

CITY OF BATAVIA

DATE: April 3, 2017
TO: Committee of the Whole-CD
FROM: Drew Rackow AICP, Planner
SUBJECT: Ordinance 17-25: Amending the Text of the Zoning Code, Title 10 of the City Code

Summary: The Plan Commission conducted a Public Hearing on March 15th to review proposed amendments to Employment (Industrial) Districts in the Zoning Code. The amendments would modify regulations for *Contractor Yards* and *Business Property Storage*, adding a requirement for the uses to be conducted in conjunction with a Principal Structure in the GI, General Industrial District. This change would align requirements already present in the LI, Light Industrial District. Second, modifications to the use tables for LI and GI districts are proposed to require *Motor Vehicle Sales and Leasing, New and Used* be allowed by Conditional Use. A third change proposes flexible requirements for silos on Industrial properties, rather than applying the accessory structure requirements, with a definition of Silos being added to Chapter 7, Glossary of General Terms. The attached draft Ordinance is presented for review by the Committee of the Whole (COW) after the positive recommendation of the Plan Commission (PC).

Background: Staff brought the proposed changes to the Plan Commission in order to address issues seen in the application of the Zoning Code for Employment District properties. Staff believes that aligning the requirement for a Principal Structure for *Contractor Yards* and *Business Property Storage* present in the LI District better addresses sanitation requirements, and would create simpler and consistent regulations for the uses within the community on GI District properties. The requirement would be in place for new businesses seeking to establish these uses and would not be retroactive for existing uses.

The change for *Motor Vehicle Sales and Leasing, New and Used* establishments would require approval of a Conditional Use, which would allow the City to have additional controls on these establishments in the Employment Districts. These uses, which range from internet based dealers to full auto dealers with outdoor displays, can create issues and be in conflict with other activities in the Industrial areas. Staff believes a Conditional Use review would provide the ability to address vehicle displays, location and effect on adjacent businesses on a case by case basis. These uses are Conditional Uses in Commercial Districts for similar reasons.

Changes addressing silos would clearly delineate allowances for silos, so that they are not otherwise required to follow accessory structure requirements. As silos often have more unique requirements, the proposed language provides some flexibility through Design Review to balance operational requirements with minimizing their appearance from the street or residential areas.

Plan Commission Review: At the Hearing, Commissioners inquired what type of issues staff has seen with the lands uses addressed in the amendment. Staff explained that it believes that both *Contractor Yards* and *Storage* properties should have permanent sanitary facilities for employees located in a principal structure. Staff believes that requirement should be consistent across both districts. In the case of *Vehicle Sales*, staff explained that often, industrial sites are not ideally located or designed for vehicle display. Small operations, such as internet sales, may first open without vehicle displays, but may add them as they increase in scale and volume. Staff recommended that a Conditional Use that could specify conditions for site improvements and outdoor displays when accommodating this use.

At the Hearing, two members of the public addressed the Commission regarding the proposed requirement for a conditional use for *Vehicle Sales*. One, a leasing agent representing a GI zoned property working with a

Motor Vehicle Sales tenant stated that there were already two internet vehicle sales based companies on the property he represents and he believed that applying the same conditional use requirement to internet based vehicles sales as Auto Vehicle Sales was excessive. He also requested that the Commission review parking requirements for Vehicle Sales, as he believed internet based businesses do not see the parking demand indicated in the Code. Another speaker, a prospective tenant, explained how his internet based business operates and that it does not display vehicles outdoors. Repairs and detailing occur off-site. Customers do not generally visit the site prior to purchase. The speakers encouraged the Commission to consider further changes to parking requirements for these uses, as internet based businesses generate fewer visitors to their locations. Commissioners requested that the Staff review the current parking requirements with a future Code update.

Alternatives: The City Council can approve or deny the Ordinance as presented, propose changes to the Ordinance, remand the changes back to the Commission for further review, or take no action.

- **Pros** – The proposed amendments will provide additional flexibility for silo locations, while addressing concerns about visibility. The changes would create consistent regulations for *Outdoor Business Property Storage* and *Contractor Yards*. Changes would provide additional review authority over car sales businesses in industrial areas which have unique locational issues.
- **Cons** – A Conditional Use could be viewed as making it more challenging to locate an Auto Sales business in an Industrial Area, or to operate a storage business or contractor’s yard without a building.
- **Budget Impact** – None.
- **Staff Impact** – None.

Timeline for Actions: With a COW recommendation, Ordinance 17-25 will be placed on the City Council agenda for final action on April 17th.

Recommendations: By a vote of 5-0, the Batavia Plan Commission recommended approval of the Zoning Code text amendments, as presented.

Staff recommends approval of Ordinance 17-25 as presented.

