

CITY OF BATAVIA

100 N. Island Ave., Batavia, IL 60510

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PLAN COMMISSION

AGENDA

Wednesday, March 6, 2019

7:00 PM

City Council Chambers - First Floor

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Public Hearings: 1430 Cherry Drive And 1360 Giese Road

City of Batavia, Owner and Applicant

- Amendment to the Official Zoning Map from R1-L, Single Family Residential – Low Density to POS, Parks & Open Space for 1430 Cherry Drive
- Amendment to the Official Zoning Map from R1-L, Single Family Residential – Low Density to PFI, Public Facilities and Institutional District

Documents:

[PCMEMO-CHERRYPARK-GIESE.PDF](#)

5. Public Hearing: Amendments To The Text Of The Zoning Code
 - Chapter 2.1 Single Family Residential Districts
 - Chapter 6: Use Definitions
 - Chapter 7: Glossary of General TermsCity of Batavia, Applicant

Documents:

[PC ZC TEXT AMEND RES GARAGES AND DEFINITIONS.PDF](#)

6. Matters From The Public (For Items Not On The Agenda)
7. Other Business
8. Adjournment

Plan Commission

Tom Gosselin

Sara Harms

Joan Joseph

Tom LaLonde, Chair

Bill McGrail

Sue Peterson

Gene Schneider, Vice-Chair

CITY OF BATAVIA

DATE: February 28, 2019
TO: Plan Commission
FROM: Drew Rackow, AICP, Planner
SUBJECT: PUBLIC HEARINGS: 1430 Cherry Drive and 1360 Giese Road
City of Batavia, Owner and Applicant

1. Amendment to the Official Zoning Map from R1-L, Single Family Residential – Low Density to POS, Parks & Open Space for 1430 Cherry Drive
2. Amendment to the Official Zoning Map from R1-L, Single Family Residential – Low Density to PFI, Public Facilities and Institutional for 1360 Giese Road

Background

A Public Hearing is scheduled for the March 20th Plan Commission meeting to review Zoning Map amendments for two City owned properties. The first at 1430 Cherry Drive would reclassify the existing detention pond from R1-L, Single Family Residential District to POS, Parks and Open Space District. The second would rezone the sanitary sewer lift station at 1360 Giese Road from R1-L Single Family Residential District to PFI, Public Facilities and Institutional District. Both properties are in Unit 2 of Cherry Park Subdivision. Both properties were conveyed to the City in 1986 with the initial development of the subdivision, and have been continuously used for their respective purposes since that time. In 2010, the City added the POS and PFI Zoning Districts to the City Zoning Code. The proposed amendments follow the rezoning of other City owned properties since the adoption of these districts.

The property at 1430 Cherry Drive is 3.50 acres and surrounded by R1-L, Single Family Residential - Low Density District, except along the southern property line where it is adjacent to the Prairie Path Trail – Batavia Spur which is zoned POS. The property is designated as Parks and Open Space on the Comprehensive Plan Land Use Map.

The Giese Road lift station property is approximately 0.30 acres and is designated for Public Facilities and Institutional Use on the Comprehensive Plan Land Use Map. Fermilab property to the northeast is zoned PFI. All other adjoining properties are zoned R1-L, Single Family Residential - Low Density. No changes to site improvements or uses are contemplated with either zoning map change.

Staff Analysis

The proposed Zoning Map amendment will place the two properties into zoning districts that are consistent with their uses as a publicly owned detention/open space and a utility facility. The POS District will permit the continued use of the Cherry Drive site as a Stormwater Management Facility and restrict the development potential of the parcel. The Giese Road parcel, which does not contain any structures, would follow slightly different development standards. There would be an increase in the required interior side setback. Minimum Perimeter Landscape areas would be imposed on all setbacks. Front, corner side and rear setbacks would remain consistent with the existing residential zoning.

There are no structures at the Cherry Drive property, meaning no non-conforming conditions would be created by the change. The change reduces the number of potential uses of the property and generally increases the required building setbacks and reduces the allowed building height.

Conformance to the Comprehensive Plan

Staff has reviewed the proposed changes for conformance with the Comprehensive Plan and believes that several Goals and Policies are met with the proposed changes. The proposed changes conform to the Comprehensive Plan's Land Use map designations. Both proposed changes advance several goals and policies of the Comprehensive Plan. For example, the change advances Land Use Element Goal 1 "Maintain Batavia as an attractive place to live, work shop and play with a balance of land uses," through Policy e "Proactively and fairly enforce land use regulations." The Goal and Policy objective are met by placing the property in a proper Zoning District for their current and intended uses, and applying the most appropriate development standards under their respective districts.

The Cherry Drive amendment also advances Goal 1 of the Environment Element to "Protect and enhance the City's and the region's air, land and water resources" by meeting Policy e. "Minimize erosion, storm water runoff and pollution by requiring the use of best management practices, including limits on pesticide use, for all construction activities, especially adjacent to wetlands." As a detention facility for the subdivision, it provides erosion control and cleans storm water to enhance water quality. Similarly, Goal 1 of the Parks and Open Space Element to "Provide an abundant supply of parks and open spaces", is met with Policy f. "Preserve or reclaim property adjacent to waterways for open space use and to help improve the quality of water that enters the waterways – preserve and enhance naturalized settings." The zoning change recognizes the function of these parcels as enhancing water quality within the larger watershed.

The proposed amendment for the Giese Road parcel advances Public Facilities Element Goal 7, to "Use Capacity strategically for City development and redevelopment" through Policy B to "retain sewer capacity for infill projects when extending service for annexations". As the property is an existing utility site, the change recognizes the continued contemplated use as a lift station that is designed to provide a fixed amount of sewage conveyance to the Wastewater Treatment Plant, as identified in the City's Wastewater Treatment Plan. Staff believes that the advancement of these goals and policies strengthen the case for these zoning map amendments.

Findings

The Plan Commission must review and approve the following Findings with a Zoning Map Amendment. Staff provides the following evaluation of the Findings for the Commission to consider.

Public Notice. All required public notice has been conducted in accordance with applicable state and local laws;

Finding: City staff executed the notice mailing and posting of the property pursuant to City Code. Signs were posted on both properties on February 12, 2019. Staff conducted a mailing to property owners within 500 feet on February 12, 2019. Notice was published in the Daily Herald on February 15, 2019.

Public Meetings and Hearings. All required public meetings and hearings have been held in accordance with applicable state and local laws.

Finding: The Plan Commission on March 6, 2019 conducted a public hearing in accordance with state and local law.

Conformance to the Comprehensive Plan. The extent to which the proposed amendment to the Official Zoning Map conforms generally to the goals and policies of the Comprehensive Plan and Comprehensive Plan Land Use Map.

Finding: The proposed amendment to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use as stormwater management, passive open space and public utility facility. The proposed classification matches the Comprehensive Plan Land Use Map designation.

Review of Conditions.

1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?

Finding: Parks and Open Space District and Public Facilities and Institutional properties are adjacent to residential districts throughout the City. PFI zoning is already present in this subdivision at the City's substation. The current uses already exist and are compatible with the use of nearby properties.

2. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?

Finding: There is no evidence to suggest that property values will be diminished by the restriction. The value of the property already takes into account the present uses of the parcels.

3. If any property values are diminished, does the diminishment promote the health, safety, morals, or general welfare of the public?

Finding: While there is no diminishment, the health, safety, morals and general welfare will be promoted by placing the properties under a Zoning District tailored to their present uses.

4. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?

Finding: The zoning change will provide greater gain to the public, by placing appropriate use and bulk standards on the properties, while preserving their uses as storm water management and public utility facilities. The City owns the properties for the public benefit of storm water management and sanitary sewage conveyance.

5. Is the subject property is suitable for the zoned purpose?

Finding: The properties are presently used for the zoned purpose and are thus suitable.

6. Has the length of time the property has been vacant as zoned been excessive, considering the context of land development in the area in the vicinity of the subject property?

Finding: The properties have already been developed for their proposed purpose. There has not been any vacancy since platting.

7. Is there a community need for the proposed zoning or use?

Finding: The parcels were platted for a community need of providing the required storm water detention area and utilities for this subdivision. This fulfills a need for Stormwater Management and the provision of utilities within the community.

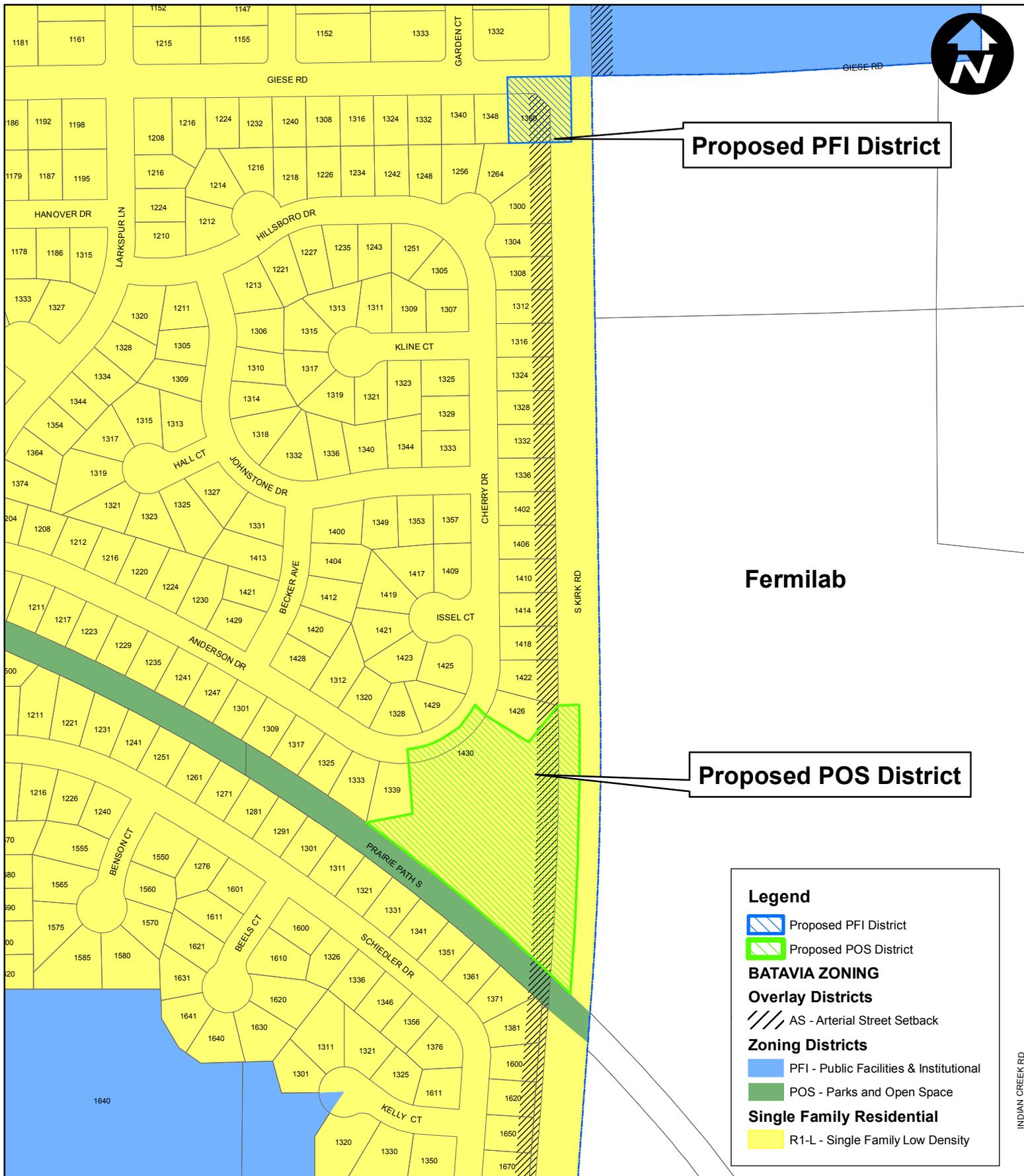
Staff Recommendation

Staff recommends the Plan Commission take the following actions:

1. Open and conduct a public hearing for the proposed Zoning Map Amendments.
2. Approve Findings for Approval for the Zoning Map Amendments.
3. Recommend approval of a Zoning Map Amendment to reclassify property at 1430 Cherry Drive from R1-L, Single Family Residential Low Density to POS, Parks and Open Space.
4. Recommend approval of a Zoning Map Amendment to reclassify property at 1360 Giese Road from R1-L, Single Family Residential Low Density to PFI, Public Facilities and Institutional.

