

JUL 20 2015

ORDINANCE NO. 3192


City Clerk

**AN ORDINANCE TO GRANT A SPECIAL USE PERMIT
FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS
OF 310 SOUTH RAPP AVENUE, IN THE CITY OF
COLUMBIA, ILLINOIS FOR JAG, INC., TO ALLOW A
FOUR UNIT MULTIPLE FAMILY DWELLING IN A C-2
(GENERAL BUSINESS) ZONED DISTRICT IN THE CITY
OF COLUMBIA, ILLINOIS**

WHEREAS, JAG, INC. (the "Applicant") wishes to construct a Multiple Family Dwelling consisting of four units located on property in the City of Columbia, Illinois (the "City") having the assigned address of 310 South Rapp Avenue which property is located in a C-2 (General Business) Zoning District and for the uses and purposes therein allowed;

WHEREAS, Section 17.40.010 of the City's Zoning Code allows Multiple Family Dwellings to be located in a C-2 (General Business) Zoned District by Special Use Permit provided: the facility complies with such of the following Figure 1 requirements as the City Council shall reasonably require; to wit:

- b(1) Minimum lot area
- c(1) Minimum Yards
- f(1) Minimum gross floor area
- h(1) Maximum height of structure
- z Must conform with multi-family dwellings, except that in a C-2 General Business District the following requirements shall apply instead of those provided for in Chapter 17.24 where there is a conflict between the requirements contained in Chapter 17.24 and the following requirements:
 - 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 (65 ILCS 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 brick, brick veneer, stone or comparable masonry type incombustible building materials of brick, brick veneer, stone or comparable 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.

WHEREAS, the Applicant has applied for a Special Use Permit to allow a (Four Unit) Multiple Family Dwelling facility aforesaid;

WHEREAS, Section 17.40.010 of the City's Zoning Code requires that an applicant for a Special Use Permit notify the owners of all property located within two hundred fifty (250) feet of the out-boundary of the property for which the special use permit is requested before their application for Special Use Permit is filed, advising said property owners, among other things, of the special use they are requesting permission to build and the applicants application is required to be referred to the City's Plan Commission for the Plan Commission's recommendation and a public hearing is required to be held before the City's Zoning Board of Appeals following the publication of the required hearing notice in a newspaper published in the City;

WHEREAS, the Applicant has given the required notice to affected property owners; on Monday, June 22, 2015 the Plan Commission recommended the granting of the special use permit requested by the Applicant; and on Wednesday, July 8, 2015 a public hearing with regard to the granting of the requested special use permit was held before the City's Zoning Board of Appeals, following publication of notice of hearing in compliance with the City's Zoning Code requirement and on January 8, 2015 the City's Zoning Board of Appeals recommended that the special use permit requested by the Applicant be allowed by the City's City Council;

WHEREAS, Subsection 17.40.010 (pertaining to issuance of special use permits) of the City's Zoning Code provides and requires that the City Council shall then act on the special use permit application, approval of the special use permit application shall require the affirmative finding of the City's City Council that:

(a) the proposed special use is to be located in a district wherein such use may be permitted; and,

(b) the requirements set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code for such special use exception will be met; and,

(c) the special use exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare;

WHEREAS, Section 17.40.010 of the City's Zoning Code further provides, if the Special Use Permit application is approved, the City Council shall enact an ordinance to order the Building Inspector to issue a zoning certificate for the special use exception; and,

WHEREAS, the City Council of the City has found and determined and does hereby declare that the affirmative findings of the City Council required by Section 17.40.010 of the City's Zoning Code and described above have been established by the Applicant and have been found to exist; and, that it is necessary and appropriate that the Special Use Permit requested by the Applicant be authorized 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 City Council of the City of Columbia, Illinois does hereby find, determine and declare:

(A) That the proposed Special Use Exception is to be located in a zoned district where such use may be permitted by Special Use Permit;

(B) That the special use requirements as set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code, which are hereinafter described in the next Section of this Ordinance, shall be required to be complied with after

issuance of the Special Use Permit and shall be required to be specified in the Special Use Permit upon the issuance of the Special Use Permit; and,

(C) That the Special Use Exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan of the City, will not substantially or permanently injure the appropriate use of the neighboring property, and will serve the public convenience and welfare.

Section 3. As a condition for the issuance of the Special Use Permit involved herein, the Applicant will be required to comply with the following 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 the City of Columbia, Illinois Municipal Code with the exception of z (ii) Percentage of lot coverage due to existing facilities already exceed the maximum percentage of lot coverage:

- b(1) Minimum lot area
- c(1) Minimum Yards
- f(1) Minimum gross floor area
- h(1) Maximum height of structure
- z Must conform with multi-family dwellings, except that in a C-2 General Business District the following requirements shall apply instead of those provided for in Chapter 17.24 where there is a conflict between the requirements contained in Chapter 17.24 and the following requirements:
 - 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 (Applicant has been waived of this requirement due to pre-existing condition).
 - 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 (65 ILCS 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 brick, brick veneer, stone or comparable masonry type incombustible building materials of brick, brick veneer, stone or comparable 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 4. The Special Use Permit Applicant, JAG INC., shall be granted the Special Use Permit for a Four Unit Multiple Family Dwelling located at 310 South Rapp Avenue in the City subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

Section 5. The City's Building Commissioner is hereby ordered and directed to issue a Zoning Certificate to the Applicant, JAG INC., for the Special Use Exception aforesaid, which Zoning Certificate shall include the special use designation requirements the Applicant is required to comply with which are specified and described in Section 3 of this Ordinance.

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 Martens, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 20th day of July, 2015.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)