONE WEST (R21W) OF THE 5th. P.M. IN CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SECTION 10, THENCE N87°56'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 2649.96 FEET TO AN IRON PIN (PLS-1252) SET AT THE SOUTH QUARTER (S1/4) CORNER OF SAID SECTION 10; THENCE CONTINUING N87°57'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 103.86 FEET TO AN IRON PIN (PLS-002199); N05°48'06"W, 443.68 FEET TO AN IRON PIN (PLS-002199) SET AT THE POINT OF BEGINNING; THENCE N05°48'06"W, 522.78 FEET TO AN IRON PIN (PLS-2007017965); THENCE S87°56'59"E, 225.00 FEET TO AN IRON PIN (PLS-2007017965) SET ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE S01°23'54"W, ALONG THE WEST LINE OF SAID SW1/4 OF THE SE1/4, 150.00 FEET TO AN IRON PIN (PLS-002199); THENCE S88°45'49"E, 166.00 FEET TO AN IRON PIN (PLS-002199); THENCE S39°31'46"E, 96.91 FEET TO AN IRON PIN (PLS-002199); THENCE S88°45'49"E, 201.46 FEET TO AN IRON PIN; THENCE S00°00'57"E, 84.22 FEET TO AN IRON PIN; THENCE N88°37'12"W, 12.05 FEET TO AN IRON PIN; THENCE S00°43'56"W, 132.97 FEET TO AN IRON PIN (PLS-002199) SET AT THE INTERSECTION OF SAID LINE WITH THE NORTH LINE OF A 20 FEET WIDE INGRESS AND EGRESS EASEMENT; THENCE N88°41'13"W, ALONG THE NORTH LINE OF A 20 FEET WIDE INGRESS AND EGRESS EASEMENT, 54.81 FEET TO AN IRON PIN (PLS-2199); THENCE S01°38'59"W, ALONG THE WESTERLY TERMINUS END OF A 20 FEET WIDE INGRESS AND EGRESS EASEMENT, 20 FEET TO AN IRON PIN (PLS-002199) SET AT THE SOUTHWEST CORNER OF SAID EASEMENT; THENCE S01°38'59"W, 42.25 FEET TO AN IRON PIN (PLS-002199); THENCE S89°49'54"W, 527.11 FEET TO THE POINT OF BEGINNING. SAID TRACT 5A-1 CONTAINS 5.292 ACRES, MORE OR LESS, THAT IS SUBJECT TO EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD, IF ANY.

ALSO, THE ABOVE DESCRIBED TRACT 5A-1 IS INCLUSIVE OF A 20 FEET WIDE INGRESS AND EGRESS ROAD EASEMENT THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING IRON PIN SET AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP TWENTY-SEVEN NORTH (T27N), RANGE TWENTY-ONE WEST (R21W) OF THE 5TH. PRINCIPAL MERIDIAN IN CHRISTIAN COUNTY, MISSOURI, THENCE N87°56'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 1861.57 FEET TO AN IRON PIN (PLS-2007017965) SET ON THE WEST LINE OF HIGHWAY NN; THENCE N11°18'50"W, ALONG SAID WEST LINE OF HIGHWAY NN, 520.26 FEET TO AN IRON PIN (PLS-2007017965) SET AT THE POINT OF BEGINNING OF SAID INGRESS AND EGRESS EASEMENT; THENCE N88°41'13"W, 306.22 FEET TO AN IRON PIN (PLS-002199); THENCE N01°38'59"E, 20.00 FEET TO AN IRON PIN (PLS-002199); THENCE S88°41'13"E, 301.63 FEET TO AN IRON PIN (PLS-2007017965); THENCE S11°18'50"E, 20.50 FEET TO THE POINT OF BEGINNING. SAID 20 FEET WIDE INGRESS AND EGRESS ROAD EASEMENT CONTAINS 6078.5 Sq. Ft. (0.140 ACRES, MORE OR LESS) THAT IS LOCATED FULLY WITHIN TRACT 4A-2.

ALSO, THE ABOVE DESCRIBED TRACT 5A-1 IS TOGETHER WITH AND SUBJECT TO A 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT THAT IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AS SHOWN ON SURVEY JOB No. 15-0430-6, REV. "B", DATED 06/08/2015 THAT WAS RECORDED IN PLAT BOOK "V" AT PAGE 4123, DOCUMENT No. 2015L08141, ON 07/06/2015 IN THE CHRISTIAN COUNTY, MISSOURI RECORDER RECORDS. TRACT 5A-1 AND THE INGRESS AND EGRESS ROAD EASEMENTS INCLUDED HEREIN ARE SUBJECT TO ALL OTHER EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD, IF ANY. SAID TRACT 5A-1, THE SAID 20 FEET WIDE TRACT 5A-1 ACCESS ROAD EASEMENT, AND THE SAID 65 FEET WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT ARE ALSO AS SHOWN ON SURVEY JOB No. 16-0430-8 BY D. NELSON MACKEY, PLS-002199, AND SAID SURVEY IS INCORPORATED FULLY HEREIN BY REFERENCE.



*D. Nelson Mackey*  
03/09/2016

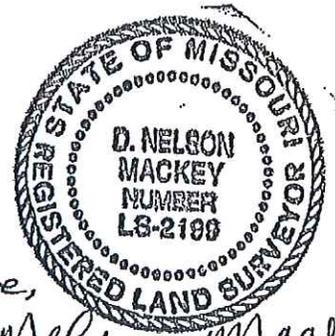
## EXHIBIT "B"

PROPERTY DESCRIPTION OF 65-FOOT WIDE PRIVATE, NON-EXCLUSIVE, JOINT USE RIGHTS, INGRESS AND EGRESS PERPETUAL ROAD EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SECTION 10, THENCE N87°56'40"W, ALONG THE SOUTH LINE OF SAID SECTION 10, 1861.57 FEET TO THE WEST LINE OF HIGHWAY NN; THENCE N11°18'50"W, ALONG SAID WEST LINE OF HIGHWAY NN, 986.19 TO AN IRON PIN (PLS-2199) SET AT THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A 30 FEET RADIUS TANGENT CURVE TO THE LEFT HAVING A CHORD BEARING N54°51'32"W, A CHORD LENGTH OF 41.34 FEET, AND THROUGH A CENTRAL ANGLE OF 87°05'25" A LENGTH OF CURVE DISTANCE OF 45.60 FEET TO AN IRON PIN (PLS-2199) SET AT THE PT OF SAID CURVE; THENCE S81°35'45"W, 93.14 FEET TO AN IRON PIN (PLS-2199) SET AT THE PC OF A 465.03 FEET RADIUS TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING S86°49'23"W AND CHORD LENGTH OF 84.73 FEET; THENCE SOUTHWESTERLY ALONG SAID 465.03 FEET RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°27'16" A LENGTH OF CURVE DISTANCE OF 84.85 FEET TO AN IRON PIN SET AT THE PT OF SAID CURVE; THENCE N87°56'59"W, 360.73 FEET TO AN IRON PIN (PLS-2007017965) SET IN THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 10; THENCE CONTINUING N87°56'59"W, 98.94 FEET TO AN IRON PIN (PLS-2199); THENCE N01°23'54"E, 65.00 FEET TO AN IRON PIN (PLS-2199); THENCE S87°56'59"E, 98.94 FEET TO AN IRON PIN (PLS-2199) SET IN THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 10; THENCE CONTINUING S87°56'59"E, 361.47 FEET TO AN IRON PIN (PLS-2199) SET AT THE PC OF A 400.03 FEET RADIUS TANGENT CURVE TO THE LEFT HAVING A CHORD BEARING N86°49'23"E AND CHORD LENGTH OF 72.89 FEET; THENCE NORTHEASTERLY ALONG SAID 400.03 FEET RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°27'16" A LENGTH OF CURVE DISTANCE OF 72.99 FEET TO AN IRON PIN (PLS-2199) SET AT THE PT OF SAID CURVE; THENCE N81°35'45"E, 86.78 FEET TO AN IRON PIN (PLS-2199) SET AT THE PC OF A 30 FEET RADIUS TANGENT CURVE TO THE LEFT HAVING A CHORD BEARING N35°08'28"E AND CHORD LENGTH OF 43.49 FEET; THENCE NORTHEASTERLY ALONG SAID 30 FEET RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 92°54'35" A LENGTH OF CURVE DISTANCE OF 48.65 FEET TO AN IRON PIN (PLS-2199) SET IN THE WESTERLY BOUNDARY LINE OF MISSOURI STATE HIGHWAY ROUTE NN; THENCE S11°18'50"E, ALONG SAID WESTERLY BOUNDARY LINE OF SAID HIGHWAY NN, 125.16 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED ROAD EASEMENT CONTAINS 49652.3 SQUARE FEET, (1.14 ACRES), AND IS SUBJECT TO A 35 FEET WIDE CITY OF OZARK WATER AND SANITARY SEWER EASEMENT ALONG THE ENTIRE EASTERLY SIDE THEREOF. SAID DESCRIBED ROAD EASEMENT IS SUBJECT TO A 15 FEET WIDE MISSOURI GAS ENERGY UTILITY EASEMENT BEING 7.5 FEET ON EACH SIDE OF THE AS PRESENTLY INSTALLED UNDERGROUND NATURAL GAS PIPELINE WHERE NOW LOCATED ALONG THE ENTIRE EASTERLY SIDE THEREOF. SAID DESCRIBED ROAD EASEMENT IS ALSO SUBJECT TO EASEMENTS AS SHOWN ON SURVEY JOB No. 15-0430-6 BY PLS-2199, AND IS SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD, IF ANY. SAID DESCRIBED ROAD EASEMENT IS LOCATED AS SHOWN ON SURVEY JOB No. 15-0430-6 BY D. NELSON MACKEY, PLS-2199, AND SAID SURVEY IS INCORPORATED FULLY HEREIN BY REFERENCE.

Ref. Survey  
in Book "V"  
Page 4123,  
Recorder Office,  
CCo., MO.  
D.N.M.



D. Nelson Mackey  
07/06/2015

**City of Ozark Missouri**  
**Department of Planning & Development**



P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

September 23, 2016

**Re: Public Hearing:**

**USE PERMIT #82**

**Proposed Zoning of property: C-2 General Commercial**

**Address of property: 3295 N. State Hwy NN, Ozark, MO**

**Owner: Bittersweet Acres, LLC**

**Applicant: Robert & Robin Lynch**

**Use Permit requested for: Business Office & Light Manufacturing**

Dear Commissioners,

The above request is attached to the Annexation #2016-435 and is a requirement of the C-2 General Commercial Ordinance when a property has a primary use that is accompanied by a supported use. See below

*Conditional Uses.*

1.

Cell towers (see Section **405.500(H)**).

2.

When two (2) or more uses are requested on a parcel of record in a commercial district and the primary use is a permitted use and the secondary use requested is not, a conditional use permit shall be required. The applicant may submit a conditional use application for consideration by the Planning and Zoning Commission for the secondary non-permitted use as long as it is associated with and/or assists in the primary use and the conditional use to be granted complies with all of the applicable provisions of this Chapter. (See Section **405.500.**)

As was explained in the Annexation of the Lynch's property they are expanding their long standing business and will be completing everything in accordance with the City of Ozarks requirements.

If you should have any questions regarding the information above please feel free to contact me at the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,  
Valerie Carr, CFM  
Planning & Zoning Technician

## Public Notice

**3295 N. State Hwy NN, Ozark, MO**

Notice is hereby given to all parties in interest and citizens, that the Ozark Planning & Zoning Commission will hold a Public Meeting on **Monday, September 26, 2016** at **7:00** p.m. and the Board of Alderman will hold a Public Hearing on **Monday October 3, 2016** at **7:00** p.m. both in the Ozark City Council Chambers at the Ozark City Hall, Ozark, Missouri, to consider a Use Permit of all and/or part of the following property.

### **USE PERMIT #82**

**Proposed Zoning of property: C-2 General Commercial**

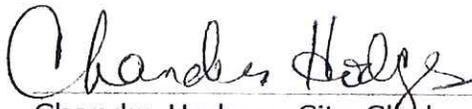
**Address of property: 3295 N. State Hwy NN, Ozark, MO**

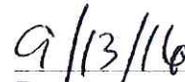
**Owner: Bittersweet Acres, LLC**

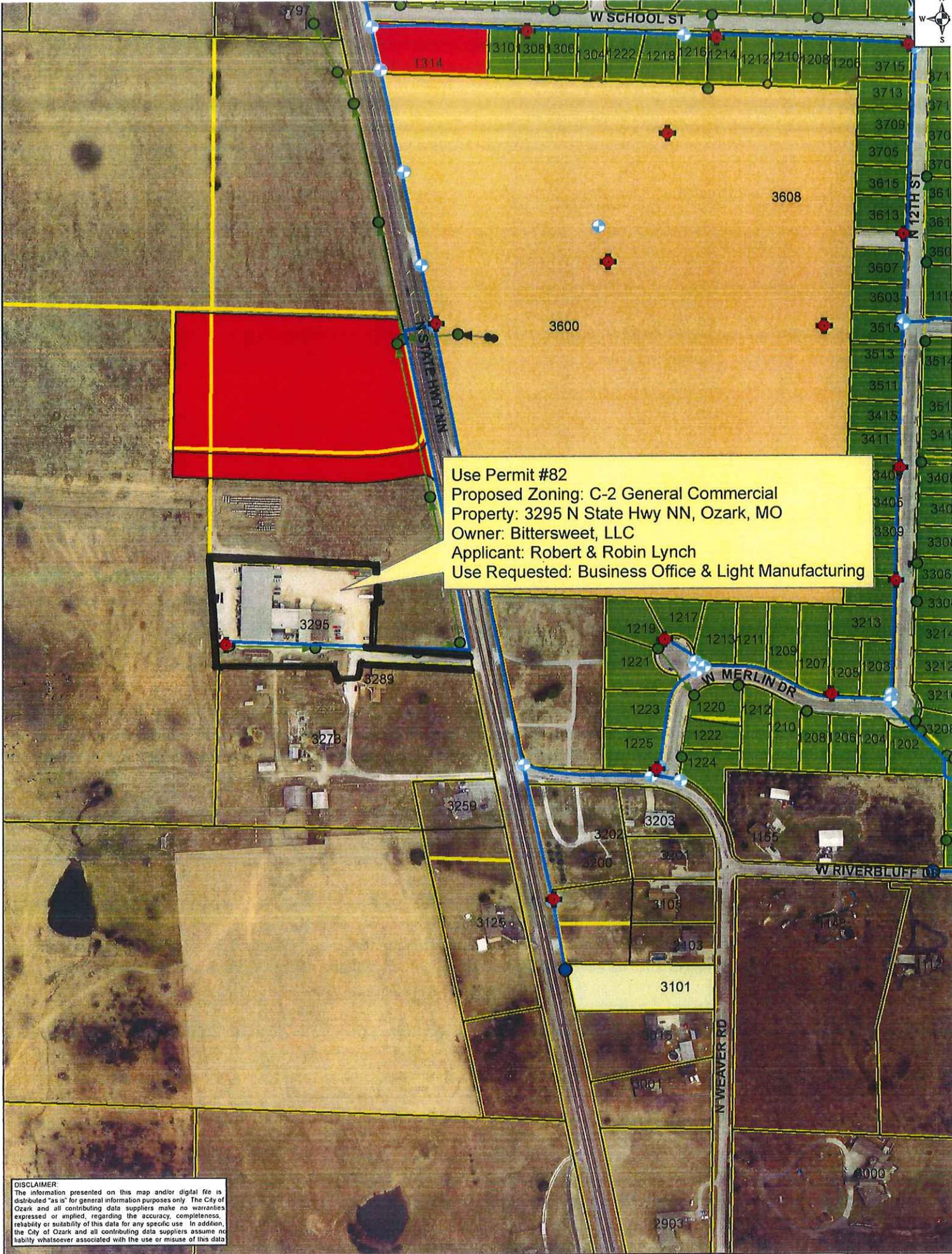
**Applicant: Robert & Robin Lynch**

**Use Permit requested for: Business Office & Light Manufacturing**

At these Public Hearings, any interested person, corporation or political subdivision may present evidence regarding the Code of Ordinances of the City of Ozark, Missouri.