Attachment: Zoning Map Exhibit

Cc: Mayor and City Council
Department Heads
Media



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Proposed Zoning Map Amendments



CITY OF BATAVIA

DATE: March 1, 2019
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: PUBLIC HEARING - Amendments to the Text of the Zoning Code

- Chapter 2.1 Single Family Residential Districts
- Chapter 6: Use Definitions
- Chapter 7: Glossary of General Terms

City of Batavia, Applicant

Background and Summary of Proposed Amendments

A Public Hearing is scheduled for the March 6th Plan Commission meeting to review proposed amendments to the text of the Zoning Code. Staff proposes these changes to better regulate the size of accessory structures in Single Family Residential Districts. The other significant change is to merge Chapters 6 and 7. Some additional definitions would be added, in relation to structures in Single Family Residence Districts, and some changes to definitions are proposed with this update of Chapter 6/7.

Staff has observed that without any specific accessory structure size limitations that there have been an increasing number of large accessory structures, uncharacteristic of residential areas, that have been constructed. While there are additional setbacks required as the height of an accessory buildings increases (1 foot of additional setback for each 2 feet of height), there is no limitation on these structures other than an absolute building height and their counting towards the site's overall Floor Area Ratio (FAR). Staff proposes revisions to Chapter 2.1 to address overall limits for the number and size of accessory structures on residential properties. Definitions would be revised and added to more clearly address the height of structures. The proposed changes are shown in the attached mark-up of Chapters 2.1 and Chapter 6.

Staff Analysis

The proposed amendments are intended to provide a limitation on the overall size and number of accessory buildings on a single family property. The following changes are proposed to Chapter 2.1

1. Revise Table 2.104 requirement for one (1) additional foot of side and rear accessory structure setback for every two (2) feet of height to one (1) additional foot of side and rear accessory setback for every one (1) additional foot of height above 15 feet.
Rationale: The change would move taller accessory structures away from adjacent property lines and require applicants to consider the balance of the need for additional height with the challenges it creates for adjacent properties. A 1:1 ratio is also easier to explain and administer.
2. Revise 2.104.A to create a limit to the number of accessory structures on a property of 3 for lots under 1 acre in size and 5 for lots 1 acre or larger.
Rationale: Currently accessory structures below 120 square feet do not count toward Floor Area Ratio, but there is no limit on the number allowed. This limit would end a potential loophole allowing the number of sheds to proliferate on a property. It also recognizes that larger lots would not be as crowded by an increased number of accessory structures.
3. Revise 2.106.A to add size limitation for accessory structures of 700 square foot size (total) or 10% of the lot size, whichever is less for lots under 1 acre and 1,000 square feet (per unit) or 10% of the lot area for lots over 1 acre.
Rationale: 700 square foot would allow for one (1) large three (3) car garage or one (1) two car garage and two (2) sheds. The 10% figure would place a limitation for too many large accessory structures for smaller lots. Lots greater than an acre may have agricultural buildings or other larger buildings associated with larger lots. With additional room, the 10% limitation would otherwise not have much effect.
4. Chapter 6, Accessory Structure Definition: remove Guest Quarters and Secondary Dwelling exception from Accessory Structures.

Rationale: These structure types are treated the same as principal structures in terms of setbacks under Chapter 2.1. This change would recognize that these are Accessory Structures for the purposes of the number of structure limitations on a lot.

5. Chapter 6, Grade Plane Definitions: In order to simplify and better administrate the regulation of height, staff proposes modifying the definition of Grade Plane and adding definitions for types of Grade Plane. The current definition can be particularly burdensome to calculate and administer with many development projects not establishing grades until developing final engineering plans. In some cases, the Plan Commission has granted Code Modifications for building height through planned developments in anticipation of this. The proposal would define grade plane in three different situations.

For buildings setback 30 feet or more, the Grade Plane is the average elevation along the front plane (front face) of the building.

For buildings setback 30 feet or less, (see attached drawing) the grade plane is determined by the average elevation (height) of two numbers. The first is the median elevation along the front property line (in bold). In the example the front elevation average is 10 feet). The second data point is the median elevation at the required setback line (dashed line). In the example this average elevation is 15 feet. This would mean the building located at the setback line would be measured with a grade plane of 12.5 feet.

For Accessory Structures the Grade Plane would be determined by the median elevation along the structures base that is closest to a property line. This would be so that the elevation most impacted by the accessory structure would be the basis for the height of the structure.

6. Chapter 6,

Staff proposes these numbers as a starting point of discussion among the Plan Commission regarding the regulation of Accessory Structures. The Commission can review these or discuss other potential changes in order to address these situations.

Merger of Chapter 6 /7 and other Glossary Changes: Staff believes that the merging of Chapters 6 and 7 as a single Glossary enhances the usability of the Zoning Code by eliminating the need to flip between Chapters when seeking a definition. Most users (including staff) of the Zoning Code are trained to look to one part of a Zoning Code for definitions. The separation into two chapters requires users to first realize there is a second set of terms and then consider whether the term they are looking to define is a use or a term. In some instances, a term could be categorized as both, creating additional consternation. Where other sections reference Chapter 7 will be revised to reflect the combined chapter.

Other Definitions Modified:

- Child Care Institution (clarification of the number of children within the Use) as 8 or more rather than more than 7.
- Contiguous: replace touch with adjacent
- Development Plan: simplify language using “with” instead of “as exhibits to”
- Dining, Outdoor: add “where food or beverage is served” to the definition
- Dwelling Unit, Attached: modified definition to better define stacking of units.
- Equipment Cabinet or building: modified definition to remove the use of terms being defined within the definition
- Flag Lot Definition: The current definition left the front lot determination to be made at the time of a permit issuance, which staff feels is too vague. A new definition is proposed that would set the front lot line as the further lot line of the flag from the street that is not the rear property line. Improvement, Offsite and Improvement Plan: Both have minor changes for clarity.
- Interior Building Separation: Modified to refer to the Zoning Lot specifically rather than the more general “site”
- Definitions for Residence Types. The previously separate chapters had competing definitions for Residence Types and Residence Uses. The proposed changes would merge these definitions into a single list into single consistent set of definitions using the Use Terms.
- Variance: minor modifications to the definition for clarity.

- Tattoo & Piercing Studio: Adds “Microblading” to this definition, consistent with state licensing.

Staff Recommendation

Staff recommends the Plan Commission open and conduct the public hearing. The Commission should discuss the amendments proposed by staff and may discuss other amendments if desired. If the Commission wants additional time to consider the proposed or other amendments, the Commission should continue the hearing to a date specific after hearing testimony from the meeting attendees. If the Commission feels it can make a recommendation to the City Council on the proposed amendments and other amendments considered during the hearing, the Commission can close the hearing and make a recommendation on amendments to accessory uses in the Single Family Residence Districts.

- c Mayor and City Council
Department Heads
City Council
Media

Attachment: Proposed Revisions to Chapter 2.1 and Chapter 6

Chapter 2.1: Single Family Residential Districts

Sections:

- 2.101 Purposes
- 2.102 Single Family Residential Districts
- 2.103 Land Use Regulations
- 2.104 Lot Development Regulations
- 2.105 Site Development Regulations, Nonresidential Uses in Residential Districts
- 2.106 Additional Use and Development Regulations

2.101 Purposes

The purposes of single family residential districts established in this chapter are to:

- A. Provide for single family residential uses in appropriate locations.
- B. Provide for a variety of single family residential densities.
- C. Establish reasonable regulations to create and preserve livable neighborhoods.
- D. Provide for appropriate transitions to other residential and nonresidential uses.
- E. Accommodate nonresidential uses located in residential districts.

2.102 Single Family Residential Districts

The single family residential districts are:

- A. ***R0 (Single Family)***. This district permits single family housing on lots of at least 14,000 net square feet.
- B. ***R1-L (Single Family Low Density)***. This district permits single family housing on lots of at least 9,500 net square feet.
- C. ***R1-M (Single Family Medium Density)***. This district permits single family housing on lots of at least 7,200 net square feet.
- D. ***R1-H (Single Family High Density)***. This district permits single family housing on lots of at least 5,000 net square feet.

2.103 Land Use Regulations

- A. **Regulations.** Table 2.103: Land Use Regulations – Single Family Residential Districts sets forth the land use regulations for single family residential districts. The regulations for each district are established by letter designations as follows:
- "P" designates permitted uses.
- "L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.103: Land Use Regulations – Single Family Residential Districts.
- "T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.
- "A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.
- "C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.
- B. **Unlisted Uses.** Uses are defined in Chapter 6: Use Definitions. If a proposed use is not listed in the Use Definitions, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.
- C. **Prohibited Uses.** Uses not listed in Table 2.103: Land Use Regulations – Single Family Residential Districts below or not assigned to a Use Definition pursuant to Section 2.103.B: Unlisted Uses, are prohibited.
- D. **Additional Use and Development Regulations.** Additional use and development regulations for single family residential districts are set forth in Section 2.106: Additional Use and Development Regulations.

Table 2.103: Land Use Regulations – Single Family Residential Districts					
Use Classification	R0	RI-L	RI-M	RI-H	Additional Regulations
Amateur Radio Facilities	P, L1	P, L1	P, L1	P, L1	
Animal Raising, Non-Commercial	P	--	--	--	Minimum 2 acre lot size
Bed and Breakfast Homes	C	C	C	C	
Carnival	T	T	T	T	See Title 3-4
Child Day Care, Home Occupation	P	P	P	P	See Section 4.503
Clubs and Lodges	C, L3	C, L3	C, L3	C, L3	
Congregate Living Facility	C	--	--	--	
Crop Raising, Non-Commercial	P	P	P	P	
Day Care Home	P, L2	P, L2	--	--	See Section 4.503
Garage Sales	T	T	T	T	See Section 4.509
Group Home	P	P	P	P	See Section 4:504
Guest Quarters	P, L1	P, L1	P, L1	P, L1	
Haunted House	T	T	T	T	Non-Commercial
Home Occupation	P	P	P	P	See Section 4.502
Homeowner Association Facilities	P	P	P	P	
Model Home	T	T	T	T	See Section 4.511
Over-The-Air Reception Device	P	P	P	P	See Chapter 4.8
Religious Assembly	C, L3	C, L3	C, L3	C, L3	
Residential, Permanent					
<i>Single Family, Detached</i>	P	P	P	P	
<i>Secondary Dwelling Unit</i>	--	--	A, L1	A, L1	
<i>Two-Family Residential</i>	--	C	--	--	
Satellite Dish Antenna, Large	P, L1	P, L1	P, L1	P, L1	
Schools, Public or Private	C, L3	C, L3	C, L3	C, L3	
Senior Housing	P	P	P	P	
Shelter Care Facilities	C	C	--	--	
Stable, Non-Commercial	P	--	--	--	2 acre minimum lot size
Utilities					
<i>Facilities</i>	A	A	A	A	
<i>Well Site</i>	A	A	A	A	
L1: Only as a use incidental to the principal use of the property L2: Facilities shall be licensed as required by the State of Illinois L3: Conditional Use; Clubs and Lodges, Community Service Facilities, Public and Private Schools and Religious Assembly Uses are not permitted in single-family residential structures					

2.104 Lot Development Regulations

Table 2.104: Lot Development Regulations – Single Family Residential Districts sets forth the development regulations for single family uses in single family residential districts, and are in addition to the development regulations set forth in Section 2.106: Additional Use and Development Regulations and Chapter 4.1: Site Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.104: Lot Development Regulations – Single Family Residential Districts.

