

SEP 17 2012

ORDINANCE NO. 2972

A. Ronald Celj
City Clerk

AN ORDINANCE TO ALLOW A LAWN AND LANDSCAPING BUSINESS BY SPECIAL USE PERMIT ONLY IN A C-2 (GENERAL BUSINESS ZONED DISTRICT) IN THE CITY OF COLUMBIA, ILLINOIS

WHEREAS, Section 17.02.050 of the City of Columbia, Illinois (the "City") Zoning Code allows amendments of regulations in zoned districts in the City by the City's City Council, on motion of the City's City Council or on petition of a property owner, after the request is reviewed by the City's Plan Commission and there is a public hearing regarding the requested amendment conducted by the City's Zoning Board of Appeals, following publication of notice of the hearing in a newspaper published in the City;

WHEREAS, Matthew Ritzel, as the owner of property at 408 South Rapp Avenue in the City, has petitioned the City to amend its Zoning Code to allow and provide that a lawn and landscaping business shall be permitted as a Special Use in a C-2 (General Business Zoned District) in the City;

WHEREAS, the request was referred to the City's Plan Commission for their consideration and recommendation and on the 13th day of August, 2012 the City's Plan Commission recommended to the City Council that the Council approve the Zoning Code amendment request of the petitioner;

WHEREAS, the request was referred to the City's Zoning Board of Appeals for public hearing and a public hearing was held on the request on the 15th day of August, 2012, following publication of notice of the hearing as required by law, and the City's Zoning Board of Appeals has recommended that the City Council amend the City's Zoning Code to allow and provide that a lawn and landscaping business shall be permitted as a Special Use in a C-2 (General Business Zoned District) in the City;

WHEREAS, the City Council of the City of Columbia, Illinois, after considering the recommendations of the City's Plan Commission and Zoning Board of Appeals, has found and determined and does hereby declare that it is necessary and appropriate that the Zoning Code of the City be changed and amended to allow and provide that a lawn and landscaping business shall be permitted as a Special Use in a C-2 (General Business Zoned District) in the City, and that that use not be allowed in any other zoned district in the City, as is more particularly made and provided for in this Ordinance.

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 17.28.010 (Uses permitted only by a special use permit), of Chapter 17.28, C-2 (General Business Zoned District), of Title 17 (ZONING) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to add thereto lawn and landscaping business as a special use, to read as follows:

'B. Uses permitted only by a special use permit.

The following uses shall be permitted in a C-2 (General Business Zoned District) in the city by special use permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Artificial lake or pond of one (1) or more acres;
2. Assisted living homes;
3. Day care centers or day nursery for infant, child, and adult;
4. Bed and breakfast establishments;
5. Convalescent homes;
6. Day care or day nursery for infant, child, and adult centers;
7. Drug store drive through facility;
8. Employment agencies;
9. Feed and seed stores;
10. Financial institution drive-up/drive-thru;
11. Hospitals;
12. Hotels and motels;
13. Lawn and landscaping business;
14. Lumber yards;
15. Multiple family dwelling;
16. Nursing homes;
17. Outdoor commercial recreational enterprises;
18. Outdoor display and sales of lawn, garden and nursery stock and supplies;
19. Pet grooming businesses;
20. Restaurant drive-thru type (where food is served to customers remaining in motor vehicle for consumption off premises);
21. Retail Used car and truck sales;
22. Service stations;
23. Senior care homes;
24. Veterinary clinics and/or small animal hospitals.

i. Instead of the permitted uses authorized in Section 17.24.020 (B) and (C) multiple-family dwellings allowed in a C-2 General Business District will be limited to four family dwelling units or structures, including condominiums, quadri-plexes, townhouses and row houses.

ii. The percentage of lot coverage in Section 17.24.060 shall not apply in a C-2 General Business District, but instead in a C-2 General Business District all main buildings, accessory buildings, driveways and paved parking lots shall not cover more than fifty-five (55) percent of the area of the lot.

iii. In a C-2 General Business District the fire wall of all multiple-family dwellings hereinafter constructed shall be Columbia Building Code approved fire resistant material from the foundation to the roof line.

iv. As authorized by Section 11-30-4 of the Illinois Municipal Code (65ILCS 5/11-30-4) for fire and life safety all of the exterior walls of multiple-family dwellings in a C-2 General Business District hereafter constructed or renovated or rehabilitated shall be constructed of brick, brick veneer, stone or comparable masonry type incombustible building materials on all sides of the building containing the dwelling units; except that, currently existing multiple-family dwellings that are hereafter renovated or rehabilitated may be restored to their original design without exterior masonry type walls being required.

v. The illumination from on-premises lighting will be so directed as to not cause direct light to encroach on adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property.

vi. Two (2) or more parking spaces shall be required for each family dwelling unit.

Section 3. Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING) of the Municipal Code of the City of Columbia, Illinois is changed and amended to add thereto "Lawn and Landscaping Business as a special use" to read as follows:

**"FIGURE 1
SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

	District(s) in Which Use May Be Permitted	Requirement Designation
Lawn and Landscaping Business	C-2	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b (1), c (1), d, g, h (1), i, j, k, l, o, p, q, r, s, t, v.2, w, x and y, and in addition thereto, other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Mathews and Reis.

NAYS: None.

ABSENT: Aldermen Huch and Piazza.

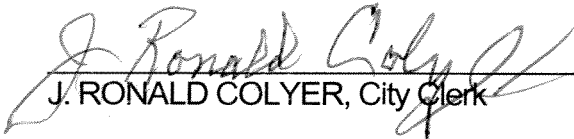
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 17th day of September, 2012.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)