
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
RENEE HANLON, ZONING ADMINISTRATOR
SUBJECT: ZONING ORDINANCE TEXT AMENDMENTS
AGENDA: OCTOBER 4, 2016 COMMITTEE OF THE WHOLE MEETING
DATE: SEPTEMBER 30, 2016

ISSUE

Shall the Village Board discuss various zoning ordinance text amendments.

DISCUSSION

In the course of administering the Zoning Ordinance, staff occasionally encounters situations that are not as clearly regulated by the Zoning Ordinance as necessary. These five (5) Zoning Ordinance amendments are intended to adequately address issues that are either absent from or not clearly regulated by the current Zoning Ordinance.

The Village of Sugar Grove Planning Commission held a public hearing on September 21, 2016 to receive public comment, discuss, and determine an appropriate recommendation to the Village Board on each of these amendments. No member of the public spoke at the public hearing nor has staff been contacted about these amendments. Each of the amendments is described below.

Cumulative Special Use Language in the B-1 and B-2 Districts

The Zoning Ordinance provides that any permitted use in the B-1 Community Shopping District is a permitted use in the B-2 General Business District and all permitted uses in the B-2 General Business District are permitted uses in the B-3 Regional Business District. This cumulative language does not appear in the special use list of these same business districts; however, over the years the Zoning Ordinance has been interpreted as if that language did appear. This Amendment adds the same cumulative language to the special use list in both the B-1 and B-2 Districts. This action will clarify any confusion of how special uses are treated in the business districts and will provide consistency between special uses and permitted uses in the business districts.

The Plan Commission voted unanimously to recommend approval of this amendment.

Pet Grooming

The Zoning Ordinance allows “Pet Grooming” as a special use in the B-2 General Business District and B-3 Regional Business District. This amendment expands that special use allowance to the B-1 Community Shopping District. In 2009, the village allowed a pet grooming facility, by temporary use, in a property zoned B-1 which is located in the downtown core. No nuisance complaints nor violations associated with this temporary use were noted. Recognizing the compatibility of the pet grooming uses in the downtown neighborhood, this amendment allows the use in the B-1 district by special use.

Plan Commission voted unanimously to recommend approval of this amendment.

Mobile Home Dwellings

The Village currently has placed a moratorium on establishing mobile home dwellings. This moratorium is set to expire in February 2017. Mobile home dwellings must be addressed in the Zoning Ordinance prior to the expiration of the moratorium. This amendment addresses mobile home dwelling in two (2) ways; single mobile home placement and mobile home parks.

This amendment allows for a mobile home dwellings to be located on a lot only in the E-1 Estate Residential District. Estate Residential zoning requires a one (1) acre (43,560 square feet) minimum lot, a street setback not less than fifty (50) feet and side and rear setbacks of not less than thirty (30) feet. The amendment also requires the mobile home dwelling to be both permanently anchored and skirted with concrete panels.

This amendment further provides for “Mobile Home Parks”. A mobile home park is defined as any tract of land or contiguous tracts of land where two (2) or more mobile home dwellings are maintained. Mobile home parks will be allowed by special use in the E-1 District as a Planned Unit Development. This amendment provides additional standards, beyond those required for all residential planned unit developments, specific to mobile home parks.

The Planning Commission approved the amendment by a 3-2 vote.

Standards for Contractor’s Yard

The Zoning Ordinance allows “Contractor’s Yard” as a principal permitted use in the M-1 Limited Manufacturing District and by special use in the B-3 Regional Business District. As a principal use of the property, the yard may be established without establishing and maintaining a building on the site. This is concerning in that a yard may be established that may be visited infrequently by the owner. Infrequent visits increase the likelihood of infrequent maintenance of the yard. Allowing contractor’s yards only in association with a contractor’s office reduces the likelihood of maintenance problems. The ordinance amendment establishes standards for contractor’s yards, including the maintenance of a

principal building on the same lot.

Plan Commission voted unanimously to recommend approval of this amendment.