Table 2.104: Lot Development Regulations – Single Family Residential Districts					
Standards	R0	RI-L	RI-M	RI-H	Additional Regulations
Minimum Lot Area (sq. ft.)	14,000	9,500	7,200	5,000	
Minimum Lot Width (ft.)	95	80	60	45	
Maximum Height (ft.)					
House	35	35	30	30	
Accessory Structure	25	25	25	25	
Maximum Floor Area Ratio (FAR)	0.35	0.40	0.45	0.50	
Front Setback (ft.)					
House	30	30	25	20	
Attached Garage	(A)	(A)	(A)	(B)	See 2.106.J
Rear Setback (ft.)	30	30	30	25	
Interior Side Setback (ft.)	15	12	10	7.5 (LI)	
Corner Side Setback (ft.)	30	30	12	10	
Accessory Structure Setbacks (ft.)					See 2.106.A
Front	30	30	30	30	(C)
Rear	10	6	3	3	(D)
Interior Side	10	6	3	3	(D)
Corner Side	30	30	12	10	
Principal Structure	10	10	10	10	(E)
Maximum Percentage of Building Frontage as Garage with Vehicle Door(s)	50	50	50	50	(F)
<p>(A) Attached garages shall be set back a minimum of 6 feet from the front plane of the house.</p> <p>(B) Attached garages shall be set back a minimum of 12 feet from the front plane of the house.</p> <p>(C) Detached garages shall be located at least 6 feet behind the front plane of the principal structure</p> <p>(D) Rear and interior side setbacks shall be increased by 1 foot for each <u>2-1</u> feet or fraction thereof in excess of 15 feet in height.</p> <p>(E) Structure may be located closer in compliance with applicable Building and Fire codes</p> <p>(F) Unroofed porches wider than the enclosed building shall be excluded from the width of the building frontage</p> <p>(LI) Interior side setbacks on corner lots shall be a minimum of 5 feet</p>					

- A. **Number of Buildings on a Zoning Lot.** No more than one principal **detached** structure shall be located on a zoning lot. For lots less than 1 acre, no more than three accessory structures shall be located on a zoning lot, excluding decks, pools, arbors, trellises.
For lots 1 acre or greater, no more than five accessory structures shall be located on a zoning lot, excluding decks, pools, arbors, trellises.
- B. **Side Clear Area.** A minimum 5-foot side clear area shall be maintained on both sides of all single family lots. This clear area extends along the entire length of both side elevations to a point 5 feet behind the rear wall plane. This area shall be free of permanent obstructions, including decks, mechanical equipment, ungated walls or fences, accessory structures, *OTARDs*, *Large Satellite Dish Antennas*, *Amateur Radio Facilities* including support structures and cables, swimming pool equipment, and other similar permanent obstructions. The clear area shall extend from the ground to a point 7 feet above ground. The only permanent obstructions permitted are:

1. Architectural building elements extending no more than 6 inches from the wall plane.
2. Gas, electric and other utility meters and equipment.
3. Landscape irrigation valves and control boxes.
4. Window wells, provided that they are at grade and covered with grills, covers, grates or similar devices.

C. **Front Door Location.** All residences shall have a front door on a façade facing a street.

2.105 Site Development Regulations, Nonresidential Uses in Residential Districts

Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts sets forth the development regulations for nonresidential uses in single family residential districts, and are in addition to the development regulations set forth in Section 2.106: Additional Use and Development Regulations and Chapter 4.1: Site Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts.

Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts				
Standards	Use under 5,000 sq. ft.	Use 5,000 to 10,000 sq. ft.	Use over 10,000 sq. ft.	Additional Regulations
Minimum Lot Area	Same as base district regulations set forth in Table 2.104			
Minimum Lot Dimensions	Same as base district regulations set forth in Table 2.104			
Maximum Building Height (ft.)	30	35	35	
Minimum Building Setbacks (ft.)	Same as base district regulations set forth in Table 2.104			
<i>Front</i>	Same as base district regulations set forth in Table 2.104			
<i>Side (Corner)</i>	25	30	30	
<i>Side (Residential)</i>	15	20	25	
<i>Side (Nonresidential)</i>	15	15	15	
<i>Rear (Residential)</i>	30	30	30	
<i>Rear (Nonresidential)</i>	15	15	15	
Separation between Buildings (ft.)				
<i>Single story</i>	10	15	15	
<i>Multiple story</i>	20	20	20	
Maximum Floor Area Ratio (FAR)	Same as base district regulations set forth in Table 2.104			
Minimum Required Perimeter Landscape Area (ft.)				See Chapter 4.3
<i>Front</i>	20	25	30	(A)
<i>Side (Corner)</i>	20	20	25	(A)
<i>Side (Residential)</i>	15	20	25	
<i>Side (Nonresidential)</i>	15	15	15	
<i>Rear (Residential)</i>	20	25	30	
<i>Rear (Nonresidential)</i>	15	15	15	
Landscaping (% of net lot area)	15	15	15	See Chapter 4.3
Building Setback to Parking (ft.)	See Section 4.203.N			

Standards	Use under 5,000 sq. ft.	Use 5,000 to 10,000 sq. ft.	Use over 10,000 sq. ft.	Additional Regulations
Off-Street Parking and Loading	See Chapter 4.2			
Exterior Lighting Standards, maximum height (ft.)	15	15	15	
(A) Street Frontage Landscape. Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs and lighting				

2.106 Additional Use and Development Regulations

In addition to the requirements set forth in Chapter 4.1: Site Regulations, the following regulations shall apply:

- A. **Accessory Structures.** Accessory structures shall comply with the following regulations:
1. **Establishment.** An accessory structure shall not be constructed prior to construction of the principal structure.
 2. **Location:**
 - a. Except as allowed by 2.106.A.2.c below, the structure shall be located in the rear one-half of the lot; however, in no case shall the structure be required to be set back more than 30 feet from the front property line and 6 feet from the front plane of the principal structure.
 - b. For single family lots tennis or sport courts shall be set back a minimum of 10 feet from side and rear property lines.
 - c. Temporary or Seasonal Sport Courts may be located in the front setback area and shall be set back a minimum of 5 feet from all property lines.
 3. **Size:**
 - a. On Properties Less than 1 acre: The total square footage of all accessory structures on a lot shall not exceed 700 square feet or 10% of the lot size, which ever is less.
 - b. On Properties 1 acre greater: The maximum square footage of each accessory structures shall not exceed 1,000 square feet.

- B. **Guest Quarters.** Guest Quarters shall comply with the following regulations:
1. *Establishment.* Guest Quarters shall not be constructed prior to construction of the dwelling unit.
 2. *Number.* One Guest Quarters is permitted on a lot or parcel.
 3. *Location:* Guest Quarters shall be located within the building envelope.
 4. *Additional Standards:*
 - a. Guest Quarters may be attached to the principal dwelling by a breezeway or similar structure.
 - b. Guest Quarters shall use utility service provided to the principal dwelling.
 - c. Ranges, ovens, and built-in cooking facilities are prohibited.
 - d. Separate renting or leasing from the principal dwelling is prohibited.
 - e. The maximum height of Guest Quarters shall be 25 feet.
 - f. Design of Guest Quarters shall be compatible with the design of the principal dwelling in materials, colors and architectural style.
- C. **Secondary Dwellings.** Secondary Dwellings may be located on R1-M and R1-H zoned properties and shall comply with the following regulations:
1. *Administrative Use Permit Required.* Secondary Dwellings shall require an Administrative Use Permit.
 2. *Notice.* Mailed notice shall be given to adjacent property owners, including properties directly across a street from the property, and owners of properties adjoining front and side property lines to those properties. Notice shall be mailed no later than 15 days before a decision is made on the application.
 3. *Establishment.* Secondary Dwellings shall not:
 - a. be constructed prior to construction of the principal dwelling unit;
or
 - b. be located on a lot that contains a nonconforming additional dwelling unit(s).
 4. *Number.* Only one Secondary Dwelling unit is permitted on a lot or parcel.

5. *Location.* Secondary Dwellings shall be:
 - a. located in the principal structure; or
 - b. as part of a detached garage.
6. *Additional Standards.*
 - a. Entrances in principal structures shall not be located on walls facing a street.
 - b. The Secondary Dwelling shall use utility service provided to the principal dwelling, and shall not be separately metered;
 - c. The Secondary Dwelling shall increase the number of required off-street parking spaces specified in Chapter 4.2 Off-Street Parking and Loading Regulations by one space;
 - d. The design of the Secondary Dwelling unit shall be compatible with the design of the principal structure in materials, colors and architectural style.
 - e. The floor area of the Secondary Dwelling shall not exceed 75% of the floor area of the primary dwelling's floor area.
- D. *Access to Nonresidential Property.* Use of a residential property to provide primary vehicular access to a nonresidential use is prohibited.
- E. *Driveways.* All driveways shall be a minimum length of 20 feet, except driveways accessing an alley shall be a minimum of 5 feet in length.
- F. *Animals.* The regulations set forth in 5-4B-1 of the City Code shall govern the keeping of animals within the city limits.
- G. *Stables, Non-Commercial.* Any structure housing animals is an accessory structure subject to the requirements of Section 2.106.A: Accessory Structures, except that such structure shall be set back at least 200 feet from any public street and from any residence except for the residence of the owner of the property.
- H. *Recreational Vehicles on Residential Lots.* Recreational Vehicles owned by the occupant of a developed Residential lot or parcel may be kept on a residentially zoned property. Recreational Vehicles shall be kept entirely over a hard surface of asphalt, concrete or pavers accessible by a continuous driveway to the curb or edge of street pavement. A Recreational Vehicle cannot be located closer than 5 feet from the rear or interior side property line. Recreational Vehicles shall remain unoccupied while on a Residential lot. Recreational Vehicles shall not extend over a property line, into a right-of-way, or over a sidewalk for public use.
- I. *Utility Vehicles on Residential Lots.* Utility Vehicles owned by the occupant of a developed Residential lot or parcel may be kept on a residentially zoned property

when kept entirely over a hard surface of asphalt, concrete or pavers and not in the front or corner side setback areas. Utility Vehicles may be parked on a residentially zoned property entirely over a hard surface in the front or corner side setback area only on a driveway or Additional Parking space (per Section 4.203.X) for a period -not to exceed 48 hours when being loaded, unloaded, or serviced.

J. ***Attached Garage Setback.***

1. Garages attached to the principal structure shall be set back as set forth in Table 2.104.
2. Attached garages having vehicle doors facing the closest side property line and not on the building frontage:
 - a. may extend up to 10 feet forward from the front plane of the house, provided the building frontage wall of the garage has a minimum of 20 square feet of vision glass window area on the first floor; and
 - b. shall not extend into any required setback.

K. ***Storage, Outdoor.*** Outdoor storage, as defined in Chapter 7 of this code, is prohibited.

L. ***Play Equipment.*** Play Equipment is a permitted structure and not subject to the issuance of a building permit. Play Equipment shall:

1. not be placed in an easement,
2. not be located in a Front or Corner Side Setback area,
3. be located a minimum of five feet from all lot lines.

M. ***Large Refuse Receptacles.*** Large refuse receptacles, as defined in this Code, are permitted on a residentially zoned property. Large Refuse Receptacles may be placed:

1. on a driveway or other hard surface for a period not to exceed 14 days.
2. on a driveway or other hard surface for a period greater than 14 days when used in conjunction with an active building permit.
3. on properties containing multi-family residences, other than Two-Family Residences, for a period greater than 14 days solely in accordance with regulations set forth in Section 4.106: Refuse and Recycling Enclosures.

Chapter 6: ~~Use Definitions~~Zoning Code Glossary

Abutting or Adjoining. Having one or more boundaries in common. For streets, abutting or adjoining shall mean a lot or parcel touching the street at any point.

Accessory Entry Monument. An architectural structure signifying and marking a major arrival point to a multiple-tenant commercial or employment project.

Accessory Use (Incidental Use). The use of a building or land which is subordinate to the principal use of the building or land on the same lot or parcel.

Accessory Structure. A detached permanent subordinate structure, the use of which is incidental to the use of the principal structure, and which is located on the same lot or parcel as the principal structure. Common accessory structures are garages, parking canopies, storage sheds and cabanas. ~~Guest Quarters, Secondary Dwellings, s Signs,~~ swimming pools, arbors, trellises, and fences are not accessory structures.

Acreage, Gross. The land area within the perimeter of a parcel or project, including one-half the right-of-way of all adjoining public streets, railroad rights-of-way and other land dedications.

Acreage, Net. The land area of a parcel or project excluding land to be dedicated or reserved for streets, schools, parks or other public facilities.

Adjacent. Abutting or adjoining.

Adult Arcade. Any place to which the public is permitted or invited, wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment which has as a substantial or significant portion of its stock in trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

- A. Books, magazines, periodicals, or photographs, films, motion pictures, videocassettes, compact or laser discs, slides, software or other visual representations, which are characterized by their emphasis upon the exhibition or display of “specified sexual activities” or “specified anatomical areas;”

- B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear seminude; or
- B. Live Performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the exhibition or display of “specified sexual activities” or “specified anatomical areas.”

Adult Day Care, Residential. Day care provided in an occupied residential structure for more than 5 adults.

Adult Motion Picture Theater. Any commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, compact discs or similar photographic reproductions are regularly shown which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Adult Show or Adult Theater. Any theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear nude or seminude, or live performances which are characterized by the exposure of specified anatomical areas, or by specified sexual activities.

Adverse Impact. A negative consequence to the natural, social, or economic environment resulting from an action or project.

Agriculture. The use of land for soil tillage for the production of crops, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry. Agriculture includes accessory uses for packing, treating and storing of produce if secondary to the primary agricultural use.

Agritainment. Agriculturally-based recreation and entertainment events and activities in conjunction with on-going agricultural uses on a property. Activities may include corn mazes, hayrides, petting zoos, Farm Stands, and Farmer’s Markets.

Alteration. Any enlargement, addition, relocation, repair, remodeling, change in number of living units, development of or change in an open area, development of or change in a sign, demolition or removal, or other change in a facility for which a building permit is required, excluding ordinary maintenance.

Alternative Wireless Communication Facility Building Element. A building element designed to conceal and/or camouflage wireless communications facilities, including but not limited to a wall mount, clock tower, cupola, or church steeple.

