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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** DISCUSSION: ZONING ORDINANCE AMENDMENT—LIQUOR-RELATED USES  
**AGENDA:** APRIL 3, 2018 VILLAGE BOARD MEETING  
**DATE:** MARCH 29, 2018

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**ISSUE**

Shall the Village Board discuss an Ordinance amending the Zoning Ordinance to change the permitted use table as it relates to liquor-related uses.

**DISCUSSION**

The Village staff identified an area of the Zoning Ordinance that could streamline the process for establishing uses that involve the sale and/or consumption of liquor. Since all uses involving the sale and/or consumption of liquor require a liquor license that is closely controlled by the Village Board, and the Village Board enjoys much more discretion in granting liquor licenses, removing the requirement for a Special Use seems to simplify the process to establish these types of uses in the Village.

The Planning Commission recommended approval of the proposed Zoning Ordinance amendment.

**ATTACHMENTS**

- Recommendation PC18-005
- Redline of the proposed amendment
- Ordinance Amending Title 11 of the Village Code (Permitted Use Table, Liquor-Related Uses)

**COST**

The only direct cost to the Village with the requested action is the cost of publication and codification of the amendment.

**RECOMMENDATION**

That the Village Board provide input and direction to Village staff in order to prepare an Ordinance Amending Title 11 of the Village Code of Ordinances (Permitted Use Table, Liquor-Related Uses).

**VILLAGE PRESIDENT**  
P. Sean Michels

**VILLAGE ADMINISTRATOR**  
Brent M. Eichelberger

**VILLAGE CLERK**  
Cynthia Galbreath



**COMMUNITY DEVELOPMENT DEPARTMENT**

**VILLAGE TRUSTEES**

Sean Herron  
Mari Johnson  
Ted Koch  
Heidi Lendi  
Rick Montalto  
David Paluch

# **R E C O M M E N D A T I O N**

## **PC18-005**

TO: Village President and Board of Trustees  
FROM: Planning Commission/Zoning Board of Appeals  
DATE: Meeting of March 21, 2018  
CASE FILE: 18-005 Zoning Ordinance Text Amendment—Liquor Related Uses

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### **PROPOSAL**

The proposed text amendment revises Zoning Ordinance Section 11-4-22 *Table of Permitted Uses* to allow uses that sell and/or serve alcohol by right in the business zoning districts. Currently these uses are allowed by Special Use in the business zoning districts.

### **GENERAL INFORMATION**

HEARING DATE: March 21, 2018  
PROJECT NAME: Zoning Ordinance Text Amendment—Liquor Related Uses  
PETITIONER: Village of Sugar Grove  
ATTACHMENTS: Proposed Text Amendment

### **BACKGROUND & HISTORY**

The Zoning Ordinance requires a Special Use Permit for any business that sells and/or serves alcohol. Given that a liquor license is also required, staff believes the requirement for a special use permit is overly burdensome. In order to remove the special use requirement, the permitted use table must be amended to allow the following uses by right in the business zoning districts:

- Package liquor or wine, retail
- Restaurant, alcohol service
- Drinking establishment

Title 3, Chapter 2 of the Municipal Code regulates liquor related uses within the Village. The Village has established a Liquor Control Commission which reviews applications for and issues liquor licenses. This code section contains many conditions that must be met prior to acquiring and in maintaining a liquor license.

## **DISCUSSION**

The Planning Commission inquired about the requirements and rules for obtaining a liquor license. The Commission concluded the proposed change would be advantageous for the Village Board since the Board possess more discretion with a liquor license than the Planning Commission does with the requirements for a Special Use.

## **FINDINGS OF FACT**

The Village Zoning Ordinance provides the following standards for determining the appropriateness of a text amendment:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare of the village, and complies with the policies and comprehensive land use plan and other official plans of the village.
  - *The public health, safety, comfort, convenience, and general welfare of the village is addressed through Title 3, Section 2 Liquor Control of the Municipal Code. The Special Use process shall provide no added benefit to the community relevant to regulating liquor related uses.*
2. The trend of development in the area of the subject property is consistent with the amendment.
  - N/A
3. The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.
  - N/A
4. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.
  - N/A

## **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing. No objectors were present.

## **RECOMMENDATION**

After careful consideration of the testimony, the Planning Commission/Zoning Board of Appeals recommends the Village Board approve Petition #18-005 Amendment to the Village Zoning Ordinance—Liquor Related Uses.

AYES: L. Jones, J. Ekert, B. Sabo, J. Guddendorf, G. Wilson, and I.  
Oschenschlager

NAYS: None

ABSENT: J. White

MOTION PASSED

A. Section 11-4-22, change “Special Use” to “Permitted Use” in the affected zoning districts for the following uses:

Use	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	OR-2	M-1	I-1
Drinking establishments							§ P	§ P	§ P	§ P			
Package liquor and wine, retail							§ P	§ P	§ P	§ P			
Restaurants, alcohol service							§ P	§ P	§ P	§ P			

B. That Section 11-4-23 of Title 11, Zoning Regulations, be, and it is, hereby amended, by inserting in alphabetical order the following:

Liquor. Uses involving the sale and/or consumption of alcohol are required to obtain a liquor license from the Village Board prior to establishing the use or occupying any space in the zoning district.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance No. 2018-0403\_\_**

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**An Ordinance Amending Title 11 of the Village Code  
(Permitted Use Table, Liquor-Related Uses)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 3<sup>rd</sup> day of April 2018

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove  
this 3<sup>rd</sup> day of April 2018

**ORDINANCE NO. 2018-0403\_\_**

**An Ordinance Amending Title 11 of the Village Code  
(Permitted Use Table, Liquor-Related Uses)**

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**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove (the “Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, it is necessary and desirable to amend the zoning regulations in order to respond to changes in technology, development practices, community standards and the law; and,

**WHEREAS**, the corporate authorities of the Village have proposed an amendment to the Village Zoning Ordinance; and,

**WHEREAS**, after due notice a public hearing was held on March 21, 2018, regarding the proposed amendment and no objectors were present; and,

**WHEREAS**, the corporate authorities of the Village deem it necessary, desirable, and in the best interest of the Village to amend the Village Zoning Ordinance to update its regulations regarding the use and display of signs.

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**SECTION ONE: Ordinance Sections Amended**

- C. That Section 11-4-22 of Title 11, Zoning Regulations, be, and it is, hereby amended, by changing the “Special Use” to “Permitted Use” designation in the affected zoning districts as follows:

<b>Use</b>	<b>A-1</b>	<b>E-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>SR</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>BP</b>	<b>OR-2</b>	<b>M-1</b>	<b>I-1</b>
Drinking establishments							P	P	P	P			
Package liquor and wine, retail							P	P	P	P			
Restaurants, alcohol service							P	P	P	P			

- D. That Section 11-4-23 of Title 11, Zoning Regulations, be, and it is, hereby amended, by inserting in alphabetical order the following:

Liquor. Uses involving the sale and/or consumption of alcohol are required to obtain a liquor license from the Village Board prior to establishing the use or occupying any space in the zoning district.

**SECTION TWO: GENERAL PROVISIONS**

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 3rd day of April 2018.

\_\_\_\_\_  
P. Sean Michels,  
President of the Board of Trustees

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Sean Herron	___	___	___	___
Trustee Mari Johnson	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee David Paluch	___	___	___	___