

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI; CHAPTER 405 ZONING REGULATIONS; AMENDING THE DISTRICT MAP BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF PROPERTY, GENERALLY LOCATED AT 1107 EAST LINDEN AVENUE IN THE CITY OF RICHMOND HEIGHTS, MISSOURI FROM R-2A SINGLE-FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT RESIDENTIAL DISTRICT TO ALLOW FOR CONSTRUCTION OF 42 TOWNHOMES.

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WHEREAS, Petition 2015-16; Pulte Homes of St. Louis, LLC is seeking approval for rezoning for a certain parcel of land to permit construction of 42 townhomes located at 1107 E. Linden Avenue to be called Central Park Townes in the City of Richmond Heights, Missouri; and

WHEREAS, said Petition # 2015-16 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on September 17, 2015, at which said petition was heard, the Plan and Zoning Commission approved said petition for a zoning change from R-2A Single Family to Planned Development Residential; and

WHEREAS, due notice of a public hearing before the City Council upon said petition was published according to law and ordinance; and

WHEREAS, a public hearing was held before the Council of the City of Richmond Heights, Missouri on October 5, 2015 upon said petition; and

WHEREAS, The Council of the City of Richmond Heights, Missouri believes it desirable that the rezoning of the properties described below in Section 1 be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The properties to which this rezoning relates to are legally described as follows:

**PROPERTY DESCRIPTION**

A tract of land being Lot 12 and part of Lot 13 of Lavinia Terrace, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 47 of the St. Louis County Records, being located in Township 45 North, Range 6 East of the Fifth Principal Meridian, Richmond Heights, St. Louis County, Missouri being more particularly described as follows:

Beginning at a found Iron Rod marking the intersection of the southern line of a tract of land as conveyed to the Bi-State Development Agency, by instrument recorded in Book 1481, Page 2916 of above said records; with the western right K-of-way line of Linden Street, 60 feet wide; thence along said right-of-way line, South 23 degrees 32 minutes 40 seconds West, 380.88 feet to the southeast corner of above said Lot 12 from which an found Iron Rod bears South 67 degrees 29 minutes 10 seconds East, 0.13' feet; thence along the southern line of said Lot 12, North 67 degrees 29 minutes 10 seconds West, 261.97 feet to a found stone at the southwestern corner of said Lot 12; thence along the western lines of said Lot 12 and above said Lot 13, the following courses and distances: North 22 degrees 30 minutes 50 seconds East, 124.00 feet, from which a found Iron Pipe bears North 78 degrees 10 minutes 08 seconds East, 0.19 feet, and North 08 degrees 50 minutes 50 seconds East, 410.15 feet to the southern line of above said Bi-State Development Agency tract; thence along the southern lines of said Bi-State Development Agency tract the following courses and distances: South 83 degrees 51 minutes 29 seconds East, 80.38 feet and South 37 degrees 49 minutes 19 seconds east, 332.14 feet to the Point of Beginning and containing 142,168 square feet or 3.264 acres more or less.

SECTION 2. The uses permitted on the properties described above in Section 1 shall be those uses as are set forth in Appendix "A" to the Richmond Heights Zoning Ordinances for a "Planned Development Residential Zoning District".

SECTION 3. The area regulations and performance standards applicable to the properties described above in Section 1 shall be those described in Section 405.260 of the Richmond Heights Zoning Ordinances.

SECTION 4. The City Council of the City of Richmond Heights declares the rezoning of the property in question to be in accordance with the Comprehensive Plan and is hereby approved.

SECTION 5. The Mayor and other appropriate officers of the City of Richmond Heights, Missouri are hereby authorized to execute such documents and agreements as are necessary to complete the intents and purposes of this Ordinance.

SECTION 6. The sections of this Ordinance shall be severable. In the event that any of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds that the valid sections of this Ordinance are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has enacted the valid sections without the void ones, or unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 7. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED AND APPROVED this 19<sup>th</sup> day of October, 2015.

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JAMES J. BECK  
MAYOR

ATTEST:

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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

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KENNETH J. HEINZ  
CITY ATTORNEY

First reading:           October 5, 2015  
Second reading:        October 19, 2015