Alternative Wireless Communication Facility Light Pole. A new or existing light pole, used for area illumination, which also includes Wireless Communication Facility antenna facilities that are secondary to the illumination purpose.

Alternative Wireless Communication Facility Structure. A structure designed to conceal and/or camouflage wireless communications facilities. Structures may include but are not limited to a free-standing structure such as an artificial tree. Alternative structures do not include a flagpole, monopole with an attached flag, or a monopole with a minimal design feature.

Amateur Radio Facilities. Equipment and structures used for airway communication purposes by persons holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Ambulance Services. A facility for the provision of emergency and non-emergency medical transportation, including the parking and dispatching of ambulances, but excluding the maintenance of vehicles.

Amplified Artistic Performance: A Use where amplified music, singing, spoken word or other similar audio entertainment or performance is provided.

Animal Raising, Non-Commercial. The keeping, grazing or feeding of fowl or animals not for profit.

Animal Services. Facilities for care and treatment of animals, including incidental sales of pet supplies.

Animal Grooming. Any place or establishment where animals are bathed, clipped, or combed and a fee is charged for such services.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, humane society, animal welfare society, society of the prevention for cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animal Training. An establishment where animals are brought and trained for the purposes of obedience, assistance, tricks or tasks. Animal Training does not include overnight boarding.

Kennel. Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl or other domestic animals for a fee, but not including boarding, breeding or care of animals used for agricultural purposes. Ancillary services such as animal grooming and the sale of animal food and supplies are permitted.

Large Animal Hospitals. Animal services for large domestic and farm animals, including grooming and boarding of animals receiving medical treatment.

Small Animal Clinics. Veterinary services for small animals, including grooming and interior kennels for boarding of animals receiving medical treatment.

Antenna. Any system of poles, panels, rods, dishes, wires or similar devices used for the transmission or reception of wireless signals.

Antenna Support Structure. A freestanding support, other than a building or building element, to which one or more antennas are mounted.

Apartment Building. A multi-family residential structure under single ownership containing 3 or more dwelling units for lease.

Arbor: An architectural structure forming a passageway of vertical posts or pillars that usually support cross-beams and a sturdy open lattice that may or may not support vegetation. An arbor may also be known as a pergola.

Auction. *(See Swap Meet)*

Automated Teller Machine (ATM). An automated device that provides banking services.

Automated Teller Machine (ATM), Remote. An outdoor, freestanding automated device that provides banking services at a location physically separated from the controlling financial institution, either on or off of the property containing the controlling financial institution.

Awning. A roof-like cover entirely supported by and extending from a building for the purpose of protecting openings from the elements, providing shade or architectural embellishment.

Backhaul Network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Balcony. A platform that projects from, and is solely supported by, the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet.

Banks and Other Financial Service Institutions. Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, credit unions, and check cashing establishments.

Banquet Facility. An establishment rented to others for social gatherings, including outdoor assembly.

Basement. (See Batavia Municipal Code, Title 9, Building Codes) That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

- A. More than 6 feet above grade plane; or
- B. More than 12 feet above the finished ground level at any point.

Bed and Breakfast Homes. Owner-occupied dwellings providing lodging and meals to paying guests for a limited duration. Kitchen facilities are not provided for use by guests.

Berm. An earthen mound designed to provide visual interest, screen objects from view, reduce noise, or control drainage flows.

Block. The smallest area of land bounded by adjacent streets, drainage ways, bodies of water, shorelines, railroads, open space, corporate or subdivision boundaries.

Block Face. The portion of a block that abuts a street.

Brewery. A facility that produces, packages and distributes malt beverages. A brewery may include a tasting room where beverages may be consumed on site or in sealed containers for consumption off site.

Brewpub. A restaurant that includes a small brewery where beverages are sold for consumption on site or in sealed containers for consumption off site.

Building. Any structure for the shelter or support of any use or occupancy, or a structure as defined by a Building Code adopted by the City of Batavia.

Building, Detached. A building or structure separated from any other building or structure.

Building Envelope. The volume of space for building as defined by the minimum building setbacks and the maximum allowable building height.

Building Height. The vertical distance from grade plane to the highest level of the parapet or roof surface of flat or mansard roofs, or to the mean height between eaves and ridges of gable, gambrel, or hip roofs. Chimneys, spires, uninhabitable architectural elements and similar projections are not included in the calculation of building height.

Building, Main or Principal. A building where the principal use of a lot is conducted.

Building Maintenance Services. Establishments providing carpet cleaning, janitorial services, pool services, and similar uses.

Building Material and Home Improvement Sales and Service, Retail. Sale or rental of building or landscaping materials, supplies, hardware or construction equipment to the public.

Building Material and Home Improvement Sales and Service, Wholesale. Sale of building or landscaping materials, supplies, hardware or construction equipment to other firms for resale or distribution. Incidental retail sales may be conducted.

Building Step-Back. A required setback for a portion of a building above the first floor.

Building Wall. The exterior of any side of a building.

Build-To Line. The maximum distance a building may be set back from a property line.

Business Services. Establishments providing document delivery, mail services and boxes, package services, blueprinting, copying, desktop publishing and photographic services.

Call Center. A large-scale office providing incoming and outgoing telephone and computer services for one or more corporations. Call centers do not provide on-site customer services and are characterized by high employee density, open offices and 24 hour operations.

Cannabis Cultivation Center. An establishment licensed by the State of Illinois Department of Agriculture to cultivate cannabis for sale and/or distribution to licensed and/or lawful cannabis dispensaries.

Cannabis Dispensary, Medical. An establishment licensed by the State of Illinois under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act that acquires medical cannabis from a licensed Cultivation Center for the purpose of dispensing cannabis, cannabis derived products, paraphernalia or related supplies and education material. A Medical Cannabis Dispensary shall not dispense cannabis for recreational use.

Cannabis Dispensary, Recreational. An establishment, other than a medical cannabis dispensary, that dispenses cannabis, cannabis derived products, paraphernalia or related supplies as permitted by the laws of the State of Illinois.

Canopy. A roof-like cover partially supported by poles or columns affixed to the ground and partially

Carnival. *(See Batavia City Code Title 3:- Business and License Regulations)*

Carport. A roofed structure not fully enclosed by walls for the purpose of providing shelter for one or more vehicles.

Circus. *(See Batavia City Code Title 3: Business and License Regulations)*

Cemetery. Burial grounds for the interment of the human deceased.

Cemetery, Pet. Burial grounds for the interment of domestic animals.

Child. Any person generally under 18 years of age as defined in ~~-(Section 2.01 of the~~ Child Care Act of 1969 [225 ILCS 10/2.01].

Child Care Facility. Any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child

Care Facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

Child Care Institution. A child care facility where 8 or more ~~than 7~~ children are received and maintained for the purpose of providing them with care or training or both. The term Child Care Institution includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- A. Any State-operated institution for child care established by legislative action;
- B. Any juvenile detention or shelter care home established and operated by any county or child protection district;
- C. Any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act [210 ILCS 45];
- D. Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis;
- E. Any facility licensed as a "group home" as defined in the Child Care Act of 1969 (Section 2.06 of the Child Care Act of 1969)

Child Day Care, Home Occupation. A permanent residential unit where an occupant provides day care and supervision for more than 3, but fewer than 13 children, including all children 12 or under residing within the unit, whether or not for compensation, for less than 24 consecutive hours.

Clubs and Lodges. Meeting or social facilities primarily for use by members or guests of an organization. Examples include union halls, fraternal and service organizations, and social clubs.

Co-Location. The use of a single support structure and/or site by more than one telecommunications provider.

Colleges, Public or Private. Institutions of higher education (post-secondary) providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes Instructional Services, Specialized.

Common Driveway. A driveway providing a shared access to 2 or more lots or uses.

Community Garden. A public or private effort for the cultivation of land by more than one person or entity.

Congregate Living Facility. A long-term residential facility for persons of a specific minimum age, handicapped or other special needs persons. Congregate living facilities include common dining, social, and recreational amenities. Congregate living facilities may include independent living units and Nursing Homes but only as part of a larger facility. Limited commercial services may be provided exclusively for residents.

Contiguous Lot or Parcel. Lots or parcels that ~~are adjacent to each~~ are adjacent to each at one or more points.

Contractor's Yard. A facility for the outdoor storage of materials, equipment, and commercial vehicles used in construction, building maintenance, landscaping and similar activities, including incidental office space.

Conference Center. A facility used for assemblies or meetings. This classification excludes Clubs and Lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

Cornice. Any projecting horizontal molding that finishes or crowns the top of a building, wall, arch or similar architectural feature.

Crematorium. A facility for the cremation of human or animal remains.

Crop and Animal Raising, Commercial. The growing of tree, vine, field, forage, and other plant crops, and the keeping, grazing, or feeding of fowl or animals for animal products, animal increase, and value increase for profit.

Crop Raising, Non-Commercial. The growing of tree, vine, field, forage, and other plant crops, not for profit.

Cultural Institutions. Museums, publicly owned or not-for-profit historic sites, art galleries, performing arts facilities, libraries, and similar uses.

Currency Exchange. An establishment that exchanges common currencies, sells money orders or cashier checks, or provides check cashing services, for a fee.

Day Care, Adult. The care and supervision of a person or persons over 12 years of age for periods of less than 24 hours per day, in a place other than the person's own home or homes.

Day Care, Child. The care, supervision, and guidance of a child or children through the age of 12 years, unaccompanied by parent, guardian or custodian, for periods of less than 24 hours per day, in a place other than the child's or the children's own home or homes.

Day Care Home. See *Child Day Care, Home Occupation*.

Decision-Making Body. Any individual, officer, board, or commission representing the City authorized to approve, approve with modifications and/or conditions, or deny an application.

Deck. An unroofed exterior floor supported on at least one side by an adjoining structure, and /or posts, piers or other independent supports.

Dedication. The offer to convey land, an interest in land, or improvements to the City or other public agency for public use, and the acceptance of such offer by the City or public agency.

Density. The number of dwelling units per gross acre.

Development Plan. The site plan, landscape plan, building elevations, civil engineering plans, design guidelines, residential lot layout, open space plan, and other plans submitted ~~as-with exhibits to~~ an application for a Planned Development.

Development Plan Amendment. Any change to an approved Development Plan. A major change is one that significantly alters the approved plan elements of density, site configuration, building bulk or elevations. The Community Development Director may determine a Development Plan Amendment to be a minor change if it does not significantly alter one of the above elements.

Dining, Outdoor. An exterior area where food or beverage is served, or is used as seating for a contiguous Eating and Drinking Establishment.

Disability. A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment; or being regarded as having such an impairment.

Drive-Through Facility. A facility for the provision of services to customers in motor vehicles. Drive-through facilities do not include Eating and Drinking Establishments that serve food to customers in parked vehicles.

Driveway, Major. The principal vehicular access drive from an arterial street serving a nonresidential or multi-family development where inbound left turn movements are permitted. Developments may have more than 1 major driveway.

Driving Range. An establishment, which allows customers to practice golf drives and golf swings from a central golf tee location outdoors.

Dry Cleaning and Laundry Outlet. A retail facility where clothing and other fabrics are cleaned or laundered, by employees. Tailoring and similar services may be offered.

Dry Cleaning and Laundry Central Plant. A facility for cleaning or laundering fabrics, textiles, clothing, uniforms or similar items which does not include customer drop off.

Dwelling Unit. A single residential unit or portion thereof providing complete, independent living facilities for 1 ~~F~~family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Attached. A building containing 2 or more dwelling units, connected along and sharing 1 or more common walls, or 1 or more dwelling units stacked above ~~another each other~~.

Easement. A grant by a property owner to others for the use of land or airspace for a specific purpose or purposes.

Easement, Vehicular Non-Access. A recorded easement prohibiting access or crossing by vehicles.

Eating and Drinking Establishments. Businesses that primarily engage in the sale of food or beverages for consumption on or off the premises. Dancing, live music, or other similar live entertainment may be offered.

Bars/Taverns/Night Clubs/Lounges. Eating and Drinking Establishments that derive 50 percent or more of their gross revenues from the sale of alcoholic beverages for consumption on the premises. Serving of food is only incidental to the sale of alcoholic beverages. This classification excludes Sexually Oriented Businesses.

Restaurants, Full Service. Eating and Drinking Establishments providing food and beverage service to patrons who order and are served while seated at tables, and pay after eating. Gross revenues from the sale of alcoholic beverages are less than 50 percent of total gross sales. Takeout service may be provided.

Restaurants, Limited Service. Eating and Drinking Establishments providing pre-packaged food or food prepared on-site, sold to patrons who pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. Limited or no table service is provided. This classification includes cafeterias, cafes, fast-food outlets, pizzerias, and snack bars.

