

BILL NO. 3169

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A ZONING CHANGE FROM "C" COMMERCIAL TO "PD" PLANNED DEVELOPMENT AND APPROVING LAND USE REGULATIONS FOR PLANNED DEVELOPMENT PD-2005-006 FOR PROPERTY KNOWN AS PROFESSIONAL PARK AND LOCATED ON GREEN MOUNTAIN DRIVE, BRANSON, MISSOURI**

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**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 November 1, 2005, and recommends approval of the Land Use Regulations for PD-2005-006 and zoning to "PD" Planned Development for property known as Professional Park, Branson, Missouri.

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

**Section 1.** That the tract of land situated in Branson, Missouri, as described on Exhibit 'A', is hereby zoned as Planned Development Number PD-2005-006, subject to the Land Use Regulations, which are attached hereto as Exhibit 'B' and incorporated herein by reference and are made a part hereof as if set forth herein.

**Section 2.** 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, and that Title IV of the Branson Municipal Code is hereby amended to add the Land Use Regulations, attached hereto as Exhibit 'B' and incorporated herein by reference, as the land use regulations for the area described above.

**Section 3. 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 4:** This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Louis E. Schaefer  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

  
\_\_\_\_\_  
Joseph L. Johnson  
City Attorney

## EXHIBIT 'A'

### DESCRIPTION:

ALL OF LOT 1 OF PROFESSIONAL PARK SUBDIVISION AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 725, CITY OF BRANSON, TANEY COUNTY, MISSOURI. ALSO A PART OF LOT 2 OF PROFESSIONAL PARK SUBDIVISION AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 725, BEING A PART OF THE NW1/4 OF THE SW1/4 OF SECTION 35, TOWNSHIP 23 NORTH, RANGE 22 WEST, CITY OF BRANSON, TANEY COUNTY, MISSOURI; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 35; THENCE N 00°04'19" E, ALONG THE WEST LINE OF THE NW1/4 OF THE SW1/4, A DISTANCE OF 492.42 FEET, FOR A NEW POINT OF BEGINNING; THENCE CONTINUE N 00°04'19" E, ALONG SAID WEST LINE, A DISTANCE OF 443.28 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S 89°56'00" E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 59.34 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GREEN MOUNTAIN DRIVE; ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GREEN MOUNTAIN DRIVE AS FOLLOWS; THENCE SOUTHEASTERLY ALONG A NON-TANGENT 9.1973 DEGREE SEGMENT OF A CURVE TO THE LEFT 330.16 FEET (SAID SEGMENT HAVING A CHORD BEARING AND DISTANCE OF S 40°11'30" E, 326.31 FEET AND HAVING A RADIUS OF 622.96 FEET); THENCE S 55°22'30" E, A DISTANCE OF 160.48 FEET; THENCE SOUTHEASTERLY ALONG A 14.3239 DEGREE CURVE TO THE RIGHT 242.04 FEET (SAID CURVE HAVING A RADIUS OF 400.00 FEET); THENCE S 20°42'19" E, A DISTANCE OF 49.15 FEET; THENCE N 76°04'17" W, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF GREEN MOUNTAIN DRIVE, A DISTANCE OF 12.14 FEET; THENCE N 54°40'31" W, A DISTANCE OF 15.42 FEET; THENCE N 28°05'36" W, A DISTANCE OF 12.14 FEET; THENCE N 35°37'23" W, A DISTANCE OF 22.03 FEET; THENCE N 42°55'17" W, A DISTANCE OF 26.20 FEET; THENCE N 52°03'05" W, A DISTANCE OF 34.18 FEET; THENCE N 46°14'53" W, A DISTANCE OF 10.42 FEET; THENCE N 63°14'18" W, A DISTANCE OF 26.05 FEET; THENCE N 78°55'35" W, A DISTANCE OF 2.90 FEET; THENCE N 02°41'14" W, A DISTANCE OF 73.37 FEET; THENCE S 87°18'14" W, A DISTANCE OF 43.33 FEET; THENCE S 02°41'14" E, A DISTANCE OF 1.60 FEET; THENCE S 88°17'27" W, A DISTANCE OF 44.29 FEET; THENCE N 01°42'36" W, A DISTANCE OF 7.82 FEET; THENCE N 87°52'46" W, A