

TO: Committee of the Whole

FROM: Joel Strassman, Planning and Zoning Officer

DATE: October 7, 2020

RE: **Ordinance 20-25:** Amendments to the Text of the Zoning Code  
Regarding Regulation of Bed and Breakfast Homes

**Ordinance 20-26:** Amendments City Code Title 3  
Regarding Regulation of Bed and Breakfast Establishments

**Summary:** The Committee of the Whole (COW) reviewed [draft amendments to the City Code](#) on September 15<sup>th</sup> related to regulation of Bed and Breakfast (B&B) homes and establishments. The COW acknowledged that the proposed amendments are for B&B/short-term rentals and not for home-share purposes. Home-share regulations would be considered separately.

Attached are the Ordinances revised per the COW's last discussion. Additionally, City Code sections proposed to be amended showing amendments in-line are attached. Amendments that address the COW's September 15<sup>th</sup> discussion are highlighted. Zoning Code references to garage parking and driveway paving have been removed, including an added amendment to Table 4.204:Off-Street Parking Requirements in Chapter 4.2: Off-Street Parking and Loading Requirements to eliminate the existing garage parking requirement. Revisions to the licensing requirements (Title 3) now specify clean towels/linens and room cleaning when there is a change in rental period. Both Ordinances now include the overnight parking permit prohibition.

**Alternatives:** The Council can approve or deny Ordinances 20-25 and/or 20-26 as presented or consider amendments to either Ordinance before acting.

**Impacts:** Approval of both Ordinances would establish updated B&B regulation that provides reasonable establishment, operation, and taxation requirements rather than the more stringent existing requirements. Safety and sanitation would be addressed as would notification to immediate neighbors of proposed short-term rental use. Staff foresees some impacts, particularly initially – to inform B&B operators of the changed requirements and to follow-through with AUP submittal. No additional staff would be needed. Depending on the number of B&B rental nights sold, there could meaningful revenue realized through the Bed and Breakfast Tax in Ordinance 20-26.

**Timeline for Actions:** COW action on the attached Ordinances will allow for final City Council action on October 19.

**Recommendations:** The Plan Commission recommended approval of the amendments to the text of the Zoning Code as initially proposed in Ordinance 20-25. Staff recommends City Council approval of Ordinances 20-25 and 20-26 as revised.

#### Attachments

1. Draft Ordinance 20-25
2. Draft Ordinance 20-26
3. In-line City Code amendments

c Mayor  
Department Heads  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-25  
AMENDING THE CITY OF BATAVIA ZONING CODE  
TITLE 10 OF THE CITY CODE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 19<sup>TH</sup> DAY OF OCTOBER, 2020**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 20<sup>th</sup> day of October, 2020

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-25  
AMENDING THE CITY OF BATAVIA ZONING CODE  
TITLE 10 OF THE CITY CODE**

**WHEREAS**, the City of Batavia's Zoning Code (City Code Title 10) contains definitions and provisions relating to the use and development of land in the City of Batavia; and

**WHEREAS**, said provisions have been reviewed and it has been determined that these and certain other provisions, and requirements should be amended in order to better regulate the use and development of land in the City of Batavia; and

**WHEREAS**, public notice of proposed amendments to Title 10 of the Batavia City Code was duly given and published as required by law; and

**WHEREAS**, the Plan Commission of the City of Batavia did, on March 4, 2020 conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and voted to recommend approval of said amendments to Title 10 of the City Code to the City Council’s Committee of the Whole; and

**WHEREAS**, the City Council’s Committee of the Whole has received the recommendation of the Batavia Plan Commission and recommended approval of said amendments; and

**WHEREAS**, the City Council of the City of Batavia has received the recommendation of both the Batavia Plan Commission and the Committee of the Whole, and has considered same; and

**WHEREAS**, it is in the best interests of the City of Batavia and its residents that the proposed Ordinance be adopted by the City Council of the City of Batavia.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

**SECTION 1:** That the City of Batavia Zoning Code (Title 10 of the City Code) is hereby amended in conformance with the terms of this Ordinance.

**SECTION 2:** That the City of Batavia Zoning Code Chapter 2.1 Single Family Residential Districts is hereby amended as follows:

1. Table 2.103: Land Use Regulations – Single Family Residential Districts, Entry for Bed and Breakfast Homes, is revised to add as follows:

Bed and Breakfast Homes	A, L5	A, L5	A, L5	A,L5	See Section 2.106.N and Title 3-11
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2. Table 2.103: Land Use Regulations – Single Family Residential Districts Limitations to add “L5” to read as follows:

**CITY OF BATAVIA ORDINANCE 20-25**

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L5: Bed and Breakfast Homes located on properties having more than one dwelling unit are limited solely to 2-unit properties having been granted approval of a Conditional Use Permit Ordinance for a 2-unit residence.

3. A new Section 2.106.N is added to read as follows:

N. ***Bed and Breakfast Homes.***

1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
2. Bed and Breakfast Homes shall not be located on properties with a nonconforming number of dwelling units.
3. Bed and Breakfast Homes shall not be located on properties having *Guest Quarters*.
4. Bed and Breakfast Homes shall not be located on properties having a *Secondary Dwelling* unless the *Secondary Dwelling* is occupied solely by the Bed and Breakfast rental party.
5. The Bed and Breakfast Home located in a structure containing two (2) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies the other dwelling unit in the same structure.
6. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home, Day Care Home, or Child Day Care Home Occupation*.
7. *Administrative Use Permit Required.* Bed and Breakfast Homes shall require an Administrative Use Permit (AUP). A current plat of survey shall accompany the application for AUP. Mailed notice of application for an Administrative Use Permit 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.
8. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:
  - a. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room.
  - b. Parking shall not extend over a sidewalk.
  - c. Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.