Elevation, Architectural. A two-dimensional scaled drawing of a building or structure.

Entertainment and Recreation, Indoor. Public or private fitness centers, theaters, bowling alleys, skating rinks, billiard parlors and pool halls, amusement arcades, gymnasiums, sports courts, swimming pools, and similar uses. Incidental sales of food and beverages are permitted. The following uses are not entertainment and recreation uses: Firing Range, Indoor or Homeowners Association Facilities.

Large-Scale. Indoor entertainment and recreation uses that are greater than 10,000 square feet of building area.

Small-Scale. Indoor entertainment and recreation uses 10,000 square feet or less of building area.

Entertainment and Recreation, Outdoor. Public or private parks, playgrounds, open spaces, playing fields, sports courts, driving ranges not in conjunction with a Golf Course, swimming pools, amphitheaters, miniature golf courses, go-kart tracks, zoos, and similar uses. Incidental sales of food and beverages are permitted.

Equipment Cabinet or Building. ~~An enclosure or structure~~used by telecommunications providers to house telecommunications equipment~~used by telecommunications providers to house equipment at a facility.~~

Existing Vertical Element. Any existing monopole, tower, flagpole or exhaust stack performing a non-WCF function. Existing vertical element does not include a building.

Facade. That portion of any exterior elevation of a building extending from grade to top of the parapet, wall, or eaves, and extending the entire width of the building elevation.

Family. An individual or two or more persons occupying a dwelling and living together as a single nonprofit housekeeping unit.

Farm Stand. A structure used for the sale of produce or agricultural product produced on the property.

Farmers' Market. The sale of agricultural products, arts and crafts, and prepared food by individual vendors at an open-air market, excluding games and rides.

Fence. A full or partial barrier made of wire, wood, metal, masonry, PVC or other similar material. Vegetative material, tennis and basketball court enclosures are not considered to be fences.

Fence, Solid. A fence that provides total opacity.

Firing Range, Indoor. A facility, located in a principal structure, where members of the general public, or members of a club or organization, discharge firearms for target practice or competition of skills.

Firing Range, Outdoor. A facility, on a property having a principal structure, where members of the general public or members of a club or organization, discharge firearms for target practice or completion of skills in an outdoor location specifically designed for firing at targets.

Floor Area, Gross. The total area in square feet of all floors designed for tenant occupancy and common use, including attached and detached garages, basement area that is more than 50% above grade plane, mezzanines, stairwells, and storage areas, measured from the centerline of interior partitions and from outside wall faces. Non heated or air conditioned courtyards and accessory structures 120 square feet or less shall not be considered in gross floor area calculations.

Floor Area Ratio (FAR). The gross floor area of a building or buildings on a lot divided by the net lot or parcel area.

Food Preparation. A facility that prepares food and beverages for off-site consumption.

Large-Scale. A food preparation facility that produces packaged foods and beverages for sale and distribution primarily to other businesses, including incidental on-site retail sales.

Small-Scale. A food preparation facility that produces food and beverages primarily for sale to the general public. This classification includes catering kitchens and the production of specialty foods.

Fortune-Telling Business: An establishment that provides advice, prediction or interpretation of events through the use of astrology, card, palm or tea reading, crystal gazing, divination, psychometry, phrenology –or other similar methods to foretell the future in exchange for financial consideration.

Front Plane. The portion of a building, including a covered porch that extends across a minimum of 40% of the width of the building, but excluding that part of a porch that is uncovered, that is located closest to the front property line. Allowed encroachments, other than a covered porch, do not constitute the front plane of a building.

Frontage, Building. The length of the side of a building abutting or generally parallel to the front lot line.

Frontage, Lot. That part of a lot or parcel abutting a street.

Frontage, Street. The total length of all lot lines abutting streets.

Funeral and Undertaking Services. Establishments primarily engaged in the care and preparation of the human deceased and the conduct of funeral services. Typical uses include funeral parlors and chapels, or mortuaries, but excluding Cemeteries. Cremation services may be included as an ancillary use.

Garage, Detached. An enclosed structure designed for the storage of vehicles that is separated from a dwelling unit.

Garage, Side-Entry. An enclosed structure for the storage of vehicles oriented such that the entrance is a minimum angle of at least 45 degrees from the front setback line.

Garage Sale. A sale of personal property, open to the public, conducted on an occupied residential property. A garage sale includes all sales titled garage, lawn, yard, attic, patio, or rummage sale.

Garden Supply Stores and Plant Nurseries. Establishments engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the incidental sales, repair and rental of landscape materials and equipment.

Golf Course. Land with at least nine holes for playing golf and which is improved with tees, greens, fairways, and hazards. Clubhouses, maintenance buildings, cart storage facilities, pro shops, restaurants or driving ranges may be incidental uses. The following use is not a golf course: miniature golf course.

Government Offices and Facilities. Offices and facilities used by governmental entities for their governmental or proprietary purposes. This classification excludes airports, Utilities, and Public Safety Facilities.

Grade, Existing. The level of the ground or pavement at a specific location as it exists prior to disturbance in preparation for development.

Grade, Finished. The final elevation of the ground surface after man-made alterations.

Grade Plane. A reference plane representing the point of a grade from which building or structure height is measured.

Grade Plane, Accessory Structure. The median elevation along the structure's base that is closest to a property line.

Grade Plane, Principal Structure Set Back Less than 30 feet. The average of the median elevation at a property's front lot line and the median elevation at the required front minimum or maximum setback.

Grade Plane, Principal Structure Set Back 30 feet or More. The median elevation along the structure's base at its Front Plane.

~~average of finished ground level adjoining the building at the exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.~~

Grade, Street. The top of the curb, or where no curb exists, the top of the edge of pavement.

Grand Opening. A promotional activity that introduces, promotes or announces a new business establishment or an existing business establishment upon completion of a building addition or renovation. A Grand Opening does not mean an annual or occasional promotion by a business.

Group Home. A lawfully established facility in a residential building housing not more than 10 persons with disabilities who receive care, supervision, or counseling from 1 or more staff persons. The group home constitutes a single housekeeping unit and residents typically share responsibilities, meals, and recreation. This use includes assisted living homes, homes for the mentally ill, halfway houses, group care agencies and similar residential living arrangements for persons with disabilities, but shall not include boarding houses, Nursing Homes, or a Shelter Care Facility.

Guest Quarters. A permanent accessory structure used for the temporary housing of family members and non-paying guests, which does not include built-in cooking facilities, and is not equipped for kitchen appliances requiring 220-volt electric service or natural gas.

Handicapped. A person who has a physical or mental impairment which substantially limits one or more major life activities. Handicapped shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Haunted House. A combination of displays, acts, exhibits, or other attractions intended to entertain or amuse patrons related to Halloween themes and images.

Health Care Facilities

Hospital. A facility licensed by the State of Illinois that provides diagnosis and treatment of patients and inpatient care by a medical staff. Hospitals may include associated medical facilities, including offices, clinics, laboratories, diagnostic centers, wellness facilities and similar uses.

Medical Offices and Clinics. An outpatient facility providing medical, dental, chiropractic and/or psychiatric services, as well as medical and dental laboratories incidental to the medical office use. This classification includes home health agencies.

Urgent Care Facility. A facility that provides emergency or urgent medical services with no provision for continuing care on an inpatient basis.

Hearing Officer. An attorney appointed by the City Council to hear and decide administrative matters pursuant to the Batavia Municipal Code.

Height, Antenna. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Height, Building. (See Building Height)

Height, Story. The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Heliport/Helipad. A public or privately-owned facility for takeoff and landing of helicopters.

High Turnover Use. A land use that is characterized by high vehicle trip generation per square foot of building area, in excess of 100 vehicle trips per 1,000 square feet per day, as identified in the Trip Generation Manual by the Institute of Traffic Engineers.

Home Occupation. A business or profession conducted by the residents of a dwelling unit in a residential district.

Homeowners Association Facilities. Private club houses, dining facilities, swimming pools, parks and open space, sports courts, play fields, lakes, ponds, stormwater management and similar facilities owned by and principally for the use and benefit of association members. Homeowners Association Facilities include facilities owned and operated by apartment complexes for use by tenants.

Homeowners or Property Owners Association. A nonprofit corporation or unincorporated association of owners created pursuant to a declaration of restrictions to own and operate portions of a development and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.

Hospice. A freestanding licensed facility that provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

Hotels and Commercial Lodging. Establishments offering transient lodging including motor lodges, motels, hostels, extended stay hotels, and timeshare facilities. This classification excludes Group Homes, apartments and other facilities intended for long-

term occupancy. These uses may provide accessory services, such as conference and meeting rooms, restaurants, bars, and recreation facilities available to guests or to the general public. Short term rental/leasing of Single Family residential, condominiums, townhouses and loft units for less than 30 days is considered a Hotels and Commercial Lodging use.

Illegal Use. An activity that is not allowed.

Improvement. Any man-made change to a property at, above, or below grade.

Improvement, Off-Site. Any ~~physical improvements, above or below ground,~~ required by the City for streets, utilities, landscaping, trails or other public purposes, adjacent to or in the vicinity of ~~another improvement-~~ project.

Improvement Plan. A plan submitted by a registered professional engineer showing the location and construction details of streets, drainage facilities, utilities, landscaping, ~~and~~ lighting, or any improvement required for a subdivision or other improvement project.

~~Incidental Use. (See Use, Incidental)~~

Incidental Use. See Accessory Use

Infill Lot. Any lot which was a lot of record prior to April 19, 1971, and is bounded on one or more sides by lots with existing buildings.

Instructional Services, Specialized. Provision of instructional services including: arts, crafts, dance or music studios, diet centers, driving schools, martial arts, reducing salons, tutoring and similar uses.

Interior Building Separation. The distance between exterior walls of buildings on a zoning lotsite.

Laboratories, Commercial. Medical, dental, imaging, and similar indoor testing facilities.

Laboratories, Industrial. Facilities for the testing or analysis of environmental, industrial, or similar products or materials.

Laboratories, Research. See *Research and Development.*

Landscape Wall. An exterior decorative linear masonry or timber structure less than 3 feet in height, not enclosing a yard.

Landscaping, Interior. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Laundry Services. Establishments that provide washing, drying, and dry cleaning facilities for clothing or other fabrics in machines operated by patrons.

Lighting Related Terms

Cutoff, Full. Fixtures constructed so that light rays emitted, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane extending from the lowest point on the fixture where light is emitted.

Cutoff, Semi-. Fixtures constructed so that the bottom edge of the lens extends below the bottom plane of the fixture, and that allow some light to extend above a horizontal plane extending from the lowest point on the fixture where light is emitted.

Foot-candle. A measure of light intensity representing the amount of light received by 1 square foot of a surface located 1 foot from a point source of light equivalent to one candle in brightness or illumination.

Outdoor Light Fixture. Artificial outdoor lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices include, but are not limited to: search, spot or flood lights; security lights; parking lot lighting; landscape and trail lighting; street lights; signage lighting; exterior building illumination, and similar light sources. Traffic lights and signals are not outdoor light fixtures.

Limited Access Highway. A street to which the owners of abutting property have no legal right of access, except at such locations and in such manner as may be determined by the public agency having jurisdiction over the street.

Livestock. Horses, ponies, mules, cattle, sheep, goats, fowl, poultry or swine.

Lot. A unit of land shown on a recorded subdivision plat, record of survey map, parcel map, or recorded as a metes and bounds description.

Lot Area. The area bounded by the lot lines, exclusive of rivers, streets and areas in future streets as established by easement, dedication, or ordinance.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Kane County; or a parcel of land, the deed to which was recorded in the office of said recorder of deeds prior to April 19, 1971.

Lot, Zoning. A single tract of land used or occupied for any principal use or structure and its accessory use(s) or structure(s), whether permitted, conditional, or nonconforming. A zoning lot may consist of one or more lots or portions of lots in a recorded subdivision, one or more lots or portions of lots of record, or a tract of land described by metes and bounds.

Lot Coverage. That percentage of a lot covered by or allowed to be covered by buildings and structures.

Lot Depth or Length. The depth or length of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the

midpoint of the front lot line and the midpoint of the rear lot line.

3. If the lot has more than 4 sides, the shortest distance between:
 - a. A straight front lot line, or a line tangent to a curved front lot line; and
 - b. A 30 foot long assumed rear lot line lying parallel to the front lot line in a- above, lying within the lot.

Lot Line. Any property line bounding a lot.

Corner Side. A lot line abutting a street that is not a front or rear lot line.

Front. The front lot line shall be determined as follows:

Corner Lot. The front lot line of a corner lot is the shortest lot line abutting a street from which access may be taken. The Planning and Zoning Officer may establish the front lot line as the longer street frontage if fewer existing non-conforming lot development conditions would result. If the street lot lines are the same length, the front lot line shall be the line that creates the fewest number of existing non-conforming lot development conditions.