DISTANCE OF 85.40 FEET; THENCE N 45°16'27" W, A DISTANCE OF 85.68 FEET; THENCE N 49°32'03" W, A DISTANCE OF 91.77 FEET; THENCE S 85°41'00" W, A DISTANCE OF 92.55 FEET; THENCE S 00°05'25" E, A DISTANCE OF 62.10 FEET; THENCE N 89°54'35" E, A DISTANCE OF 5.41 FEET; THENCE S 00°33'43" E, A DISTANCE OF 45.77 FEET; THENCE S 89°26'17" W, A DISTANCE OF 6.94 FEET; THENCE S 00°33'43" E, A DISTANCE OF 53.03 FEET; THENCE S 89°26'17" W, A DISTANCE OF 45.51 FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 1.91 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ALL OF LOT 2 OF PROFESSIONAL PARK SUBDIVISION AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 725, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, EXCEPT A TRACT OF LAND BEING A PART OF LOT 2 OF PROFESSIONAL PARK SUBDIVISION AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 725, BEING A PART OF THE NW1/4 OF THE SW1/4 OF SECTION 35, TOWNSHIP 23 NORTH, RANGE 22 WEST, CITY OF BRANSON, TANEY COUNTY, MISSOURI; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 35; THENCE N 00°04'19" E, ALONG THE WEST LINE OF THE NW1/4 OF THE SW1/4, A DISTANCE OF 492.42 FEET, FOR A NEW POINT OF BEGINNING; THENCE CONTINUE N 00°04'19" E, ALONG SAID WEST LINE, A DISTANCE OF 157.94 FEET; THENCE N 85°41'00" E, LEAVING SAID WEST LINE, A DISTANCE OF 45.91 FEET; THENCE S 00°05'25" E, A DISTANCE OF 62.10 FEET; THENCE N 89°54'35" E, A DISTANCE OF 5.41 FEET; THENCE S 00°33'43" E, A DISTANCE OF 45.77 FEET; THENCE S 89°26'17" W, A DISTANCE OF 6.94 FEET; THENCE S 00°33'43" E, A DISTANCE OF 53.03 FEET; THENCE S 89°26'17" W, A DISTANCE OF 45.51 FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 7,541.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. ALSO EXCEPT CABINS 23 AND 24, PHASE 7, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 760, CABINS 27 AND 28, PHASE 8, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE G AT PAGE 757, CABINS 25 AND 26, PHASE 9, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 9, CABINS 29 AND 30, PHASE 10, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 33, CABINS 31 AND 32, PHASE 11, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK H AT PAGE 94, CABINS 33 AND 34, PHASE 12, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK H AT PAGE 126, CABINS 21 AND 22, PHASE 13, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 213, CABINS 35 AND 36, PHASE 14, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 163, CABINS 19 AND 20, PHASE 15, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM AS RECORDED IN PLAT BOOK H AT PAGE 210, CABINS 39 AND 40, PHASE 16, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 269, CABINS 37 AND 38, PHASE 17, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 256, CABINS 41 AND 42, PHASE 18, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 266, CABINS 43 AND 44, PHASE 19, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 358-360, CABINS 45 AND 46, PHASE 20, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 304-306, CABINS 47 AND 48, PHASE 21, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 397-399, CABINS 49 AND 50, PHASE 22, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 379-381, CABINS 51 AND 52, PHASE 23, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 334-336, CABINS 55 AND 56, PHASE 24, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 409-411, CABINS 57 AND 58, PHASE 25, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGE 467, CABINS 59 AND 60, PHASE 26, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS RECORDED IN PLAT BOOK/SLIDE H AT PAGES 444-446, CABINS 53 AND 54, PHASE 27, THE CABINS AT GREEN MOUNTAIN CONDOMINIUM, AS PER THE RECORDED PLAT THEREOF.