  
Chandra Hodges, City Clerk

  
Date



Use Permit #82  
Proposed Zoning: C-2 General Commercial  
Property: 3295 N State Hwy NN, Ozark, MO  
Owner: Bittersweet, LLC  
Applicant: Robert & Robin Lynch  
Use Requested: Business Office & Light Manufacturing

DISCLAIMER:  
The information presented on this map and/or digital file is distributed "as is" for general information purposes only. The City of Ozark and all contributing data suppliers make no warranties expressed or implied, regarding the accuracy, completeness, reliability or suitability of this data for any specific use. In addition, the City of Ozark and all contributing data suppliers assume no liability whatsoever associated with the use or misuse of this data.

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**USE PERMIT #82**

**Proposed Zoning of property:**

**C-2 General Commercial**

**Address of property:**

**3295 N. State Hwy NN, Ozark, MO**

**Owner: Bittersweet Acres, LLC**

**Applicant: Robert & Robin Lynch**

**Use Permit requested for:**

**Business Office & Light**

**Manufacturing**

At these Public Hearings, any interested person, corporation or political subdivision may present evidence regarding the Code of Ordinances of the City of Ozark, Missouri.

**Chandra Hodges, City Clerk**

*Published in The Daily Events*

9/16, 2016 (F)

# City of Ozark Missouri

## Planning and Development Department

### Application for Conditional Use Permit

#### LOCATION OF PROPERTY

Street Address: 3295 N. State Hwy NW <sup>2029</sup> P.O. Box ~~1760~~  
Subdivision: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
Property Tax Parcel Number: \_\_\_\_\_ Lot Size: \_\_\_\_\_

#### CURRENT USE

Current Zoning: County  
Current use(s): (Conforming or Non-Conforming): Commercial

#### PROPOSED USE

Proposed use(s): Commercial/light mfg. C2

#### SEWAGE DISPOSAL

City of Ozark  
 Septic Tank

#### WATER SUPPLY

City of Ozark  
 Private Well

#### ROAD ACCESS

Road(s) fronting property: Hwy NW

#### IDENTIFICATION

Owner: Robert & Robin Lynne  
Mailing Address: P.O. Box 2029 Ozark, MO 65721  
Telephone: 417-581-8999 Fax Number: 417-485-4224

Robert Lynne  
Signature of Owner

9-12-16  
Date

[Signature]  
Signature of Owner

9-12-14  
Date

Lessee (if applicable) \_\_\_\_\_

Date \_\_\_\_\_

The Applicants shall be responsible for the cost of all third party reviews. This shall include, but not limited to storm water reviews, traffic reviews and etc. The City of Ozark will be the sole determiner of the requirements for these reviews. The City of Ozark will issue and track invoices for these costs.

ATTENDANCE IS REQUIRED AT THE SCHEDULED PLANNING & ZONING MEETING AND CITY COUNCIL MEETING

**City of Ozark Missouri**  
**Department of Planning & Development**



P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

September 23, 2016

**FINAL PLAT**  
**"RIVERWOOD SUBDIVISION"**  
**851 Country Crest, Ozark, MO**  
**Current Zoning: R-1D Single Family 7,000 s.f. min.**  
**Owner: Brannon Powers/ Developer: Jacob Scott**

Dear Commissioners,

Staff has reviewed the application for the Final Plat of the above referenced and has determined that the applicant has currently addressed all the requirements in order to comply with the Final Plat approval:

- See attached documentation supporting this request.

**If you have any questions regarding the information above please feel free to call Valerie Carr at the Planning and Development Department of the City of Ozark at 417-581-2407.**

Respectfully,  
Valerie Carr, CFM  
Planning & Zoning Technician







# City of Ozark

## Planning and Development Department

P.O. Box 295 Ozark, Missouri 65721 \* Fax: 417-581-0353 \* Phone: 417-581-2407 \* [www.ozarkmissouri.org](http://www.ozarkmissouri.org)

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September 22, 2016

Jacob Scott  
7790 E. Farm Road 182  
Rogersville, Missouri 65742

**Re: *Riverwood Subdivision***

Mr. Scott,

This letter is to inform you that the Ozark Public Works Department and the Planning and Development Department have reviewed and completed the inspections on Riverwood Subdivision. Our inspectors have approved and signed off on all the constructed infrastructure. The Final Plat has been placed on the Ozark Planning & Zoning Agenda scheduled for Monday night September the 26<sup>th</sup>. The official planning and zoning commission review is scheduled to begin at 7pm. Please note that the maintenance bond must be in place prior to the meeting in order to ensure an approval recommendation to the Board of Aldermen.

Respectfully,

Jeremy Parsons

A handwritten signature in black ink, appearing to read "Jeremy Parsons", written in a cursive style.

Director of Planning and Development  
City of Ozark, Missouri

**City of Ozark Missouri**  
**Department of Planning & Development**



P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

**HEI**  
**535 W. Battlefield Street**  
**Springfield, MO 65804**

**September 19, 2016**

**RE: Final Plat**  
**"RIVERWOOD SUBDIVISION"**  
**851 Country Crest, Ozark, MO**  
**Current Zoning: R-1D Single Family 7,000 s.f. min.**  
**Owner: Brannon Powers/ Developer: Jacob Scott**

Dear Sirs,

Staff has reviewed the Preliminary Plat of the above referenced property and the following items shall be addressed prior to final approval:

- All Satisfied*
1. Final Plat shall reflect that the maintenance of any area referred to as a detention easement as the responsibility of the land owner.
  2. Final Plat shall reflect the correct gas service provider. (Laclede Gas)
  3. Covenants and Restrictions will be required to have approval from the City Attorney.
  4. See attached letter from the Public Works Department dated September 19, 2016 and Inspection Sheet dated September 19, 2016 that will be required to be completed prior to approval.

If you have any questions regarding the information above please feel free to call the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,  
Valerie Carr, CFM  
Planning & Zoning Technician



# City of Ozark, Missouri

## Department of Public Works

9/19/2016

Ref; Final Plat for Riverwood

The following comments are from the Public Works Department and shall be corrected prior to approval of the site plan.

*Satisfied*  
General; Provide a digital autocad.dwg file on state plane as required per the City of Ozark's Design Standards.

The design and requirements of water, sanitary sewer, storm water, sediment/erosion control, streets and all other infrastructures will be evaluated during the construction drawing reviews. It is the design professional's responsibility to ensure that the site plan will comply with the latest edition of the City of Ozark's Design Standards and Standard Details for Public Improvements. These documents are available under highlighted documents on the City of Ozark's web site at [www.ozarkmissouri.com](http://www.ozarkmissouri.com).

These review comments were conducted for the purpose of ascertaining substantial compliance with the latest City of Ozark's Design Standards for Public Improvements. Any limitation to the scope of comments above in no way releases the submitter from the responsibility for the design to be in compliance with all City of Ozark's Standards and Codes.

Any comments or questions may be addressed to this department.

A handwritten signature in black ink that reads "John W. McCart".

John W. McCart  
Public Works Department  
Engineering and Environmental Resources

**APPROVED** VC

**DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS  
OF  
RIVERWOOD SUBDIVISION**

This Declaration of Restrictions, Covenants and Conditions of Riverwood Subdivision made, on the date hereinafter set forth by Jake Scott Development, LLC hereinafter referred to as "Developer,"

**WITNESSETH:**

**WHEREAS**, Developer is the owner of record of the following described real property, hereinafter called the "Property":

**BEING A PART OF THE SW ¼ OF THE SE ¼ OF SECTION 14,  
TOWNSHIP 27N, RANGE 21W OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN  
CITY OF OZARK, CHRISTIAN COUNTY, MISSOURI**

**WHEREAS**, Developer desires to provide for the development of the Property with open areas and single-family homes, and to provide for the maintenance, improvement and administration of the community and the preservation of the values and amenities of the Property, and

**WHEREAS**, subsequent to the recording of this Declaration, an unincorporated Riverwood Subdivision Owner's Association which will be comprised of the Developer and Owners, as defined below, for the general purposes of administering and enforcing the covenants and restrictions; and collecting and disbursing the assessments as provided for in this Declaration.

**NOW, THEREFORE**, Developer does hereby declare that the Property shall be subject to the restrictions, covenants and conditions, easements and charges, hereinafter set forth, which shall run with the land and be binding on all present and future owners, and shall inure to the benefit of each owners of the land included in the Property.

## ARTICLE I DEFINITIONS

As used in this Declaration:

- (a) “Association” shall mean and refer to Riverwood Subdivision Owners Association, Inc., its successors and assigns.
- (b) “Board” shall mean the Board of Directors of the Association.
- (c) “Builder” shall mean any builder, contractor, investor or other person or entity, other than Developer, who purchases a Lot in the Property for the purpose of resale thereof to a Public Purchaser; or for the purpose of constructing improvements thereon for resale to a Public Purchaser.
- (d) “Declaration” shall mean the restrictions, covenants and conditions and all other provisions set forth in this entire document, as the same may from time to time be amended, together with any and all Supplemental Declarations which may be recorded by Developer, as said Supplemental Declarations may be amended from time to time relating to all or part of the Property.
- (e) “Developer” shall mean Jake Scott Development, LLC and/or any entity designated by such entity as its successor or assign.
- (f) “Lot” shall mean any parcel of real property designated as a lot on any recorded Subdivision Plan within the Property or any additions thereto.
- (g) “Owner(s)” shall mean the record owner, whether one or more persons or entities, of a fee or undivided interest in any Lot. The foregoing does not include any persons or entities who hold an interest in any Lot merely as security for the performance of an obligation. Except as stated otherwise in this Declaration, the term “Owner” shall not include a lessee or tenant.
- (h) “Property” or “Properties” shall mean and refer to the property described above.
- (i) “Public Purchaser” shall mean the first person or other legal entity, other than the Developer or a Builder, who becomes an owner of any Lot.
- (j) “Rules” shall mean and refer to those rules and regulations as passed and promulgated by the Association, or the Board acting on behalf thereof, under the authority granted by this Declaration, Articles of Incorporation or Bylaws.
- (k) “Single Family Residence” shall mean a permanent immobile dwelling occupied by not more than one family; said term shall include a structure commonly referred

to as a patio home, but a single lot may contain only one patio home and each patio home must be occupied by not more than one family.

- (l) “Subdivision Plat” shall mean a recorded plat covering any or all of the Property referred to in this Declaration.
- (m) “Visible From Neighboring Property” shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed.

## **ARTICLE II PROPERTY RIGHTS**

Section 1: Owner’s Easements of Enjoyment. Every Owner shall have a right and easement of enjoyment in and to the Lot owned by the Owner which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) Every Owner, Builder or Public Purchaser hereby grants and conveys to the Association, and acknowledges the right of the Association to suspend any Owner’s voting rights for a period not to exceed ninety (90) days for any infraction of this Declaration, Bylaws of the Association or any Rules which may be imposed by the Association;

(b) Every Owner, Builder or Public Purchaser hereby grants and conveys to the Association, and acknowledges the right of the Association to promulgate and enforce the Rules in connection with the Property.

## **ARTICLE III PROPERTY SUBJECT TO THE RESTRICTIONS**

Developer will develop the Property in phases, by subdivision, into various Lots. Developer may supplement or modify this Declaration with such additional restrictions, covenants and conditions as may be appropriate. Developer’s sale and conveyance of Lots to Builders and to Public Purchasers is subject to this Declaration. Developer hereby declares that all of the Property is and shall be held, conveyed, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration. This Declaration is in furtherance of a general plan for the subdivision, improvement and sale of the Property and is established for the purpose of enhancing and perfecting the value, desirability, and attractiveness of the Property and every part thereof. All of this Declaration shall run with all of the Property for all purposes and shall be binding upon and inure to the benefit of Developer, the Association, all Builders and all Owners and their successors in interest.

**ARTICLE IV  
RIVERWOOD SUBDIVISION OWNERS ASSOCIATION, INC.**

Section 1: Organization.

(a) The Association will be a an unincorporated organization existing under the laws of the State of Missouri, charged with the duties and invested with the powers prescribed by law and set forth in the Articles of Incorporation, Bylaws, and this Declaration. Neither the Articles nor Bylaws shall, for any reason, be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration.

(b) The affairs of the Association shall be conducted by a Board of Directors and such officers as the Directors may elect or appoint, in accordance with the Articles and the Bylaws.

(c) Developer or its successors, assigns, agents or appointees, shall serve as the initial Board of Directors of the Association, and shall serve as the Board until such time as ninety-eight percent (98%) of the Lots of the Property are sold by Developer and developed with new home construction in accordance with this Declaration. After such sale and development has occurred, the Members shall, by majority vote, appoint the successor Board of Directors in accordance with the Bylaws. Until such successor Board is appointed, the Developer shall retain all of the powers and rights provided to the Board as set forth herein.

Section 2: Powers and Duties of the Association. The Association shall have such rights, powers and duties as set forth in the Articles and Bylaws.

Section 3: Rules. By a majority vote of the Board, the Association may, from time to time and subject to the provisions of this Declaration, adopt, amend, and repeal Rules governing the use of any Common Area by any Owner, by the family of such Owner, or by any invitee, licensee or lessee of such owner; provided, however, that such Rules may not discriminate among owners and shall not be inconsistent with this Declaration, the Articles or Bylaws. A copy of such Rules as they may from time to time be adopted, amended or repealed, shall be made available to each Owner, at said Owner's request. Upon promulgation, said Rules shall have the same force and effect as if they were set forth in and were part of this Declaration.

Section 4: Personal Liability. No member of the Board of Directors or any committee of the Association, or any officers of the Association shall be personally liable to any Owners, or to any third party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or negligence of the Association, the Board, or any other representative or employee of the Association, or the Architectural Committee, or any other committee, or any officer of the Association, provided that such person has, upon the basis of such information as may be possessed by such person, acted in good faith, without willful or intentional misconduct.

**ARTICLE V  
MEMBERSHIP AND VOTING RIGHTS**

Section 1. Membership. Every Owner of a lot, either a fee or undivided interest, shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

Section 2. Voting Rights. Members of the Association shall have voting rights as set forth in the Articles of Incorporation and Bylaws; however, members shall have no rights to manage the business affairs of the Association. The management of the Association is vested entirely in the Board of Directors as set forth in the Articles of Incorporation and Bylaws.