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**SECTION 3:** That the City of Batavia Zoning Code Chapter 2.2 Multi-Family Residential Districts is hereby amended as follows:

1. Table 2.202: Land Use Regulations – Multi-Family Residential Districts, entry for Bed and Breakfast Homes, is revised to add as follows:

Bed and Breakfast Homes	A	A	--	--	See Section 2.204 and Title 3-11
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2. A new Section 2.204.I is added as follows:

**I. *Bed and Breakfast Homes.***

1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
2. The Bed and Breakfast Home located in a structure containing two (2) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies the other dwelling unit in the same structure.
3. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home, Day Care Home, or Child Day Care Home Occupation.*
4. Bed and Breakfast Homes shall not be located on properties having nonconforming *Guest Quarters.*
5. Bed and Breakfast Homes shall not be located on properties having gravel or unpaved driveways or parking areas.
6. *Administrative Use Permit Required.* Bed and Breakfast Homes shall require an Administrative Use Permit (AUP). A current plat of survey shall accompany the application for AUP. Mailed notice of application for an Administrative Use Permit 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.
7. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:
  - a. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room.
  - b. Parking shall not extend over a sidewalk.
  - c. Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.

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**SECTION 4:** That the City of Batavia Zoning Code Chapter 2.4 Downtown Mixed Use District is hereby amended as follows:

1. Table 2.403: Land Use Regulations – Downtown Mixed Use, Entry for Bed and Breakfast Homes, is revised to add as follows:

Bed and Breakfast Home	A, L12	See Section 2.405.H and Title 3-11
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2. Table 2.403: Land Use Regulations – Multi-Family Residential Districts Limitations to add “L12” to read as follows:

L12: Only in structures that are Single Family, Detached and Single Family Attached (Duplex), as defined in Chapter 6: Glossary.

3. A new Section 2.405.H is added to read as follows:

**H. *Bed and Breakfast Homes.***

1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
2. The Bed and Breakfast Home located in a structure containing two (2) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies the other dwelling unit in the same structure.
3. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home*.
4. Bed and Breakfast Homes shall not be located on properties having nonconforming *Guest Quarters*.
5. Administrative Use Permit Required. Bed and Breakfast Homes shall require an Administrative Use Permit. Mailed notice of application for an Administrative Use Permit 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.
6. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:
  - a. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room.
  - b. Parking shall not extend over a sidewalk.
  - c. Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.

**CITY OF BATAVIA ORDINANCE 20-25**

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**SECTION 5:** That the City of Batavia Zoning Code Chapter 4.2: Off-Street Parking and Loading Regulations, Table 4.204: Off-Street Parking Requirements is hereby amended as follows:

Bed and Breakfast Homes	2 spaces; plus 1 space per guest room
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**SECTION 6:** That this Ordinance 20-25 shall be in full force and effect upon its presentation, passage and publication according to the law.

**PRESENTED** to the City Council of the City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

**PASSED** by the City Council of the City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

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Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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Ellen Posledni, City Clerk

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-26**

**AMENDING TITLE 3 OF THE MUNICIPAL CODE  
REGULATING BED AND BREAKFAST ESTABLISHMENTS**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
19<sup>TH</sup> DAY OF OCTOBER, 2020**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 20<sup>th</sup> day of October, 2020

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510



**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-26**

**AMENDING TITLE 3 OF THE MUNICIPAL CODE  
REGULATING BED AND BREAKFAST ESTABLISHMENTS**

**WHEREAS**, the Illinois Bed and Breakfast Act (50 ILCS 820/1 et seq.) (the “Act”) places the burden of the regulation of bed and breakfast establishments on local municipalities and counties; and

**WHEREAS**, City of Batavia Municipal Code does currently include provisions regulating bed and breakfast establishments; and

**WHEREAS**, the Mayor and City Council have determined it is in the best interests of the City and in compliance with the Act for the City to adopt and enforce regulations of bed and breakfast establishments in the City of Batavia.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** Title 3, Chapter 11, Section 3-11-3 of the Batavia Municipal Code is hereby amended as follows:

**3-11-3 REQUIREMENTS FOR APPLICATION AND ISSUANCE/RENEWAL OF  
LICENSE**

- A. The Applicant/Licensee must be a natural person who is the Owner or the Operator of the Bed & Breakfast or an authorized agent of the Owner if the Owner is a corporation, limited liability company or other entity.
- B. If the Applicant/Licensee is not a resident of Kane County at the time of the filing of the application, the Applicant/Licensee shall designate a resident agent living in Kane County who shall be authorized to receive notices and service of process under the terms of this Ordinance.
- C. If the Owner is a corporation, limited liability company, or partnership or other entity requiring State filing, the corporation, LLC or other entity must be chartered by and in good standing with the State of Illinois or chartered in a foreign state, in good standing in the state of incorporation or organization and registered to do business in the State of Illinois.
- D. Applications for a Bed & Breakfast License, whether original or renewal, must be made to the Community Development Department, on forms provided by the City and shall include the following minimum information and documentation:
  - 1. Ownership information, including:
    - a. For individuals, the full name, residential address (and mailing address if different), age, and driver’s license number of the Applicant, and any and all aliases;