**PROFESSIONAL PARK**  
**LAND USE REGULATIONS**  
**PD# 2005-056**

# LAND USE REGULATIONS

## Professional Park Lot 1 – 1A

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### **1.00 Planned Development Plan**

- a. The Total acreage for the Planned Development is approximately 2 acres located on Green Mountain Drive Platted at Lot 1 or 1A Professional Park.
- b. The Planned Development (PD) District Ordinance will replace commercial zoning as it now exists on the Property. The developer intends to provide a pleasant environment for business operations including possible timeshare development.
- c. The PD Plan, or Master Conceptual Plan, attached hereto as Exhibit "B" shall be considered a permanent part of these Land Use Regulations. Exhibit "A" reflects the total area of the PD.

### **1.01 Zoning**

- a. The zoning for the development shall be PD – Planned Development, under the guidelines included in these Land Use Regulations. The intended use of the Property is of a commercial nature including possible timeshare development. The Use by Right and any accessory uses, permitted within this PD shall be in conformity with the Uses and Special Uses permitted by the zoning ordinance of Branson Municipal Code of "C" – Commercial Districts.
- b. For specific items not covered in these Land Use Regulations, the zoning regulations of the Branson Municipal Code Shall apply. The general land use categories, which should be referred to when not covered in the PD are as follows:

"C" – Commercial with Timeshare Special Use

### **1.02 Development Units**

- a. The total number of development units may not exceed the allocated number established by the final approved plan. The use of such development shall be as established in these Land Use Regulations. Any adjustment to this approved number or in the approved use of the Property shall require Planning and Zoning Commission approval. The maximum density shall be 32 Dwelling Units/acre.

### **1.03 Tract Development and Design**

- a. All development plans shall require Planning and Development Department approval prior to construction. Each phase shall be developed within the minimum and maximum limits established in these Land Use Regulations. Prior to the development of each phase, development site plans shall be presented to the Planning and Zoning Commission for review and approval. All development site plans and attached submittals shall require approval for the Branson's Planning

and Zoning Commission and the Branson Board of Alderman on a case by case basis. In reviewing the development site plans the uses proposed shall be weighed against existing uses and planned uses to insure consistency of theme. Unless a change is required to the minimum and maximum guidelines established in these Land Use Regulations, no future Public Hearings shall be required.

- b. Architectural design of the development shall be at the discretion of the Developer, Lot Owner, or Tenant. No covenant or restriction shall be placed on the Developer, Lot Owner, or Tenant beyond those prescribed in this document.

#### **1.04 Private Driveways and Roadways**

- a. All drives and roadways within the PD shall be private, providing access to the project related facilities and parking.
- b. Private drives and roadways within this development shall be constructed with a minimum width of twenty-four feet with the exception of the entrance drives, which shall be wider. The parking for multifamily (including timeshare) shall be at the rate of one parking space for each dwelling unit one bedroom and 1-1/2 parking spaces for each dwelling unit containing two or more bedrooms including those units with a lockout unit. Uses other than multifamily shall conform to the current City Ordinance. The drives and parking will remain private and the City will not be responsible for any maintenance, cleaning, upkeep, or other improvements.

### **2.0 Intensity of the Development**

#### **2.01 Setbacks**

- a. The minimum front building setback along public right-of-ways shall be twenty-five (25) feet. Where parking is a consideration within the front setback area, the minimum setback shall be forty-five (45) feet. The minimum side setback shall be five (5) feet. The minimum rear yard setback shall be five (5) feet. If the proposed buildings are constructed over fifty (50) feet in height, the normal setbacks defined herein shall be amended to allow for one (1) foot additional setback for every two (2) feet of building height above fifty (50) feet.
- b. Parking, entrance monuments, decorative landscaping, signage, storm water detention, and other items as allowed by Commercial Zoning shall be allowed within the setbacks but shall comply with all ordinances within the Branson Municipal Code.

#### **2.02 Intensity**

- a. Intensity shall be as provided within the Branson Municipal Code.

### **2.03 Lot Sizes**

- a. Minimum lot sizes for all buildings constructed in this PD shall be as required by the City of Branson.