**ARTICLE VI  
ARCHITECTURAL CONTROL**

Section 1. Review by the Committee. No structure, residence, accessory building, tennis court, swimming pool, fence, mailbox, wall, lot drainage works, exterior area lighting or other improvements shall be constructed or maintained by any Lot, and no alteration to the exterior of a structure shall be undertaken, unless complete plans, specifications and plot plans therefore showing the exterior design, height, building material and color scheme thereof, the location of the structure on the Lot plotted horizontally and vertically, the location, type and number of trees and plants to be planted, the existing trees to be removed to accommodate the structure, and the location of driveways and fencing, shall have been submitted to and approved in writing by the Architectural Committee. It is the desire of the Architectural Committee to have a minimal number of existing trees removed to accommodate the structure. A copy of such plans, specifications and plot plans as finally approved shall be kept by the Architectural Committee. Notwithstanding anything to the contrary in this paragraph, any Owner shall have the right to make such improvements, alterations, and additions to the yard or landscaping as they deem appropriate without the need of approval by the Committee. Notwithstanding anything to the contrary, no yard or landscaping may be comprised of less than 60% grass or other vegetation without approval by the Architectural Committee.

Section 2. Duties. The Architectural Committee shall exercise its best judgment to see that all improvements, construction, and alterations on the properties conform and harmonize with the existing surroundings and structures.

Section 3. Procedures.

(a) The Architectural Committee shall approve or disapprove all plans and requests within thirty (30) days after receipt by the Committee.

(b) The Architectural Committee shall maintain written records of all applications submitted to it and of all actions taken. Plans and specifications shall be retained by the Committee for at least one (1) year and other records and minutes of the Committee actions shall be kept for at least four (4) years.

(c) A majority vote of the Architectural shall be necessary for approval of any request.

Section 4. Members of Committee. The Architectural Committee shall initially consist of the Developer. The Developer will remain the sole member of the Architectural Committee until a new Board as described in Article IV is appointed, at which time the Architectural Committee shall consist of at least two (2) persons appointed by the Board of Directors of the Association. Members of the Committee are not required to be Owners.

Section 5. Liability of Committee. The Architectural Committee shall not be liable in damages to any person submitting a request for approval, or to any Owner or Builder by reason of any action, failure to act, approval or disapproval, or failure to approve or disapprove any such request, and Owner, Builder, or Public Purchaser hereby waives any claim against the Board of Directors, the Association, or the Architectural Committee for lost profits, lost sales, all consequential and incidental damages, punitive damages, liquidated damages or any other equitable or legal remedy, and releases such parties therefrom.

## **ARTICLE VII USE AND BUILDING RESTRICTIONS APPLICABLE TO SINGLE FAMILY RESIDENCES**

The following restrictions are imposed upon each Lot for the benefit of all Owners, Builders and the Developer.

Section 1. Single Family Residential Use. Except as provided for herein for the Developer's sales or administrative offices, and except the Common Area, every Lot shall be used, improved and devoted exclusively as a Single Family Residence and no gainful occupation, profession, trade, or other nonresidential use shall be conducted on any such Lot. Nothing herein shall be deemed to prevent the leasing of any such dwelling from time to time by the owner thereof, subject to all of the provisions of this Declaration. No structure whatsoever, including any permanent, temporary or mobile outbuilding of any sort, shall be erected, placed or permitted to remain on any Lot except a Single Family Residence.

No residence or garage shall be erected, placed or permitted to remain on any Lot except one detached one-Family dwelling and one attached or detached garage. Both of which are subject to review and approval by the Architectural Committee as described below.

Section 2. Animals. No animals, fowl, or livestock, other than a reasonable number of generally recognized in-door house pets, shall be maintained on the Property, and then only if they are kept solely as domestic pets and not for commercial purposes. No animal shall be allowed to make an unreasonable amount of noise, or to become a nuisance. No Owner shall own and keep any pet that is recognized by the Association as solely an out-door pet. No dog house, structure, pen, or animal containment contraption of any sort, used for the care, housing or confinement of any animal shall be constructed or maintained without the consent of the Architectural Committee.

No animal shall be chained, tethered, or tied in any back yard of any lot. Invisible electronic fences are allowed.

Upon the written request of any Owner, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purpose of this paragraph, a particular animal is a generally recognized house pet, or a nuisance, or whether the number of animals on any such property is reasonable. Any decision rendered by the Board shall be enforceable as other restrictions contained herein. Pets shall not be allowed loose or unsupervised on any part of the Property, and walking of pets shall be allowed only on such portions of the Property as the Board may prescribe by its Rules, and all pets must be on a leash at all times while they are walked on the Property on any area outside of a back year.

Section 3. Antennas. No antenna or other device for the transmission or reception of electronic signals shall be erected, used or maintained outdoors on any Lot unless approved by the Architectural Committee. TV antennas shall be erected as inconspicuously as possible and no such TV antennas shall extend more than six (6) feet above the ridge of the roof of the particular dwelling unit upon which the antenna is located; provided, however, the Architectural Committee shall have the authority to award variances with respect to the foregoing prohibition. Any satellite dish shall not be bigger than two (2) feet in diameter and must not be visible to anyone from any place in front of any Lot.

Section 4. Improvements and Alterations. No building, fence, wall, residence or other structure shall be commenced, erected, improved, or structurally altered without the prior written approval of the Architectural Committee. The exterior surface of a patio court or Single Family Residence shall not be painted or changed in any manner without the prior written approval of the Architectural Committee.

Section 5. Temporary Occupancy. No trailer, incomplete building, tent, shack or garage, and no temporary building or structure of any kind shall be used at any time for a residence on any part of the Property. Temporary buildings or structures used during the construction of a dwelling on any such property shall be removed immediately after the completion of construction; provided, however, that the Developer shall have the continuing right to maintain sales or administrative offices in mobile trailers or other structure on any Lot or Common Area until all available Lots of the Property, or any Lots of any additional development by Developer which adjoins or abuts the Property, remain for sale by Developer, and neither the Association, nor any Owner nor any Builder shall have standing to object to the maintenance or location of such office. Any such temporary office shall be approved in writing by the Association, in its sole discretion.

Section 6. Trailers and Motor Vehicles. No mobile or motor home, trailer of any kind (except those owned by Developer and used as sales or administrative offices), truck (larger than  $\frac{3}{4}$  ton), camper, boat, Jet-ski (or other motorized water craft), lawn-mower, mobile vehicle of any sort, tool, machine, equipment or permanent tent or similar structure shall be kept, placed, maintained, constructed, reconstructed or repaired, nor shall any motor vehicle be constructed, reconstructed or repaired, upon any property or street (public or private) within the Property in such a manner as will be visible from Neighboring Property; provided, however, that the provisions of this paragraph shall not apply to emergency vehicle repairs which in any event shall

not last more than five (5) days. Additionally, there shall be no long-term parking (greater than one (1) week) of any vehicle, truck, trailer, mobile-home, motor-home, camper or other mobile vehicle or machine on any property or street of the Property. Nothing in this paragraph shall apply to Developer's sales or administrative offices, or temporary construction shelters or facilities maintained during and used exclusively in connection with the construction of any improvement approved by the Architectural Committee, and such offices and facilities shall be allowed to remain on the Property for such reasonable time as limited by the rights of the Association as set forth in this Declaration.

Section 7. Motor Vehicles-Excessive Noise. If the Board determines that any motor vehicle is creating loud or annoying noises by virtue of its operation within the Property, such determination shall be conclusive and final that the operation of such motor vehicle is a nuisance and said operation, upon notice by the Board to the owner or operator thereof, shall be prohibited within the Property.

Section 8. Maintenance of Lawns and Plantings.

(a) The front yard of all Lots must be sodded as soon as practical after construction is finished, and seeding, hydro-mulch, or similar attempt at establishing original grass growth are allowed only on the side (from the location of the front wall of the dwelling and back) and back yards. Each Owner of a Lot shall keep all shrubs, trees, grass and plantings, including the area located between the boundary line of his property and the street on which said owner's property abuts, neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material, and shall seed and maintain the lawn in appropriate and acceptable manner in order to preserve the aesthetic quality of the Property and to control erosion. No Owner shall allow ruts or ditches to become visible because of erosion. In the event that any Owner fails to maintain his lawn or plantings as provided herein, the Association, or its agents, may enter upon said Lot and may do so, and the Owner shall reimburse the Association for its costs, upon demand. The Association may enforce collection of same in the same manner as if such costs were an assessment and shall have all powers and rights to so collect as set forth in this Declaration.

The Owner of Lot 7, as defined in the replatted subdivision, shall be responsible for maintaining the retention pond located immediately to the north. Maintenance shall include keeping the area neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material

(b) The Association and its agents shall have the right at any time to plant, replace, maintain, and cultivate shrubs, trees, grass and plantings on the Common Area, and on any easements of record on the Property. The Association or its authorized agents shall not be liable for trespass, for so doing.

(c) And any and all gardens must be approved by the Association.

Section 9. Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors shall be permitted to arise therefrom so as to render any such Lot or any portion thereof unsanitary, unsightly, offensive to any of the five

human senses, or detrimental to any other Lot in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices except security devices used exclusively for security purposes, shall be located, used or placed on any such property. The Board in its sole discretion shall have the right to determine the existence of any such nuisance and for the purposes of this Declaration such determination shall be conclusive.

Section 10. Repair of Buildings. No building, structure or fence upon any Lot shall be permitted to fall into disrepair, and each such building, structure or fence shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

Section 11. Trash Containers and Collection. No garbage or trash shall be placed or kept on any property within the Property except in covered containers of a standard type. In no event shall such containers be maintained in any other place except the inside of the garage or behind the dwelling, except to make the same available for collection, and then only for the shortest time reasonably necessary to effect such collection. All rubbish, trash and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot and no burning in the open will be permitted.

All Owners must keep their Lot, and the street in front of their Lot, free of trash, debris, junk, and refuse or material of any sort, before, during and after construction of a dwelling on any Lot.

Section 12. Encroachments. No tree, shrub or planting of any kind on any Lot shall be allowed to overhang or otherwise encroach upon any sidewalk, street, pedestrian way or other area from ground level to a height of eight (8) feet without the prior approval of the Architectural Committee.

Section 13. Machinery and Equipment. No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot except such machinery or equipment as is usual and customary in connection with the use, maintenance or construction of the improvements on such Lot, and except that which Developer or the Association require for the operation and maintenance of the Common Area.

Section 14. Restriction on Further Subdivision. No Lot shall be further subdivided or separated into smaller lots or parcels by any Owner, and no portion less than all of any such Lot, nor any easement or other interest therein, shall be conveyed or transferred by an Owner without the prior written approval of the Board. This provision shall not in any way limit Developer from subdividing or separating into smaller lots or parcels of any property owned by Developer. Moreover, this provision shall not prevent conveyances which combine common ownership Lots or parts of Lots in such a manner that each of the parcels of land thereby resulting has an area the same or greater than the area of any of the Lots from which the new Lots were created. Such newly created parcel thereafter shall be considered as one Lot except as provided herein, however, subject to this Declaration, an Owner of each Lot as originally shown on the plat shall be entitled to that number of votes and shall be, subject to assessments attributable to each full Lot owned as

originally shown on the plat. No portion of a Lot less than the entire Lot, together with improvements thereon, may be rented, and then only to a single family.

Section 15. Signs. No sign of any kind shall be displayed to the public view of any Lot except:

- (a) One sign of not more than five (5) square feet advertising the property for sale or rent;
- (b) Signs used by a builder to advertise the property during the construction and sales period;
- (c) Signs of any shape, size and location as the Developer deems necessary for security control and to advertise the project;
- (d) One sign, not to exceed one (1) square foot in size, which may contain the name or names of the owner or Owners and/or the dwelling unit number;
- (e) Signs designating names of the streets within the Property in such shape, size and location as the Developer deems necessary and such signs shall be maintained by the Association if not done so by the City of Ozark or Christian County, Missouri.

Section 16. Dwelling Size and Materials Used. The Architectural Committee shall exercise its best judgment to see that all structures conform as to size and harmonize with the existing surroundings and structures, but that each house shall have at a minimum 1,750 square foot of living and garage area. The front of any dwelling shall be at least seventy-five percent (75%) brick and/or stone, and the sides must be one hundred percent (100%) brick or stone. No vinyl or aluminum siding shall be allowed on any portion of the Dwelling.

Section 17. Building Location and Time to Construct.

- (a) No building shall be located nearer to any lot line than the minimum set back line shown on any recorded Subdivision Plat.
- (b) The building location must be approved by the Architectural Committee.
- (c) Construction of a home must commence within one (1) year of the date of purchase of any Lot.

Section 18. Fences.

- (a) Fences are not encouraged, but properly constructed and installed fences may be approved for construction by the Architectural Committee upon submission of plans and

specifications. Any approval of any fence must be provided in writing to the Owner or Builder by the Architectural Committee before construction of any fence may begin.

(b) Any fence must be constructed of wood or wrought-iron. No chain-link fences are permitted.

(c) Privacy fences may not exceed seventy-two (72) inches in height.

(d) No fences in the Property shall extend more than ten (10) feet from the rear wall of the house on each side to the front wall of the house on each side. Supporting structures on all fences shall be placed on the side of the fence facing the property of the owner building the fence, and all such supporting structures must be approved in writing by the Architectural Committee.

(e) No fence or hedge shall be permitted between the front wall of the structure and the adjoining street or across the front yard.

(f) On Lots where the Architectural Committee has approved a swimming pool, and a city or county ordinance requires a fence that exceeds 72 inches in height, the height required by the city or county ordinance shall govern, and the height restriction in this article shall not apply. Notwithstanding the change in height caused by the city or county, the fence shall be subject to all other requirements and approvals herein.

#### Section 19. Disturbance of Adjacent Lots during Construction.

(a) Any Builder or Owner shall have the right to move, alter and disturb any fence located between their property and other adjacent or abutting Owner's property or Lot on the Property during a reasonable construction period, such period being approved and governed by the Board, so long as such Builder or Owner disturbing such property or Lot shall be obligated to repair such disturbance to the extent that it was damaged, and return any property to the same condition as it was prior to such disturbance.

(b) Any Builder or Owner shall have the right to cause disturbance of any adjacent, abutting or adjoining property or Lot of the Property for a reasonable time period during any construction of any Single Family Residence on any Lot, so long as such Builder or Owner disturbing such property or Lot shall be obligated to repair such disturbance to the extent that it was damaged, and return any property to the same condition as it was prior to such disturbance.

Section 20. Improvements. Upon the conveyance by the Developer of any Lot, a Public Purchaser or Builder shall within one (1) year from the date hereof commence construction of improvements and completion of said improvements shall be within one (1) year after commencement thereof; and for failure of a Public Purchaser or Builder to comply with said requirements, or any of them, the Developer shall have the option to repurchase said Lot for a sum equal to the original purchase price at the time of sale by said Developer.

Section 21. Basketball Goals. No basketball goal(s) shall be attached to the front of any dwelling or garage, nor shall any portable basketball goal(s) be visible from the street. An Owner can build or erect a quality permanent outdoor basketball goal upon approval of plans and materials used by the Architectural Committee.

Section 22. Outside Lighting. Spotlights, floodlights, or similar type high intensity lighting shall be designed, located and constructed so as to eliminate or significantly reduce glare on adjoining residences, and the Architectural Committee may direct that such lighting be redesigned or eliminated if it determines such to be advisable, other types of low intensity lighting which do not disturb the Owners or occupants of other Lots may be allowed.

Section 23. Mailboxes. All mailboxes shall be constructed by the Developer pursuant to the instruction and design of the Architectural Committee. All mailboxes shall be maintained by the Association at Owner's expense.