- b. For partnerships or joint ventures, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the partners or joint venturers;
  - c. For corporations, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the shareholders (owning five percent (5%) or more of the stock), directors and officers; and
  - d. For limited liability companies, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the members (owning five percent (5%) or more of the membership interests), directors and officers or the equivalent parties.
2. Operator information if different from the ownership information, including the full name, residential address (and mailing address if different), if different from the Bed & Breakfast establishment, age, driver's license number and any and all aliases of the person who is the Operator.
  3. Information on the premises of the bed & breakfast establishment, including:
    - a. A site drawing showing required number of parking places. Owners, occupants, and guests of Bed and Breakfast properties shall not be granted a City-issued Overnight Parking Permit;
    - b. Interior diagram indicating locations of sleeping rooms, bathroom facilities, smoke and CO detectors, and exit paths;
    - c. The number of sleeping rooms available;
    - d. Proof of insurance in compliance with Sec 3-11-7 of this Chapter;
    - e. Operator certification in compliance with Section 3-11-4-E of this Chapter if required;
    - f. In the event the Licensee intends to not provide breakfast, as statement to that effect, along with an agreement to notify both the City and Kane County Health Department if the operation is changed to so provide;
    - g. State of Illinois Department of Revenue Tax number for reporting of room rental revenues for hotel tax purposes;
    - h. Proposed signage in compliance with city code; and
    - i. Such other information as the Community Development Requires to ensure compliance with the provisions of this Chapter and other state and local law.
  4. Every application for issuance of an initial license or renewal license shall be accompanied by a fee of \$150.
  5. Every application for issuance of an initial license or renewal license shall be accompanied by proof of existing insurance meeting the requirements in Section 3-11-7 of this Chapter.
- E. No license shall be issued to or renewed for:
1. Property that is in violation of City building codes, property maintenance codes or fire codes;
  2. An Applicant/Licensee who has had repeated violations of City building codes, property maintenance codes or fire codes in respect to other property in the City that the Applicant/Licensee owns or operates and for which such property is currently not in compliance with City building codes, property maintenance codes or fire codes;

3. An Applicant/Licensee who currently owes the City directly or in any representative capacity any fee, utility payment or tax, including the hotel tax, that is currently past due.

**SECTION 2.** Title 3, Chapter 11, Section 3-11-4 of the Batavia Municipal Code is hereby amended as follows:

**3-11-4 FOOD HANDLING STANDARDS:**

Bed and breakfast establishments that serve breakfast shall comply with all local, County and State ordinances, regulations, and laws regarding the handling of food.

**SECTION 3.** Title 3, Chapter 11, Section 3-11-5 of the Batavia Municipal Code is hereby amended as follows:

**3-11-5 SANITARY REQUIREMENTS:**

The following minimum sanitary requirements shall apply:

- A. Each person who is provided accommodations shall be provided soap, shampoo; clean bath cloths and towels, and clean bed linens in in reasonable condition that are changed between guests and as often as necessary and which shall be stored and handled in a sanitary manner.
- B. Rooms in which guests are accommodated shall be cleaned daily, and sanitized before each new rental period begins.
- C. The premises shall be kept free of insects and vermin at all times.

**SECTION 4.** Title 3, Chapter 11, Section 3-11-6 of the Batavia Municipal Code is hereby amended as follows:

**3-11-6 FIRE REGULATIONS:**

Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings, with the exception of any sprinkler requirements. In addition, the following standards shall be required:

- A. Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 -- Standards for the Installation of Portable Fire Extinguishers.
- B. All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.
- C. All trash containers shall be metal.

- D. No cooking facilities shall be permitted in guest rooms.
- E. All hallways and stairways shall be adequately lighted.
- F. No portable heating devices shall be permitted in guest rooms.
- G. Smoke detectors and carbon monoxide detectors shall be provided in each guest room.
- H. Plans for escape in the case of fire shall be posted in all rooms that accommodate guests and all other public rooms on the premises.

**SECTION 5.** Title 3, Chapter 11, Section 3-11-7 of the Batavia Municipal Code is hereby amended as follows:

**3-11-7 INSURANCE:**

The bed and breakfast establishment shall provide proof of existing liability insurance as required by the City, which shall include, at a minimum, the following coverage:

Liability Insurance Required: Every applicant for a license shall present to the City a certificate of insurance in a company satisfactory to the City, evidencing that the applicant is insured against liability for injury to persons or property with limits of two hundred-fifty thousand dollars (\$250,000.00) for each person injured and one million dollars (\$1,000,000.00) for each accident and two hundred-fifty thousand dollars (\$250,000.00) limits for property damage, which insurance shall protect all persons and property other than that of the applicant, including the City, and specifically stating that the City is an additional insured.

