

APR 06 2009

ORDINANCE NO. 2713

**AN ORDINANCE TO AMEND THE EXTERIOR WALL
MASONRY COVERAGE REQUIREMENTS FOR SINGLE
FAMILY DWELLING HOMES LOCATED IN A MULTIPLE
FAMILY DWELLING ZONED DISTRICT IN THE CITY OF
COLUMBIA, ILLINOIS**


City Clerk

WHEREAS, the City Council of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that it is necessary and appropriate that the City's Zoning Ordinance masonry coverage requirement for single family residences to be located in a multiple family zoned district in the City as set forth in Section 17.24.070 of the City's Zoning Code needs to be changed and amended in order to bring the same into compliance with the same requirements for single family dwellings to be located in single family dwelling zoned districts in the City, as is made and provided for in this ordinance; and,

WHEREAS, the City Council of the City has also found and determined that it is necessary to amend the masonry coverage requirement for multiple-family dwellings contained in Subsection "B" of said Section 17.24.070 of the City's Zoning Code to correct a typographical error therein, as is made and provided for in this ordinance; and,

WHEREAS, the City Council of the City has also found and determined that it is necessary to amend the Subsection "F" of said Section 17.24.070 to change all references to the BOCA National Building Code to the "Building Codes of Columbia" so that the International Building Codes the City adopted by its Ordinance No. 2641 shall be the applicable Building Codes that shall apply and that shall be required to be complied with for the construction of single family homes in this zoned district.

WHEREAS, the proposed amendments to be accomplished by this ordinance were presented to the City's Planning Commission on March 9, 2009 and a public hearing regarding the same was held before the City's Zoning Board of Appeals on March 25, 2009 and both the Planning Commission and the Zoning Board of Appeals have recommended the changes be made and that this ordinance be enacted to accomplish the same.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Subsection "B" of Section 17.24.070 (Dwelling standards) of Chapter 17.24 (R-7 MULTIPLE-FAMILY DWELLING DISTRICT) of Title 17 (ZONING) of the City's Municipal Code is changed and amended to change the reference therein from "veneer" to "brick veneer", so that the same shall now read as follows:

“B. As authorized by Section 11-30-4 of the Illinois Municipal Code (65 ILCS 5/11-30-4), for fire and life safety, the exterior walls of all multiple-family dwellings must be constructed of brick, brick veneer, stone or comparable masonry type noncombustible building materials, on all sides of the building containing the dwelling units.”

Section 3. Subsections “E”, “F” and “G” of Section 17.24.070 (Dwelling standards) of Chapter 17.24 (R-7 MULTIPLE-FAMILY DWELLING DISTRICT) of Title 17 (ZONING) of the City’s Municipal Code of Ordinances is hereby repealed and in lieu thereof the following Subsection “E” is enacted in replacement thereof, to wit:

“E. (1) Masonry Coverage Requirement for Single Family Dwellings. For real estate subdivisions the final subdivision plats for which are approved by the city’s city council after the 3rd day of January, 2006, the exterior walls of single family dwelling houses constructed in this zoned district shall be constructed in compliance with the following minimum exterior building materials requirements:

(A) A minimum of three (3) sides (profiles) of the exterior walls of fifty per centum (50%) of the single family dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building’s eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city’s city council, after considering the recommendation of the city’s building commissioner and/or the city’s architectural review committee]).

(B) The front façade (the profile of the dwelling house facing the street) of thirty per centum (30%) of the single family dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building’s eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city’s city council after considering the recommendation of the city’s building commissioner and/or the city’s architectural review committee]).

(C) The exterior walls of twenty per centum (20%) of the single family dwelling houses to be constructed on lots located in the subdivision may be constructed of building materials other than face brick, which may include but shall not be required to be limited to stucco, vinyl siding, wood siding, or cement board lap siding.