Section 24. Roofs. All roofs will be of asphalt or fiberglass, and with a pitch of at least 6/12 or better. Any other roof surface or pitch must be approved by the Architectural Committee.

Section 25. Exterior Structure. The exterior of each structure shall be maintenance free and pre-approved by the Architectural Committee.

Section 26. Repairs and Rebuilding. In the event of neglect, fire, windstorm, any act of God, or other cause that inflicts damage to any house or structure located on the Property, leaving it, in the Association's sole discretion, unsightly and/or in need of repair, such damage shall be repaired, remodeled, rebuilt or completely removed within a reasonable time, but actual construction must commence within six (6) months after said damage. If the clean-up and repair have not begun, and have not been substantially completed within sixty (60) days after written notice from the Association demanding such repair, or if new construction has not commenced within six (6) months after said damage, the Association shall have the right to enter the Lot and make sure repairs necessary to correct any problems. All costs and expenses of such repair incurred by the Association shall be paid by the Owner or Builder, and a lien for such costs and expenses of repair and collection, including a reasonable attorneys' fee, shall be placed upon the Lot as set forth herein. Additionally, any costs, expenses and attorney fees incurred by any party, arising out of the Association's entrance on the land to make such repairs, shall be paid by the prevailing party in such dispute.

Section 27: Common Area. Although Builders are also owners, the recreation facilities in the Common Area are not for Builders' use, or their family's use, unless they live in the Property.

Section 28. Exclusive Right to Furnish Utilities. The Utility Company(s) shall be from time to time chosen by the Association, and every Owner or Builder shall be obligated to consult with the Association in order to choose the services of the selected Utility Company(s). If the Association changes such Utility Company(s), then the Association must notify all Owners and Builders of such change, in writing, and depositing such notice in the U.S. Mail with proper postage pre-paid shall constitute such notice.

Section 29. Tree-houses, Swing-sets and Playground Equipment. No Owner or Builder shall construct, or allow to be constructed on any Lot, a house or other structure in any tree located on the Lot, without prior approval by the Association. All swing sets and playground equipment of any sort must be approved in writing by the Architectural Committee, and the Committee has the right to prevent any such equipment to be placed on any lot, if in its sole discretion, such equipment will adversely affect the aesthetic quality and character of the Property. No trampolines are allowed on the Property except at the discretion of the Architectural Committee.

Section 30. Above Ground Items. No Owner or Builder shall allow any water pipes, cables, sewer pipes, telephone lines, television cables, gas pipes, or drainage pipes above the surface of the ground.

Section 31. MISCELLANEOUS ITEMS.

- No fuel tanks above or below the ground on any Lot or in any part of the Property.
- No structure of temporary character and no trailer, tent, shack, playhouse shed or other structure which is not a part of the main dwelling.
- No signs or advertising devices other than a "for sale sign."
- No structure or planting shall be allowed on the Property in any lot that could interfere with the installation or maintenance of utilities, or which may be disturb the flow of drainage.
- The garage door to all houses shall be closed at night, from 12:00 am until 6:00 am.
- No above ground swimming pools or hot tubs allowed or placed on any lot. Hot tubs may be built into decks or patios, but only after approval of the Architectural Committee. The plans for any permanent cement pools must be approved by the Architectural Committee.
- The Developers shall have the right to build a model home or homes on the Property and to have a sales office inside such home(s) as it is deemed necessary, in the Developer's discretion, for the development of sales. The Developers shall also have the right to advertise sales with signage on such Lot(s). The Developers shall not be liable for any cost or assessment to the Association as herein provided.

Section 32. Remedies. In the event that an Owner (or guest, invitee, licensee, tenant, lessee, family member, agent or employee thereof) shall violate, or permit to be violated, any of the provisions set forth in this Declaration, the Board shall cause to be delivered to said Owner a written Notice of Violation, which shall set forth the nature of the alleged violation and shall request that the violation be voluntarily terminated and remedied within a reasonable time from the mailing date of said Notice.

If the violation has not been voluntarily terminated and remedied by the Owner after a reasonable time has lapsed from the date of said Notice, the Board shall have the authority granted to the Board by each Owner to pursue and effect any and all procedures which may be calculated as reasonably necessary to remove and/or terminate the cause of said violation. This authority shall include, but shall not be limited to, the power to employ laborers to enter upon the premises of said owner for the purpose of removing and/or terminating the cause of said violation. If, by virtue of the exercise of the authority granted herein, the Board shall incur expenses in connection with

the process of removing and/or terminating said violation, the collection of said expenses so incurred may be effected in the manner provided in this Declaration for the collection and enforcement of assessments.

For purposes of administering this Section, the determination of whether a violation has been, or is being committed and the determination of what time period constitutes a “reasonable time” allowable for voluntary termination of the same, shall be made by the Board after taking into consideration the facts and circumstances surrounding the particular violation, the situation, condition or occurrence.

## **ARTICLE VIII GENERAL PROVISIONS**

Section 1. Enforcement. The Association or any Owner shall have the right to enforce, by any proceeding at law or in equity including but not limited to specific performance, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. The violating Owner, Builder or Public Purchaser shall be obligated to pay all expenses and costs, including expert fees, incurred by the Association or any Owner in connection with such legal proceeding, including, but not limited to attorneys’ fees, and the collection of said expenses so incurred may be effected in the manner provided in this Declaration for the collection and enforcement of assessments. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

### Section 3. Amendment.

(a) The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty (30) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years unless otherwise amended as herein provided.

(b) This Declaration may be amended in whole or in part at any time within five (5) years from the date of recordation of same by an instrument in writing executed by Developer, its successors or assigns.

(c) This Declaration may be amended at the end of the above-mentioned five-year period by an instrument in writing executed by the Association, with the approval of a majority of the votes of the Board.

(d) No amendment shall be effective until it is recorded in the Recorder’s Office of the county in which the Property is located.

Section 4. Violations and Nuisances. Every act or omission whereby any provision of this Declaration is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action, by Developer, the Association, or any Owner or owners of Lots. However, any other provision to the contrary notwithstanding, only Developer, the Association, the Board, or the duly authorized agents of any of them, may enforce by self-help any of the provisions of this Declaration.

Section 5. Violation of Law. Any violation of any state, county, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any property within the Property is hereby declared to be a violation of this Declaration and subject to any or all of the enforcement procedures set forth in this Declaration.

Section 6. Remedies Cumulative. Each remedy provided by this Declaration is cumulative and not exclusive.

Section 7. Delivery of Notices and Documents. Any written notice or other documents relating to or required by this Declaration may be delivered either personally or by mail. If by mail, it shall be deemed to have been delivered the day after a copy of same has been deposited in the United States Mail, postage pre-paid, addressed as follows:

(a) If to the Association or the Architectural Committee, to Jake Scott, at \_\_\_\_\_, \_\_\_\_\_, Missouri \_\_\_\_\_.

(b) If to an Owner or Builder, to the address of any Lot owned, in whole or in part, by him or to any other address last furnished by an Owner to the Association.

(c) If to Developer, to Jake Scott, at the address set forth above.

Provided, however, that any such address may be changed at any time by the party concerned by furnishing a written notice of change of address to the Association, which shall be distributed in writing to all Owners and Builders. Each Owner of a Lot shall file the correct mailing address of such owner with the Association, and shall promptly notify the Association in writing of any subsequent change of address.

Section 8. The Declaration. By acceptance of a deed or by acquiring any ownership interest in any of the Lots in the Property, each person or entity binds himself, his heirs, personal representatives, successors, transferees and assigns to the covenants, conditions, rules and regulations now or hereafter imposed by this Declaration, and any amendments thereto.

**IN WITNESS WHEREOF**, the undersigned has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

JAKE SCOTT DEVELOPMENT, LLC

\_\_\_\_\_  
By: Jake Scott, Managing Member

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared Jake Scott to me known to be the person described in and who executed the foregoing instrument, acknowledged that he executed the same as his free act or deed, and acknowledged that he is executing this document as managing member of Jake Scott Development, LLC with the full actual authority of such Company.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

My Commission Expires:



# Heithaus Engineering & Associates, Inc.

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535 W. Battlefield Rd. Springfield, MO 65807  
(417) 887-3238 Fax (417) 887-1940

E-mail: HEI@heiweb.com  
www.heiweb.com

## Riverwood Subdivision

City of Ozark, Missouri

File No. 216001

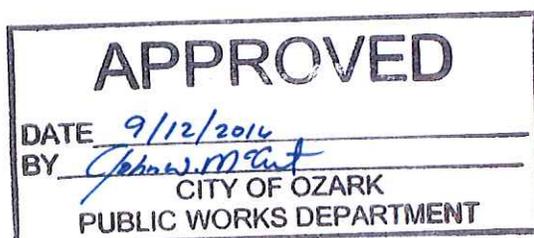
Date: September 2, 2016

## Schedule of Values

Item	Contractor/Supplier	Comments	Summary of Bids
<b>Earthwork, Sewer, Water, Storm &amp; Detention</b>			
	K & B Equipment	See invoice =	\$50,000.00
		Less 20% = Earthwork =	-\$10,000.00
<b>Materials</b>			
	Harry Cooper Supply Co.	See quote =	\$23,788.00
<b>Concrete Curb &amp; Gutter, Asphalt Pavement</b>			
	Journegan	See proposal =	\$61,241.00
<b>Sidewalk with Accessible Ramps</b>			
	Tiny's Concrete	594 LF \$11.00	\$6,534.00

Total Material, Installation and Construction Costs : \$131,563.00

**Maintenance Bond or Irrevocable Letter of Credit 20% = \$26,312.60**





**HARRY COOPER SUPPLY**  
**605 N SHERMAN PARKWAY**  
**SPRINGFIELD, MO 65802-3656**  
**417-865-8392 Fax 417-873-9145**

**This Is Not An Order**  
**Quotation Only**

QUOTE DATE	QUOTE NUMBER
04/14/16	S3966956
ORDER TO: HARRY COOPER SUPPLY 605 N SHERMAN PARKWAY SPRINGFIELD, MO 65802-3656 417-865-8392 FAX 417-873-9145	PAGE NO.  1

QUOTE TO:  
**JACOB SCOTT**  
  
 SPRINGFIELD, MO 65803

SHIP TO:  
**JACOB SCOTT**  
  
 SPRINGFIELD, MO 65803

JOB BID:

REQUIRED DATE	CUSTOMER ORDER NUMBER	WRITTEN BY	SALESPERSON	
04/14/16	RIVERWOOD UPDATE 2	Michael D Totten	Mark Burk	
ORDER QTY	PART NO	DESCRIPTION	UNIT PRICE	NET AMOUNT
		<b>LOOPED WATER LINE</b>		
1140ft	8685	8 SDR-21 CL200 GASKETED PVC 20 FT LENGTHS	463.53/c	5284.24
18ft	8515	CLOW 8X18 CL 50 DUCTILE SLIP JOINT WATERMAIN	2049.45/c	368.90
1500ft	4758350	EGWUTILI 22068/APCS-1201 12AWG PE-30 HDPE BLUE SOLID COPPER CLAD STEEL TRACER WIRE 500FT ROOL	104.40/M	156.60
1ea	8688	HERCULES 40-506 1 GALLON/8 LBS. DUCK BUTTER-PIPE JOINT LUBRICANT	11.18/ea	11.18
3ea	4781357	MU-CO A2361-23 8IN MECHANICAL JOINT GATE VALVE OPEN LEFT L/ACC 080A236123LN	888.59/ea	2665.77
3ea	3657011	STARPIPE VB562S 27-37IN SCREW TYPE VALVE BOX COMPLETE	42.86/ea	128.58
1ea	3655602	STARPIPE MJB2208 8IN MJ 1/16 BEND LESS ACCESSORIES	58.46/ea	58.46
1ea	3655596	STARPIPE MJB9008 8IN MJ 1/4 BEND LESS ACCESSORIES	73.49/ea	73.49
2ea	3655606	STARPIPE MJT0808 8IN MJ TEE LESS ACCESSORIES	118.49/ea	236.98
1ea	3655579	STARPIPE MJSL08 8X12IN MJ SOLID SLEEVE LESS ACCESSORIES	80.65/ea	80.65
10ea	3655599	STARPIPE MJB4508 8IN MJ 1/8 BEND LESS ACCESSORIES	66.00/ea	660.00
1ea	3655622	STARPIPE MJC08 8IN MJ CAP LESS ACCESSORIES	36.04/ea	36.04
2ea	8654	FORDMETE UFR1400D-8-U MECHANICAL JOINT RETAINER GLAND FOR DUCTILE IRON PIPE	32.27/ea	64.54
37ea	4615034	FORDMETE UFR1500-8-U MJ RETAINER GLAND JOINT RESTRAINT FOR C-900 PVC & I.P.S. PVC	39.57/ea	1464.09
*** Continued on Next Page ***				

**HARRY COOPER SUPPLY**  
**605 N SHERMAN PARKWAY**  
**SPRINGFIELD, MO 65802-3656**  
**417-865-8392 Fax 417-873-9145**

**This Is Not An Order**  
**Quotation Only**

QUOTE DATE	QUOTE NUMBER
04/14/16	S3966956
ORDER TO: HARRY COOPER SUPPLY 605 N SHERMAN PARKWAY SPRINGFIELD, MO 65802-3656 417-865-8392 Fax 417-873-9145	PAGE NO.  2

QUOTE TO:  
**JACOB SCOTT**  
 .  
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 .  
 SPRINGFIELD, MO 65803

JOB BID:

REQUIRED DATE	CUSTOMER ORDER NUMBER	WRITTEN BY	SALESPERSON	
04/14/16	RIVERWOOD UPDATE 2	Michael D Totten	Mark Burk	
ORDER QTY	PART NO	DESCRIPTION	UNIT PRICE	NET AMOUNT
234ea	3655569	STARPIPE BOLTC35 BB 3/4X3.5IN MJ T HEAD BOLT & NUT	0.99/ea	231.66
39ea	3655562	STARPIPE MJGAST08 8IN MJ TRANSITION GASKET	4.51/ea	175.89
500ft	4792419	<b>WATER SERVICE</b> ADSDRAIN X4-75250500 3/4X500 SDR9 CTS 250PSI D2737 BLUE FLEXIBLE WATER TUBING (19720)	18.35/c	91.75
14ea	9409	FORDMETE S70-803 8 STLX3/4 CC SADDLE	52.07/ea	728.98
14ea	4725673	FORDMETE F1000-3-NL 3/4 CC X CTS PACK JOINT CORP STOP LEAD FREE	26.96/ea	377.44
28ea	9311	FORDMETE INSERT-51 3/4 FOR POLYBUTYLENE TUBE	1.17/ea	32.76
14ea	4730151	MU-CO H-14227N 5/8X3/4X3/4 YOKE END CONNECTOR LEAD FREE	12.50/ea	175.00
14ea	4725279	MU-CO H-14222N 5/8X3/4X3/4 YOKE END CONNECTOR LOW LEAD	12.80/ea	179.20
14ea	4741958	MU-CO B-2404RN 5/8X3/4X7 YOKE BALL VALVE REDUCED PORT INLET 234B2404-R LOW LEAD	71.88/ea	1006.32
14ea	3698832	ADSDRAIN 1805AAH 18X30 WHITE METER PIT	31.59/ea	442.26
14ea	3710982	STARPIPE MB0927 18IN 2 PIECE METER BOX COVER <b>FIRE</b>	22.64/ea	316.96
2ea	4755490	MU-CO A423-NL 6 MECHANICAL JOINT HYDRANT 48 BURY OPEN LEFT L/ACC 2-21/2-1-41/2NST 11/2PENT N N 423-501389 LEAD FREE	1857.98/ea	3715.96