Definitions

An amendment to the Definitions section of the Zoning Ordinance is necessary to clarify terms associated with each of these text amendments.

Plan Commission voted unanimously to recommend approval of this amendment.

ATTACHMENTS

- Zoning Ordinance Text Amendment establishing cumulative special use language in the B-2 General Business District and B-3 General Business District
- Zoning Ordinance Text Amendment adding “Pet Grooming” as a special use in the B-1 Community Shopping District
- Zoning Ordinance Text Amendment providing for “Mobile Home Dwellings”.
- Zoning Ordinance Text Amendment establishing standards for “Contractor’s Yard”
- Zoning Ordinance Text Amendment adding and clarifying Definitions.

COSTS

Other than the cost of publishing the notice, there are no costs associated with approving these Zoning Ordinance text amendments.

RECOMMENDATION

That the Committee of the Whole review the proposed Zoning Ordinance Text Amendments and provide any comments to staff in order to prepare an Ordinance adopting the proposed amendments.

Cumulative Special Uses

11-8-5: B-2, GENERAL BUSINESS DISTRICT:

D. Special Uses:

1. Cumulative: All uses listed as special uses in the B-1 district.

~~1~~ **2.** Retail:

Package liquor stores.

Wine shops (with or without service).

~~2~~ **3.** Residential:

Multi-family dwellings above the ground floor.

~~3~~ **4.** Highway oriented:

Automobile gas stations.

Automobile service and repair shops.

~~4~~ **5.** Business services:

Animal clinics (veterinarians).

Automobile body shop.

Banks and financial institutions.

Bed and breakfast guesthouses.

Blueprint and processing shops.

Childcare centers and nursery schools.

Game rooms.

Hotels and motels.

Pet grooming facilities.

Restaurant, with drive-through.

Restaurants, with live entertainment and dancing.

Service of alcoholic beverages in conjunction with an eating or drinking establishment.

Taverns.

Theaters and auditoriums, indoor or outdoor.

Tire and battery sales and service.

Undertaking establishments, funeral parlors and mortuaries.

~~5~~ **6.** Governmental/institutional:

Boarding schools.

Chambers of commerce.

Churches, temples, mosques or synagogues.

Civic buildings, including governmental, police and fire.

Community center buildings.

Libraries.

Museums and galleries.

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

Post office and post office substations.

Public or municipal garages.

Public utilities as defined in subsection 11-8-1G of this chapter.

Schools: high school, college, university and trade, public or private.

6. 7. Planned developments. (Ord. 2012-07-17ZA, 7-17-2012; amd. Ord. 2014-08-05B, 8-5-2014)

11-8-6: B-3, REGIONAL BUSINESS DISTRICT:

D. Special Uses:

1. Cumulative: All uses listed as special uses in the B-1 and B-2 districts

~~1~~ 2. Highway oriented and retail uses:

Automobile sales, rental and service.

Boat dealer (sales, rental and repair).

Bottled gas dealer.

Camper sales and service.

Drive-in theaters.

Fuel oil dealer.

Hotels and motels.

Mobile home sales.

Motorcycle sales and service.

Open sales lot.

Recreation vehicle sales or rental.

Restaurant, with: a) drive-through, b) live entertainment, and/or c) dancing.

Snowmobile sales and service.

Trailer sales or rental.

Used car lots.

Wine shops (with or without service).

~~2~~ 3. Business services:

Animal pounds and shelters.

Auction rooms.

Banks and financial institutions.

Contractor's yard.

~~3~~ 4. Recreational:

Commercial swimming pool.

Go-cart raceway.

Golf course and country club.

Health clubs.

Indoor skating rink.

Racquet clubs.

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

Riding stable.

Tennis club.

~~4~~ 5. Planned developments.

~~5~~ 6. Residential:

Senior apartment building. (Ord. 2012-07-17ZA, 7-17-2012; amd. Ord. 2014-05-20A, 5-20-2014)

Pet Grooming

11-8-4: B-1, COMMUNITY SHOPPING DISTRICT:

D. Special Uses:

1. Retail:

Restaurant (with or without drive-through).

