

TO: Plan Commission

FROM: Zach Ewoldt, Planner

DATE: January 13, 2023

Subject: **Public Hearing:** Amendments to the Text of the Zoning Code (Miscellaneous Amendments)

Chapter 4.1: Site Regulations  
Chapter 2.3: Commercial Districts  
Chapter 2.4: Downtown Mixed Use District  
Chapter 2.5: Mixed use District  
Chapter 2.6: Employment Districts  
Chapter 6: Glossary  
City of Batavia, applicant

**Background:** Staff has scheduled a Public Hearing for several amendments to the Zoning Code at the January 18<sup>th</sup> Plan Commission meeting. These have been a result of discussion initiated by recent Commission/Council approvals and/or staff application of the Zoning Code.

Proposed zoning text amendments address:

- Prohibited Fence Materials (Chapter 4.108.B & 4.108.E)
- Modify fence regulations for the Downtown Mixed-Use District.
- Add Distillery as a Use under the existing Brewery Use definition in the DMU, MU, Commercial and Employment Zoning Districts.
- Modify the Outdoor Business Property Storage Section to refer to the Fire Chief

### Proposed Amendments and Analysis

**Chain link in Front Setback Area:** The Zoning Code does not prohibit chain link fencing to be in the front setback area of the Parks and Open Space (POS) and Public Facility/Institutional (PFI) Districts. The proposed amendment would prohibit chain link fencing to be installed in the front setback area of a property in the POS and PFI Districts, when adjacent to a residential zoning district. Staff believes it is appropriate to require a higher quality of fencing in the front setback area that complies with the surrounding uses when located in a residential area. Especially as both zoning districts are likely to be near or within a residential area, the proposed language is designed to reflect this residential standard in those cases.

**Chain link in Rear Setback Area Double Frontage Lots:** The Zoning Code does not prohibit chain link fencing to be in the rear setback area on a double frontage lot. A double frontage or through lot is a lot having frontage on two (2) or more non-intersecting streets. The rear setback area of a double frontage lot is treated the same as the front setback area as it would be facing the street and may adjoin the front of other lots. Staff believes it is appropriate to require a higher quality of fencing in this setback area to be consistent with what would otherwise be allowed in a front setback area. This revision would clarify that the prohibition to chain link is along both frontages of a through lot. Staff believes chain link in other areas is appropriate.

**Downtown Mixed Use Fencing:** The current zoning code allows for fencing in the Downtown Mixed Use District to be installed up to the property line at eight (8) feet in height as there are no traditionally defined setback areas as called out in other zoning districts. In efforts to increase public safety, staff is proposing to move the Downtown Mixed Use into its own section within the fencing regulations under 4.108. Staff would be recommending several changes to the code that are applicable to properties only located in the Downtown Mixed Use (DMU) Zoning District. A maximum of three (3) feet in height for a solid fence or six (6) feet in height for an open fence in the front side and corner side would be allowed when located between the minimum and maximum building setback (the first 10 feet). This would reduce the potential for visual obstructions for vehicular traffic and pedestrians. In addition to this change staff is proposing to reduce the maximum allowed height for fencing to 6 feet unless the adjacent use is a residentially zoned district and to prohibit the use of chain link fencing. Staff feels that these modifications are only appropriate for the DMU due to the unique character of the Downtown.

**Distillery Use Classification:** In 2022, staff received inquiries regarding the location of a distillery in Batavia. The current zoning code does not clearly permit or prohibit Distilleries as a use. In an effort to allow a distillery to operate within Batavia, staff is proposing to amend the existing brewery use definition to include distilleries. The proposed modifications to the zoning code use also require the change of the term from “Brewery” to “Brewery or Distillery” in the use table and change the definition of brewery to include language that explicitly allows for a distillery. This modification would be consistent with neighboring community’s classifications and definitions of Breweries or Distilleries. It is becoming a trend to see breweries adding distilleries within the same brewing space. The use tables that will be modified are 2.303, 2.403, 2.503, 2.603. Staff feels that the existing regulations for Breweries is appropriate and would remain applicable for both Breweries and Distilleries.

