

# CITY OF BATAVIA

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**DATE:** January 9, 2013  
**TO:** Community Development Committee  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT:** **Ordinance 13-01:** Amending Zoning Code Sections 4.207 and 5.603.1 Regarding Driveways and Administrative Design Review, and Amendment of Subdivision Regulations Section 11-5-9.B Regarding Curb Cuts and Driveways

## Background

The City Council requested the Plan Commission review controls in the [Zoning Code](#) for driveways and in the Subdivision Regulations ([City Code](#) Title 11) for driveway approaches (aprons). The request was to consider allowing wider driveways and driveway approaches. On December 19, 2012, the Plan Commission held a public hearing to consider amendments to the Zoning Code and Subdivision Regulations to allow wider driveways and driveway approaches.

## Summary of Zoning Code and Subdivision Regulations

The Zoning Code regulates improvements on private property. For single family residences, driveways can be up to 14 feet wide for a one car garage, and up to 18 feet wide at the property line, widening to a maximum of 4 feet wider than the door opening(s) for two or more car garages. The Code does not address driveways for single family residences that do not have a garage. Driveways for other properties (duplexes, multiple family, and non-residential properties) whether they lead to a garage or not, must be a minimum of 14 feet wide for one-way traffic and 20 feet for two-way traffic. There is no stated maximum width.

The Subdivision Regulations addresses improvements in the right-of-way. The portion of the driveway in the right-of-way (the “approach”) is limited to 22 feet at the curb or street pavement, and must narrow to 18 feet at the sidewalk or to 14 feet if the garage doors are more than 45 feet from the property line. There is no maximum width for approaches that do not lead to driveways beyond the right-of-way; however, curb cuts are generally limited to 22 feet wide.

## Staff Analysis of Driveway Regulations

Staff opinion is that the maximum driveway widths at the property line as stated in the Zoning Code and Subdivision Regulations are appropriate. For single family lots, an additional parking space can be provided pursuant to Section 4.203.X in Zoning Code [Chapter 4.2: Off-Street Parking and Loading Regulations](#) that allows hard surface parallel strips or a full hard surface pad for parking adjacent to the driveway (essentially allowing the driveway to be wider by a full car width) or garage. There are potential stormwater management impacts to allowing wider driveways, and since the City typically replaces a portion of a driveway approach as part of street resurfacing/replacement projects, a wider approach would cost the City more to replace. The codes can, however, be refined to better regulate driveway widths. Staff prepared draft amendments to City codes for the Plan Commission to consider, attached to the [December 13, 1012 memorandum to the Commission](#).

## Plan Commission Review and Recommendation

At the public hearing, the Commission reviewed draft changes to the Zoning Code that would:

- add a requirement for a driveway to access garages;
- create separate criteria for residential, non-residential/non-industrial driveways, and for industrial driveways; and
- add an administrative design review opportunity to consider wider non-residential driveways.

The Commission also reviewed a draft change to the Subdivision Regulations to provide for the same administrative design review opportunity to consider wider non-residential driveway approaches.

The Commission noted that the Zoning Code and Subdivision Regulations can be amended to better regulate driveway widths as staff had proposed. The consensus of the Commission was that driveways for single family residences having a 2 or more car garage should be allowed to be a bit wider on private property; the Commission suggested increasing the overall width to be up to 6 feet wider than the door opening(s). The Commission was generally supportive of the administrative design review option to allow some wider driveways and driveway approaches. There was some concern about allowing more pavement, due to its potential effect to stormwater management, cost to the City to replace portions of driveways, and aesthetic impacts to properties and neighborhoods. No citizens spoke at the hearing.

By a vote of 5-2, the Commission recommended amending the Zoning Code as drafted by staff, with the additional amendment to allow the wider, 2 car garage driveway as discussed. By a vote of 6-1, the Commission recommended amending the Subdivision Regulations as drafted by staff.