### **2.04 Height**

- a. The maximum height permitted within this development shall be seventy-five (75) feet. Every building in excess of fifty feet shall provide additional setbacks as described in section 2.01 Setbacks hereinabove.

### **2.05 Vegetation Buffers**

- a. The Developer, applicable Property owner, or tenant shall insure that their entire portion of the project meets or exceeds the landscaping requirements of the City by application of the following principles.
  - 1. Landscaped area of at least ten (10) feet in depth shall be required at the front Property line (i.e. Green Mountain Drive) at least 100 feet each side of the main entrance, or a minimum of 200 linear feet. The ten (10) foot landscaping strip shall be included as interior and/or off street parking landscaping as defined by City ordinance.
  - 2. Tree and shrub plantings for Property shall be in accordance with City ordinances.
  - 3. All other buffers and screening as prescribed by the City of Branson's ordinances also apply.

### **2.06 Sidewalks**

- a. All sidewalks shall be constructed in strict conformance with City of Branson standards and shall be a minimum of four (4) feet in width.

### **2.07 Landscaping**

- a. Except as specified in these regulations, all Property landscaping shall be subject to the current adopted City of Branson Landscaping Ordinance.
- b. No dedication of land for public parks or open space shall be required for this PD.

## **3.0 Local Codes and Ordinances**

### **3.01 Codes and Ordinances**

- a. In addition to any of the items listed in these Land Use Regulations, all construction in this PD is subject to all local Codes and Ordinances as adopted by the City of Branson.

### **3.02 Fire Safety Requirements**

- a. All construction shall be in accordance with the current adopted building code series at the time of construction.

### **3.03 Off-Street Parking**

- a. Each typical parking space shall be nine (9) feet wide by nineteen (19) feet long.
- b. Except as specified in these regulations, the off-street parking requirements for this development shall generally follow the off-street parking requirements as written within the Branson Municipal Code.

### **3.04 Platting**

- a. The developer shall follow all subdivision regulations as set forth in the Branson Municipal Code to insure that all subdivision is legally platted.

### **3.05 Changes Made to Property PD**

- a. Any material changes made to any section of this PD ordinance shall be reviewed at a public hearing by the Planning and Zoning Commission the Board of Alderman shall have the final approval authority for any proposed changes.

## **4.0 Improvement Plan**

- a. On a phase by phase basis, all infrastructure including by not limited to streets, curb & gutter, sidewalks, sewer, water, storm drainage, etc. shall be installed, inspected, and approved by City Engineering Department prior to approval of any building construction permit. A performance bond, in a form acceptable to the City Engineering Department, may be provided to insure compliance with infrastructure construction.

## **5.0 Signage Regulations**

- a. All signage shall be as prescribed by the City of Branson's current Sign Regulations.
- b. Private entrance and directional signs directing traffic movement onto, off of, or within the Planned Development, may be allowed, provided it adheres to the sign ordinances for the City of Branson. Advertising logos are allowed, but are limited

to not more than twenty-five percent (25%) of the total sign area of each sign or as otherwise required in the City of Branson's current Sign Regulations.