Attachments

1. Draft Ordinance 17-25: Amending the Text of the Zoning Code
2. Redline of Zoning Code
3. Staff Report to the Plan Commission

- c Mayor and City Council
- Department Heads
- Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 17-25
AMENDING THE CITY OF BATAVIA ZONING CODE
TITLE 10 OF THE CITY CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 17TH DAY OF APRIL, 2017**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 18th day of April, 2017

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 17-25
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 15, 2017 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 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 2.6: Employment Districts, is hereby amended by as follows:

1. Modify Table 2.603 to modify the entries for Contractor's Yard, Storage Business Property and Motor Vehicle Sales and Leasing, New & Used to read as follows:

CITY OF BATAVIA ORDINANCE 17-25

Contractor's Yard	--	--	P, L4	P, L4	
Storage, Business Property	--	--	P, L4	P, L4	
Vehicle Equipment Sales, Leasing and Services					See Section 4.512
<i>Commercial Vehicle/Equipment Sales and Rental, New and Used</i>	--	--	P	P	
<i>Fueling Facility, Alternative</i>	P	P	P	P	
<i>Fueling Facility, Fleet</i>	--	--	P	P	
<i>Motor Vehicle Sales and Leasing, New & Used</i>	--	--	C, L5	C	
<i>Non-Commercial Vehicle Rental</i>	--	P, L5	P	--	
<i>Vehicle Services, Heavy</i>	--	C	P	P	
<i>Vehicle Services, Light</i>	--	C	P	--	

2. Add a new Section 2.605.G to state the following:

G. Silos.

1. Design Review Required. Installation of new silos shall require Administrative Design Review. Administrative Design Review shall evaluate the following location conditions:
 - a. Silo shall be located in a located in a manner to minimize visibility from public streets or areas designated for Residential Use on the Comprehensive Plan.
 - b. Silos shall be placed in a location to not interfere with vehicle movement areas.
 - c. Location review may consider areas to meet business operation requirements.
2. Height. Silos shall be limited to the Maximum Principal Building Height specified in the base Zoning District.
3. Setback. Silos shall meet the Minimum Principal Building setbacks in the base Zoning District.
4. Location. Silos shall not be located between the Principal Building and a Public Street.
5. Signage. Signage, other than required for safety, shall not be placed on silos.
6. Lighting. Lighting, other than required by the Building Code shall not be attached to a silo.

SECTION 3: That the City of Batavia Zoning Code, Chapter 7: Glossary of General Terms, is hereby as follows:

1. Modify Chapter 7 to add a new definition to state “**Silo.** A vertical structure used for the storage of bulk raw materials and other silage in a weather tight environment.”

CITY OF BATAVIA ORDINANCE 17-25

SECTION 4: That this Ordinance 17-25 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 17th day of April, 2017.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 17th day of April, 2017.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Deputy City Clerk

Excerpt of Table 2.603

Table 2.603 Land Use Regulations – Employment Districts					
Use Classification	O	SB	LI	GI	Additional Regulations
Contractor’s Yard	--	--	P, L4	P, L4	
Storage, Business Property	--	--	P, L4	P, L4	
Vehicle Equipment Sales, Leasing and Services					See Section 4.512
<i>Commercial Vehicle/Equipment Sales and Rental, New and Used</i>	--	--	P	P	
<i>Fueling Facility, Alternative</i>	P	P	P	P	
<i>Fueling Facility, Fleet</i>	--	--	P	P	
<i>Motor Vehicle Sales and Leasing, New & Used</i>	--	--	P-C,	P-C	
<i>Non-Commercial Vehicle Rental</i>	--	P, L5	L5	--	
<i>Vehicle Services, Heavy</i>	--	C	P	P	
<i>Vehicle Services, Light</i>	--	C	P	--	
			P		
Limitations					
L1:	Only as a use incidental to the principal use of the property.				
L2:	Drive-through facilities prohibited.				
L3:	Only as a use incidental to the principal use of the property. Retail uses shall not exceed 1000 sq. ft. Gross Floor Area (GFA).				
L4:	Permitted on properties with a principal structure. A Conditional Use for properties without a principal structure.				
L5:	Only as an incidental use to Vehicle Services, Light and Vehicle Services, Heavy. Motor Vehicle Sales and Leasing shall be conducted indoors and limited to 10 percent of the GFA of the principal use.				
L6:	Permitted as an Accessory Use to a Brewery Use				

Proposed New Section 2.605.G (All New)

G. Silos.

1. Design Review Required. Installation of new silos shall require Administrative Design Review. Administrative Design Review shall evaluate the following location conditions:
 - a. Silo shall be located in a located in a manner to minimize visibility from public streets or areas designated for Residential Use on the Comprehensive Plan.
 - b. Silos shall be placed in a location to not interfere with vehicle movement areas.
 - c. Location review may consider areas to meet business operation requirements.
2. Height. Silos shall be limited to the Maximum ~~Principal-~~ Building Height specified ~~for a Principal Structure~~ in the base Zoning District.