**SECTION 6.** Title 3, Chapter 11, Section 3-11-10 of the Batavia Municipal Code is hereby amended as follows:

**3-11-10 BED AND BREAKFAST TAX**

- A. There is levied and imposed a tax of two percent (2%) of the gross rental receipts from the renting, leasing or letting a bed and breakfast room within the city for each twenty four (24) hour period or any portion of such twenty four (24) hours for which a daily room charge is made.
- B. Licensees may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination and in single amount with the state tax imposed under the hotel operations' occupation tax act as provided in 35 Illinois Compiled Statutes 145/3 or any subsequent amendment thereof.
- C. The tax levied and imposed in this chapter shall be paid in addition to any and all other taxes and charges, including the three percent (3%) Hotel Tax required by Chapter 3-24-2. It shall be the duty of the operator to pay the amount of the tax to the city finance

director under procedures prescribed by the city finance director or as otherwise provided in this chapter.

- D. Every operator shall file monthly with the City Finance Director a return of occupancy and of rents and of the taxes payable thereon on forms prescribed by the City Finance Director and consistent with returns required under the hotel operators' occupation tax act found in 35 Illinois Compiled Statutes 145/6 or any subsequent amendment. The monthly payments and monthly returns shall be filed on or before the fifteenth day of the month immediately succeeding the month during which such taxes were collected. A separate return shall be filed for each place of business within the City regardless of ownership.
- E. If for any reason any tax is not paid when due, a penalty at the rate of one percent (1%) per thirty (30) day period or portion of such thirty (30) days from the date of delinquency shall be added and collected. In addition, a penalty of ten percent (10%) of the tax and interest due may be assessed and collected against Licensee who shall fail to collect and remit the tax imposed by this chapter.

**SECTION 7.** Title 3, Chapter 11, Section 3-11-11 of the Batavia Municipal Code is hereby amended as follows:

**3-11-11 ENFORCEMENT; VIOLATION; PENALTY**

- A. The provisions of this chapter may be enforced by citation and fine, administrative adjudication, or in the local, Circuit Court.
- B. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any provision of this chapter, in addition to any and all other penalties provided in this chapter, upon conviction of such violation, shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00).
- C. Each violation and each day that a violation occurs or continues shall be considered a separate violation.

**SECTION 8.** This Ordinance shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-26

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**PRESENTED** to the City Council of the City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

**PASSED** by the City Council of the City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 19<sup>th</sup> day of October, 2020.

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Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

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Ellen Posledni, City Clerk

<b>Table 2.103: Land Use Regulations – Single Family Residential Districts</b>					
<b>Use Classification</b>	<b>R0</b>	<b>RI-L</b>	<b>RI-M</b>	<b>RI-H</b>	<b>Additional Regulations</b>
Amateur Radio Facilities	P, L1	P, L1	P, L1	P, L1	
Animal Raising, Non-Commercial	P, L4	--, L4	--, L4	--, L4	Minimum 2 acre lot size
Bed and Breakfast Homes	CA	CA, L5	CA	CA	See Section 2.106.N and Title 3-11
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					
Single Family, Detached	P	P	P	P	
Secondary Dwelling Unit	--	--	A, L1	A, L1	
Two-Family Residential	--	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					
Facilities	A	A	A	A	
Well Site	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 L4: Honeybees and Chickens shall be regulated by City Code 5-4B and permitted regardless of lot size. L5: <u>Bed and Breakfast Homes must be located in structures having been granted approval of an Ordinance for Conditional Use Permit for a 2-unit residence.</u>					

## 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.

- 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 6 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.
- N. ***Bed and Breakfast Homes.***
- 1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
  - 2. Bed and Breakfast Homes shall not be located on properties with a nonconforming number of dwelling units.
  - 3. Bed and Breakfast Homes shall not be located on properties having *Guest Quarters*.
  - 4. Bed and Breakfast Homes shall not be located on properties having gravel or unpaved driveways or parking areas.
  - 5. Bed and Breakfast Homes shall not be located on properties having a *Secondary Dwelling* unless the *Secondary Dwelling* is occupied solely by the Bed and Breakfast rental party.



6. The Bed and Breakfast Home located in a structure containing two (2) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies the other dwelling unit in the same structure.
7. The Bed and Breakfast Home shall not be located in a structure containing a Group Home, Day Care Home, or Child Day Care Home Occupation.
8. Administrative Use Permit Required. Bed and Breakfast Homes shall require an Administrative Use Permit (AUP). A current plat of survey shall accompany the application for AUP. Mailed notice of application for an Administrative Use Permit 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.
9. Parking Required. Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:
  - a. ~~Enclosed garage parking for two (2) vehicles that measures eighteen (18) feet wide and nineteen (19) feet long, clear of all obstructions including items placed within that space[S11][BS2].~~
  - b. ~~One (1) additional parking space on a paved driveway measuring eighteen (18) feet wide, and twenty (20) feet in length measured from the property line into the property shall be provided per rented room[S13][BS4].~~
  - a. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room. ~~A minimum of two (2) enclosed parking spaces are required on the property.~~
  - b. Parking shall not extend over a sidewalk.
  - c. ~~Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.~~

- C. **Prohibited Uses.** Uses not listed in Table 2.203: Land Use Regulations – Multi-Family Residential Districts below, or not assigned to a Use Definition pursuant to Section 2.203B: Unlisted Uses, are prohibited.
- D. **Additional Use and Development Regulations.** Additional use and development regulations for multi-family residential districts are set forth in Section 2.205: Additional Use and Development Regulations.