Wine shops (with or without service).

2. Medical offices:

Chiropractors' offices.

Dentists' offices.

Doctors', surgeons' and/or physicians' offices.

Ophthalmologists.

Opticians.

3. Governmental/institutional:

Boarding schools.

Chambers of commerce.

Churches, temples, mosques or synagogues.

Civic buildings, including governmental, police and fire.

Community center buildings.

Libraries.

Museums and galleries.

Post office and post office substations.

Public or municipal garages.

Public utilities as defined in subsection 11-8-1G of this chapter.

Schools: high school, college, university and trade, public or private.

4. Residential:

Multi-family dwellings above the ground floor.

5. Business services:

Animal hospitals.

Banks and financial institutions.

Catering services. (Ord. 2012-07-17ZA, 7-17-2012; amd. Ord. 2014-08-05B, 8-5-2014)

Pet grooming facilities.

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

Mobile Homes

11-7-2: E-1, ESTATE RESIDENTIAL DISTRICT:

A. Purpose/Special PUD Provisions: Encourage the orderly transition of land from agricultural to low density, single-family detached residential uses. Single-family detached residences within this district shall meet the demand for large lots in a rural environment, often with a rural roadway cross section. In accordance with section 11-11-3 of this title, all residential subdivisions consisting of more than three (3) acres or ten (10) lots (and in certain other circumstances delineated therein) must be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

B. Permitted Uses:

1. Residential:

Home occupations.

Off street parking as permitted in this title.

Single-family detached dwellings.

Mobile Home Dwellings (permanently anchored and skirted with concrete panels).

2. Recreation/open space:

Environmental corridors.

Parks, forest preserves, playgrounds or play fields.

Private stables for use by residents and their guests, provided:

- a. That the total number of horses permitted on any given lot shall be determined by use of the following formula: one horse for the first forty thousand (40,000) square feet of land area, and one additional horse for each additional twenty thousand (20,000) square feet of land area.
- b. Stables shall be located at least one hundred fifty feet (150') from the front lot line, and horses shall be housed, yarded and stabled at least one hundred feet (100') from any residence other than that of the owner or user of the property. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2014-01-07A, 1-7-2014)

C. Permitted Accessory Uses: Please refer to section 11-4-7 of this title. (Ord. 2011-07-05B, 7-5-2011)

D. Special Uses:

1. Residential:

Congregate housing.

Group homes.

Model homes.

Planned developments, according to chapter 11 of this title.

Mobile Home Parks

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

2. Institutional/governmental:

Cemeteries, provided:

- a. Lot area associated with this use consists of one or more acres.
- b. Buildings are set back at least one hundred feet (100') from side and rear property lines.
 - Churches, temples, mosques, or synagogues.
 - Civic buildings, including governmental, police and fire.
 - Elementary schools, public or private, nonboarding.
 - Hospitals and/or medical clinics.
 - Junior high schools, public or private, nonboarding.
 - Public utility and service facilities, as defined in subsection 11-7-1D of this chapter.
 - Religious retreats.
 - Schools, boarding.
 - Schools: high school, college, university, and trade, public or private.

3. Service:

- Bed and breakfast guesthouses.
- Childcare centers and nursery schools, public or private.
- Inns.
- Kennels.
- Veterinarians or animal clinics.

