

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO LAKESIDE  
DEVELOPMENT TO ALLOW A SUMMER THEATER OR OUTDOOR MUSIC  
AMPHITHEATER

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**WHEREAS**, Parks Properties, LLC are the owners of the Lakeside Development in the City of Ashland; and

**WHEREAS**, this property is located in the G-C, General Commercial zoning district; and

**WHEREAS**, Lakeside Development has applied for a Conditional Use Permit to allow a Summer Theater or Outdoor Music Amphitheater at 5900 E. Log Providence Road; and

**WHEREAS**, Section 9-230(11) of the City Code allows for a Summer Theater or Outdoor Music Amphitheater as a Conditional Use in this District; and.

**WHEREAS**, Section 9-360 of the City Code provides the procedure for obtaining a conditional use permit; and

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit, the establishment, maintenance, or operation of this conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit this conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood; and

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit the establishment of this conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit adequate measures will be taken to provide ingress and egress, designed to minimize traffic congestion in the vicinity in accordance with the Missouri Department of Transportation's recommendations and requirements; and

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit adequate utilities, drainage and other necessary facilities have been or will be provided.

**WHEREAS** the Board of Aldermen finds that, subject to the conditions provided in this permit this **conditional use** will in all other respects conform to the applicable regulations of the district in which it is located, except as may be expressly provided elsewhere in these regulations; and

WHEREAS, the Board of Aldermen has held a public hearing and considered the testimony presented as well as the Staff Report and the statements of the Applicant and its agents,

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

Section 1. The Board of Aldermen, having duly considered the application and evidence in support of the application, makes the following findings:

1. The proposed Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort or welfare.
2. The proposed Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
3. The establishment of the proposed Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate measures will be taken to provide ingress and egress, designed to minimize traffic congestion in the vicinity.
5. Adequate utilities, drainage and other necessary facilities have been or will be provided.
6. That the required process for approving this conditional use application has been met.
7. That the granting of this permit is authorized by the City Code.

Section 2. A Conditional Use Permit for the purpose of a Summer Theater or Outdoor Music Amphitheater is hereby granted to Lakeside Development for the above-described property with the following stipulations.

1. Hours of operations will not exceed 9:00 a.m. to 10:00 p.m. Sunday to Thursday
2. Hours of operations will not exceed 9:00 a.m. to 12:00 a.m./midnight on Friday and Saturday  
(excluding Holidays)
3. Decibel levels are not to exceed 75 dB as measured by a decibel meter at the nearest residence.
4. Season of operation will be from February 28<sup>th</sup> or 29<sup>th</sup> to November 30<sup>th</sup>.

The Conditional Use will in all other respects conform to the applicable regulations of the district in which it is located, except as may be expressly provided elsewhere in the zoning regulations.

Section 3. The Mayor is hereby given the power to execute the Conditional Use Permit for and on behalf of the City of Ashland, Missouri.

Section 4. The Planning and Zoning Commission recommendations and marked "Exhibit A" are attached to this ordinance.

Section 5. This ordinance shall be in full force and effect upon its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Richard Sullivan, Mayor

Attest:

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Darla Sapp, City Clerk

Approved as to correct form:

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Nathan Nickolaus, City Attorney