<b>Table 2.203: Land Use Regulations – Multi-Family Residential Districts</b>					
<b>Use Classification</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>Additional Regulations</b>
Amateur Radio Facilities	P, LI	P, LI	--	--	See Chapter 4.8
Bed and Breakfast Homes	<del>CA, L3</del>	<del>CA, L3</del>	--	--	<del>In single family detached structures only</del> See Section 2.204 and Title 3-11
Carnival	T	T	T	T	See Title 3-4
Child Day Care, Home Occupation	P, LI	P, LI	P, LI	P, LI	See Section 4.503
Congregate Living Facility	--	--	C	C	
Day Care Home	C	C	--	--	
Garage Sales	T	T	T	T	See Section 4.509
Group Home	P	P	--	--	
Home Occupation	P	P	P	P	See Section 4.502
Homeowner Association Facilities	P	P	P	P	
Laundry Services	--	--	P, LI	P, LI	
Mobile Home Park	--	C	C	--	See Title 3-9
Model Home	T	T	T	T	See Section 4.511
Nursing Home	--	--	C	C	
Over-The-Air Reception Device	P	P	P	P	See Chapter 4.8
Religious Assembly	C, L2	C, L2	C, L2	C, L2	
Residential, Permanent					
Single Family, Detached	P	P	--	--	
Single Family, Attached (Duplex)	P	P	--	--	
Multi-Family	--	P	P	P	
Townhouse	--	P	P	--	
Satellite Dish Antenna, Large	P, LI	P, LI	P, LI	P, LI	See Chapter 4.8
Schools, Public or Private	C, L2	C, L2	C, L2	C, L2	
Senior Housing	P	P	P	P	
Utilities					
Facilities	A	A	A	A	
Well Site	A	A	A	A	
L1: Only as a use incidental to the principal use of the property L2: Public and Private Schools and Religious Assembly Uses are permitted as separate structures, but not permitted in multi-family residential structures L3: Only in structures that are <i>Single Family, Detached</i> and <i>Single Family Attached (Duplex)</i> , as defined in Chapter 6: Glossary <b>having 3 or fewer dwelling units.</b>					

## 2.203 Site Development Regulations

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.

I. **Bed and Breakfast Homes.**<sup>[BS1]</sup>

1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
2. The Bed and Breakfast Home located in a structure containing two (2) or three (3) dwelling units may not be owner-occupied provided the same dwelling unit owner occupies ~~the~~ another dwelling unit in the same structure.
3. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home, Day Care Home, or Child Day Care Home Occupation.*
4. Bed and Breakfast Homes shall not be located on properties having nonconforming *Guest Quarters.*
5. Bed and Breakfast Homes shall not be located on properties having gravel or unpaved driveways or parking areas.
6. *Administrative Use Permit Required.* Bed and Breakfast Homes shall require an Administrative Use Permit (AUP). A current plat of survey shall accompany the application for AUP. Mailed notice of application for an Administrative Use Permit 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.
7. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot:*
  - a. Enclosed garage parking for two (2) vehicles that measures eighteen (18) feet wide and nineteen (19) feet long, clear of all obstructions including items placed within that space.
  - a. One (1) additional parking space on a paved driveway measuring eighteen (18) feet wide, and twenty (20) feet in length measured from the property line into the property per rented room. In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room. A minimum of two (2) enclosed parking spaces are required on the property.
  - b. Parking shall not extend over a sidewalk.

b.c. Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.403: Land Use Regulations – Downtown Mixed Use District.

"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: Glossary. If a proposed use is not listed in the Glossary, 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 2.403: Land Use Regulations – Downtown Mixed Use District below or not assigned to a Use Definition pursuant to Section 2.403.B: Unlisted Uses, are prohibited.

D. **Additional Use and Development Regulations.** Additional use and development regulations for the Downtown Mixed Use District are set forth in Section 2.405: Additional Use and Development Regulations.

Table 2.403 Land Use Regulations – Downtown Mixed Use		
Use Classification	DMU	Additional Regulations
Amplified Artistic Performance	P, L8	
Animal Services		
Animal Grooming	P	
Small Animal Clinics	P	
Automated Teller Machine (ATM)	P	
Banks and Other Financial Institutions		
Without Drive Through Facilities	P	
With Drive Through Facilities	C	
Banquet Facility	C	
Bed and Breakfast Home	PA, L12	See Section 2.405.H and Title 3-11
Brewpub	P	
Building Material and Home Improvement Sales and Service, Retail	P, L1	
Business Services	P	
Carnival	T	See Section: 4.509
Child Care Facility	P	
Conference Center	C	
Congregate Living Facility	P	

<i>Table 2.403 Land Use Regulations – Downtown Mixed Use</i>		
<b>Use Classification</b>	<b>DMU</b>	<b>Additional Regulations</b>
Senior Housing	P	
Shelter Care Facility	C	
Shelter Care Facility, Homeless	C	
Smoking Lounge	C, L9	
Swap Meet, Flea Market and Auction, Indoor	C	
Swap Meet and Auction, Outdoor	T	
Tattoo Parlor / Piercing Studio	C	See Title 4-9-1
Teen Nightclub	C	
Utilities Facilities Well Site	A A	
Vehicle and Equipment Sales, Leasing and Services Car Wash Fueling Facility Fueling Facility, Alternative Motor Vehicle Sales and Leasing, New and Used – Internet Based Non-Commercial Vehicle Rental Tent Sale, Vehicle Vehicle and Equipment Services, Light	C C A C, L11 C T C	See Section 4.512     See Section 4.509
Video Gaming Establishment	C, L10	See City Code Title 3, Chapter 26
Wireless Communication Facilities	C	
L1: Permitted less than 5,000 square feet; Conditional Use over 5,000 square feet L2: Conditional Use. Use is not permitted in existing commercial structures L3: Only as a use incidental to the principal use of the property L4: Drive-through restaurants require a Conditional Use Permit L5: Outdoor motorized recreation facilities are prohibited. L6: Permitted in conjunction with retail sales of products produced on the premises L7: Less than 2,500 square feet L8: Accessory Use to an established use L9: Use must be located in a free-standing building without other occupancies L10: Conditional Use Permit is required for either a principal or accessory/incidental use. L11: Inventory or potential inventory vehicles parked, displayed, stored, or kept on the property is prohibited. L12: Only in structures that are Single Family, Detached and Single Family Attached <u>with 3 or fewer dwelling units (Duplex)</u> , as defined in Chapter 6: Glossary.		