3. Setback. Silos shall meet the Minimum Principal ~~Structure-Building~~ setbacks in the base Zoning District.
4. Location. Silos shall not be located between the Principal ~~Structure-Building~~ and a Public Street.
5. Signage. Signage, other than required for safety, shall not be placed on silos.
6. Lighting. Lighting, other than required by the Building Code shall not be attached to a silo.

Chapter 7:

Add the following new Definition:

Silo. A vertical structure used for the storage of bulk raw materials and other silage in a weather tight environment.

CITY OF BATAVIA

DATE: March 9, 2017
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: PUBLIC HEARING - Amendments to the Text of the Zoning Code, City of Batavia.
Applicant
Chapter 2.6: Employment Districts
Chapter 7: Glossary of General Terms

Background

A Public Hearing is scheduled for the March 15th meeting to review proposed modifications to the Zoning Code. In our continuing evaluation of uses in our Employment Districts, staff proposes modifications adding Limitations for certain districts to both of our Industrial Districts. Staff also proposes modifying Motor Vehicle Sales and Leasing, New and Used to be a Conditional Use in both the Industrial Districts. Staff also proposes adding language addressing silos on industrial properties, separating their requirements from other accessory structure requirements. Last, staff proposes some modifications to certain Use Definitions, clarifying requirements, based on other changes that have occurred in other recent updates.

Summary of Proposed Text Amendments

Business Property Storage, Outdoor and Contractor Yards

The proposed revisions would modify limitations already present in the Light Industrial (LI) District for both *Business Property Storage, Outdoor and Contractor Yards* to the General Industrial (GI) District. Both uses would remain permitted uses; however the proposed modification would require that they be associated with a building in the GI District. This limitation is already in place in the LI District. From a most basic standpoint, the lack of a building implies the lack of sanitary facilities for those reporting to the site. Staff believes that GI sites too should have this minimum level of improvement; staff believes the same reasons to apply this requirement for the Limited Industrial District, apply to our General Industrial Districts.

Motor Vehicle Sales and Leasing, New and Used

The other proposed modification to the Use list staff is proposing that *Motor Vehicle Sales and Leasing* be made a Conditional Use in both the Limited Industrial and General Industrial Districts. These uses are permitted in the Community Commercial and General Commercial District as a Conditional Use. Staff believes after applying the requirements in the Light and General Industrial districts that these uses could benefit from the additional level of scrutiny provided by a Conditional Use. The current language anticipated “Internet based” Auto Sales operations, which typically serve customers on an appointment basis and do not function as a traditional sales lot. Without any specific regulations in the Code, an Internet Auto Sales operation can eventually turn into full fledged auto dealerships. Staff believes that this type of use is more appropriate for commercial zoning districts, and reduces opportunities for industrial development. The change would put the use in line with conditions in our Commercial Districts that also require a conditional use for vehicle sales. It would afford the Plan Commission to create operational restrictions (signage, lighting, hours of operations, designation of vehicle display areas, etc.). It would also allow for consideration of properties more suited for the use, such as those with traffic exposure to be considered. The provision as drafted would apply to

Auto Service uses that may offer Vehicle Sales as an Accessory Use. State law requires local Zoning Code sign off on Vehicle Sales applications, allowing staff to review these uses prior to a lease or occupancy.

Silos:

Staff proposes adding language to Chapter 2.6 to address Storage Silos on Industrial properties, which are not addressed in the Zoning Code. Staff proposes adding flexible language to permit their installation subject to Administrative Design Review with parameters being provided in the Code. Staff would like to provide flexibility in siting the units, while providing some requirements to minimize their view from the street. Staff proposes adding a definition to Chapter 7 to specify the type of structure that is regulated.

Staff Recommendation

Staff recommends the Plan Commission open and conduct the public hearing. The Commission should then discuss the proposed amendments after taking testimony. The Commission may provide further direction for staff to research or to prepare additional language for consideration. If the Commission agrees that the amendments are appropriate, the hearing may be closed and a recommendation for approval may be made to the Committee of the Whole.

- c Mayor and City Council
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Attachment: Excerpts with proposed changes redlined

Excerpt of Table 2.603

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<i>Fueling Facility, Alternative</i>	P	P	P	P	
<i>Fueling Facility, Fleet</i>	--	--	P	P	
<i>Motor Vehicle Sales and Leasing, New & Used</i>	--	--	P-C,	P-C	
<i>Non-Commercial Vehicle Rental</i>	--	P, L5	L5	--	
<i>Vehicle Services, Heavy</i>	--	C	P	P	
<i>Vehicle Services, Light</i>	--	C	P	--	
			P		
Limitations					
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