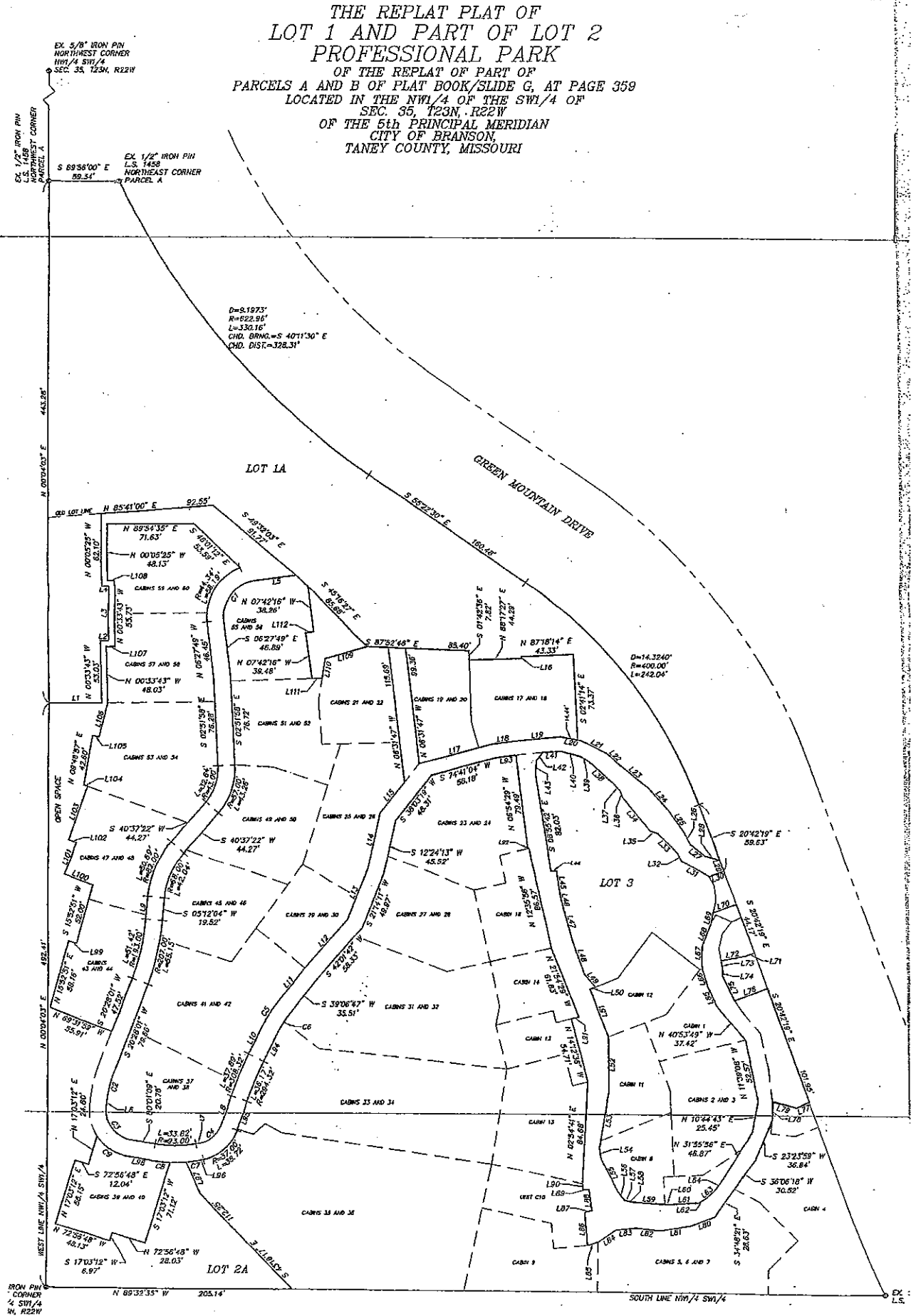
**THE REPLAT PLAT OF**  
**LOT 1 AND PART OF LOT 2**  
**PROFESSIONAL PARK**  
 OF THE REPLAT OF PART OF  
 PARCELS A AND B OF PLAT BOOK/SLIDE G, AT PAGE 359  
 LOCATED IN THE NW 1/4 OF THE SW 1/4 OF  
 SEC. 35, T23N, R22W  
 OF THE 6th PRINCIPAL MERIDIAN  
 CITY OF BRANSON,  
 TANEY COUNTY, MISSOURI

EX. 3/8" IRON PIN  
 NORTHWEST CORNER  
 NW 1/4 SW 1/4  
 SEC. 35, T23N, R22W

EX. 1/2" IRON PIN  
 L.S. 1458  
 NORTHEAST CORNER  
 PARCEL A

D=8.1973'  
 R=622.96'  
 L=330.18'  
 CHD. BRNG.=S 40°11'30" E  
 CHD. DIST.=328.31'

D=14.3240'  
 R=400.00'  
 L=242.04'



IRON PIN  
 CORNER  
 1/4 SW 1/4  
 N, R22W

EX. L.S.