**Outdoor Business Property Storage Fire Chief Authority:** In efforts to clean up the Zoning Code staff is proposing to revise the named authorized position from the Fire Marshal to the Fire Chief or their designee. This clarification would allow the Fire Department to specify an official, in the absence of a Fire Marshal or the staff member that traditionally is in charge of plan review. This change is primarily a clarification, and will continue to empower the appropriate plan reviewer under the Code, especially in the event of restructuring of roles or prolonged vacancy of the Fire Marshall position.

### **Staff Recommendation**

Staff recommends the Commission open and conduct the public hearing. The Commission should consider the proposed amendments to the Zoning Code and information/testimony provided at the hearing. The Commission can take positive or negative action on either of the attached amendments or may recommend modifications to the proposed amendments. The Commission also may continue the hearing to a date certain if additional information is needed.

Attachment: Proposed Amendments to the Zoning Code

- c Mayor and City Council
- Media

## **Chapter 4.1: Site Regulations**

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### **Sections:**

- 4.101 Encroachments Into Building Setback and Interior Building Separation Areas
- 4.102 Projections Above Height Limits
- 4.103 Lighting Standards
- 4.104 Outdoor Business Property Storage
- 4.105 Screening of Mechanical and Electrical Equipment
- 4.106 Refuse and Recycling Enclosures
- 4.107 Swimming Pools
- 4.108 Fences
- 4.109 Recycling Collection Bins
- 4.110 Limitations for Structures on Easements
- 4.111 Sight Distance Triangle

### **4.101 Encroachments into Building Setback and Interior Building Separation Areas**

- A. The building setback areas in all districts shall remain unobstructed except where permitted by this Section.
- B. For single family uses in single family residential districts, these regulations are in addition to those set forth in Chapter 2.1: Single Family Residential Districts.
- C. For single family uses in single family residential districts, permitted encroachments into the required side clear area are set forth in Section 2.104.B: Side Clear Area.
- D. For all uses in single family residential districts, balconies, stairs, chimneys, canopies, covered patios, and awnings may encroach no more than 3 feet into any required building setback area, but in no event shall the encroachment be closer than 3 feet from the property line.
- E. For all uses in single family residential districts, uncovered decks not over 3 feet above grade may encroach into the rear setback to within 10 feet of the property line.
- F. In multi-family and nonresidential districts, canopies and awnings may encroach no more than 3 feet into any required building setback or interior building separation area.
- G. For single family uses in single family residential districts, bay windows may encroach no more than 3 feet into any required building setback area. A bay window encroachment shall not exceed 1/3 the length of the wall plane upon which it is located.

- H. Belt courses, cornices, window sills, quoins, and similar decorative architectural features may encroach no more than 18 inches into any required building setback or interior building separation area.
- I. Roof overhangs may encroach no more than 5 feet into a required side building setback or interior building separation area, but shall not be closer than 3 feet from a side property line.
- J. In single family residential districts, roof overhangs may encroach no more than 3 feet into a required front and rear building setback area.
- K. For single family uses in single family residential districts, covered porches may project up to 6 feet into the required front and corner side building setback areas. In no case shall the porch be set back less than 10 feet. Where the single family residence has a nonconforming front or corner side setback, a covered porch may extend up to 4 feet from the existing, nonconforming building.
- L. Fences, pursuant to Section 4.108: Fences.
- M. Freestanding signs may encroach into required building setback areas, pursuant to Chapter 4.4: Sign Regulations.
- N. Accessory structures may encroach into required side and rear building setback areas, pursuant to Section 2.106.A: Accessory Structures; Section 2.205.A: Accessory Structures; Section 2.305.A: Accessory Structures; Section 2.405.D and Section 2.505.D: Accessory Structures.
- O. Outdoor lighting fixtures may encroach into required building setback areas, pursuant to Section 4.103: Lighting Standards.
- P. Arbors and trellises may be located in any setback area. Arbors and trellises in excess of 6 feet in height shall be setback at least 5 feet from any property line.

#### **4.102 Projections Above Height Limits**

The following projections above base district height limits are permitted:

- A. Belfries, domes, chimneys, cupolas, skylights, clock towers and other similar structural elements not used for human occupancy, may project above the base district height limit, provided that they do not cover more than 20 percent of the roof area.
- B. Mechanical equipment and enclosures, elevator penthouses, ventilators, and other similar equipment, may project up to 5 feet above the base district height limit, but may not exceed the height of parapet walls.
- C. Theater scenery lofts only to the height necessary to accomplish their purpose.