Double-Frontage (Through) Lot. Each frontage from which access is permitted shall be deemed a front lot line. The front lot line for lots having vehicular access only via an alley shall be the lot line adjacent to the local or collector street.

Flag Lot. The front lot line of a flag lot shall be determined at the time of a Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot line shall be the furthest lot line segment from the lot line segment that abuts the street that is not the property's rear lot line established at the time a building permit is issued.

Interior Lot. The front property line of an interior lot shall be the line abutting a street.

Other. For lots other than the types listed above, front lot lines shall be established at the time of Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot lines shall be established by the City Council during approval of a Conditional Use, or Variance, or by the Planning and Zoning Officer at the time a building permit is issued.

Interior. A lot line not abutting a street.

Rear. That lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a lot line not less than 30 feet in length, lying within the lot and parallel to a line tangent to a curved front lot line, or parallel to a straight front line.

Side. Any lot line that is not a front lot line or a rear lot line.

Lot Types

Corner. A lot located at the intersection of 2 or more streets.

Double-Frontage. A lot having frontage on 2 or more non-intersecting streets. Double-frontage lots are also known as through lots.

Flag. A flag-shaped lot with its widest dimension set back from the street and having a narrow strip of land connecting to the street. Flag lots are also known as panhandle or pipe stem lots.

Interior. A lot having only one side abutting a street.

Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot Width. The minimum distance between the side lot lines measured at the Front Setback.

Mail Order, Catalog Sales or Internet Sales. An establishment that receives and fills requests for merchandise or services through the mail, phone or Internet Sales. Such a use may include warehousing, shipping and receiving of merchandise intended for sale. This use does not include the sales of motor vehicles.

Maintenance. Ordinary upkeep, replacement, or repair of minor components of a building, structure, sign or landscaping. Maintenance includes repainting of buildings or structures to match existing colors.

Maintenance and Repair Services. Establishments providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture, luggage, and leather goods conducted entirely within an enclosed building. This classification excludes Vehicle Services, both Light and Heavy, and internal combustion engine repair.

Manufacturing and Assembly. Manufacturing and assembly of products primarily for sale to other businesses.

Artisan. Small-scale production of goods by hand manufacturing or assembly, involving the use of hand tools and small-scale equipment. Retail sale of goods produced on the premises may occur.

Light. Manufacturing, processing, assembly, packaging, printing, treatment, fabrication, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses are conducted within an enclosed building with incidental outdoor storage.

General. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. General manufacturing and assembly uses are conducted either fully or partially within an enclosed building with limited off-site impacts. Products may require shipping by large trucks.

Heavy. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Heavy manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This classification includes, but is not limited to, steel fabrication, concrete block manufacturing, asphalt and concrete batch plants and truss plants. Products require shipping by semi-trucks or rail.

Marquee. A permanent structure attached to, supported by, and projecting from a building for the purpose of protecting openings from the elements, providing shade or architectural embellishment. A Marquee does not include an Awning or Canopy.

Massage Establishment: An establishment where massage for non-medical manipulation, massage, or similar stimulation to the human body is administered, whether by hand or with mechanical or electrical apparatus and with or without supplemental aids such as rubbing alcohol, liniments, antiseptics, oils, powders or creams. This definition excludes Entertainment and Recreation, Indoor uses such as fitness facilities or gymnasiums, medical or chiropractors' offices or other similar establishments where the practice of massage is an incidental service.

Media Studio. Establishments primarily engaged in the creation or editing of audio, video or film media. Typical uses include audio, video or film production and recording studios.

Median. A designated area in the approximate center of a street that is used to separate the directional flow of traffic. A median may be raised or painted.

Mining and Quarrying. The extraction of metallic and nonmetallic minerals or other natural resources, including quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining.

Mobile Home Park. Any parcel of land or portion thereof which is used or offered for use as a location for one or more mobile homes.

Model Home(s). One or more uninhabited dwelling units used by a residential builder as models for the sales of residential lots and dwellings. Model home complexes may include a sales office, customer parking, a design and decorating center, and similar activities.

Monopole. A single WCF pole attached to a permanent foundation.

Mural. An artistic rendering on a building or fence which does not promote a particular business, service or product, and that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.

No-Impact Antenna Facility: An antenna facility that is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure which it is: 1) placed on, such as a rooftop, lighting standard, or existing tower; or 2) replacing, such as a school athletic field light standard.

Noise Related Terms

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing background level of environmental noise at a given location.

A-Weighted Sound Level. The total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micropascals using the A-weighted network scale at slow response. The unit of measurement shall be defined as dBA or dBa.

Day/Night Level (DNL or Ldn). The 24-hour average sound level in A-weighted decibels, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m. as averaged over a span of one year.

Decibel (dB). A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Decibel, A-Weighted –(dBA). A unit for describing the amplitude of sound as measured on a sound level meter that approximates the frequency response of the human ear using the A-weighted network.

Equivalent Sound Level (Leq). The equivalent, steady-state A-weighted sound level that in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period.

Equivalent Sound Level, Hourly (Leq_(h)). The hourly value of Leq.

Nonconforming Lot or Parcel. A lawfully established lot or parcel that conformed to the dimensional requirements for the district in which it was located at the time of recordation.

Nonconforming Sign. A sign that was lawfully established prior to the effective date of the Zoning Code or of amendments thereto, or that was lawfully established but does not conform to the regulations for signs for the district in which it is now located.

Nonconforming Structure. A structure that was lawfully constructed under the provisions of the Zoning Regulations for the district in which it was located.

Nonconforming Use. A use of land that was lawfully conducted on the effective date of these Zoning Code or amendment thereto, but which does not conform to the current use regulations for the district in which the property is now located.

Nondomesticated Animals. Any species that is of the class of ferae naturae. (See Batavia Municipal Code, Chapter 4, Article B. Animals, Section 5-4B-2: Nondomesticated Animals)

Nonresidential Use. All uses other than single family and multi-family residential uses.

Nursing Home. A facility other than a hospital, licensed by the State of Illinois, that provides accommodation, personal assistance, and skilled nursing care to non-ambulatory residents who are dependent upon the services of others.

Offices, General. Professional or administrative offices. This classification excludes retail banking, financial service institutions, and offices incidental to retail, manufacturing and assembly, storage, or other principal uses.

Open Space. Any area of land or water permanently dedicated or designated for use for active or passive recreation areas, landscape buffers, flood control, storm water retention, or natural resource management.

Over-the-Air Reception Device. An antenna designed to:

- A. Receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 inches) or less in diameter; or
- B. Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 inches) or less in diameter or diagonal measurement; or
- C. Receive television broadcast signals.

For purposes of this definition, “fixed wireless signals” means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur (“HAM”) radio, citizen’s band (“CB”) radio, and Digital Audio Radio Service (“DARS”) signals.

Parapet. That portion of an exterior wall that extends above the roofline.

Parcel. (See Lot)

Parking Facilities. Outdoor lots and enclosed garages offering parking to the public when such use is not accessory to another land use.

Parking Field. An open, hard surface area devoted to vehicle parking.

Parking, Tandem. Two parking spaces arranged end-to-end.

Patio, Covered (also Deck, Covered). An attached roofed structure, open on one or more sides, whose use is for indoor-outdoor living and recreation.

Pawn Shops. Establishments engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

Pedestrian, Sidewalk and Landscape Tract. A parcel of land designated on the final plat for the exclusive use by the public for pedestrian amenities and activities, including sidewalks and landscaping.

Personal Loan Agency. An establishment that provides personal loans to individuals in exchange for a personal check or title to a vehicle as collateral.

Personal Services. An establishment engaged in the provision of services of a personal nature. The accessory retail sales of products related to the service may also occur. This classification includes barbershop, beauty salon, cosmetologist, electrolysis, tanning salon, day spa, and nail salon, but excludes tattoo parlors or body piercing, except for piercing of ears.

Plat, Final. A record map of all or part of a subdivision essentially conforming to an approved preliminary plat.

Plat, Preliminary. A map showing a proposed subdivision, including supporting data.

Plat, Recorded. A final plat bearing all executed certificates of approval and recorded with the office of the Kane County Recorder.

Plat of Dedication. A record map identifying land or easements to be conveyed to others for street, utility, open space, sidewalk, trail, drainage, stormwater management or similar purposes.

Play Equipment. Freestanding apparatus designed to engage a person in recreational activity. Examples of such facilities typically include one or more slides, swings, climbing bars, jungle gyms, sandboxes, seesaw, climbing apparatus or similar items.

Playing Field: A ~~lot or portion of a lot or property parcel~~ developed to host one or ~~more~~ outdoor games or recreation activities, including but not limited to baseball, football, soccer, softball or similar ~~team~~ activity.

Porch. An attached, covered platform with stairs to grade and open on at least 2 sides located at the front and/or side of a dwelling unit.

Pre-existing Towers and Pre-existing Antennas. Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Principal Structure. The main building or structure, designed for occupancy, on a lot or parcel.

Principal Use. The primary or dominant land use or activity occurring on a property.

Project. Any proposal for new or changed use of land or buildings, or for new construction, alteration, or enlargement of any structure.

Property, Business. Personal property owned, leased, or under the control of a business. Business property may include inventory, equipment, materials, supplies, and vehicles, including vehicles and equipment owned by others but used in conjunction with a business.

Property Line. (See Lot Line)

Property Owner. The owner of real property, or the authorized representative of the owner.

Property, Public. A lot or parcel owned or controlled by the City or other governmental entity, whether or not the City or governmental entity owns the property in fee.

Public Safety Facilities. Facilities for public safety and emergency services, including facilities that provide police and fire protection, public safety offices, forensic laboratories and training facilities.

Recreational Vehicle Park. A developed property providing spaces for short-term rental to occupied recreational vehicles.

Religious Assembly. Facilities for worship and other religious ceremonies with incidental religious education, religious bookstores, rectories and parsonages, offices, social services, day care, and community programs.

Research and Development. Facilities for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Residential Housing Types

Accessory Dwelling Unit. A ~~D~~dwelling ~~U~~nit on a nonresidential zoning lot, subordinate to the principal use on the parcel, such as a security guard residence or an on-site manager's residence in a mini-storage facility.

~~Attached Single Family, Attached Dwelling.~~ A ~~D~~dwelling ~~u~~nit on an individual lot that has at least 1 wall in common with 1 or more other ~~D~~dwelling ~~u~~nit~~s~~ on separate lots, and not having one or more Dwelling Units above or below another. Attached single family dwellings may include townhouse buildings.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions.

~~Single Family, Attached (Duplex) Duplex or Two-Family. A structure containing solely 2 Dwelling Units, not including an Accessory Dwelling Unit or Secondary Dwelling Unit building on 1 lot used and designed as residences for 2 families living independently of each other with individual cooking and sanitary facilities in each dwelling unit.~~

~~Loft Unit. A residential unit above a nonresidential use.~~

~~Multi-Family Dwelling. A structure containing building on 1 lot used and designed as a residence for 3 or more families living independently of each other with individual cooking and sanitary facilities in each Dwelling Units, including one or more Dwelling Units above or below another.~~ Multi-family dwellings may include apartment buildings and residential condominiums. Multi-family housing may be in a mixed-use building with ground floor commercial space.

~~Secondary Dwelling Unit. A second, subordinate Dwelling Unit located on the same lot as the principal Dwelling Unit.~~

~~Single Family, Detached Dwelling Unit. 1 building containing 1 dwelling unit along with a Secondary Dwelling Unit, if present, on 1 lot or parcel designed for occupancy by 1 family for living and sleeping purposes, and having cooking and sanitary facilities.~~

~~Studio Dwelling Unit. A Dwelling Unit comprised of containing only a single habitable room for living and sleeping purposes, and having cooking and sanitary facilities.~~

~~Two Family Residential: See Single Family, Attached (Duplex)~~

~~Townhouse. A single structure consisting solely of three or more dwelling units having one or more unpierced walls abutting another dwelling, extending from ground to roof, and designed to have all exits open directly to the outside.~~

Residential, Permanent. Long-term living accommodations, excluding residential care facilities.

~~Loft Unit. A residential unit above a nonresidential use.~~

~~Single Family, Detached. A dwelling unit located on an individual lot that is not attached to any other dwelling unit.~~

~~Multi Family. A building, group of buildings, or portion of a building that contains 3 or more dwelling units on 1 lot. Multi-family dwellings may include apartment buildings and residential condominiums. Multi-family housing may be in a mixed-use building with ground floor commercial space.~~

~~*Two-Family.* A building on 1 lot used and designed as residences for 2 families living independently of each other with individual cooking and sanitary facilities in each dwelling unit.~~

~~*Townhouse.* A single structure consisting of three or more dwelling units having one or more unpierced walls abutting another dwelling, extending from ground to roof, and designed to have all exits open directly to the outside.~~

Retail Sales. The sale, rental, or lease of goods, products, or material directly to the consumer.