\*\*\* Continued on Next Page \*\*\*

**HARRY COOPER SUPPLY**  
**605 N SHERMAN PARKWAY**  
**SPRINGFIELD, MO 65802-3656**  
**417-865-8392 Fax 417-873-9145**

**This Is Not An Order**  
**Quotation Only**

QUOTE DATE	QUOTE NUMBER
04/14/16	83966956
ORDER TO: HARRY COOPER SUPPLY 605 N SHERMAN PARKWAY SPRINGFIELD, MO 65802-3656 417-865-8392 Fax 417-873-9145	PAGE NO.  3

QUOTE TO:  
**JACOB SCOTT**  
  
 SPRINGFIELD, MO 65803

SHIP TO:  
**JACOB SCOTT**  
  
 SPRINGFIELD, MO 65803

JOB BID:

REQUIRED DATE	CUSTOMER ORDER NUMBER	WRITTEN BY	SALESPERSON	
04/14/16	RIVERWOOD UPDATE 2	Michael D Totten	Mark Burk	
ORDER QTY	PART NO	DESCRIPTION	UNIT PRICE	NET AMOUNT
2ea	4785480	MU-CO A-2361-19 6 MECHANICAL JOINT X FLANGE GATE VALVE OPEN LEFT DI GATE VALVE AWWA C-515 L/ACC 060A236119LN	557.92/ea	1115.84
2ea	5503	EGWUTILI FR-SSA6 6IN 304 STAINLESS 150# FLANGE PACK WITH 1/8IN FULL FACE RED RUBBER GASKET SBUPS0600FRRG13 (19051)	33.73/ea	67.46
2ea	3655610	STARPIPE MJFT0806 8X6IN MJ X FLANGE TEE LESS ACCESSORIES	120.66/ea	241.32
2ea	3655580	<b>Special Order - non returnable.</b> STARPIPE MJHA0613 6X13IN MJ SWIVEL & SOLID HYDRANT ADAPTER	90.11/ea	180.22
2ea	3655542	STARPIPE MJGAS06 6IN MJ GASKET	2.20/ea	4.40
2ea	4615034	FORDMETE UFR1500-8-U MJ RETAINER GLAND JOINT RESTRAINT FOR C-900 PVC & I.P.S. PVC	39.57/ea	79.14
2ea	3655562	STARPIPE MJGAST08 8IN MJ TRANSITION GASKET	4.51/ea	9.02
48ea	3655569	STARPIPE BOLTCS35 BB 3/4X3.5IN MJ T HEAD BOLT & NUT <b>SEWER</b>	0.99/ea	47.52
742ft	3687945	8 SDR35 14FT SEWER PIPE GASKETED	275.29/c	2042.65
580ft	3361	4X10 BELL END SDR35 SEWER PIPE SOLID	71.59/c	415.22
14ea	3364	GPK 103-0084 8X4 SEWER TEE GASKETXGASKETXGASKET SDR35 G108-4	29.88/ea	418.32
14ea	3434	GPK 221-0004 4 1/8 BEND HXH SOLVENT WELD SDR35 P504	2.01/ea	28.14
14ea	3430	GPK 211-0004 4 SDR PVC CAP SOLVENT WELD SDR35 P1604	1.20/ea	16.80

\*\*\* Continued on Next Page \*\*\*

**HARRY COOPER SUPPLY**  
**605 N SHERMAN PARKWAY**  
**SPRINGFIELD, MO 65802-3656**  
**417-865-8392 Fax 417-873-9145**

**This Is Not An Order**  
**Quotation Only**

QUOTE DATE	QUOTE NUMBER
04/14/16	S3966956
ORDER TO: HARRY COOPER SUPPLY 605 N SHERMAN PARKWAY SPRINGFIELD, MO 65802-3656 417-865-8392 Fax 417-873-9145	PAGE NO.  4

QUOTE TO:  
**JACOB SCOTT**  
 .  
**SPRINGFIELD, MO 65803**

SHIP TO:  
**JACOB SCOTT**  
 .  
**SPRINGFIELD, MO 65803**

**JOB BID:**

REQUIRED DATE	CUSTOMER ORDER NUMBER	WRITTEN BY	SALESPERSON	
04/14/16	RIVERWOOD UPDATE 2	Michael D Totten	Mark Burk	
ORDER QTY	PART NO	DESCRIPTION	UNIT PRICE	NET AMOUNT
460ft	3350	4 SDR35 20FT SEWER PIPE GASKETED TAXES NOT INCLUDED	77.88/c	358.25
			<b>Subtotal</b>	<b>23788.00</b>
			<b>S&amp;H CHGS</b>	<b>0.00</b>
			<b>Amount Due</b>	<b>23788.00</b>

**THIS IS A QUOTATION**  
 Prices are subject to change without notice.  
**APPLICABLE TAXES EXTRA!**

# JOURNAGAN Construction / Aggregates

3003 E. Chestnut Expressway, Suite 1200 Springfield, MO 65802 417-869-7222 Fax 417-869-7421

## PROPOSAL

<b>ATTN: JAKE</b>		Estimate No. 16-107-AW	
Proposal Submitted To:	JAKE SCOTT	Phone	414-2349
Street	7790 E. FR 182	Fax	
City, State, & Zip Code	ROGERSVILLE, MO. 65742	Other	Bid Date 2/3/16
E-Mail	<a href="mailto:jacob.scott@bnsf.com">jacob.scott@bnsf.com</a>	Job Name	RIVER WOOD SUBDIVISION
Architect		Job Location	OZARK, MO.
		Date of Plans	Addendums Acknowledged

### ASPHALT STREETS (APPROX. 1,830 sy)

- fine grade (subgrade +/- 0.1' by others)
- 4" compacted limestone base

- 5.5" bituminous base course
- 1.5" hot asphalt surface mix

**TOTAL for PAVING \$47,884.00**

### CURB & GUTTER (APPROX. 974 LF)

- fine grade (subgrade +/- 0.1' by others)
- 4" compacted limestone base

- 30" concrete curb & gutter

**TOTAL for CURB & GUTTER \$13,357.00**

**Total = \$61,241**

### ~~SIDEWALK (APPROX. 1,045 LF)~~

- ~~- fine grade (subgrade +/- 0.1' by others)~~
- ~~- 4" compacted limestone base~~

- ~~4' wide concrete sidewalk 4" thick~~
- ~~- 2 handi cap ramps with domes~~

~~**TOTAL for SIDEWALK \$17,222.00**~~

**Sidewalk by Tiny's Concrete**

This Proposal is valid through October 15, 2016. See Item 1 in the Terms & Conditions  
Paving operations will shutdown Nov. 30 to March 15. See Item 2 in the Terms & Conditions.

#### WORK DOES NOT INCLUDE:

- |                          |                           |                        |
|--------------------------|---------------------------|------------------------|
| - testing                | - bumper blocks           | - herbicide treatments |
| - permits                | - removals                | - survey / staking     |
| - curb/pavement backfill | - undergrading soft areas | - utility relocations  |

We Propose hereby to furnish material & labor - complete in accordance with above description of work for the sum of:

#### TERMS AND CONDITIONS FOR PROPOSAL

- As a petroleum-derived product, liquid asphalt prices and availability are directly affected by the price of crude oil. Given the volatility of crude oil pricing and availability, Journagan cannot accept the responsibility of crude availability or escalating price increase from the supplier beyond the expiration date stated above. By accepting this proposal you agree that if liquid asphalt is not available or subject to inordinate price increases from the liquid supplier, such an event shall constitute force majeure, entitling either party to terminate the contract or negotiate a mutually acceptable change order for cost and time of performance.
- A period of planned winter shutdown of paving operations will occur November 30 to March 15. Asphalt paving work performed during this time frame will require a mutually acceptable agreement between owner and contractor in regards to specifications, warranty, or cost.

3. Owner/Contractor agrees that the scope of Journagan's work will be limited to that specifically stated in the Proposal. Journagan will have no responsibility for furnishing labor or material for work beyond the specified scope unless a separate agreement in writing is entered into.
4. Owner/Contractor represents that the contract documents furnished to Journagan for purposes of submitting its Proposal are accurate and complete and represent all of the applicable contract requirements for the proposed scope of work.
5. This Proposal is good for ten (10) days from the date submitted and may be withdrawn by Journagan if not accepted in that time.
6. Journagan reserves the right to withdraw or amend this Proposal if it is determined that there is a mistake in either the scope of work or the price that is quoted. In the event that Journagan discovers such a mistake, it will notify the Owner/Contractor promptly. If the Owner/Contractor is notified before the Proposal is accepted, Journagan will have the right to correct the mistake and submit an amended Proposal to Owner/Contractor, in which event Journagan will only be bound by the terms of the amended Proposal, if that amended Proposal is accepted.
7. If applicable, Owner/Contractor agrees that all other work required to be completed before the work set forth in the Proposal will be done prior to Journagan's work so as not to delay the completion of Journagan's work. Owner/Contractor further agrees, if applicable and if within the scope of work of the Owner/Contractor or another Subcontractor, to provide a proper and acceptable subgrade in a timely manner so as not to delay Journagan's work. It is further understood and agreed that Journagan will not be responsible for maintaining subgrade that is not provided to it timely or in a manner that is acceptable for the work.
8. If the Proposal is accepted, payment will be due to Journagan within ten (10) days from the date of invoices submitted by Journagan. A finance charge of 1.5% per month will be charged on all unpaid balances after thirty (30) days from the date of the invoice. In addition, the provisions of the Missouri Prompt Payment Law set forth at RSMo § 431.180 apply to this Proposal.
9. This line intentionally left blank.
10. Owner/Contractor agrees that no change in the work will be required unless Journagan agrees to such changes in the work and agrees in writing to extra compensation and an extension of time in which to perform the additional work.
11. In the event of any dispute arising out of this Proposal or contract entered into between Owner/Contractor and Journagan, the prevailing party may recover its reasonable attorneys' fees and costs incurred as a result of said dispute or any default or breach. Any litigation arising under this proposal or the work performed there under shall be brought in the Circuit Court of Greene County, Missouri.
12. All materials are guaranteed to be as specified. All work will be completed by Journagan in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimated cost. All agreements are contingent upon strikes, accidents, delays or other events that are beyond the control of Journagan and in such event, Journagan will not be required to perform pursuant to this Proposal.
13. Journagan requires Owner/Contractor to carry fire, tornado and other necessary insurance. Journagan's workers are covered by workmen's compensation insurance and certificate of insurance will be furnished, upon request, showing the Owner/Contractor as an Additional Insured.
14. Owner/Contractor, by accepting the Proposal and signing the Proposal form, acknowledges that he has made the Owner aware of the Proposal with Journagan and that the Owner hereby authorizes the work to be performed within this Contract and the person signing this Contract on behalf of Owner/Contractor is authorized to execute the Proposal form.
15. This proposal with terms and conditions shall become a integral part of any subcontract agreement.

**16. Notice to Owner:**

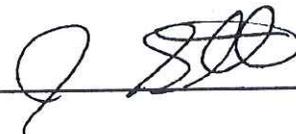
**Failure of this Contractor to pay those persons supplying material or services to complete this Contract can result in the filing of a Mechanic's Lien on the Property which is the subject of this Contract pursuant to Chapter 429 RSMo. To avoid this result you may ask this Contractor for "Lien Waivers" from all persons supplying material or services for the work described in this Contract. Failure to secure Lien Waivers may result in your paying for labor and material twice.**

**RIVER WOOD SUBDIVISION**

**OZARK, MO.**

**JAKE SCOTT**

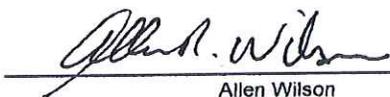
Authorized  
Signature:



By signing this proposal owner agrees with the  
terms and conditions stated herein.

Title:

Accepted:

  
Allen Wilson

Date of  
Acceptance:

Date work to be  
started

Date work to be  
Completed

ITEM "D"



**City of Ozark Missouri**  
**Department of Planning & Development**

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

September 23, 2016

**Re: PUBLIC MEETING**

**Zoning Amendment #2016-436**  
**Existing Zoning: R-1C Single Family 10,000 sf**  
**Proposed Zoning: C-4 Central Business District**  
**Property: 406 E. Church St., Ozark, MO**  
**Owner: Lacey J & Philip B Colbert**

Dear Commissioners,

The applicant has purchased the above property and has requested a Zoning Amendment of the above referenced to C-4 Central Business District which is supported by staff and our Comprehensive Plan and the Central Business District Boundary. The applicant would invest in making the property compliant with his plans of having a commercial kitchen which will be located in the carriage house for his established long standing business "The Happy Chef". The applicant had currently been approved for a Use Permit for his kitchen in his prior residence in July 2010. He also has an office that we had approved a Zoning Amendment in 2014 in the Central Business District. Mr. Colbert has been an outstanding business owner here in Ozark and we have never had a complaint and he has always complied with our standards.

If you should have any questions regarding the information above please feel free to contact me at the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,

Valerie Carr, CFM  
Planning & Zoning Technician

**CITY OF OZARK**  
**P.O.BOX 295**  
**OZARK, MO 65721**  
**NOTICE OF ZONING HEARING**

**406 E. Church Street, Ozark, Missouri 65721**

Notice is hereby given to all parties in Interest and Citizens, that the Planning & Zoning Commission will hold a meeting 7:00 p.m. on the 26th day of September 2016 and the Board of Aldermen of the City of Ozark will hold a Public Hearing at 7:00 p.m. on 3rd day October, at 7:00 p.m. in the City Council Chambers at Ozark, Missouri, to consider amending the Zoning Classification of all or any part of the following described property, and whether such Classification should be changed as proposed or to any other appropriate classification.

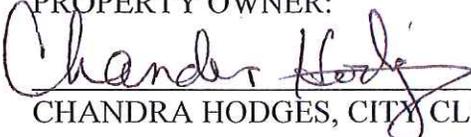
Zoning Case # 2016-436

EXISTING ZONING: R-1C Single Family Min. Lot 10,000 sq. ft.

