

ORDINANCE NO. 2532

FEB 19 2007

**AN ORDINANCE TO AMEND THE EXTERIOR WALL
MASONRY COVERAGE REQUIREMENTS FOR SINGLE
FAMILY DWELLING HOMES LOCATED IN ALL
RESIDENTIAL ZONED DISTRICTS 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 Ordinances requiring a masonry coverage requirement for single family residences in the City needs to be changed and amended with regard to their requirements for an exchange of a more restricted lot for an unrestricted lot or less restricted lot in a subdivision 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 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. The last paragraph of subsection "C" (General Requirements) of Section 15.71.020 (Masonry coverage requirement) of Chapter 15.71 (Masonry Coverage Requirement) of Title 15 (BUILDING 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, 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 a replatting of the

subdivision 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, all modifications from the masonry coverage requirement of subsection A 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.

The replatting required by the preceding subparagraphs 1 and 2 in order to reflect the change in the masonry coverage requirement for the 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) 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 the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code.

Section 3. The following sections of Title 17 (ZONING) of the Columbia, Illinois Municipal Code entitled "Masonry coverage requirement", to wit: 17.12.075, 17.14.075, 17.16.075, 17.18.075, 17.20.075, 17.22.075 and Subsection "E" of Section 17.24.070, are hereby repealed.

Section 4. Title 17 (ZONING) of the Columbia, Illinois Municipal Code is hereby changed and amended to add thereto Chapter 17.43, to be entitled "MASONRY COVERAGE REQUIREMENT", to read as follows:

"A masonry coverage requirement for single family houses located in the following zoned districts in the city, to wit: R-1 (One-Family Dwelling Zoned District), R-2 (One-Family Dwelling Zoned District), R-3 (One-Family Dwelling Zoned District), R-4 (One-Family Dwelling Zoned District), R-5 (One-Family Dwelling Zoned District), R-6 (One-Family Dwelling Zoned District), and R-7 (Multi-Family Dwelling Zoned District) shall be as follows:

A. In 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 these zoned districts shall be constructed in compliance with the following exterior building materials requirement:

(1) A minimum of three (3) sides (profiles) of the exterior walls of fifty per centum (50%) of the 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]).

(2) The front façade (the profile of the dwelling house facing the street) of thirty per centum (30%) of the 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]).

(3) The exterior walls of twenty per centum (20%) of the 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.

B. Variations from Masonry Coverage Requirement. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding subsection A, 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 subsection A 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 subsection A provided: (i) the proposed materials are authorized and approved by the BOCA National Building Code 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 zoning administrator 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 BOCA National Building Code 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 A above.

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, 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 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 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 A 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 1 and 2 in order to reflect the change in the masonry coverage requirement for the 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) 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 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 to the extent the same cannot be so changed and amended to eliminate such conflict, are hereby repealed, including City Ordinance No. 2430, enacted January 3, 2006, entitled:

"AN ORDINANCE TO ENACT AN EXTERIOR WALL MASONRY COVERAGE REQUIREMENT FOR SINGLE FAMILY DWELLING HOMES LOCATED IN ALL RESIDENTIAL ZONED DISTRICTS IN THE CITY OF COLUMBIA, ILLINOIS"

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 Ebersohl, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row and Huch.

NAYS: Aldermen Conrad and Mayor Hutchinson.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19th day of February, 2007.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)