Retail Sales, Convenience. A retail establishment of less than 3,000 square feet offering a limited amount of groceries, household items, and automotive supplies. This classification may include incidental *Fueling Facilities, Limited Service Restaurants* with drive-through and *Automated or Self-Service Car Wash Facilities*.

Retail Sales, Furniture. Establishments selling furniture or a combination of furniture and appliances to the general public.

Retail Sales, General. Establishments engaged in the sale of merchandise, goods, and groceries. This classification includes rental services such as party supplies, clothing, video rental, and event furnishings. This classification excludes Building Material and Home Improvement Sales and Service, Furniture Retail Sales, Convenience Retail Sales, Commercial Vehicle/Equipment Sales and Rental, Motor Vehicle Sales and Leasing, and Pawn Shops.

Retail Sales Tax Producing Businesses. Businesses that generate 75% or more of their revenue from transactions that require payment of General Merchandise, Food and Drug, Motor Fuel, or Vehicle sales tax.

Retaining Wall. An engineered masonry or timber structure greater than 3 feet in height used to retain soil.

Right-of-Way. A strip of land owned in fee or less than fee by a public entity, railroad or utility, occupied by or planned for a street, utilities, railroad, sidewalks, trails, and similar facilities.

Salvage Yards or Junkyards. Storage, dismantling and recycling of vehicles, equipment, metals, tires or other used materials for sale as parts or raw material, including but not limited to, the collection, storage, exchange or sale of goods, used building material, used containers or drums, and similar articles or property.

Satellite Dish Antenna, Large. A satellite dish antenna exceeding 1 meter (39.37 inches) in diameter designed or used for receiving communications from a satellite.

Schools, Public or Private. Facilities for educational and/or classroom purposes operated by public or private educational institutions offering a general course of study at

primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs that are incidental to the operation of such schools. Schools, Public or Private does not include Child Care Facilities or Child Care Institutions.

Seasonal Sales. The sale of merchandise related to a seasonal event or recognized state holiday. Examples include Christmas tree and pumpkin sales.

Senior Housing. Permanent residential unit(s) restricted by federal or state law, deed restriction, or similar requirement to occupancy by persons of a specific minimum age.

Setback. The minimum distance by which any building or structure is required to be separated from a property line or right-of-way.

Setback, Corner Side. A line extending from the front setback line to the rear setback line roughly parallel to the corner lot line, the depth of which is the horizontal distance set forth in the base zoning district regulations. The corner side setback extends from the front setback line, or the front property line of a lot or parcel where no front setback is required, to the rear setback line, or the rear property line of the site where no rear setback is required.

Setback, Front. A line within the lot or parcel parallel to a straight front property line. Where the front property line is not straight, the front setback line is a line within the lot or parcel separated from the front property line at all points by a distance equal to the front setback set forth in the base zoning district regulations.

Setback, Rear. A line opposite the front property line extending across the full width of a lot or parcel, the depth of which is the shortest horizontal distance between the rear property line or, if none exists, the assumed rear property line and a line parallel thereto.

Setback, Side. A line extending from the front setback line to the rear setback line, the depth of which is the horizontal distance set forth in the base zoning district regulations. The side setback extends from the front setback line, or the front property line of a lot or parcel where no front setback is required, to the rear setback line, or the rear property line of the site where no rear setback is required.

Setback Area. The area of a lot or parcel outside of the building envelope.

Setback Area, Corner Side. The area bounded by the corner side and rear lot lines and the front setback area. Where the *Corner Side Setback Area* and the *Rear Setback Area* are coterminous, the *Corner Side Setback Area* shall prevail.

Setback Area, Front. The area bounded by the front property line or lines, the side property lines, and the front setback line.

Setback Area, Rear. The area bounded by the rear property line or lines, the side property lines and the rear setback line, except for the *Corner Side Setback Area* as defined herein.

Setback Area, Side. The area bounded by a side property line, a side setback line, and the front and rear setback lines.

Sexually Oriented Business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency or seminude model studio.

Shelter Care Facility. A residential care facility which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

Shelter Care Facility, Homeless. A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

Sign. A communication device, attention getting device, structure, painted graphic or fixture that incorporates graphics, symbols, written copy, and/or lighting intended to promote the sale of a product, commodity, or service, to provide direction or identification for a business or a facility, or to convey a message or viewpoint. Signs do not include any flag, badge, or insignia of any governmental unit, mural, or any item of merchandise normally displayed in a business window.

Trademarked buildings forms, statuary and architectural features such as decorative canopies or awnings shall not be considered signage. Corporate color banding is considered signage.

Sign Related Terms

Abandoned. A sign located on a lot or parcel which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the premises where the sign is displayed.

Animation

1. The movement of any illumination or the flashing or varying of light intensity of any light used in conjunction with a sign, such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously; or
2. The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, the automatic changing of all or any part of the facing of a sign; or
3. The movement of a sign set in motion by the atmosphere. Banners and flags are not considered animated signs.

Architectural Detail, Feature, or Element. Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.

Balloon. Any lighter than air, cold air, or gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.

Commercial Center. A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.

Commercial Building, Multiple Tenant. A commercial building with 2 or more separate tenants having individual entrances and shared parking.

Comprehensive Sign Program. A set of sign design standards established for a multi-tenant building, residential or non-residential complexes with multiple buildings, or large-scale mixed-use developments.

Height, Sign. The vertical distance measured from the adjacent ground level, or upper surface of the nearest sidewalk, whichever is greater, to the highest point of the sign face, excluding nonstructural or decorative trim.

Indirect Illumination. An external source of illumination that is not part of or attached to a sign.

Individual Letters. A cutout or etched letter or logo, which is individually placed on a wall or freestanding sign.

Internal Illumination. A light source entirely within a sign where the source of the illumination is not directly visible.

Internal Indirect Lighting (Halo Lighting). A source of illumination, not directly visible, lighting only the background upon which the individual letter is mounted.

Logo. A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.

Pan-Channel Letter. An individual three-dimensional letter constructed by means of a three-sided metal channel.

Raceway, Exposed. A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways can contain wiring, conduit, transformers, and other electrical components.

Sign Area. The area of the smallest rectangle, or combination of rectangles, which comprises the sign face or encompasses the sign copy. The area of a sign is the entire face of the sign and includes any art work and insignia within a single continuous perimeter, including any spacing between letters, figures, designs, and structure of the sign other than the sign base, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed. For a freestanding sign,

sign area does not include perimeter architectural embellishments, base structure, and details such as decorative columns and caps. When the sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall, the total area of the sign shall be the area of the smallest rectangle, or combination of rectangles, within which the entire fixed lettering and/or artwork is inscribed. All sides of a sign visible from any 1 location shall be measured in determining the area of the sign, except that only 1 side of a sign shall be measured if the 2 sides are back-to-back or separated by an interior angle of 45 degrees or less. If the two 2 sides are not of equal size, the larger side shall be measured. A back-to-back sign has parallel faces separated by not more than 2 feet.

Sign Area, Pennant. The sum of the area of the rectangles surrounding each piece of material strung on a pennant.

Sign Area, Total. The aggregate area of all signs for any individual use or property.

Sign Face. The surface upon, against or through which the sign copy and/or graphic is displayed or illustrated, not including: structural supports; monument base; architectural features of a building or monument sign structure; nonstructural or decorative trim. When a sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall or other structure, and does not include a background contrasting with the material or color of the building or perimeter wall or other structure, the sign face shall consist of the entire fixed lettering and/or artwork, together with the spacing between the letters, figures or designs.

Sign Plan. A drawing required to be submitted with an application for a sign permit. The plan may show 1 or more signs.

Sign Structure. The supports, uprights, braces and framework of a sign.

Sign Types

Address Sign. A sign that specifies the assigned alpha numerical address for a structure or unit.

Advertising Flag. A Flag located at a business or institution and not intended for indefinite display.

A-Frame Sign. A portable, stand alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands.

Awning or Canopy Sign. A sign painted, installed, attached or otherwise applied to or located directly on an awning or canopy.

Banner. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame. Feather signs are a type of banner sign.

Billboard. A sign or structure, other than a temporary sign, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on which the sign or structure is located or which does not pertain to the parcel upon which the sign or structure is located.

Builder/Real Estate Sign. A sign that provides information about the builder, name of the development, and marketing information for the project on which the sign is located.

Building Identification Sign. A sign identifying the name of the multi-tenant building to which the sign is attached.

Cabinet (Can) Sign. A three-dimensional enclosed structure which includes all text, logos, and symbols with a single or double sign face(s).

Changeable Message Sign. A sign designed to permit change of copy manually, mechanically or electronically, including such signs where the change of copy is by remote or automatic means.

Community Sign. A sign on property owned or leased by a public agency or jurisdiction on property occupied by the agency or jurisdiction that is used to convey messages from the public agency or jurisdictional body.

Directional Sign. A sign directing traffic to an activity or use.

Directory Sign. A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.

Drive-Through Restaurant Sign. A sign located at a drive-through restaurant's drive through window lane, with or without ordering capability.

Flag. A fabric sheet of square, rectangular, triangular or curvilinear shape that is mounted on a pole, cable or rope at 1 end.

Freestanding Sign. A permanent ground-mounted sign not affixed to a building, wall or fence.

Fueling Facility Sign. A sign or portion of a sign located at a fueling facility or gas station.

Grand Opening Sign. A temporary sign located at a new business, or a business being reopened after a building addition or renovation, in conjunction with a Grand Opening event.

Identification Sign. A permanent sign identifying name, type of business, and/or hours of operation, attached to or painted on a window, door, or a building area next to the main entrance.

Informational Sign. A sign containing only an informational message, copy, announcement, or instruction in furtherance of public safety, health, and/or welfare. Such signs include but are not limited to identifying restrooms, public telephones, walkways and delivery entrances.

Limited Duration Sign. A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

Marquee Sign. A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.

Menu Sign. A sign located at the entrance of a restaurant, not located in a drive-through restaurant window lane.

Moving Sign. A sign having any portion that is not stationary, or is designed to move intermittently or continuously by any means.

Off-Site Signage. Any sign which advertises a use, product, service, or activity occurring on a lot or parcel other than where the sign is located.

On-Site Signage. Any sign which advertises a use, product, service, or activity occurring on a lot or parcel where the sign is located.

Painted Wall Sign. A sign painted directly onto the exterior wall of a building.

Pennant. Any pieces of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, displayed in series and capable of movement in the wind.

Permanent Sign. A sign (other than a Temporary Sign or Limited Duration Sign as defined herein) constructed of durable materials, attached to the ground or a building in a manner provided by the building code.

Pole Sign. A permanent freestanding sign supported by a single column, upright, pole, or post.

Portable Sign. A temporary sign that is not permanently affixed to a building, structure, or the ground, including such commercial signs carried by people or otherwise set in motion and visible from the right-of-way.

Projecting Roof Sign. A sign mounted to and projecting from the wall of a building or structure whose depth is greater than its width; and exceeding the height of a roofline or parapet of the building or structure to which it is attached. *Projecting Roof Sign* does not include a *Marquee Sign*.

Projecting Sign. A sign attached to and projecting from a building face or wall by more than fifteen inches (15"). Projecting signs include signs that are totally or partially in the right of way or are totally on public property.

Pump-Topper Sign or Spanner. A sign affixed to the top or side of an operable fuel dispensing pump.

Residential Entry Identification Sign. A sign placed at the entrance to a residential development identifying the development in furtherance of public safety.

Roof Sign. A sign erected on a roof, or projecting above the highest point of the roof line, parapet, or fascia of a building.

Suspended Sign. A sign suspended from a roof overhang of a covered porch or walkway, which identifies the tenant of the adjoining space.

Temporary Sign. A non-permanent sign that is located on private property intended for display for no more than 30 consecutive days at one time.

Vehicle Sign. A sign mounted, painted or otherwise placed on a trailer or motor vehicle parked, placed, or driven so that the sign thereon is visible from a public street or right-of-way primarily for the purpose of displaying such signage.

V-Shaped Sign. Signs erected upon common or separate structures which present a v-shape appearance and having an exterior angle between faces of not more than 45 degrees with distance between faces of such signs at their closest point not exceeding 2 feet.

Wall Sign. A sign permanently fastened to or painted on the wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure.

Window Sign. A sign applied or attached to a window, or displayed within 10 feet of the interior of a window area so as to attract attention of persons outside the building. Window signs do not include merchandise in a window display.

Site. One or more contiguous lots or parcels under single ownership or unified control.