- D. Church steeples, religious symbols, or similar elements on religious assembly buildings.
- E. Flagpoles, pursuant to Section 4.402.G: Flagpoles.
- F. Wireless communications facilities, pursuant to Chapter 4.7: Wireless Communication Facilities.
- G. Over-the-Air Reception Devices, Large Satellite Dish Antennas and Amateur Radio Facilities pursuant to Chapter 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

### 4.103 Lighting Standards

- A. **Applicability.** Parking lot, security, soffit, common open space, and wall mounted lighting, other than on single family residences, shall be located, developed, and operated in compliance with the following regulations:

- 1. All outdoor fixtures, other than bollard or decorative lighting, shall be set back from all rights of way and property lines of parcels designated for residential use in the Comprehensive Plan by a minimum of:
  - a. 10 feet; or
  - b. a distance equal to the height of the fixture.
- 2. The only permitted outdoor light fixtures within required perimeter landscape areas separating nonresidential uses from residential uses and separating multi-family residential uses from single family residential uses shall be bollard lighting.
- 3. Parking lot and pole mounted security lighting shall not exceed a maximum height of 15 feet, exclusive of the height of concrete pole bases, within:
  - a. 100 feet of a residential district boundary; or
  - b. 100 feet of land designated for residential use in the Comprehensive Plan.

In all other areas, parking lot and security lighting shall not exceed a maximum height of 25 feet, exclusive of the height of concrete pole bases, except in the GI District storage area lighting shall not exceed a maximum height of 30 feet, exclusive of the height of concrete pole bases.

- 4. Wall-mounted fixtures shall be a maximum height of 15 feet above grade, as measured from grade to the bottom of the light source. In the LI Light

Industrial and GI General Industrial districts, such lights on walls not facing property currently used or designated in the Comprehensive Plan as Residential may be a maximum of 25 feet above grade. Where all existing lights are located above this limit and an addition to the building is to be constructed, lights proposed on the addition may match the height of the lowest existing lights above the height limits. Wall-mounted fixtures shall be full cutoff type, with the bottom of the light source being parallel to the ground.

5. Pole-mounted fixtures shall be full cutoff type only, with the bottom of the light source being parallel to the ground. Semi-cutoff pole-mounted fixtures are prohibited.
  6. All lighting under fueling facility canopies, drive-through canopies, customer loading canopies, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling or soffit of the canopy structure.
- B. **City Code Compliance.** Additional light and glare regulations are set forth in the City Code.

#### **4.104 Outdoor Business Property Storage**

The purpose of this section is to regulate outdoor storage of business property and incidental display of goods. This section does not apply to Outdoor Personal Property Storage or display of goods associated with an allowed Temporary Use. Unless otherwise provided for in a specific base zoning district, outdoor storage and incidental display of goods shall comply with the following requirements:

- A. Business property storage shall be limited to inventory, stock, supplies, equipment, and similar material not displayed for sale, rental, or lease. Incidental display shall be limited to goods sold on the premises.
- B. The maximum percentage of a lot that may be used for outdoor storage is set forth in each base zoning district.
- C. Outdoor storage areas shall be enclosed by a solid fence or wall.
- D. The height of the fence or wall is set forth in each base zoning district.
- E. Stored materials shall not exceed the height of the fence or wall, except in the General Industrial and Public Facilities/Institutional zoning districts.
- F. Outdoor storage and incidental display areas in all districts shall not be located in a required landscape area.
- G. Outdoor storage areas are prohibited in building setback areas in all zoning districts, except in the Light Industrial and General Industrial districts.