PROPOSED ZONING: C-4 Central Business District

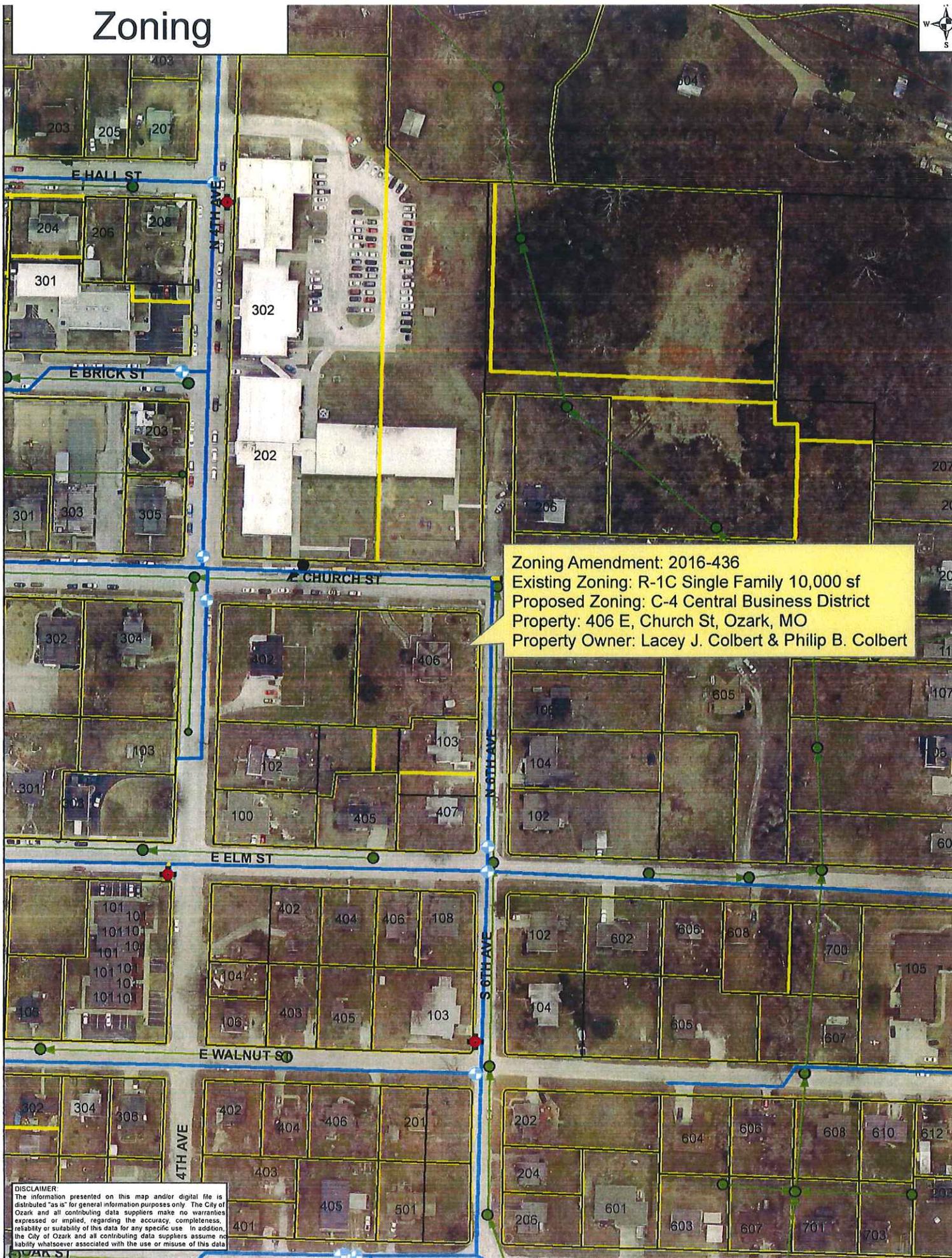
PROPERTY LOCATION: 406 E. Church Street  
Ozark, Missouri 65721

PROPERTY OWNER: Lacey J. Colbert & Philip B. Colbert

  
CHANDRA HODGES, CITY CLERK

9/19/16  
DATE

# Zoning



Zoning Amendment: 2016-436  
Existing Zoning: R-1C Single Family 10,000 sf  
Proposed Zoning: C-4 Central Business District  
Property: 406 E, Church St, Ozark, MO  
Property Owner: Lacey J. Colbert & Philip B. Colbert

**DISCLAIMER:**  
The information presented on this map and/or digital file is distributed "as is" for general information purposes only. The City of Ozark and all contributing data suppliers make no warranties expressed or implied, regarding the accuracy, completeness, reliability or suitability of this data for any specific use. In addition, the City of Ozark and all contributing data suppliers assume no liability whatsoever associated with the use or misuse of this data.



Zoning Amendment: 2016-436  
Existing Zoning: R-1C Single Family 10,000 sf  
Proposed Zoning: C-4 Central Business District  
Property: 406 E, Church St, Ozark, MO  
Property Owner: Lacey J. Colbert & Philip B. Colbert

2016-436

# City of Ozark Missouri

Planning and Development Department  
Application for Zoning Amendment

**LOCATION OF PROPERTY**

Street Address: 406 E. Church Street, Ozark  
Subdivision: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
Property Tax Parcel Number: \_\_\_\_\_ Lot Size: \_\_\_\_\_

**CURRENT USE**

Current Zoning: R-1C  
Current use(s): (Conforming or Non-Conforming): conforming

**PROPOSED USE**

Proposed Zoning: R-4  
Proposed use(s): Residential & Comm. Kitchen/Catering

**SEWAGE DISPOSAL**

City of Ozark  
 Septic Tank

**WATER SUPPLY**

City of Ozark  
 Private Well

**ROAD ACCESS**

Road(s) fronting property: Church Street, 6<sup>th</sup> Ave

**IDENTIFICATION**

Owner: Phil Colbert  
Mailing Address: 1208 S. 17<sup>th</sup> Ave  
Telephone: 417-860-7734 Fax Number: \_\_\_\_\_

The Applicants shall be responsible for the cost of all third party reviews. This shall include, but not limited to storm water reviews, traffic reviews and etc. The City of Ozark will be the sole determiner of the requirements for these reviews. The City of Ozark will issue and track invoices for these costs.

Phil C  
Signature of Owner

9-16-16  
Date

**ATTENDANCE IS REQUIRED AT THE SCHEDULED PLANNING & ZONING MEETING AND CITY COUNCIL MEETING**

**ATTENDANCE IS REQUIRED AT THE SCHEDULED PLANNING & ZONING MEETING  
AND CITY COUNCIL MEETING**

**Zoning Classifications**

- A-1 General Agriculture
- R-1A Single-Family Estate (Minimum lot size 20,000 square feet)
- R-1B Single-Family Residential (Minimum lot size 15,000 square feet)
- R-1C Single-Family Residential (Minimum lot size 10,000 square feet)
- R-1D Single-Family Residential (Minimum lot size 7,000 square feet)
- R-2 Two-Family
- R-3 Medium Density Multi-Family
- R-4 High Density Multi-Family
- C-2 General Commercial
- C-3 Planned Shopping District
- C-4 Central Business District
- I-1 Light Industrial
- M Manufactured Home
- OW Office Warehouse

**General Warranty Deed**

THIS DEED, Made and entered into this 16th day of September, 2016, by and between  
Grantor: **PATRICK J. STEWART AND PHYLLIS J. STEWART, HUSBAND AND WIFE**

of the County of CHRISTIAN, State of MISSOURI, party or parties of the first part, and  
Grantee: **LACEY J. COLBERT AND PHILIP B. COLBERT, WIFE AND HUSBAND**

of the County of CHRISTIAN, MISSOURI, party or parties of the second part,

Grantee's mailing address: 1208 S. 17<sup>th</sup> Ave, Ozark, Mo 65721

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of CHRISTIAN and State of Missouri, to-wit:

**TRACT I:  
ALL OF THE EAST 34.9 FEET OF LOTS FOUR HUNDRED THIRTY-THREE (433) AND FOUR HUNDRED THIRTY-SIX (436), AND ALL OF CITY LOTS FIVE HUNDRED THIRTY-FOUR (534), FIVE HUNDRED THIRTY-FIVE (535), FIVE HUNDRED THIRTY-SIX (536) AND FIVE HUNDRED THIRTY-SEVEN (537) (EXCEPT THE SOUTH 18 FEET AND 8 INCHES OF LOT FIVE HUNDRED THIRTY-SEVEN (537) ACCORDING TO PAUL'S SURVEY OF THE CITY OF OZARK, MISSOURI. (LOT FOUR HUNDRED THIRTY-THREE (433) BEING LOT ONE (1), BLOCK THIRTEEN (13), NEW TOWN AND LOTS FIVE HUNDRED THIRTY-FOUR (534) AND FIVE HUNDRED THIRTY-FIVE (535) BEING LOTS ONE (1) AND TWO (2), BLOCK THREE (3), EDWARD'S ADDITION TO OZARK, MISSOURI), CHRISTIAN COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLATS THEREOF.**

**TRACT II:  
ALL OF LOT TWENTY-SEVEN (27), 3RD ADDITION TO CHICKASAW WOODS SUBDIVISION, IN OZARK, CHRISTIAN COUNTY, MISSOURI.**

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.  
TO HAVE AND TO HOLD THE SAME, Together with all rights and appurtenances to the same, belonging unto the said party or parties forever.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or



**City of Ozark Missouri**  
**Department of Planning & Development**



P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

September 23, 2016

**Re: PUBLIC HEARING:**

**“An Ordinance Amending the Code of Ordinances of the City of Ozark by adding one new sub-section to Section 405.290 ‘Zoning District C-2 General Commercial District’ relating to Auto Sales and Auto Detailing.”**

Dear Commissioners,

Staff has enclosed the above referenced Ordinance which we have made a correction by adding Auto Sales to the C-2 General Commercial allowable uses, which was overlooked in the past and not added.

If you should have any questions regarding the information above please feel free to contact me at the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,

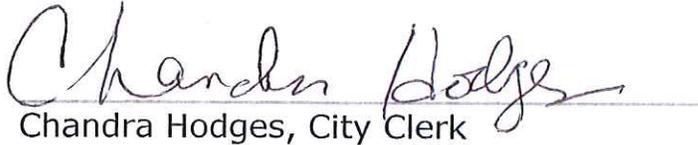
Valerie Carr, CFM  
Planning & Zoning Technician

## Public Notice

Notice is hereby given to all parties in interest and citizens, that the Planning & Zoning Commission will hold a Public Hearing on **Monday September 26, 2016**, at **7:00 p.m.** in the Ozark City Council Chambers at the Ozark City Hall, Ozark, Missouri, to consider Ordinance Code Change.

### **Proposed change:**

"An Ordinance Amending the Code of Ordinances of the City of Ozark by adding one sub-section of Section 405.290 'Zoning District C-2 General Commercial District' relating to Auto Sales and Auto Detailing."

  
Chandra Hodges, City Clerk

**Section 405.290 Zoning District "C-2" General Commercial District.**

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 11-025 §2, 8-22-2011; Ord. No. 13-025 §1, 7-15-2013]

**A.**

*Purpose.* The general commercial district is intended to allow for a variety of commercial, retail and office uses along major thoroughfare routes within the City. Architectural design guidelines within this Section are intended to protect, preserve and enhance the visual and architectural appearance of said properties along these major traffic routes.

**B.**

*Permitted Uses.*

**1.**

Any commercial structure and/or operation that provides, displays, advertises and sells goods, supplies and/or services to the general public.

**2.**

Any governmental office building and/or use.

**3. Auto sales and auto detailing. Establishments engaged in the business of sales or motorized vehicles and/or equipment and detailing of motorized vehicles.**

**C.**

*Conditional Uses.*

**1.**

Cell towers (see Section **405.500(H)**).

**2.**

When two (2) or more uses are requested on a parcel of record in a commercial district and the primary use is a permitted use and the secondary use requested is not, a conditional use permit shall be required. The applicant may submit a conditional use application for consideration by the Planning and Zoning Commission for the secondary non-permitted use as long as it is associated with and/or assists in the primary use and the conditional use to be granted complies with all of the applicable provisions of this Chapter. (See Section **405.500**.)

**3.**

*Cemeteries.* Cemeteries shall be a conditional permanent use and shall address the unique requirements of cemetery uses in a manner conducive to the public health, safety and general welfare and in accordance with the Comprehensive Plan of the City. Cemeteries shall only be allowed when all of the following conditions have been met:

[Ord. No. 14-016 §10, 4-21-2014]

**a.**

The property must be a single tract or parcel consisting of no less than one-half (½) acre.

**b.**

Only endowed cemeteries will be permitted, and, prior to approval, the applicant must comply with all relevant Missouri statutory requirements.

**c.**

Prior to approval the applicant shall show documentary proof from the Christian County Health Department that the proposed cemetery will meet all health standards required by the laws of the State of Missouri.

d.

The property must consist of a single tract or parcel not divided by any street, alley or other property.

e.

An administrative site plan approval, as set forth in Sections 410.220 through 410.230, will be required prior to the issuance of any building permit for any cemetery-type structure or prior to the interment of any deceased person.

f.

Principal entryways must be clearly defined by architecturally treated entry gates.

g.

Around the property lines of all cemeteries a ten-foot-wide strip of land shall be devoted to a buffer between the cemetery and the adjacent property, including street rights-of-way. This buffer shall contain a decorative fence, wall or hedge which is a minimum of four (4) feet in height and a maximum of eight (8) feet in height. Fence details and landscaping plans for the buffer strip shall be submitted and approved with the required administrative site plan.

h.

No signs shall be permitted except for the following: cemetery identification sign which must be monument style, directional signs, signs displaying the hours and days of operation, signs displaying rules and regulations, headstones or other memorials.

i.

No signs shall be permitted to be attached to or hung from the required screening.

j.

Access to the cemetery shall be from a dedicated public street, and all driveways and internal streets shall conform to the standards set forth in Section 410.031 of this Title.

k.

The site plan shall provide for a minimum of one (1) parking space per acre of the cemetery. In addition parking spaces shall be provided for cemetery structures and/or employees when applicable.

D.

*Non-Permitted Uses.*

1.

All those uses permitted within "A-1", "R1-A", "R1-B", "R1-C", "R1-P", "R-2", "R-3", "R-4", "I-1" and "M" zoning districts.

E.

*Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Article V of this Chapter.

F.

*Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.420 of this Chapter.

G.

*Signage Requirements.* Signage shall be installed in accordance with the requirements set forth in Chapter 407 of this Title.

H.

*Landscaping Requirements.* Landscaping shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

ITEM "F"

**City of Ozark Missouri**  
**Department of Planning & Development**



P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

September 23, 2016

**Re: PUBLIC MEETING:**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING ONE SUBSECTION FROM SECTION 405.915 AND ENACTING A NEW SUBSECTION RELATING TO RESIDENTIAL FENCING.**

Dear Commissioners,

Staff has enclosed the above referenced Ordinance which we have approved once before but the Board of Alderman sent it back for additional changes to be made to the Fence Requirement for Residential Fencing.

If you should have any questions regarding the information above please feel free to contact me at the Planning and Development Department of the City of Ozark at 417-581-2407.

Respectfully,

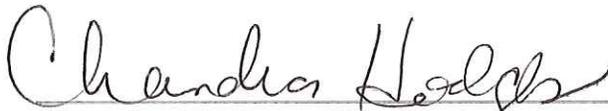
Valerie Carr, CFM  
Planning & Zoning Technician

## Public Notice

Notice is hereby given to all parties in interest and citizens, that the Ozark Board of Alderman will hold a Public Hearing on **Monday October 3, 2016**, at **7:00 p.m.** in the Ozark City Council Chambers at the Ozark City Hall, Ozark, Missouri, to consider Ordinance Code Change.

### Proposed change:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING ONE SUBSECTION FROM SECTION 405.915 AND ENACTING A NEW SUBSECTION RELATING TO RESIDENTIAL FENCING.**

  
Chandra Hodges, City Clerk

**BILL NO. 2840**

**ORDINANCE NO. 16-0\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING ONE SUBSECTION FROM SECTION 405.915 AND ENACTING A NEW SUBSECTION RELATING TO RESIDENTIAL FENCING.**

**WHEREAS,** The Board of Aldermen has been advised that a practice has arisen of building fences across or in drainage areas or in or upon easements in residential areas; and

**WHEREAS,** The current provisions of the Code of Ordinances provides that no permit is required for residential fences not exceeding six (6) feet; and

**WHEREAS,** The City should control the placement of any residential fence, regardless of height, in order that the fence does not block drainage and/or easements.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OZARK, MISSOURI, AS FOLLOWS:**

SECTION 1. Section 405.915.D.1 of the Code of Ordinances of the City of Ozark is hereby amended by deleting said sub-section in its entirety and enacting, in lieu thereof, one new sub-section relating to the same subject matter, which new sub-section shall read as follows:

“1. Any new fence in a residential district shall require a miscellaneous building permit application. Upon the receipt of the application, the City shall conduct an administrative and site analysis to determine that the location of the fence will not interfere with City owned utilities and/or the fence shall not interfere with a drainage easement nor impede the flow of storm water.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED THIS \_\_\_\_ DAY OF JULY 2016.**

**AYE**

**NAY**

**ABSENT/ABSTAIN**

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APPROVED THIS \_\_\_\_ DAY OF JULY 2016.