(2) Variations from Masonry Coverage Requirement for Single Family Dwellings. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding Sub-subsections E. (1), when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict

application of the requirements contained in Sub-subsection E. (1) above would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the city council shall be empowered to authorize, upon application in regard to such property, a variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than as is required by said Sub-subsection E. (1) provided: (i) the proposed materials are authorized and approved by the Building Codes of Columbia in effect at the time of reference; and, (ii) the proposed materials are authorized by the city council (with the advice and/or recommendation of the city's building commissioner and/or the city's architectural review committee). In granting a variance to a property owner pursuant to this subsection of this section of this code, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Building Codes of Columbia in effect at the time of referenda shall not be a factor to be considered by the city council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of subsection E. (1) above.

3. General Requirements for Single Family Dwellings in Multiple-Family Zoned Dwelling District Subdivisions. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the City for city council approval shall depict on the plat drawing and shall state in a note or chart on the plat which single family subdivision lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which of such lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which of such lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the single family dwelling subdivision lots on the plat drawing and used on the chart with reference to the subject restrictions: (1) for three (3) sides brick – (B3), (2) for front façade brick - (BF) and (3) for unrestricted lots - (0).

Plat submittals which lack the number of single family dwelling building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection E. 1 above, shall be required to favor the more restrictive over the less restrictive or unrestricted building lots exterior wall brick masonry requirement. So that, for example:

(A) if there are only three (3) single family dwelling building lots in a subdivision, two (2) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) single family

dwelling building lot shall be subject to the front wall brick facade (BF) restriction;

(B) if there are only five (5) single family dwelling building lots in a subdivision, three (3) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining two (2) of those building lots shall be subject to the front façade brick wall (BF) restriction; and,

(C) if there are only six (6) single family dwelling building lots in a subdivision, three (3) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of those building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) of those building lots will not be subject to a exterior wall brick masonry construction restriction.

The application of the exterior wall brick masonry requirement percentages required by subsection E. (1) above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of subsection E. (1) above, at the time of the subdivider's first subdivision plat submittal to the City (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).

The exterior wall brick masonry requirement restriction that attaches to each single family dwelling building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or a less restricted lot provided the masonry coverage requirement of subsection E (1) above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the single family dwelling lots located within a subdivision to which this masonry coverage requirement applies, the next successive transfer or exchange of a masonry coverage requirement for a lot in the subdivision shall require a replatting of the subdivision before the city engineer and/or his/her designated representative may continue to approve, in writing, additional future single family dwelling masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) Prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, all modifications from the masonry coverage requirement of subsection E. (1) above must be depicted on an amended final subdivision plat of record, which shall require a replatting of the subdivision to be approved by the city's city council.

(2) The replatting required by the preceding subparagraphs (i) and (ii) of section (1) hereof in order to reflect the change in the masonry coverage requirement for the single family dwelling lots in the subdivision shall involve city council approval of an amended final subdivision plat for the subdivision by the city's city council, as in cases involving city council approval of a minor subdivision plat, and shall not require approval of a preliminary subdivision plat by the city council before city council approval of the amended final subdivision plat.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) which is located in an R-7 multiple-family zoned district in the City and which includes single family dwelling lots that is submitted to the city's city council for approval shall state in the notes on the plat that the masonry coverage requirement for single family dwelling lots depicted on the plat is subject to change with the approval of the city engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council, as is made and provided for in this chapter 17.24 of the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code."

Section 4. Subsection "F" of Section 17.24.070 (Dwelling standards) of Chapter 17.24 (R-7 MULTIFAMILY DWELLING DISTRICT) of Title 17 (ZONING) of the City's Municipal Code is changed and amended to change all references therein to "BOCA National Building Code" to the "Building Codes of Columbia".

Section 5. All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby changed and amended to read in conformity with the provisions and requirements of this Ordinance; and in the event the same cannot be so changed and amended to eliminate such conflict, to the extent of such conflict, are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Oberkfell, and the roll call vote was as follows:

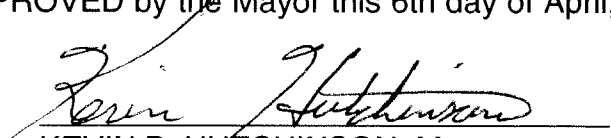
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 6th day of April, 2009.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)