## 2.404 Site Development Regulations

Table 2.404: Site Development Regulations – Downtown Mixed Use District sets forth the site development regulations for the Downtown Mixed Use district, which are in addition to the development regulations set forth in Section 2.405: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.404: Site Development Regulations – Downtown Mixed Use District.

- c. Elevations above the First Floor. Street elevations above the first floor shall have a minimum of 40 percent transparency, measured by length.
- B. **Penetrations.** Principal structures shall have a minimum of one pedestrian entry every 75 feet on elevations facing public streets. Non-residential entries shall be functional and remain unlocked during regular business hours.
- C. **Historic Structures.** Notwithstanding the above provisions, landmarked buildings or buildings classified as Significant or Contributing in the *City of Batavia Historic Preservation Listing* shall continue, and where possible restore, the historic pattern and form of window and door openings.
- D. **Accessory Structures.** Accessory structures shall comply with the following regulations:
  - 1. **Establishment.** An accessory structure shall not be constructed prior to construction of a principal structure.
  - 2. **Location.** Accessory structures may be located:
    - a. Within the building envelope.
    - b. Within a required interior side or rear setback, but not within a required front or street side setback area.
  - 3. **Maximum Height.** The maximum height of accessory structures shall be 15 feet.
  - 4. **Separation.** Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.
- E. **Drive-Through Facilities.** Drive-through facilities shall be a minimum of 50 feet from property designated for residential use in the Comprehensive Plan.
- F. **Outdoor Storage.** Outdoor storage is prohibited.
- G. **Outdoor Dining Areas.** Uncovered outdoor dining areas are permitted in building setback areas. Permanent installations shall require Administrative Design Review approval. Adjacent public property may be used for outdoor dining after the business owner seeking to use the adjacent public property enters into a license agreement with the City for that purpose.
- H. **Bed and Breakfast Homes.**

1. Bed and Breakfast Homes as defined in Chapter 6: Glossary shall be subject to all requirements of City Code Title 3, Chapter 11.
2. The Bed and Breakfast Home located in a structure containing two (2) ~~or three (3)~~ dwelling units may not be owner-occupied provided the same dwelling unit owner occupies ~~the~~ another dwelling unit in the same structure.
3. The Bed and Breakfast Home shall not be located in a structure containing a *Group Home*.
4. Bed and Breakfast Homes shall not be located on properties having nonconforming *Guest Quarters*.
5. Administrative Use Permit Required. Bed and Breakfast Homes shall require an Administrative Use Permit. Mailed notice of application for an Administrative Use Permit 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.
6. *Parking Required.* Bed and Breakfast Homes shall provide the following minimum parking improvements on the *Zoning Lot*:
  - a. ~~Enclosed garage parking for two (2) vehicles that measures eighteen (18) feet wide and nineteen (19) feet long, clear of all obstructions including items placed within that space.~~
  - b. ~~One (1) additional parking space on a paved driveway measuring eighteen (18) feet wide, and twenty (20) feet in length measured from the property line into the property per rented room.~~
  - a. ~~In addition to the number of spaces required of the residence(s) on the property, one (1) space must be provided for each rented room. A minimum of two (2) enclosed parking spaces are required on the property.~~
  - b. ~~Parking shall not extend over a sidewalk.~~
  - c. ~~Owners, occupants, and guests of Bed and Breakfast Home properties shall not be granted a City-issued Overnight Parking Permit.~~



Zoning District, required parking spaces shall be located on the same building site as the use or building they serve, unless cross-access and cross-parking agreements are in effect. Parking on public or private streets shall not be used to satisfy the off-street parking requirement.