4. Recreation:

- Aircraft landing fields.
- Club or lodge building.
- Golf courses.
- Stables, commercial.
- Swim and/or tennis clubs. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2014-08-05B, 8-5-2014)

Chapter 11. PLANNED UNIT DEVELOPMENTS

11-11-3: PERMITTED USES:

A. Residential Planned Unit Developments:

- 1. A residential planned unit development may be processed for only one type of dwelling unit, but is intended to also allow a mixture of dwelling unit types, thereby offering a choice in lifestyle to residents of the development. Nonresidential land uses of a religious, institutional, cultural, recreational, or commercial character may be permitted in a residential planned unit development, to the extent that they can be

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integrated with the residential land use. Where provided, nonresidential uses in a residential planned unit development shall:

- a. Not exceed fifteen percent (15%) of the total developable acreage of the development, excluding lakes, streams, floodplains, wetlands and other natural features that will be set aside as environmental corridor or other open space.
 - b. Be compatible in appearance and scale with the residential structures. They shall not be established prior to the construction of residential units, unless specifically authorized by the planning commission and the village board. (Ord. 2002-01-15B, 1-15-2002)
2. Residential developments in the E-1, R-1, R-2, R-3, and SR districts shall be processed as planned unit developments when any of the following apply:
- a. More than one dwelling unit type is proposed. Unless otherwise authorized by the village board, pursuant to recommendations of the planning commission, multi-family dwellings shall not exceed ten percent (10%) of the total number of dwelling units proposed in a residential PUD. For the purpose of this chapter, "dwelling unit type" shall mean:
 - (1) Single-family detached dwellings.
 - (2) Single-family attached dwellings.
 - (3) Multi-family dwellings.
 - b. More than one principal building is proposed on a single zoning lot.
 - c. Any residential development is proposed consisting of three (3) or more acres or ten (10) or more lots.
 - d. More than one land use is proposed for the development (i.e., residential, commercial, recreational or institutional).
 - e. A "cluster subdivision", as defined in section [11-3-2](#) of this title or zero lot line subdivision is proposed.
 - f. A multi-family development in the R-3 district consisting of five (5) or more acres is proposed.
 - g. A type 2 use is proposed in the SR district. (Ord. 2014-08-05B, 8-5-2014)

h. A mobile home park. Allowed only in E-1 Estate Residential.

11-11-5: RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS:

4. Foundation Plantings:
- a. Single-Family Detached, Two-Family, ~~And~~ Patio Homes, **and Mobile Homes:** Not less than one 2¹/₂-inch shade, or six foot (6') tall ornamental or evergreen tree, and five (5) shrubs shall be installed in the front or corner side yard of a single-family detached dwelling, two-family dwelling or patio home

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F: Additional Standards for Mobile Home Parks

1. **Minimum zoning lot for Mobile Home Park: 10 Acres**
2. **Minimum Mobile Home Site: 6000 square feet**
3. **Minimum Mobile Home Site street yard: 10 feet**
4. **Minimum Mobile Home Site side yard: 5 feet**
5. **Minimum building separation: 10 feet**
6. **Each Mobile Home site must have frontage on a public or private street and have unobstructed access to that street.**
7. **Requirements for State License must be met per Illinois Compiled Statutes (210 ILCS 115 Mobile Home Park Act)**
8. **Adherence to tiedown requirement per Illinois Compiled Statutes (210 ILCS 120 Illinois Mobile Home Tiedown Act)**
9. **Each site must have separate metered connections to electrical service, water service and sewer service.**
10. **Each site must be improved with at least two (2) off-street parking spaces setback at least 1 foot.**
11. **The Mobile Home Park must be operated by a resident manager.**
12. **Porches, carports, garages, sheds, awnings and additions must be constructed of compatible materials with the mobile home dwelling and meet setback requirements set forth previously in this section.**
13. **No temporary structures are permitted on mobile home sites.**
14. **Mobile home dwellings must be skirted with concrete panels.**
15. **An annual property maintenance inspection will be made by the Village of Sugar Grove. All property maintenance issues must be satisfied within six (6) months of notification. In the event property maintenance issues continue, the special use for planned unit development will expire and the property will revert to the underlying E-1 zoning classification.**
16. **Management must institute a pest-free, water-tight garbage collection system which provides at least weekly collection and disposal by a licensed waste hauler.**
17. **Each mobile home dwelling must be anchored/tied down in compliance with the most restrictive industry standard.**

Deletions are ~~struck-out~~ in red. Additions are in bold type in blue.