- H. Incidental display areas shall be surfaced with concrete or asphalt, or modular paver material installed pursuant to an issued building permit. Outdoor storage areas shall be surfaced with concrete, asphalt, gravel, or other approved dust free surface.
- I. Unless otherwise required by the Fire ~~Marshal~~Chief or their designee, access aisles to outdoor storage areas shall be surfaced with a minimum of a 4-inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter.
- J. All driveways accessing outdoor storage and incidental display areas shall be paved with asphalt or concrete.
- K. All areas for vehicle parking or where vehicles maneuver to access storage and incidental display areas shall be paved with asphalt or concrete.
- L. The outer perimeter of gravel areas shall be enclosed by a curb consistent with Section 11-5-6.P of the Subdivision Code or alternative design approved by the City Engineer.
- M. Goods in incidental display areas shall not exceed 8 feet in height including a trailer on which the goods are located or 6 feet in height if goods are not on a trailer.
- N. Incidental display areas shall not occupy more than 200 square feet.
- O. Incidental display areas shall not encroach on pedestrian ways, fire lanes, or access aisles

#### **4.105 Screening of Mechanical and Electrical Equipment**

- A. ***Applicability.*** This section applies to:
  - 1. All nonresidential uses.
  - 2. Residential uses in single family districts.
  - 3. Multi-family residential uses.
  - 4. Subdivision common area facilities.
  - 5. Public facility and institutional uses.
- B. **Equipment Subject to Screening Requirements.**
  - 1. ***Nonresidential Uses.*** The following equipment shall be fully screened in accordance with this section:
    - a. Ground-, building-, and roof-mounted mechanical and utility equipment. Such equipment includes, but is not limited to, heating

and air conditioning equipment, refrigeration equipment, electrical equipment and meters, storage tanks, transformers, backflow prevention devices, exhaust fans, and vents.

- b. Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities are regulated by Chapter 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.
  - c. Mechanical and electrical equipment listed in Section 4.105.B.1.a. shall be fully screened from view from public and private streets, areas accessible to the general public, and from areas shown for residential use in the Comprehensive Plan. If the Plan Commission, or for Administrative Design Review, the Community Development Director determines that the equipment will only be visible from permanently unoccupied areas, the screening requirement may be waived or modified. The screening method shall be depicted on plans submitted with applications for preliminary subdivision plats, design review and building permits.
  - d. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be an integral part of the building design.
  - e. Utility equipment such as electric and gas meters, switch gear, junction boxes, and similar equipment shall be screened using architecturally compatible fences or landscaping. Utility panels shall be fully recessed into the building elevation and enclosed by lockable exterior doors, or shall be screened by a decorative fence equal to or exceeding the height of the panel.
  - f. Utility transformers and similar equipment shall be located to minimize their view from public streets, walkways, public and private parks, plazas, etc. These devices shall be located in areas that are not immediately adjacent to streets, driveways, parking lots, or public gathering areas. Where visible from these areas, the equipment shall be oriented so that it can be screened with berms, fences, landscaping, or a combination thereof, while maintaining required access to the equipment.
2. *Residential Uses in Single Family Districts.* Roof-mounted mechanical equipment is prohibited.
3. *Multi-Family Residential Uses:*
- a. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be



an integral part of the building design.

- b. Ground mounted mechanical equipment shall be screened from public and common area view by a decorative screen fence. The fence shall exceed the height of the equipment by at least 1 foot.

#### 4.106 Refuse and Recycling Enclosures

- A. **Applicability.** Enclosures for refuse and recycling container storage are required for all multi-family residential and all nonresidential developments, except as otherwise provided in the City Code. Enclosures shall not be required in the Service Business, Light Industrial, or General Industrial Districts when refuse and recycling containers are located in an Outdoor Storage Area that is fully enclosed by a fence, including a solid fence where required.
- B. **Standards.** Refuse and recycling enclosures shall comply with the following requirements:
  1. Refuse and recycling enclosures shall not be located in any required perimeter landscape area, stormwater management area or easement area.
  2. Refuse and recycling enclosures shall be set back a minimum of 3 feet from any access aisles, driveways, and travel ways.
  3. Enclosure gates shall not open into any parking space or landscape area. Enclosure gates shall remain closed except when storage containers are being loaded or emptied.
  4. Refuse and recycling enclosures shall be a minimum height of 6 feet and shall fully screen stored material, containers, compactors, and similar equipment from view.
  5. Enclosures for refuse and recycling containers are not required within the Light Industrial and General Industrial districts when the containers are located within a gated, fenced area that is fully screened from public view.
- C. **Materials and Design.** Refuse and recycling storage areas shall be constructed and maintained as follows:
  1. Enclosures shall be constructed of solid masonry or concrete with a decorative exterior, except where permitted in 4.106.C.4.
  2. Gates shall be constructed of solid heavy gauge metal or a heavy gauge metal frame with an opaque covering. Chain link and wood gates are prohibited.
  3. Enclosures shall be protected from adjacent vehicle parking and driveways

by a 6-inch, poured-in-place concrete curb, bollards painted to match the enclosure, or other approved method.

