

MAR 07 2011

ORDINANCE NO. 2853


City Clerk

**AN ORDINANCE TO AMEND THE EXTERIOR WALL
MASONRY COVERAGE GENERAL REQUIREMENTS
FOR SINGLE FAMILY DWELLING HOMES LOCATED IN
ALL RESIDENTIAL ZONED DISTRICTS IN THE CITY OF
COLUMBIA, ILLINOIS**

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 Ordinances requiring masonry coverage requirements for single family residences in the City needs to be changed and amended with regard to the requirement for replatting of the subdivision to show the status of the masonry coverage requirement after building permits are issued for one-half (1/2) of the lots and prior to the issuance of the final building permit after the approval and recording of a final plat for the subdivision in the office of the applicable County Recorder, as is made and provided for in the Columbia, Illinois Municipal Code.

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 "C" (General Requirements) of Section 15.71.020 (Masonry coverage requirement) of Chapter 15.71 (Masonry Coverage Requirement) of Title 15 (BUILDINGS AND CONSTRUCTION) of the Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

"C. General Requirements. The exterior wall brick masonry requirement restriction that attaches to each 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 or by issuance of a building permit, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or less restricted lot provided the masonry coverage requirements of subsection A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement

applies, the next successive transfer or exchange of masonry coverage requirement for a lot in the subdivision shall require the submittal to and approval by the City Council of the layout of the subdivision plat of record with each lot labeled with the existing and proposed exterior wall brick masonry along with tables for the lots, one each, showing the existing, proposed and combined existing and proposed exterior wall brick masonry for each lot, and a computation of the exterior wall brick masonry designations for the combined existing and proposed exterior wall brick masonry table, before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future 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, the masonry coverage requirement of subsection A above must be depicted on a layout of the subdivision plat of record with each lot labeled with the exterior wall brick masonry and a table showing the existing exterior wall brick masonry for each lot with a computation of the exterior wall brick masonry designations, which shall be approved by the City's City Council.

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's City Council for approval shall state in the notes on the plat that the masonry coverage requirement 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 Chapter 17.43 of the City of Columbia, Illinois Zoning Code and this Section 15.71.020 of the City of Columbia, Illinois Building and Construction Code.

Section 3. Subsection "C" (General Requirements) of Section 17.43.010 (Masonry Coverage Requirement) of Chapter 17.43 (Masonry Coverage Requirement) of Title 17 (ZONING) of the Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

C. General Requirements. 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 lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which 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 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 building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection A 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) building lots in a subdivision, two (2) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) building lot shall be subject to the front wall brick facade (BF) restriction;

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

(C) if there are only six (6) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) building lot 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 A 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 A 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 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 or by issuance of a building permit, 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 A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement applies, the next successive transfer or exchange of masonry coverage requirement for a lot in the subdivision shall require the submittal to and approval by the City Council of the layout of the subdivision plat of record with each lot labeled with the existing and proposed exterior wall brick masonry along with tables for the lots, one each, showing the existing, proposed and combined existing and proposed exterior wall brick masonry for each lot, and a computation of the exterior wall brick masonry designations for the combined existing and proposed exterior wall brick masonry table, before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future 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, the masonry coverage requirement of subsection A above must be depicted on a layout of the subdivision plat of record with each lot labeled with the exterior wall brick masonry and a table showing the existing exterior wall brick masonry for each lot with a computation of the exterior wall brick masonry designations, which shall be approved by the City's City Council.

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's city council for approval shall state in the notes on the plat that the masonry coverage requirement 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 17.43 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. 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 to the extent the same cannot be so changed and amended to eliminate such conflict, are hereby repealed.

Section 5. 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 Ebersohl, and the roll call vote was as follows:

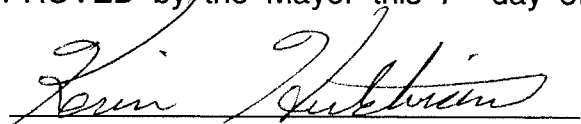
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf and
Roessler.

NAYS: None.

ABSENT: None.

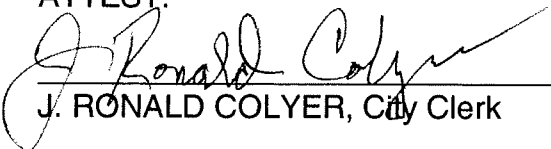
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7th day of March, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)