\_\_\_\_\_  
RICK GARDNER, MAYOR

ATTEST:

\_\_\_\_\_  
CHANDRA HODGES, CITY CLERK

## Draft - Dark Sky Ordinance 9/23/2016

### Purpose

A. The purpose of this Ordinance is to help assure that dark skies remain a resource to be enjoyed by the Ozark community and its visitors, and to provide safe and efficient outdoor lighting regulations that protect Ozark's dark skies from careless and wasteful lighting practices. Dark starry nights, like natural landscapes, forests, clean water, wildlife, and clear unpolluted air, are valued in many ways by the residents of this community, and they provide the natural resource upon which our world-renowned astronomical industry depends.

B. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principle among these concerns is:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of Ozark's citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

C. The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much night-time lighting is needed results in better lighting practices, darker skies and reduced energy use and costs.

D. It is therefore the intent of this Division to encourage lighting practices and systems which will:

1. Minimize light pollution, glare, and light trespass;
2. Conserve energy and resources while maintaining night time safety, utility, security, and productivity; and
3. Curtail the degradation of the night time visual environment.

E. It is recognized that since topographic and atmospheric conditions surrounding the City are uniquely suited for astronomical observation and since observatories have been established in the City's vicinity, the City promotes the reduction of light pollution which interferes with the successful operation of these observatories.

F. The sensitivity of different areas to the different obtrusive impacts of outdoor lighting use depends on many factors, including the dominant use of the area (e.g. residential, industrial or

commercial). Further, the effect of outdoor lighting on light pollution to the observatories is strongly dependent on the distance of those lights from the observatories. Therefore, three Lighting Zones are established, with varying standards designed to address the principal issues associated with the different areas.

### **Conformance with Applicable Codes**

All outdoor lighting fixtures shall be installed in conformance with the provisions of this Ordinance and the applicable Building Codes currently in effect in the City under appropriate permit and inspection.

### **Applicability**

#### **A. Existing Buildings and Uses**

Any new outdoor lighting installed on a building or parcel shall meet the requirements of this Division with regard to shielding and lamp type. The total outdoor light output after the new outdoor lights are installed shall not exceed that legally nonconforming or pre-approved on the site before the modification, or as permitted by this Ordinance, whichever is larger.

#### **B. New Uses, Buildings, and Major Additions or Modifications**

1. The requirements of this Ordinance apply to any and all new and major additions to land uses, developments, buildings, or structures.
2. If a major addition occurs on a property, the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

- a. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision; and
- b. Single or cumulative modification or replacement of outdoor legally installed lighting fixtures constituting 25 percent or more of the lumens that would be permitted under this Ordinance for the property, no matter the actual amount of lighting already on a non-conforming site, constitutes a major addition for purposes of this section.

#### **C. Minor Additions or Modifications**

Additions or modifications of less than 25 percent in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces to existing uses shall require the submission of a complete inventory and site plan detailing all existing and any proposed new or modified outdoor lighting. Any new or modified outdoor lighting on the site shall meet the requirements of this Ordinance with regard to shielding and lamp type; the total amount of lighting after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Ordinance, whichever is larger.

#### **D. Change of Use**

1. Except as provided in Section 10-20.60.080 (Nonconforming Outdoor Lighting), whenever the use of any existing building, structure or premises is intensified through the incorporation of additional dwelling units, gross floor area, seating capacity, or other

units of measurement which create a need for an increase in the total number of parking spaces of 25 percent or more either with a single change or cumulative changes subsequent to the effective date of this Zoning Code, then all outdoor lighting shall be reviewed and brought into compliance with the requirements of this Ordinance before the use is resumed to the maximum extent feasible as determined by the Director.

2. For changes of use or intensity which require an increase in parking of less than 25 percent cumulative, the applicant shall only have to meet the requirements of this Ordinance for any new outdoor lighting provided.

#### **E. Public Rights-of-Way Exempt**

The provisions of this Ordinance shall not apply to streetlights installed in public rights-of-way.

F. In accordance with \_\_\_\_\_, all outdoor light fixtures on property or buildings that are owned and operated by the City of Ozark shall be fully shielded.

### **Establishment of Lighting Zones**

#### **A. Establishment of Lighting Zones**

Three Lighting Zones are established, with varying development standards specific to their location within the City. Lighting Zones are shown in (Lighting Zone Map TBD).

#### **B. Lighting Zone Boundaries**

The boundaries of the Lighting Zones are illustrated in (Lighting Zone Map TBD).

#### **C. Split Parcels**

A parcel located in more than one of the described zones shall be considered to be only in the more restrictive Lighting Zone.

### **General Requirements – All Lighting Zones**

#### **A. Preferred Source - Low-Pressure Sodium (LPS) lamps and Narrow Spectrum Amber LEDs**

Due to their high energy efficiency, long life, and spectral characteristics, Low-Pressure Sodium (LPS) lamps are the preferred illumination source throughout the City. Their use is encouraged, when not required, for outdoor illumination whenever their use would not be detrimental to the use of the property. In all applications where LPS lighting is required or preferred, an acceptable alternative is Narrow-Spectrum Amber LEDs.

#### **B. Lighting Classes**

1. Class 1 Lighting is lighting used for applications where color rendition is required to preserve the effectiveness of an activity. Recognized Class 1 Lighting applications include only the following. Application of Class 1 Lighting standards to uses not included in this list requires a finding by the Director of the essential nature of color rendition to preserve the effectiveness of the activity.

- a. Outdoor sales areas, including service station canopies;

- b. Primary customer building entry/exit areas (does not include service or emergency entry/exits);
- c. Outdoor seating areas at restaurants;
- d. Outdoor assembly or repair areas where assembly or repair work occurs at night on a regularly scheduled basis;
- e. Outdoor recreational field/track/arena areas; and
- f. External and internal lighting for signs.

2. Class 2 Lighting is lighting used for applications where general illumination for safety or security is the primary concern.

a. Examples of Class 2 Lighting applications include the following:

- (1) Pedestrian walkways and driveways;
- (2) Parking lots; and
- (3) Outdoor security.

b. Low-Pressure Sodium (LPS) lamps or Narrow-Spectrum Amber LEDs are required in all Class 2 Lighting applications, except that up to 10 percent of all lighting of all classes may be non-LPS lighting as noted in Table A (Maximum Total Outdoor Light Output Standards).

3. Class 3 Lighting is outdoor lighting used for decorative purposes.

a. Examples of Class 3 Lighting applications include the following:

- (1) Architectural illumination;
- (2) Flag and monument lighting; and
- (3) Landscape lighting and the illumination of trees, shrubs, or other vegetation.

b. Class 3 lighting Fixtures shall be included in the total lumen calculations for the site. If decorative lighting is applied to the exterior wall of a building using LED lights or similar technologies that allow for the color of the light to change, only one color change every two minutes is permitted.

4. The use of solar powered light systems as a light source in all Lighting Classes is appropriate.

### **C. Total Outdoor Light Output**

1. Total Outdoor Light Output, excluding streetlights and pedestrian lighting used to illuminate public rights-of-way and any interior lighting shall not exceed the following limits averaged over the entire development (values listed are total initial lamp lumens per acre and per residence).

<b>Table 10-50.70.050.A: Maximum Total Outdoor Light Output Standards</b>			
<b>Land Use</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
<b>Commercial, Industrial, and Multi-family Residential (lumens per net acre)</b>			
Total (Fully Shielded and Partially Shielded)	25,000	50,000	100,000
Partially Shielded only	0	5,500	5,500
Non-LPS	2,500	5,000	10,000
<b>Single-family Residential (lumens per parcel inclusive of accessory structures)</b>			
Total (Fully Shielded and Partially Shielded)	10,000	10,000	10,000
Partially Shielded only	0	4,000	4,000

2. For determining compliance with this Section, light emitted from outdoor lighting is to be included in the Total Outdoor Light Output as follows (see Figure A):

a. Light fixtures installed as described below shall be included in the Total Outdoor Light Output by adding 100 percent of the initial lumen outputs of the lamps used:

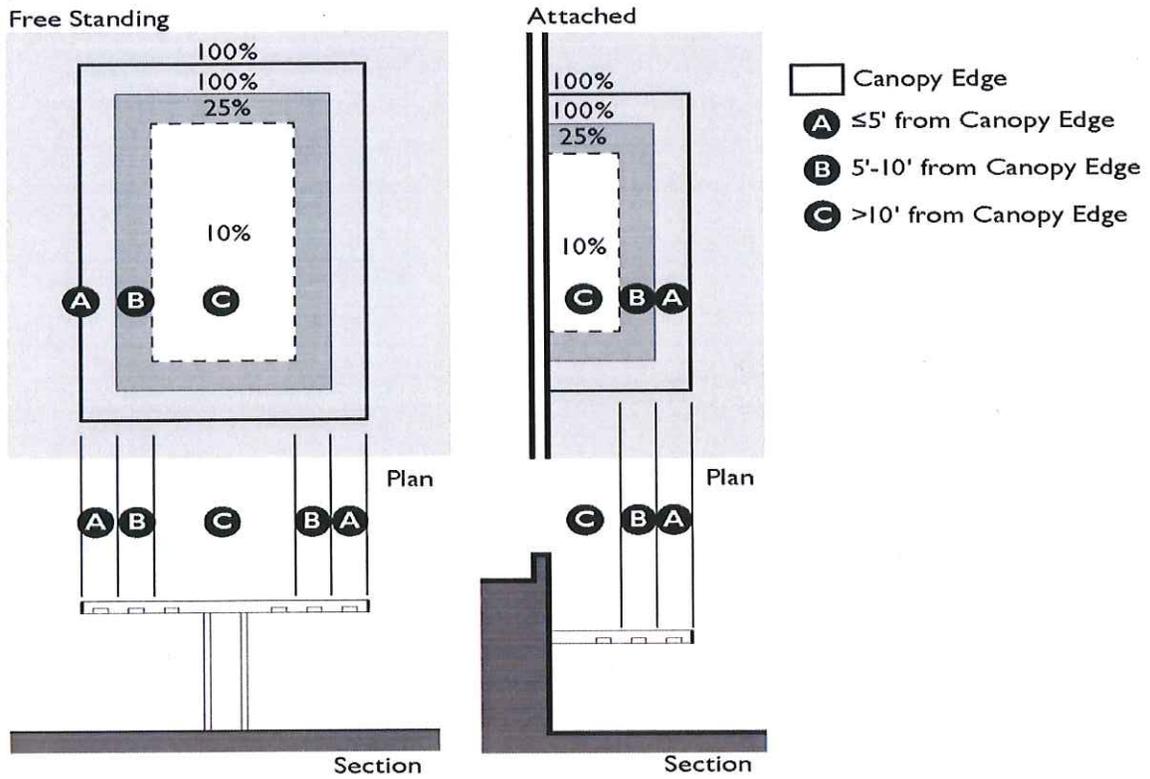
- (1) All unshielded or partially shielded fixtures, regardless of location;
- (2) Light fixtures installed on poles (such as parking lot light fixtures);
- (3) Light fixtures installed on the side of buildings or other structures but not located as described in paragraphs b. or c. below; and
- (4) Light fixtures installed within open parking garages, or under canopies, building overhangs, or roof eaves that are not fully shielded or are fully shielded but not located as described in paragraphs b. or c. below.

b. Fully shielded light fixtures installed as described below shall be included in the Total Outdoor Light Output by adding only 25 percent of the initial lumen outputs of the lamps used:

- (1) Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located at least five feet but less than 10 feet from the nearest outdoor opening, canopy, or overhang edge.

c. Fully shielded light fixtures installed as described below shall be included in the Total Outdoor Light Output by adding only 10 percent of the initial lumen outputs of the lamps used:

- (1) Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located 10 feet or more from the nearest outdoor opening, canopy, or overhang edge.



**D. Lamp Source and Shielding:**

The standards provided in Table B (Lamp Type and Shielding Standards) shall apply:

<b>Table 10-50.70.050.B: Lamp Type and Shielding Standards</b>			
<b>Lamp Type and Lighting Class</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
<b>Non-Residential<sup>2</sup> Outdoor Lighting</b>			
Class 1 Lighting (Color Rendition):			
All lamp types and outputs	FS	FS	FS
Class 2 Lighting (General Illumination):			
All lamp types and outputs	FS	FS	FS
Class 3 Lighting (Decorative):			
All lamp types 2,500 lumens <sup>1</sup> or above per Fixture	X	A	FS
All lamp types below 2,500 lumens <sup>1</sup> per Fixture	FS	A <sup>3</sup>	A <sup>3</sup>
<b>Residential<sup>2</sup> Outdoor Lighting</b>			
Class 1-3 Lighting			
Lighting (Color Rendition):			
All lamp types 1,000 lumens <sup>1</sup> or above per Fixture	FS	FS	FS
All lamp types below 1,000 lumens <sup>1</sup> per Fixture	FS	A <sup>3</sup>	A <sup>3</sup>
<b>Key:</b>			
FS = Allowed; Only Fully Shield Fixtures permitted			
A = Allowed; Fully Shielded Fixtures preferred, and Partially Shielded Fixtures permitted subject to the amounts listed in Table A (Maximum Total Outdoor Light Output Standards).			
X = Prohibited			

**End Notes**

<sup>1</sup>Examples of lamp types of 2,500 and 1,000 lumens and below for commercial and residential applications respectively are provided in Table C (Lamp Type and Wattage with Outputs below 2,500 and 1,000 lumens). The acceptability of a particular lamp is decided by lumen output, not wattage. The values listed are approximate, and the manufacturer's specifications for a particular lamp must be checked.

<sup>2</sup>For purposes of this subsection, residential refers to property developed primarily for residential purposes, including single-family residences, manufactured homes, duplexes, and triplexes as well as multi-family (i.e. apartment, condominium, townhome) uses. Non-residential uses include all other uses.

<sup>3</sup>For purposes of determining total light output from a light fixture, lighting assemblies which include multiple unshielded or partially shielded fixtures or lamps on a single pole shall be considered as a single fixture (see Figure B). Partially shielded lighting is limited to the amounts listed in Table A (Maximum Total Outdoor Light Output Standards).