4. Refuse and Recycling Enclosures fully enclosed within a conforming Outdoor Storage Area in the Service Business, Light Industrial, or General Industrial Districts with a solid fence shall not be required to be constructed of masonry.
- 5.

#### **4.107 Swimming Pools**

##### **A. Location**

1. *Single and Two Family Residential Districts.* Swimming pools on any single and two family residential lot shall be:
  - a. located in the rear yard;
  - b. set back 10 feet from any property line;
  - c. located outside of any recorded easement.
2. *Multifamily and Nonresidential Districts.* In any multifamily or nonresidential district, a swimming pool shall not be closer than 20 feet to any property line.
3. *Public Swimming Pools.* No public swimming pool shall be located closer than 25 feet to any property line.

##### **B. Safety Barriers and Gates**

1. *Safety Barriers.* All swimming pools shall be enclosed by a safety barrier in accordance with the Batavia Building Code.
2. *Gates.* All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching.

#### **4.108 Fences**

These fence regulations are in addition to the requirements of Section 4.104: Outdoor Business Property Storage and Chapter 4.2: Off-Street Parking and Loading Regulations.

##### **A. All Districts**

1. *Prohibited Fences.* Electric fences and razor wire are prohibited in all zoning districts.

2. *Finished Side.* The finished side of a fence shall face the exterior of the lot.
  3. *Property Lines.* A fence may be located on a property line, but shall not cross the property line or connect with an adjacent fence without written consent of the adjacent property owner.
  4. *Gate Required.* A fence, in the rear setback area of a double frontage lot, located within 10 feet of a right of way shall contain a gate or opening allowing passage. A maximum of one gate is required per zoning lot.
  5. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:
    - a. Construction sites.
    - b. Temporary uses pursuant to Section 4.509: Temporary Uses.
    - c. Special events, pursuant to a Special Event permit.
    - d. Dangerous or hazardous conditions as determined by the Building Commissioner or Fire Chief.
  6. *Maintenance.* All fences shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued compliance with the requirements of this section.
  7. *Height.* Unless otherwise restricted herein, no fence shall exceed 14 feet in height.
  8. *Ground Clearance.* Fences located in easements or areas designed for or used to convey stormwater shall have panels, pickets, or chain link/wire fabric located no closer than 2 inches above grade. Such fences that are constructed of masonry shall have openings to allow water passage.
  9. *Stormwater Detention Fences.* Fences used to delineate stormwater detention areas shall have a maximum opacity of 50%.
- B. Residential Districts
1. *Security Fences.* Barbed wire and similar fence types are prohibited.
  2. *Front Setback Area Fences.* Fences within the required front setback areas shall not exceed a height of 3 feet. Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited in residential front setback areas.
  3. *Corner Side Setback Area Fences.* Fences within the required corner side setback area shall not exceed a height of 4 feet, except when located along

a rear property line where the fence cannot exceed a height of 6 feet. Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited in residential corner side setback areas, except for fences located along a rear property line.

4. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 6 feet from finished grade on either side of the fence.
5. *Lot Line Fences.* Rear and side lot line fences on residential properties adjacent to commercial or industrially zoned properties or Strategic Regional Arterial Streets as designated in the Comprehensive Plan shall not exceed 8 feet in height.

6. *Recreational Fences.* Chain link or woven wire tennis and sport court fencing is permitted within the building envelope.

7. *Double Frontage (Through) Lots.* Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited along each frontage.

C. **Commercial, Office, ~~Downtown Mixed Use~~, and Mixed Use Districts**

1. *Security Fences.* Barbed wire and similar fence types are prohibited.
2. *Front and Corner Side Setback Area Fences.* Fences within the required front and corner side setback areas shall not exceed a height of 3 feet.
3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 8 feet from finished grade on either side of the fence, other than as required to screen loading or storage areas. Such screen fences shall not exceed a height of 14 feet.
4. *Lot Line Fences.* Rear and side lot line fences adjacent to properties designated for residential use in the Comprehensive Plan shall not exceed 8 feet in height.

