

AN ORDINANCE APPROVING ZONING OF "R-1" SINGLE-FAMILY RESIDENTIAL, "R-3" MULTI-FAMILY RESIDENTIAL, AND "C" COMMERCIAL FOR PROPERTIES IN THE RAINBOW SHOALS SUBDIVISION, BRANSON, TANEY COUNTY, MISSOURI

WHEREAS, the City of Branson by Ordinance No. 682 adopted and established certain zoning districts and classifications for the City of Branson; and

WHEREAS, Section 89.010 to 89.060 inclusive, RSMo, as amended, provides that a city of the fourth class may amend and change from time to time the boundaries of zoning districts; and

WHEREAS, notice of the proposed zoning was published in the Branson Daily News no less than fifteen days prior to public hearing before the Planning and Zoning Commission of the City of Branson; and

WHEREAS, the Branson Planning and Zoning Commission held a public hearing on July 6, 2004 and recommends approval of the zoning to "R-1" Single Family Residential, "R-3" Multi Family Residential, and "C" Commercial for properties in Rainbow Shoals Subdivision, Branson, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1. That the tracts of land situated in Branson, Missouri, and described as:

RAINBOW SHOALS SUBDIVISION NO 1, BLK A LTS 5 & 6, 7 & 8, 10, 11 & S2 LT 12; BLK C LTS 11 & 12; RAINBOW SHOALS SUBDIVISION NO 1, AMD PLT LTS 1, 2, 3 BLK B; LT 2B LT 3B; RAINBOW SHOALS SUBDIVISION NO 1, 2ND AMD PLT LTS 1, 2, 3 BLK B; LT 1B; RAINBOW SHOALS SUBDIVISION - 1ST ADD; BLK 1 LTS 3, 4, 5; BLK 2 LTS 1, 2, 3, 5, 6 & 7, 8, 9, 13 & 14, 15, 16, 17, 18; BLK 3 LTS 1, 2, 3, 4, 5 & 6, 7, 8, 9, 10, 11, 12 & 13, 14, 15, 16, 17, 18; BLK 6 LT 1; RAINBOW SHOALS SUBDIVISION - 1ST ADD AMD PLT LTS 10, 11 & 12; BLK 2 LTS 10A, 12A; RAINBOW SHOALS SUBDIVISION - 1ST ADD, 2ND AMD PLT LT 1, 2, 7 BLK 1; LT 1A; RAINBOW SHOALS SUBDIVISION - 1ST ADD, AMD PLT LT 1, 2, 7 BL1; LTS 2A, 7A; RAINBOW SHOALS SUBDIVISION - 2ND ADD; LTS 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21

are hereby zoned as "R-1" Single Family Residential, subject to the Land Use Regulations of the City of Branson contained in the Branson Municipal Code.

Section 2. That the tracts of land situated in Branson, Missouri, and described as:

RAINBOW SHOALS SUBDIVISION - 2ND ADDITION, LT 1A AND 2A

are hereby zoned as "R-3" Multi Family Residential, subject to the Land Use Regulations of the City of Branson contained in the Branson Municipal Code.

Section 3. That the tracts of land situated in Branson, Missouri, and described as:

RAINBOW SHOALS SUBDIVISION NO 1, BLK A LT 14; BLK C LTS 1 & 2 & 3, 4;

RAINBOW SHOALS SUBDIVISION – 2ND ADDITION

A PART OF THE E1/2 OF THE SE1/4 OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 22 WEST, IN TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS NORTH, 385.64 FEET AND EAST, 587.30 FEET FROM THE SW CORNER OF THE NE1/4 OF SAID SE1/4, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF FALL CREEK ROAD AS NOW LOCATED; THENCE S68°58'30"E, 101.24 FEET; THENCE ALONG A 11.8083 DEGREE CURVE TO THE LEFT, 59.15 FEET, (SAID 101.24 FEET AND 59.15 FEET BEING ALONG SAID SOUTH RIGHT-OF-WAY LINE); THENCE S00°20'30"E, 372.89 FEET; THENCE N68°58'30"W, 161.07 FEET; THENCE N00°20'30"W, 370.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1.3 ACRES, MORE OR LESS; AND, ALL OF THE EAST 200' OF LOT 18, RAINBOW SHOALS 2ND ADDITION, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY, MISSOURI.

are hereby zoned as "C" Commercial, subject to the Land Use Regulations of the City of Branson contained in the Branson Municipal Code.

Section 4. The Official Zoning Map of the City of Branson is hereby amended in respect to the changes in the zoning district of the area described above.

Section 5. Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.

Section 6: This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this _____ day of _____, 2004.

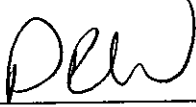
Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this ____ day of _____, 2004.