11-8-6: B-3, REGIONAL BUSINESS DISTRICT:

D. Special Uses:

1. Highway oriented and retail uses:

- Automobile sales, rental and service.
- Boat dealer (sales, rental and repair).
- Bottled gas dealer.
- Camper sales and service.
- Drive-in theaters.
- Fuel oil dealer.
- Hotels and motels.
- Mobile home sales.
- Motorcycle sales and service.
- Open sales lot.
- Recreation vehicle sales or rental.
- Restaurant, with: a) drive-through, b) live entertainment, and/or c) dancing.
- Snowmobile sales and service.
- Trailer sales or rental.
- Used car lots.
- Wine shops (with or without service).

2. Business services:

- Animal pounds and shelters.
- Auction rooms.
- Banks and financial institutions.

Contractor's Yard, **subject to additional standards and criteria in subsection I1 of this section.**

3. Recreational:

- Commercial swimming pool.
- Go-cart raceway.
- Golf course and country club.
- Health clubs.
- Indoor skating rink.
- Racquet clubs.
- Riding stable.
- Tennis club.

4. Planned developments.

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5. Residential:

Senior apartment building. (Ord. 2012-07-17ZA, 7-17-2012; amd. Ord. 2014-05-20A, 5-20-2014)

I. Additional Standards and Criteria for Specific Uses

1. Contractor's Yard

- a. A principal building measuring not less than one thousand two hundred (1,200) square feet in floor area and constructed on a permanent foundation shall be located on the lot.**
- b. The contractor's yard shall not include vehicle repair or any salvage operations.**
- c. No vehicle shall be stored longer than one hundred eighty (180) days on site.**
- d. The contractor's yard shall comply with the commercial outdoor storage requirement in section 11-4-7 of this title.**
- e. The contractor's yard shall comply with the fence requirements in section 11-4-13 of this title, with a minimum solid fence height of six feet (6').**

Chapter 10 M-1, LIMITED MANUFACTURING DISTRICT

11-10-2: USES:

Permitted uses:

Administrative buildings.

Adult uses (if in compliance with the requirements of chapter 15 of this title).

Assembly, with or without fabrication of parts.

Automobile body shops.

Beverage distribution.

Boat builder.

Bottling works.

Business machine manufacturing.

Carpet and rug cleaners.

Cartage, express and parcel delivery.

Clothing manufacturing.

Contractor's yard, **subject to additional standards and criteria in subsection D3 of this section.**

Electrical motor and generator manufacturing.

Electronic component manufacturing.

Fabrication, processing, production or manufacturing of materials, goods or products.

Freight warehousing and distribution.

Impound yard, subject to additional standards and criteria in subsection D2 of this section.

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

Laboratories and research firms involved in the research, experimentation or testing of materials, goods, or products.

Lumberyards.

Machine shops.

Photo processing (nonretail).

Plastic processing.

Police headquarters and stations.

Pottery and ceramics manufacturing.

Printing, publishing or lithography establishments.

Public works buildings and facilities.

Recycling center.

Research and development laboratories.

Schools, commercial or trade, including those teaching business, commercial or technical subjects.

Schools teaching dance, music, performance, and martial arts, subject to the additional standards and criteria in subsection D1 of this section.

Sheet metal fabrication.

Village halls.

Wholesale and warehousing.

Woodworking and wood products manufacturing. (Ord. 2007-03-06A, 3-6-2007; amd. Ord. 2007-08-21A, 8-21-2007; Ord. 2014-07-15, 7-15-2014; Ord. 2014-08-05E, 8-5-2014)

D. Additional standards and criteria for specific uses:

1. Schools Teaching Music, Dance, Performance, and Martial Arts:

- a. Shall not be located in the same building or on the same lot with any use permitted in the district that involves assembly, fabricating, production, processing or manufacturing activities;
- b. Performances on the premises shall not occur without the written approval of the community development director. (Ord. 2014-07-15, 7-15-2014)

2. Impound Yard:

- a. A principal building shall be located on the lot.
- b. The towing service operator(s) utilizing the impound yard shall provide the village a copy of the operator's valid registration with the Illinois commerce commission.
- c. If proposed to be located on a lot owned by an entity other than the impound yard operator, the impound yard operator shall provide the village with written authorization from the property owner.
- d. If proposed to be located on a lot with other uses, the impound yard operator shall provide the village proof of notification to the other uses.

