

## **Chapter 4.1: Site Regulations**

---

### **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

### **4.101 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. This section does not apply to Outdoor Personal Property Storage. Unless otherwise provided for in a specific base zoning district, outdoor storage 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.
- 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, except that the fence need not be solid in Industrial districts on a property where an interior side or rear setback area abuts an interior side or rear setback area of a lot in an Industrial district.
- 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 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. Outdoor storage areas shall be surfaced with concrete, asphalt, gravel, or other approved dust free surface.

- I. Unless otherwise required by the Fire Marshal, 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 areas shall be paved with asphalt or concrete.
- K. All areas for vehicle parking or where vehicles maneuver to access storage 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.

#### **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.

#### **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.

**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. *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.

E. ***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.
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. Structures on all other easements shall be subject to the requirements specified in the easement document, except for pools which are prohibited by this Code on all easements.