<b>Table 4.204: Off-Street Parking Requirements</b>	
<b>Use Classification</b>	<b>Requirement (Gross Floor Area)</b>
Agritainment	Determined by Planning and Zoning Officer
Ambulance Services	1 space per 250 sq. ft.
Animal Services	
<i>Animal Grooming</i>	1 space per 250 sq. ft.
<i>Animal Shelter</i>	1 space per 250 sq. ft.
<i>Feed and Tack Sales</i>	1 space per 350 sq. ft.
<i>Kennel</i>	1 space per 600 sq. ft.
<i>Large Animal Hospitals</i>	1 space per 300 sq. ft.
<i>Small Animal Clinics</i>	1 space per 250 sq. ft.
Automated Teller Machine	None required.
Automated Teller Machine, Remote	2 spaces per machine
Banks and Other Financial Institutions	1 space per 300 sq. ft.
Banquet Facility	1 space per 125 sq. ft. plus attended parking when demand exceeds supply
<b>Bed and Breakfast Homes</b>	<b>2 enclosed spaces; plus 1 space per guest room</b>
Building Maintenance Services	1 space per 300 sq. ft.
Building Material and Home Improvement Sales and Service, Retail	1 space per 250 sq. ft. for the first 75,000 sq. ft. 1 space for every 600 sq. ft. above 75,000 sq. ft.
Building Material and Home Improvement Sales and Service, Wholesale	1 space per 800 sq. ft.
Business Services	1 space per 250 sq. ft.
Call Center	1 space per 150 sq. ft.
Cannabis Cultivation Center	1 space per 1,000 sq. ft.
Cannabis Dispensary, Medical	1 space per 200 sq. ft., plus additional parking required as determined through the Conditional Use process
Cemetery	None required
Cemetery, Pet	None required
Clubs and Lodges	1 space per 200 sq. ft.
Colleges, Public Or Private	1 space per 200 sq. ft. of classroom and office area
Congregate Living Facility	.5 spaces per unit
Contractor's Yard	1 space per 250 sq. ft. of office area
Convention Center	Determined by Planning and Zoning Officer
Crematorium	1 space per 300 sq. ft.
Crop and Animal Raising, Commercial	None required
Crop Raising, Non-Commercial	None required
Cultural Institutions	1 space per 200 sq. ft.
Day Care Centers	1 space per 300 sq. ft.
Day Care Homes	No additional spaces required
Day Care, Residential	No additional spaces required
Dry Cleaning and Laundry Outlet	1 space per 250 sq. ft.
Dry Cleaning and Laundry Central Plant	1 space per 300 sq. ft.
Eating and Drinking Establishments	
<i>Bars/Night Clubs/Lounges/Dance Halls</i>	1 space per 100 sq. ft.
<i>Restaurants, Full Service</i>	1 space per 100 sq. ft.
<i>Restaurants, Limited Service</i>	1 space per 100 sq. ft.

### 3-11-3 REQUIREMENTS FOR APPLICATION AND ISSUANCE/RENEWAL OF LICENSE

- A. The Applicant/Licensee must be a natural person who is the Owner or the Operator of the Bed & Breakfast or an authorized agent of the Owner if the Owner is a corporation, ~~or~~ limited liability company or other entity.
- B. If the Applicant/Licensee is not a resident of Kane County at the time of the filing of the application, the Applicant/Licensee shall designate a resident agent living in Kane County who shall be authorized to receive notices and service of process under the terms of this Ordinance.
- C. If the Owner is a corporation, ~~or~~ limited liability company, or partnership or other entity requiring State filing, the corporation, ~~or~~ LLC or other entity must ~~an~~be chartered by and in good standing with the State of Illinois or chartered in a foreign state, in good standing in the state of incorporation or organization and registered to do business in the State of Illinois.
- D. Applications for a Bed & Breakfast License, whether original or renewal, must be made to the Community Development Department, on forms provided by the City and shall include the following minimum information and documentation:
  1. Ownership information, including:
    - a. For individuals, the full name, residential address (and mailing address if different), age, and driver's license number of the Applicant, and any and all aliases;
    - b. For partnerships or joint ventures, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the partners or joint venturers;
    - c. For corporations, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the shareholders (owning five percent (5%) or more of the stock), directors and officers; and
    - d. For limited liability companies, the full names, residential addresses (and mailing addresses if different), ages, driver's license numbers and any and all aliases of the members (owning five percent (5%) or more of the membership interests), directors and officers or the equivalent parties.
  2. Operator information if different from the ownership information, including the full name, residential address (and mailing address if different), if different from the Bed & Breakfast establishment, age, driver's license number and any and all aliases of the person who is the Operator.
  3. Information on the premises of the bed & breakfast establishment, including:
    - a. A site drawing showing required number of parking places; Owners, occupants, and guests of Bed and Breakfast properties shall not be granted a City-issued Overnight Parking Permit;
    - b. Interior diagram indicating locations of sleeping rooms, bathroom facilities, smoke and CO detectors, and exit paths;
    - c. The number of sleeping rooms available;
    - d. Proof of insurance in compliance with Sec 3-11-7 of this Chapter;

- e. Operator certification in compliance with Section 3-11-4-E of this Chapter if required;
  - f. In the event the Licensee intends to not provide breakfast, as statement to that effect, along with an agreement to notify both the City and Kane County Health Department if the operation is changed to so provide;
  - g. State of Illinois Department of Revenue Tax number for reporting of room rental revenues for hotel tax purposes;
  - h. Proposed signage in compliance with city code; and
  - i. Such other information as the Community Development Requires to ensure compliance with the provisions of this Chapter and other state and local law.
4. Every application for issuance of an initial license or renewal license shall be accompanied by a fee of \$150.
  5. Every application for issuance of an initial or renewal license shall be accompanied by proof of existing insurance meeting the requirements in section 3-11-7 of this chapter.
- E. No license shall be issued to or renewed for
1. Property that is in violation of City building codes, property maintenance codes or fire codes;
  2. An Applicant/Licensee who has had repeated violations of City building codes, property maintenance codes or fire codes in respect to other property in the City that the Applicant/Licensee owns or operates and for which such property is currently not in compliance with City building codes, property maintenance codes or fire codes;
  3. An Applicant/Licensee who currently owes the City directly or in any representative capacity any fee, utility payment or tax, including the hotel tax, that is currently past due.