Site Plan. A plan prepared to scale showing the boundaries of a site and the proposed location of all buildings and structures, circulation, landscaping, improvements and open space areas.

Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, mounting apparatus, and associated control or conversion electronics which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power.

Smoking Lounge: A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, herbs, liquids or chemicals to be vaporized for inhalation, and cigars, cigarettes, pipes, vaporizing devices for inhalation by mouth or nose, and other smoking devices for burning tobacco or vaporizing liquids or chemicals and related smoking accessories and in which the sale of other products is merely incidental. A Smoking Lounge is located in a free standing building and permits the consumption of tobacco products by customers on premises, consistent with the Smoke Free Illinois Act.

Sport Court (Game Court). A fenced or unfenced hard surface open area used for one or more recreational activities, including, but not limited to –badminton, basketball, tennis, volleyball and other games. A Sport Court includes temporary or seasonal installation including but not limited to ice rinks.

Stable, Commercial. Facilities for boarding or renting horses, mules, or ponies. Equestrian lessons may be provided. A Feed Lot is not a commercial stable.

Stable, Non-Commercial. A detached accessory structure for the keeping of horses, mules, and ponies owned by the occupants of the premises and not offered for compensation.

Stacking Space. The area occupied by a vehicle while waiting to be served at the initial order point, fuel pump island, or service bay. A stacking space does not include the space of the vehicle at the initial order point, pump island or interior service bay.

Storage, Business Property. The outdoor storage of materials, goods, vehicles or equipment used in conjunction with a business.

Storage, Outdoor. Storage of materials, goods, vehicles, or equipment outside of a building that is not associated with an active building permit or an allowed temporary use.

Storage, Personal Property. A facility offering storage of personal property and office records to the general public.

Indoor. A personal property storage facility where all storage occurs in one or more fully enclosed buildings. A facility may include one on-site dwelling unit for a facility manager.

Outdoor. A personal property storage facility where all or part of the storage occurs outdoors, including but not limited to long and short term parking of the storage of recreational vehicles. A facility may include one on-site dwelling unit for a facility manager.

Stormwater Management Facility. Any apparatus or facility that controls or manages the path, storage, or release of stormwater runoff. Such facilities may include retention or detention basins, drainage channels or swales, inlet or outlet structures, or similar facilities.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. A public or private thoroughfare for vehicular use providing access to public or private property and other streets, including dedicated roadway easements. A public street includes the associated right-of-way. A private street includes any associated roadway or access easement.

Street Types

Alley. A public or private way providing vehicular access to the rear or side of abutting properties whose principal frontage is on a street.

Arterial, Major. A street designated in the Comprehensive Plan to carry the highest volumes of traffic across the City and providing access to major commercial and employment areas.

Arterial, Minor. A street designated in the Comprehensive Plan to carry traffic across a portion of the City from residential neighborhoods to commercial and employment areas.

Collector Street. A street that serves as a connection between local and arterial streets. Collector streets carry moderate amounts of traffic.

Cul-De-Sac. A street connecting to another street at one end and terminating in a vehicular turnaround.

Local Street. A minor street generally providing direct access to properties.

Structure. Anything constructed or erected and located on the ground, or attached to something located on the ground.

Subdivision Related Terms

Improvements. Streets, sidewalks, curbs, gutters, driveways, drainage and storm water retention facilities, parks, recreational amenities, trails, street lighting, medians, signage, water mains, sanitary sewers and facilities, public utilities, landscaping and fences installed by a subdivider, and any other improvements required by the Zoning Regulations and Subdivision Regulations.

Minor Land Division. (See ILCS 765 205/1.b)

1. The division of improved or unimproved land whose area is 2.5 acres or less into 2 or 3 lots or parcels for the purpose of sale or lease, where no new street is involved.
2. The division of improved or unimproved land for the purpose of financing, sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat.

Minor Subdivision, Non-Residential. The division of improved or unimproved land of any size for the purpose of sale or lease, into 10 or fewer lots or parcels, whether or not a new street is involved.

Minor Subdivision, Residential. The division of improved or unimproved land whose area is 2.5 acres or less, for the purpose of sale or lease, into 2 or 3 lots or parcels, where a new street is involved.

Subdivider. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land. An individual serving as agent for such legal entity is not a subdivider.

Subdivision. The division of improved or unimproved land or lands for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than 2 parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Support Structure, WCF. The structure to which Wireless Communications Facility antennas and other hardware are mounted.

Swap Meet, Flea Market and Auction, Indoor. Commercial activities held in an enclosed structure where: 1) groups of licensed vendors rent space to display, barter, or sell goods to the public; or 2) one or more sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Swap Meet, Flea Market and Auction, Outdoor. Commercial activities held in an open area where: 1) groups of licensed vendors (sellers) rent space to display, barter, or sell goods to the public; or 2) one or more licensed sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Swimming Pool. A public or private, portable or permanent structure intended for swimming or full or partial immersion, but not including ornamental pools or fishponds.

Swimming Pool, Public. A pool owned or operated by a governmental agency; a privately owned pool open to the general public for a fee or by membership; or a pool operated in conjunction with Hotels and Commercial Lodging.

Tattoo Parlor / Piercing Studio. An establishment offering: permanent marking of the skin using ink or other substances by means of needles or other instruments, including microblading or; the creation of an opening in the body for the purpose of inserting jewelry or other decoration.

Teen Nightclub. A facility with music and dancing primarily for youth unaccompanied by adults, and which charges an admission fee or cover charge.

Temporary Use. A use established for a limited period of time.

Time and Temperature Display. A device that provides a display indicating the current time and or temperature.

Tower, Antenna. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tower, Wind Energy. The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground or roof.

Trail, Equestrian. A linear path designated for equestrian use.

Trail, Multi-Use. A linear path designated for use by pedestrians and bicycles.

Trellis: An architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal that may or may not support vegetation.

Use. Any purpose for which a lot, structure or a tract of land may be designated, arranged, intended, maintained, -or occupied; or any activity, occupation, business, or operation occurring on or intended to be occurring on or in a structure or on a tract of land.

Use, Principal. See Principal Use.

Use, Accessory. See Accessory Use.

Use, Incidental. See Accessory Use.

Utilities

Customer Service Center. An establishment associated with a franchised public utility that provides customer account services and other customer support functions. Activities may include initiating or stopping services, payment of bills, pick-up/return of rented or sold equipment or technical assistance. Retail sales may also occur at the location.

Facilities. Buildings, structures or land used by a utility, railroad, or governmental agency for water or wastewater treatment plants, lift and pumping stations, electric substations, telecommunication exchanges, resource recovery facilities or similar uses. This use does not include Utility Service Yards, Wireless Communication Facilities, Over-The-Air Reception Devices, Large Satellite Dishes, well sites, or Amateur Radio Facilities.

Service Yard. Buildings, structures, or land used by a utility, railroad, or governmental agency for the purpose of storing and maintaining vehicles, equipment and materials.

Well Site. Groundwater extraction well locations, including pumps and associated equipment, not located within a building.

Vacation. The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Variance. City Council granted rRelief from the strict application of the requirements of the Zoning Code as specified in Chapter 5.5Regulations where strict application will deprive the property owner of rights enjoyed by similar properties.

Vehicle and Equipment Sales, Leasing and Services

Car Wash. A facility providing self-service, automated or full-service car washing. Vehicle detailing and waxing may be offered.

Commercial Vehicle/Equipment Sales and Rental; New and Used. Sales or rental of trucks, trailers, tractors, construction or agricultural equipment, buses and similar equipment, including incidental maintenance.

Fueling Facility. A facility for the retail sale of vehicle fuel. Incidental uses may include *convenience retail sales* less than 1000 square feet, an Automated or Self-Service Car Wash, Light Vehicle Services and Alternative Fueling Facilities.

Fueling Facility, Alternative. Commercial sale of propane, natural gas, hydrogen, electric, or other alternative fuels to be used in vehicles.

Fueling Facility, Fleet. Fuel dispensing limited to fleet vehicles such as delivery trucks, school buses, and municipal vehicles where no retail sales are conducted.

Motor Vehicle Sales and Leasing, New and Used. Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment, including incidental maintenance.

Motor Vehicle Sales and Leasing, New and Used – Internet Based: A Vehicle Sales and Leasing, New and Used business that primarily advertises, attracts customers and conducts business activities through the Internet. All activities related to this business, including the display of merchandise is conducted within an enclosed building.

Non-Commercial Vehicle Rental. Rental of automobiles, light trucks, motorcycles, watercraft, and similar equipment, specifically excluding sales and maintenance. This classification does not include the rental of motor homes and recreational vehicles.

Tent Sale, Vehicle. The temporary outdoor sale of vehicles at other than a normal business location, by one or more licensed dealers.

Vehicle Services, Heavy. Major repair of automobiles, trucks, motor homes, recreational vehicles, or boats. This classification includes full or partial drive train removal, repair and replacement, body and paint shops, radiator shops, vehicle emissions testing, transmission shops and similar uses. This classification excludes vehicle dismantling or Salvage.

Vehicle and Equipment Services, Light. Minor vehicle and equipment services limited to repair, replacement and installation of components, including batteries, tires, brakes, tune-ups, air conditioning, automobile glass replacement and tinting, upholstery, audio and video equipment, mufflers, fluid change and lubrication services. Equipment services include service and repair of garden equipment. Light vehicle services exclude any operation specified under Vehicle Services, Heavy.

Vehicle Related Terms

Abandoned Vehicle. An unregistered motor or recreational vehicle left unattended for a period of 72 hours on a street or private property. Vehicles stored within a fully enclosed building, at a towing or impound facility, or at a business engaged in *Vehicle Services* or *Motor Vehicle Sales and Leasing* are not considered abandoned.

Commercial Vehicle. Any vehicle with a gross vehicle weight rating over 10,000 pounds.

Inoperable Vehicle A vehicle which cannot be driven upon the public streets for reason including but not limited to not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Motor Vehicle. Any self-propelled device, excluding aircraft, by which any person or property may be transported, including but not limited to licensed or unlicensed vehicles, automobiles, trucks, motor boats, personal water craft, mini-bikes, go-carts, go-peds, motorized skateboards, and motorcycles.

Recreational Vehicle. A self-propelled or towed vehicle or camper shell designed for travel or recreational use, including motor homes, boats, personal watercraft, trailers, all-terrain vehicles, snowmobiles, motorcycles, dune buggies, and similar vehicles.

Utility Trailer. An enclosed or non-enclosed vehicle without its own motive power that is designed and constructed to transport another vehicle, or to transport tools or equipment, such as lawnmowers. A Utility Trailer is not a Recreational Vehicle except when it is containing or holding one or more Recreational Vehicles or recreational equipment.

Video Gaming Establishment. A principal use, or use that is accessory/incidental to the principal use on a property that is a *Licensed Video Gaming Location* as defined in Batavia City Code Title 3, Chapter 26 as follows: “A liquor establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in section 5 of the Act and this section.”

Wall. (See Fence)

Warehousing. Commercial storage and distribution facilities.

Freight/Truck Terminal and Warehouse. A facility for the receipt, transfer, short term storage, and distribution of goods transported by truck.

Information. A facility that provides space or equipment for storage, management or distribution of information.

Petroleum and Gas Storage. Tank farms and outdoor facilities for the storage of petroleum products and natural gas.

Waste Management. Facilities for the collection, receipt, storage, transfer, and disposal of waste, excluding sewage.

Hazardous Waste Collection and Transfer Facility. Facilities where hazardous or medical waste material is collected, received, temporarily stored, or processed for transportation to another location for recycling, re-use, incineration or final disposal.

Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Waste Collection and Transfer Facility. Facilities where non-hazardous waste material is collected, received, temporarily stored or processed for transportation to another location for incineration or final disposal.

Non-Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Material Recycling Facility. An establishment where recyclables are collected, received, temporarily stored or processed in a building, for transportation to another location for recycling.

Recycling Collection Bin. A container located outside of a building that is used to store items intended for reuse. Recycling Collection Bins are not containers used to temporarily store items intended for recycling that typically are emptied by contracted waste haulers.

Waste Related

Hazardous Waste. Any chemical, compound, mixture, substance, product or other material which is classified as hazardous waste pursuant to Illinois law.

Medical Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biological, but not including hazardous waste as defined in Illinois law.

Large Refuse Receptacle. A container used to store garbage and rubbish for disposal or recycling. This definition is intended to include containers over 96 gallons (commonly referred to as “dumpsters”) and to exclude containers suitable for City-contracted refuse disposal.

Wholesale Sales. The sales of goods, product, or material to other wholesale or retail businesses.

Wireless Communication Facilities. Antennas, support structures, storage structures and related equipment for the transmission or reception of personal wireless services, radio or microwave signals as authorized by the Federal Communication Commission. Personal wireless services include commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services.