Louis E. Schaefer
Mayor

ATTEST:

Sandra L. Williams
City Clerk

APPROVED AS TO FORM:



Dan Wichmer
City Attorney

PLANNING AND ZONING COMMISSION

RESOLUTION NO. P-2004-016

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF ZONING OF "R-1" SINGLE-FAMILY, "R-3" MULTI-FAMILY, AND "C" COMMERCIAL FOR NEWLY ANNEXED PROPERTIES LOCATED IN RAINBOW SHOALS SUBDIVISION IN THE CITY OF BRANSON, MISSOURI.

WHEREAS, in order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the City; to promote the general welfare, public safety and health; and to preserve personal and property rights; all lots, parcels and tracts of land located within the City, together with any and all building improvements located thereon, shall be zoned; and,

WHEREAS, it is necessary for the City of Branson to zone newly annexed properties legally described as follows:

TRACTS OF LAND AS PER THE RECORDED PLATS THEREOF, TANEY COUNTY, MISSOURI, AND DESCRIBED AS FOLLOWS

PROPERTIES TO BE ZONED R-1 SINGLE FAMILY RESIDENTIAL:

RAINBOW SHOALS SUBDIVISION NO 1, BLK A LTS 5 & 6, 7 & 8, 10, 11 & S2 LT 12; BLK C LTS 11 & 12; RAINBOW SHOALS SUBDIVISION NO 1, AMD PLT LTS 1, 2, 3 BLK B; LT 2B LT 3B; RAINBOW SHOALS SUBDIVISION NO 1, 2ND AMD PLT LTS 1, 2, 3 BLK B; LT 1B; RAINBOW SHOALS SUBDIVISION - 1ST ADD; BLK 1 LTS 3, 4, 5; BLK 2 LTS 1, 2, 3, 5, 6 & 7, 8, 9, 13 & 14, 15, 16, 17, 18; BLK 3 LTS 1, 2, 3, 4, 5 & 6, 7, 8, 9, 10, 11, 12 & 13, 14, 15, 16, 17, 18; BLK 6 LT 1; RAINBOW SHOALS SUBDIVISION - 1ST ADD AMD PLT LTS 10, 11 & 12; BLK 2 LTS 10A, 12A; RAINBOW SHOALS SUBDIVISION - 1ST ADD, 2ND AMD PLT LT 1, 2, 7 BLK 1; LT 1A; RAINBOW SHOALS SUBDIVISION - 1ST ADD, AMD PLT LT 1, 2, 7 BL1; LTS 2A, 7A; RAINBOW SHOALS SUBDIVISION - 2ND ADD; LTS 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21

PROPERTIES TO BE ZONED R-3 MULTI-FAMILY RESIDENTIAL:

RAINBOW SHOALS SUBDIVISION - 2ND ADDITION, LT 1A AND 2A

PROPERTIES TO BE ZONED C - COMMERCIAL:

RAINBOW SHOALS SUBDIVISION NO 1, BLK A LT 14; BLK C LTS 1 & 2 & 3, 4;

RAINBOW SHOALS SUBDIVISION - 2ND ADDITION

A PART OF THE E1/2 OF THE SE1/4 OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 22 WEST, IN TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS NORTH, 385.64 FEET AND EAST, 587.30 FEET FROM THE SW CORNER OF THE NE1/4 OF SAID SE1/4, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF FALL CREEK ROAD AS NOW LOCATED; THENCE S68°58'30"E, 101.24 FEET; THENCE ALONG A 11.8083 DEGREE CURVE TO THE LEFT, 59.15 FEET, (SAID 101.24 FEET AND 59.15 FEET BEING ALONG SAID SOUTH RIGHT-OF-WAY LINE); THENCE S00°20'30"E, 372.89 FEET; THENCE N68°58'30"W, 161.07 FEET; THENCE N00°20'30"W, 370.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1.3 ACRES, MORE OR LESS; AND, ALL OF THE EAST 200' OF LOT 18, RAINBOW SHOALS 2ND ADDITION, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY, MISSOURI.

WHEREAS, a Public Hearing was held before the Branson Planning and Zoning Commission on July 6, 2004, at 7:30 p.m. in the City Council Chambers located at 110 West Maddux Street, Branson, Missouri; and,

WHEREAS, the review of the zoning of the newly annexed property, conducted by the Planning and Zoning Commission for the City of Branson, Missouri, has resulted in the determination that approval of the zoning of newly annexed property is reasonable and will cause no adverse effect of the City's Comprehensive Plan.

BE IT THEREFORE RESOLVED that the Planning and Zoning Commission for the City of Branson hereby recommends approval of the zoning of newly annexed property as herein described.

DONE THIS 6TH DAY OF JULY, 2004, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Rick Davis - Chairman

ATTEST:

Don D. Stephens - Director of Planning and Development