#### Staff Recommendation

Attached is draft Ordinance 13-01 that would amend the Zoning Code and Subdivision Regulations as recommended by the Plan Commission. Exhibit A of draft Ordinance 13-01 is a mark-up of the existing Code section showing the proposed changes; the Exhibit will be replaced by the final Code section for Council action. Staff recommends the Community Development Committee approve draft Ordinance 13-01 as presented.

Attachment: Draft Ordinance 13-01

C City Council  
Department Heads  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 13-01  
AMENDING THE CITY OF BATAVIA  
ZONING CODE AND SUBDIVISION REGULATIONS  
TITLES 10 AND 11 OF THE CITY CODE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 22<sup>ND</sup> DAY OF JANUARY, 2013**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 23<sup>rd</sup> day of January, 2013

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

**CITY OF BATAVIA, ILLINOIS**  
**ORDINANCE 13-01**  
**AMENDING THE CITY OF BATAVIA**  
**ZONING CODE AND SUBDIVISION REGULATIONS**  
**TITLES 10 AND 11 OF THE CITY CODE**

**WHEREAS**, the City of Batavia's Zoning Code (City Code Title 10) and Subdivision Regulations (City Code Title 11) contain 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 certain existing 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 December 19, 2012, conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and review related changes to Title 11, and voted to recommend approval of said amendments to both titles of the City Code to the Community Development Committee; and

**WHEREAS**, the City Council of the City has received the recommendation of both the Batavia Plan Commission and Community Development Committee 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 County, Illinois:

**SECTION 1:** That the City of Batavia Zoning Code (Title 10 of the City Code) and City of Batavia Subdivision Regulations (Title 11 of the City Code), are hereby amended in conformance with the terms of this Ordinance.

**SECTION 2:** That the City of Batavia Zoning Code Section 4.207 be amended in its entirety as shown in Exhibit "A."

**SECTION 3:** That the City of Batavia Zoning Code Section 5.603.B be amended by adding a new Subsection "i" as follows: "wider driveways allowed by Section 4.207.B.2."

**SECTION 3:** That the City of Batavia Subdivision Regulations Section 11-5-9-B be amended by adding a new Subsection "7" as follows: "Where additional curb cut or driveway width is needed to provide safe and efficient vehicle maneuvering space to accommodate existing

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-01

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conditions, the wider improvements may be considered pursuant to City Code Section 10-4.207.B.2 (Zoning Code).”

**SECTION 4:** That this Ordinance 13-01 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 23<sup>rd</sup> day of January, 2013.

**PASSED** by the City Council of the City of Batavia, Illinois, this 23<sup>rd</sup> day of January, 2013.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 23<sup>rd</sup> day of January, 2013.

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Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Schmitz				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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Heidi Wetzel, City Clerk

## Exhibit A of Ordinance 13-01

### 4.207 Driveway Widths

A. Single, Two and Attached Multi Family Residential Driveways accessing Individual Properties. Family Residential. A driveway is required for all vehicle accesses to individual residential properties, units, and garages. The minimum driveway width is 10 feet. The maximum width of a driveway for a:

1. Single car garage or for a driveway that does not access a garage shall be 14 feet.
2. Two or more car garage shall be 18 feet at the property line and shall not exceed the width of the garage door openings by more than 4-6 feet.

B. Other than Single Family Residential Driveways.

1. Non-industrially Zoned Properties. Single lane driveways shall be a minimum of 14 feet and a maximum of 18 feet wide. Driveways shall ~~be have~~ a minimum ~~width~~ of 14 feet and a maximum of 18 feet wide. Driveways having more than one lane shall be a minimum of 12 feet wide per lane, and cannot exceed 40 feet wide, inclusive of barrier islands.

~~B. —~~ 2. Industrially Zoned Properties. Driveways shall not exceed 40 feet in width, unless it is demonstrated through Administrative Design Review that additional width is needed to provide safe and efficient vehicle maneuvering space to accommodate existing conditions. ~~for one-way traffic and 20 feet for 2-way traffic. One-way driveways shall be clearly identified by signs and pavement markings.~~