D. *Downtown Mixed Use District*

1. *Front and Corner Side Setback.* Fences located between the minimum and maximum building setback shall not exceed a height of 3 feet from finished grade on either side of the fence.
2. *Side or Rear Setback.* Fences located in the provided side or provided rear building setback shall not exceed a height of 6 feet from finished grade on either side of the fence, unless the adjacent property is residentially zoned, a fence height of 8 feet shall be permitted.

3. Prohibited Material. Fences located in all setbacks shall comply following:
  - a. Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited.
  - b. Barbed wire and similar fence types are prohibited.

**DE. Employment Districts**

1. *Security Fences.* Barbed wire and similar fence types shall be located a minimum of 7 feet above adjacent grade.
2. *Fences in Front or Corner Side Setback.* A fence located in a front or corner side setback area shall:
  - a. be set back a minimum of 20 feet from the property line, and
  - b. not exceed a height of 6 feet.
3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area, or on the side or rear property line when adjacent to property in the Limited Industrial or General Industrial districts, shall not exceed a height of 12 feet from finished grade on either side of the fence. A fence located on, or within 5 feet of a side or rear property line when adjacent to property not in the Limited Industrial or General Industrial districts cannot exceed 8 feet in height.
4. *Transitional Setback Adjacent to Residential Use.* A fence adjacent to a property designated for residential use in the Comprehensive Plan shall be provided and:
  - a. be of solid construction
  - b. be eight feet in height, and
  - c. be located on the property line, or
  - d. set back a minimum of 20 feet from the property line, with gate openings provided every 250 feet.

**FE. Parks and Open Space and Public Facility/Institutional Districts**

1. *Security Fences.* Barbed wire and similar fence types are prohibited, except where deemed necessary for Homeland Security purposes by the Planning and Zoning Officer.

2. *Front and Corner Side Setback Area Fences.* Fences within the required front and corner side setback areas shall not exceed a height of 3 feet. Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited in Parks and Open Space and Public Facility/Institutional Districts front and corner setback areas when adjacent to a residentially zoned district.
3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 8 feet from finished grade on either side of the fence, other than as required to screen loading or storage areas. Such screen fences shall not exceed a height of 14 feet.
4. *Lot Line Fences.* Rear and side lot line fences adjacent to properties designated for residential use in the Comprehensive Plan shall not exceed 8 feet in height.
5. *Recreational Fences.* Tennis and athletic court fencing is permitted within the building envelope.

#### **4.109 Recycling Collection Bins**

Recycling Collection Bins, as defined herein, are prohibited in all zoning districts.

#### **4.110 Limitations for Structures on Easements**

No structure, other than fences allowed by this Zoning Code, may be placed on Easements for Public Utility, Open Space, Conservation or Drainage purposes, except for structures related to public utilities or drainage. Structures on all easements shall not alter drainage or grade of the property without City approval and shall be subject to the requirements specified in the easement document, except for pools which are prohibited by this Code on all easements.

#### **4.111 Sight Distance Triangle**

Wherever a vehicle or bicycle use area intersects a vehicle, bicycle, or pedestrian use area, a Sight Distance Triangle shall be maintained. This area shall extend along the right-of-way line if present, otherwise along proximate property lines or along the edge of pavement if no proximate property line is present, for a distance of 20 feet with a line connecting the ends of this distance opposite the intersection to form an approximate triangular shape.

There shall not be located at any time in the Sight Distance Triangle any building, structure, sign, fence, or other object that may in any way interfere with the line of sight of operators of vehicles or bicycles, or pedestrians in these use areas. Landscaping in these use areas shall be maintained to not exceed a height of no more than two (2) feet. Trees shall maintain a canopy that is a minimum of five (5) feet above the grade of the higher of the proximate vehicle/bicycle or pedestrian use area.

**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 or Distillery.** A facility that produces, packages and distributes ~~malt beverages~~beer, cider, mead, and/or spirits. A brewery may include a tasting room where beverages may be consumed on site or in sealed containers for consumption off site. For zoning purposes a facility referred to as a brewery may otherwise be referred to as a Distillery.

**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.

**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 with 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.

**[Distillery. \(See Brewery or Distillery\)](#)**