### **3-11-4 MINIMUM FOOD HANDLING STANDARDS:**

Bed and breakfast establishments that serve breakfast shall comply with all local, County and State ordinances, regulations and laws regarding the handling of food.~~the following~~ minimum standards:

~~A. Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies and honey.~~

~~B. Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of 45 degrees F. or below, or 140 degrees F. or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food~~

~~shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the Kane County Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, and pork products shall be cooked to heat all parts of the food at least 165 degrees F. before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.~~

~~C. No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.~~

~~D. If the bed or breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Kane County Health Department immediately.~~

~~E. All operators shall be inspected, and licensed by Kane County Health Department. Licensing shall be achieved by successfully completing an examination offered by the Kane County Health Department as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations and other requirements of the Kane County Health Department for approval.~~

~~F. Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.~~

~~G. No one, while preparing or serving food, may use tobacco in any form.~~

~~H. Utensils shall be kept clean and in good repair.~~

~~I. Multiuse eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.~~

~~J. Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.~~

~~K. Residential sinks and home style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.~~

~~L. Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively~~

~~sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the Kane County Health Department. Dishpans may be used to accomplish the final sanitizing rinse.~~

~~M. The reuse of single service utensils is prohibited.~~

### **3-11-5 ~~MANDATORY PROVISIONS~~ SANITARY REQUIREMENTS:**

The following minimum sanitary requirements shall apply:

- ~~A. Each person who is provided accommodations shall be provided soap, shampoo; and clean ~~individual~~ bath cloths and towels. ~~C, and~~ clean bed linens in good repair shall be provided for each guest who is provided accommodations and shall be in reasonable condition that are changed between guests and as often as necessary. ~~Clean linen and which~~ shall be stored and handled in a sanitary manner.~~
- A. B. Rooms in which guests are accommodated shall be and sanitized before each new rental period begin cleaned daily, and all rooms shall be kept in a clean, sanitary manner.
- C. The premises shall be kept free of insects and vermin at all times.

### **3-11-6 FIRE REGULATIONS:**

Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings, with the exception of any sprinkler requirements. In addition, the following standards shall be required:

- A. Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 -- Standards for the Installation of Portable Fire Extinguishers.
- B. All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.
- C. All trash containers shall be metal.
- D. No cooking facilities shall be permitted in guest rooms.
- E. All hallways and stairways shall be adequately lighted.
- F. No portable heating devices shall be permitted in guest rooms.

G. Smoke detectors and carbon monoxide detectors shall be provided in each guest room.

F. Plans for escape in the case of fire shall be posted in all rooms that accommodate guests and all other public rooms on the premises.

### **3-11-7 INSURANCE:**

The bed and breakfast establishment shall provide proof of ~~adequate-existing~~ liability insurance as required by the City, which shall include, at a minimum, the following coverage:

Liability Insurance Required: Every applicant for a license shall present to the City a certificate of insurance in a company satisfactory to the City, evidencing that the applicant is insured against liability for injury to persons or property with limits of two hundred-fifty thousand dollars (\$250,000.00) for each person injured and one million dollars (\$1,000,000.00) for each accident and two hundred-fifty thousand dollars (\$250,000.00) limits for property damage, which insurance shall protect all persons and property other than that of the applicant, ~~but~~ including the City, and specifically stating that the City is an additional insured.

### **3-11-10 BED AND BREAKFAST TAX**

A. There is levied and imposed a tax of two percent (2%) of the gross rental receipts from the renting, leasing or letting a bed and breakfast room within the city for each twenty four (24) hour period or any portion of such twenty four (24) hours for which a daily room charge is made.

B. Licensees may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination and in single amount with the state tax imposed under the hotel operations' occupation tax act as provided in 35 Illinois Compiled Statutes 145/3 or any subsequent amendment thereof.

C. The tax levied and imposed in this chapter shall be paid in addition to any and all other taxes and charges, including the three percent (3%) Hotel Tax required by Chapter 3-24-2. It shall be the duty of the operator to pay the amount of the tax to the city finance director under procedures prescribed by the city finance director or as otherwise provided in this chapter.

D. Every operator shall file monthly with the City Finance Director a return of occupancy and of rents and of the taxes payable thereon on forms prescribed by the City Finance Director and consistent with returns required under the hotel operators' occupation tax act found in 35 Illinois Compiled Statutes 145/6 or any subsequent amendment. The monthly

payments and monthly returns shall be filed on or before the fifteenth day of the month immediately succeeding the month during which such taxes were collected. A separate return shall be filed for each place of business within the City regardless of ownership.

- E. If for any reason any tax is not paid when due, a penalty at the rate of one percent (1%) per thirty (30) day period or portion of such thirty (30) days from the date of delinquency shall be added and collected. In addition, a penalty of ten percent (10%) of the tax and interest due may be assessed and collected against Licensee who shall fail to collect and remit the tax imposed by this chapter.

### **3-11-11 ENFORCEMENT; VIOLATION; PENALTY**

- A. The provisions of this chapter may be enforced by citation and fine, administrative adjudication, or in the local, Circuit Court.
- B. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any provision of this chapter, in addition to any and all other penalties provided in this chapter, upon conviction of such violation, shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00).
- C. Each violation and each day that a violation occurs or continues shall be considered a separate violation.