Deletions are ~~struck-out in red~~. Additions are in **bold type in blue**.

- e. The impound yard shall not include vehicle repair or any salvage operations; may include a towing service on site.
- f. No vehicle shall be stored longer than one hundred eighty (180) days on site.
- g. The impound yard operator shall have an independent and qualified consultant perform an assessment and evaluation annually to determine that pollutants from stored vehicles have not leaked into the soil or sewers, or if they have, that they have been properly remediated.
- h. The impound yard shall comply with the commercial outdoor storage requirements in section 11-4-7 of this title.
- i. The impound yard shall comply with the fence requirements in section 11-4-13 of this title, with a minimum fence height of six feet (6'). (Ord. 2014-08-05E, 8-5-2014)

3. Contractor's Yard

- a. A principal building measuring not less than one thousand two hundred (1,200) square feet in floor area and constructed on a permanent foundation shall be located on the lot.**
- b. The contractor's yard shall not include vehicle repair or any salvage operations.**
- c. No vehicle shall be stored longer than one hundred eighty (180) days on site.**
- d. The contractor's yard shall comply with the commercial outdoor storage requirement in section 11-4-7 of this title.**
- e. The contractor's yard shall comply with the fence requirements in section 11-4-13 of this title, with a minimum solid fence height of six feet (6').**

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Definitions

11-3-2: DEFINITIONS:

LOT LINE, TRANSITION: Any lot line which separates a lot zoned for business, manufacturing, or industrial uses from a lot zoned for residential uses.

~~TRANSITIONAL AREA: An area in the process of changing from one use to another; or an area which acts as a buffer between two (2) land uses of different intensities.~~

~~TRANSITIONAL USE: A land use of an intermediate intensity between uses of differing intensities.~~

YARD, TRANSITION: The open space between a principal building, accessory building, off street parking facility, or accessory use and the transitional lot line. A solid landscape screen is required in transition yards along off street parking facilities.

PRIMARY ROAD(S): ~~An existing or proposed arterial or collector road as identified in the village's comprehensive plan.~~ **Bliss Road, Denny Road, Dugan Road, Galena Boulevard, Gordon Road, Harter Road, Illinois Route 56, Merrill Road, Municipal Drive, Prairie Street, Sugar Grove Parkway, and US Highway 30.**

~~MANUFACTURED HOUSING: Factory built, single family structures, commonly known as mobile homes that meet the national manufactured home construction and safety standards act, as amended from time to time.~~

MOBILE HOME: ~~See definition of Manufactured Housing.~~ **A single family dwelling which is: manufactured off site; transportable in one or more sections; built on a permanent chassis; constructed without a permanent hitch or other device allowing transport of the dwelling other than for the purpose of delivery to a permanent site; and does not have wheels or axles permanently attached to its body or frame.**

MOBILE HOME PARK: ~~A site with required improvements and utilities for the long term parking of manufactured houses that includes services and facilities for the residents~~ **Any tract or contiguous tracts of land containing two (2) or more sites improved for mobile home dwellings.**

MODULAR HOME: **A dwelling unit which is: constructed off site; transported in one or more sections; and built on a permanent foundation.**

RECREATIONAL VEHICLE: Every vehicle originally designed or permanently converted and primarily used for temporary living quarters or human habitation, and not used as a commercial vehicle, including any house car, ~~house trailer~~, camper or private living coach.

Deletions are ~~struck-out~~ in red. Additions are in **bold type** in blue.

RECREATIONAL VEHICLE PARK: A lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Deletions are ~~struck-out~~ in red. Additions are in **bold type in blue**.