**Table 10-50.70.050.C: Lamp Type and Wattage  
with outputs below 2,500 and 1,000 lumens**

Lamp Type	2500 lm (Commercial and Industrial)	1000 lm (Residential)
Standard incandescent and less	100 watt	60 watt
Tungsten-halogen (quartz) and less	100 watt	60 watt
Fluorescent and less	25 watt	15 watt
Compact Fluorescent and less	26 watt	13 watt

No available data for High-Pressure Sodium or Metal Halide lamps

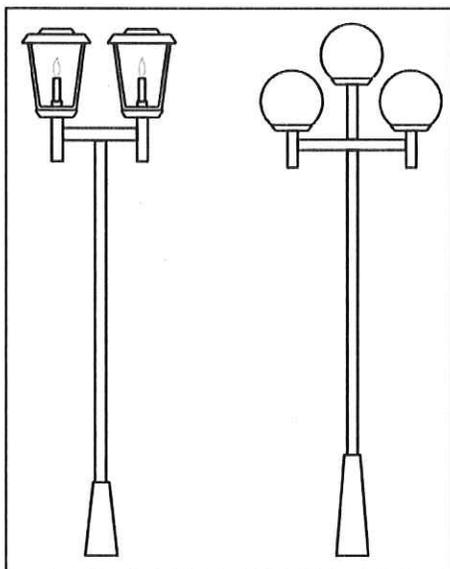


Figure B. Light Fixture with Multiple Unshielded Fixtures or Lamps

#### E. Effective Shielding

All light fixtures that are required to be fully shielded shall be installed in such a manner that the shielding satisfies the definition of a fully shielded fixture.

#### F. Light Trespass Standard

1. All light fixtures, including security lighting, shall be located, aimed and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.
2. Any privately or publicly owned outdoor light fixture with a lamp of initial output over 10,000 lumens located within 50 feet of any residential (including multi-family residential) property or public right-of-way shall utilize an internal or external shield,

with the light fixture and shield oriented to minimize light trespass over the adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections (Figure C).

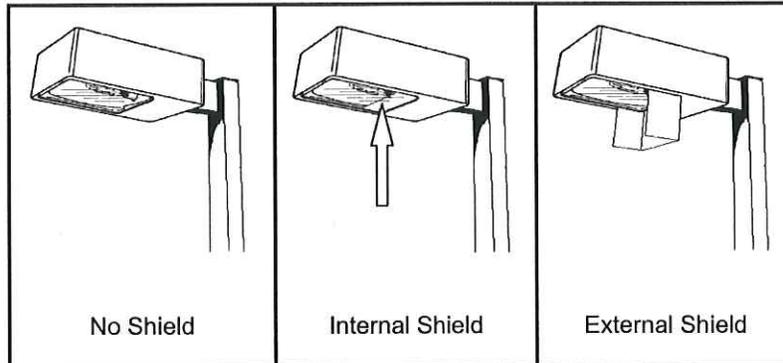


Figure C. Shielding Configurations

#### **G. Motion Sensing Light Fixtures**

Motion sensing light fixtures shall be fully shielded.

#### **H. Time Limits for Outdoor Lighting**

All outdoor Class 1 and Class 3 lighting, and outdoor Class 2 lighting located more than 50 feet from any building or outdoor product display or storage area shall be turned off at the times listed in Table D (Time Limits for Outdoor Lighting), or no later than 30 minutes after the business closes, whichever is later, and remain off for the remainder of the night or until the business reopens. Decorative holiday lights are exempt in accordance with Section 10-50.70.080.D, and outdoor recreation facilities are exempt in accordance with Section 10-50.70.060. B.

#### **I. Sign Illumination**

Standards for external and internal sign illumination are provided in Division 10-50.100 (Sign Standards). Lighting used for the external illumination of signs is included toward the Total Outdoor Light Output standards of Subsection C.

#### **J. Neon Building Lighting**

Neon building lighting is included in the Total Outdoor Light Output calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." Any unshielded neon lighting is limited by the unshielded lighting limits of Subsection C.

#### **K. Multi-class Lighting**

Multi-class lighting must either conform to the lamp-type and shielding requirements of the strictest included class as shown in Table A (Maximum Total Outdoor Light Output Standards) and Table B (Lamp Type and Shielding Standards), or conform to the time limitations of the least restrictive included class as shown in Table D (Time Limits for Outdoor Lighting).

#### **L. Internally Illuminated Architectural Elements**

Any architectural element including walls or portions of buildings that are internally illuminated and that is not a sign or fenestration (windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination counted toward unshielded lighting for the purposes of calculating Total Outdoor Light Output for the site and is subject to the standards of Subsection C.

#### **M. Architectural/Landscape Lighting**

Architectural lighting used to illuminate the wall of a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to the following:

1. Architectural and landscape lighting that is directed downward onto a wall, tree or other landscape feature shall be included in the Total Outdoor Light Output standards provided in Table A (Maximum Total Outdoor Light Output Standards), based on whether a fully shielded or partially shielded light fixture is used; and
2. Architectural and landscape lighting that is directed upward onto a wall, tree or other landscape feature shall be included in the lumen caps for unshielded Fixtures provided in Table A (Maximum Total Outdoor Light Output Standards).

#### **N. Emergency Lighting**

Emergency lighting that is only turned on in the event of a power failure or when an alarm is activated is permitted in all lighting zones and is excluded from the total lumen calculations for the site.

#### **O. Use of Mercury Vapor Light Fixtures**

1. No new mercury vapor outdoor light fixtures shall be installed after the effective date of this Zoning Code. No replacement equipment other than bulbs for mercury vapor lighting fixtures shall be sold in the State after January 1, 1991 and the use of mercury vapor light fixtures is prohibited after January 1, 2011.
2. The provisions of this section shall not apply to outdoor light systems erected prior to 1950.

### **Special Uses**

#### **A. Service Station Canopy Lighting**

##### **1. Lighting Class**

Lighting for service station canopies shall be considered Class 1 Lighting.

##### **2. Shielding**

All light fixtures mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses. Such shielding must be provided by the fixture itself; shielding by surrounding structures such as canopy edges is not permitted.

### **3. Total Under-Canopy Output**

The total light output used under service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy in Lighting Zone 2 and 3, and shall not exceed 20 lumens per square foot in Lighting Zone 1 (note: these values are not foot-candle illuminances).

4. All lighting mounted under the canopy, including but not limited to light fixtures mounted on or recessed into the lower surface of the canopy and any lighting within signage (but not including any lamps mounted within the pumps and used to illuminate information indicating the total cost of such items as fuel pumped and price per gallon), shall be included in the Total Outdoor Light Output for the site and is subject to the standards of Section 10-50.70.050.C.

## **B. Outdoor Recreation Facilities**

### **1. Lighting Class**

Lighting for field/track/arena areas only shall be considered Class 1.

### **2. Lumen Cap Exemption**

- a. In Lighting Zone 1, lighting for field/track/arena areas is subject to the lumens per acre limit set in Section 10-50.70.050.C;
- b. In Lighting Zones 2 and 3, lighting for field/track/arena areas is not subject to the lumens per acre limit set in Section 10-50.70.050.C; and,
- c. Illumination levels for the field/track/arena shall be designed to be no higher than recommended for Class IV play, as defined by the Illuminating Engineering Society of North America publication IESNA RP-06-01.

**3. Shielding:** Fixtures used for field/track/arena areas shall be fully shielded.

**4. Time Limits:** No illuminated sports facility shall be illuminated after the time limits listed in Table 10-50.70.050.D (Time Limits for Outdoor Lighting), except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.

**5. Certification:** Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in Missouri as conforming to all applicable restrictions of this Code before construction commences. Further, after installation is complete, the system shall be again certified by a registered engineer to verify that the installation is consistent with the certified design.

### **C. Street Lighting**

1. Standards for street lighting installed on public rights-of-way are found in the City Engineering Standards, Title 12 (Street Lighting).
2. Street lighting installed on private rights-of-way shall be included within the Total Outdoor Light Output for the development.

### **D. Parking Garages**

#### **1. Lighting Class**

Lighting installed for general illumination of parking areas within parking garages, where the parking areas are open to the outside, shall be considered Class 2.

#### **2. Inclusion Toward Total Outdoor Light Output**

The lumen output of lamps mounted on or within open parking garages shall be included toward the Total Outdoor Light Output standards in Section 10-50.70.050.C.

#### **3. Shielding**

All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.

### **E. Outdoor Display Lots**

#### **1. Lighting Class**

Outdoor lighting for outdoor display lots shall be considered Class 1 lighting, and shall conform to applicable lumens per net acre limits applied to the entire parcel.

#### **2. Lighting Time Limitations**

Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 Lighting Standards. Any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Division applicable to this class.

#### **3. Shielding**

All light fixtures used in outdoor display lots shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.

### **F. Temporary Lighting**

Temporary lighting which does not conform to the provisions of this Division may be approved by the Director subject to the approval of an Outdoor Lighting Permit in accordance with the provisions of Section 10-20.40.100 (Outdoor Lighting Permits). Temporary lighting is intended for uses which by their nature are of limited duration, including for example, holiday decorations, civic events or construction projects.

## **Prohibited Outdoor Lighting**

The following types of outdoor lighting are prohibited:

- A. Outdoor floodlighting by flood light projection above the horizontal plane.
- B. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire, or medical personnel or at their direction; or for meteorological data gathering purposes.
- C. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

## **Exceptions**

### **A. Airport Lighting**

Required navigational lighting systems at airports for the safe and efficient movement of aircraft during flight, take off, landing and taxiing is exempt from the provisions of this Division. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens per acre limits provided in Section 10-50.70.050.C, although it must conform to all other requirements of this Division. All other outdoor lighting at airport facilities shall comply with the provisions of this Division.

### **B. Infrared Security Lighting**

Lights emitting infrared radiation used for remote security surveillance systems is permitted in all zones with the following restrictions:

1. Fixed lights must be fully shielded; and
2. Movable lights, such as spot lights attached to infrared sensitive cameras, must be mounted such that the lights cannot be directed higher than 20 degrees below the horizontal, measured from the center of the light beam.

### **C. Emergency Lighting by Emergency Services**

Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.

### **D. Holiday Decorations**

In all lighting zones low voltage holiday decorations may be unshielded and remain on all night from November 15 to January 15.

### **E. Solar-powered Lighting**

Solar-powered lights of 5 watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.

## **F. Construction and Renovation of Municipal Facilities**

All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this Ordinance.

## **Violations and Enforcement**

- A. It shall be unlawful to install or operate an outdoor light fixture in violation of this Division. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor. Each and every day during which the illegal erection, maintenance, and use continues shall be considered a separate offense.
- B. The requirements of this Ordinance shall be enforced in compliance with the enforcement provisions of Ordinance . . . .

## **General Requirements for All Signs [non-lighting sections omitted]**

- C. Sign Illumination: All temporary signs must be non-illuminated. Allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of Section TBD.

### **1. Externally Illuminated Sign Standards**

- a. Lighting Class: External illumination for signs shall comply with all provisions of this Division, and shall be treated as Class 1 lighting, as defined in Section TBD. All external sign lighting is included within the total outdoor light output limits of TBD, and shall comply with applicable lamp source and shielding restrictions.
- b. Except as provided in Subsection c, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- c. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face provided:
  - (1) The bottom opening of the light fixture is flat (i.e., it could be covered by a flat board allowing no light to escape); and,
  - (2) The uppermost portion of the fixture's opening is located no higher than the top of the sign face, as shown in Figure H. Light fixtures aimed and installed in this fashion shall be considered fully shielded for purposes of calculating the total outdoor light output limits of Section TBD

## Permitted and Prohibited External Sign Lighting Configurations

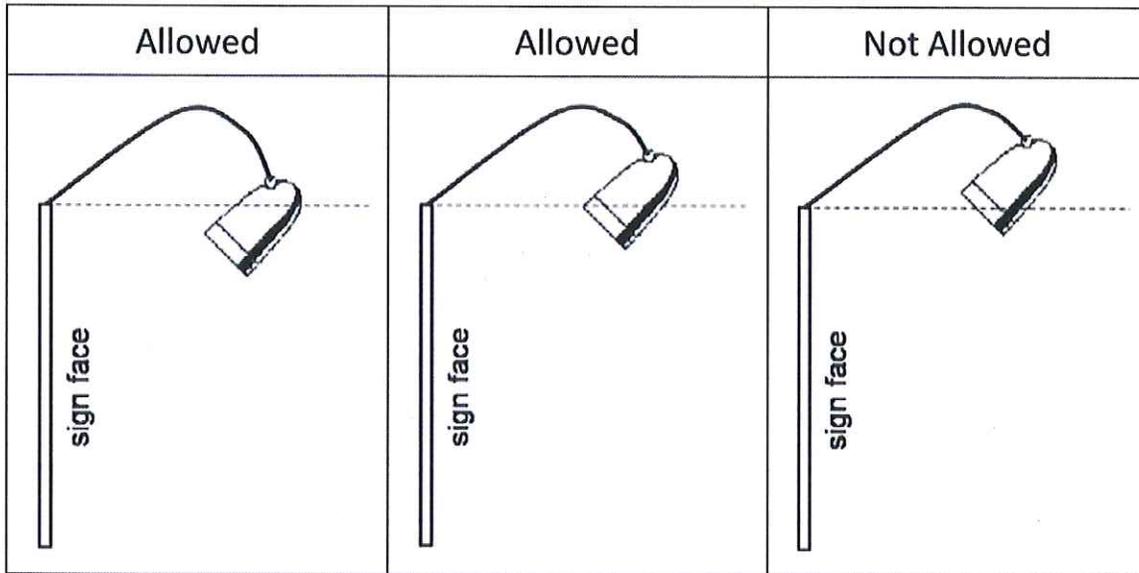


Figure H. External Sign Lighting Configurations

### 2. Internally Illuminated Sign Standards

a. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, or cream) background and generally lighter text and symbols (Figure I). Lamps used for internal illumination of internally illuminated signs shall not be counted toward the total outdoor light output limits of Section TBD.

#### (1) Lighting Zone 1

The sign face(s) shall be composed of illuminated text and symbols against an opaque (non-illuminated) background. The colors of these elements are not restricted.

#### (2) Lighting Zones 2 and 3

The sign face(s) shall be either composed of illuminated text and symbols against an opaque background (as in Subsection (1) above), or with generally lighter text and symbols against a colored (not white, off-white, light gray, or cream) background. Text and symbols may be white, off-white, light gray, or cream (See Figure I).

Light Background	Colored Background	Opaque Background
Not Allowed	Allowed	Allowed
RESTAURANT CAFÉ	GAS STATION	HOTEL

Figure I. Internally Illuminated Signs

b. Other internally illuminated panels or decorations not considered to be signage according to this Ordinance (such as illuminated canopy margins, building faces, or architectural outlining), shall be considered Class 3 lighting, as defined in Section TBD, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards, and total outdoor light output limits established in Section TBD.

### 3. Neon Sign Standards

Neon sign lighting shall be treated as Class 3 (decorative) lighting and shall be included within the total outdoor light output limits of Section TBD. Neon lighting extending beyond the area considered to be the sign area (as defined in this Division) shall comply with all provisions of Ordinance TBD (Outdoor Lighting Standards).



Figure J. Neon Sign

### 4. Single-Color LED Sign Standards

Single-color LED signs shall be considered as internally illuminated signs, and shall not have their lumen output counted toward the total outdoor light output limits of Section TBD. Any lighting extending beyond the area considered to be the sign area (as defined in this Division) shall be treated as Class 3 lighting and shall comply with the lumen limits of Section TBD.

### 5. Time Limitations

All signs shall be turned off by 9:00 p.m. if located in Lighting Zone 1 and 11:00 p.m. if located in Lighting Zones 2 or 3, or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers. See Division 10-90.50 (Lighting Zone Map) for lighting zones.

# DRAFT - EXHIBIT "A"

## Proposed Central Lighting Zone 1

Central Business  
District

Lighting Zone 1

