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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:** ORDINANCE: ZONING ORDINANCE AMENDMENT  
(MULCH/FIREWOOD SALES SPECIAL USE)  
**AGENDA:** SEPTEMBER 15, 2020 VILLAGE BOARD MEETING  
**DATE:** SEPTEMBER 11, 2020

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**ISSUE**

Shall the Village Board approve a proposed Zoning Ordinance amendment to add “mulch/firewood sales” as a Special Use in the E-1 zoning district, along with additional standards and criteria for the use.

**DISCUSSION**

The Village Board discussed the proposed amendment at its September 1, 2020 meeting.

The proposed zoning amendment is promulgated by a proposal by Grove Farms, LLC, to annex and to use a small portion of property on the north side of Prairie Street for a landscape material supply business that would principally provide mulch and firewood to consumers.

The proposed use is not an identified Permitted or Special Use in any zoning district. A zoning amendment to add mulch/firewood sales as a Special Use in the E-1 District was proposed by Village staff as the means to establish zoning control of the use.

The E-1 Estate Residential District was proposed as the underlying zoning classification because this is the default zoning district for any annexation in the Village. It is also the most restrictive zoning classification in the Village. The only permitted uses in this district are farming, parks, mobile home dwelling, and single family residential on very large lots (minimum one acre). Special Uses in this district include boarding schools, commercial stables, and municipal uses such as fire stations, police stations and the like.

The proposed zoning amendment includes minimum conditions and criteria the use (mulch/firewood sales) needs to satisfy as outlined in the attached Additional Standards for Specific Uses. The proposed standards are intended to allow for the successful operation of the proposed firewood and mulch business while limiting potential negative impacts.

The Planning Commission recommended the proposed use be a Special Use in selected commercial districts. The Village Board discussed the Planning Commission’s recommendation and determined the E-1 district was the preferred underlying zoning district.

Between the zoning amendment and the Special Use Permit conditions of approval the location and size of the mulch/firewood sales operation is limited on the property; the amount of material stored on the property is limited; the character of the property (orchard and farm field) is maintained; and, there are limitations and restrictions on the conduct of the business.

**COSTS**

Costs for legal consultation and any other out-of-pocket expenses of the Village will be borne by the petitioner through their established development application escrow.

**ATTACHMENTS**

- Planning Commission Recommendation PC20-013
- Ordinance Amending Chapter 11 (Zoning Regulations) (Mulch, firewood sales)

**RECOMMENDATION**

The Village Board approve an Ordinance Amending Title 11 (Zoning Ordinance) (mulch, firewood sales)

**VILLAGE PRESIDENT**

P. Sean Michels

**VILLAGE TRUSTEES**

Sean Herron  
Ted Koch  
Jennifer Konen  
Heidi Lendi  
Rick Montalto  
Ryan Walter

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger



**VILLAGE CLERK**

Alison Murphy

**COMMUNITY DEVELOPMENT**

**R E C O M M E N D A T I O N**  
**PC20-013**

TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of August 19, 2020  
PETITION: 20-013  
Zoning Ordinance Amendment, Mulch/Firewood Sales

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**PROPOSAL**

The Village is proposing "Mulch, firewood sales" be added to the Zoning Ordinance Table of Permitted Uses as a Special Use in the E-1 Estate Residential District, along with several other related amendments.

**ATTACHMENTS:**

Proposed Text Amendment (Exhibit A)

**BACKGROUND & HISTORY**

In response to a request for a property to be annexed into the Village, the use that will be established on the subject property (mulch, firewood sales) needs to be an allowed use in the Village's Zoning Ordinance. The subject property will be zoned E-1 Estate Residential upon its annexation. At this time mulch and firewood sales is not a permitted use in the Village's Zoning Ordinance.

Village staff proposed the E-1 District as the underlying zoning classification because the mulch and firewood commodity and its bulk storage characteristics are closer in character to agriculture than the commercial uses permitted in the commercial districts in the Zoning Ordinance.

Additionally, the proposed amendment includes a number of additional standards and criteria for the use to address potential adverse impacts.

## DISCUSSION

The Planning Commission discussed the proposed text amendment and raised questions concerning the introduction of commercial elements into a residential district. The Commission prefers to see these uses be added to the B-2, B-3, and M-1 Districts rather than the E-1 District as proposed.

## PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on August 19, 2020. No objectors were present. (NOTE: Objectors and proponents were heard during the public hearing but their comments were specifically directed to the proposed Special Use application being considered in a separate public hearing).

## RECOMMENDATION

After carefully considering the facts, the Planning Commission recommends the Village Board **approve** the proposed text amendment to add "Mulch, firewood sales" as a Special Use in the B-2, B-3, and M-1 Zoning Districts and also add the condition that setbacks be amended to apply to the Zoning District in which the business is located.

AYES: Sabo, Jones, White, Guddendorf, Wilson, Eckert, and Ochsenschlager

NAYES: *None*

ABSENT: *None*

## EXHIBIT A

### Section 11-3-2 Definitions:

Mulch, firewood sales: A business that sells mulch and firewood to the public and wholesale.

### Section 11-4-22 Table of Permitted 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
Commercial uses:													
Mulch, firewood sales		S*											

### Section 11-4-23 Additional Standards for Specific Uses:

Mulch, firewood sales

- A. Hours of operation shall be only from 7:00 a.m. to 5:00 p.m.
- B. All parking for the business must be on the businesses premises.
- C. Streets and driveways adjacent to the premises must be kept free of debris at all times.
- D. No processing, manufacturing or production of mulch, firewood shall be permitted on the premises.
- E. No use of grinders or chippers on the premises is permitted.
- F. Outdoor storage shall not exceed 15-feet in height and must be on a paved surface.
- G. Outdoor storage area shall comply with the building setback requirements of the E-1 District and shall not be located less than 30 feet from any property line.
- H. Outdoor storage areas shall be screened from view from the nearest public thoroughfare by the use of solid fences, walls, landscaping, or combination thereof.
- I. All equipment used in the operations of the business must be stored within a building or in an area enclosed by a privacy fence.



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

**ORDINANCE NO. 2020-0915B**

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**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS  
(MULCH, FIREWOOD SALES)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 15<sup>th</sup> day of September 2020

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Kane  
County, Illinois this 15<sup>th</sup> day of September 2020

**ORDINANCE NO. 2020-0915B**

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS  
(MULCH, FIREWOOD SALES)**

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

**WHEREAS**, the Village currently maintains zoning regulations on the use of land within the Village; and,

**WHEREAS**, the Village finds that such restrictions provide for the safety and well-being of Village inhabitants and benefit the public welfare, safety and morals; and,

**WHEREAS**, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of such inhabitants; and,

**WHEREAS**, after due notice the Plan Commission held a public hearing concerning the proposed amendments on August 19, 2020, and objectors were present and heard; and

**WHEREAS**, the Planning Commission recommended in their Recommendation PC20-013 that the Village Board approve the Zoning Ordinance amendment as modified.

**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: Zoning Ordinance amendment**

Title 11 (Zoning Ordinance) of the Village Code of Ordinances be amended as provided in Exhibit A, attached hereto and made a part hereof by this reference.

**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 15<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
P. Sean Michels,  
President of the Board of Trustees of the  
Village of Sugar Grove, Kane County, Illinois

ATTEST: \_\_\_\_\_  
Alison Murphy  
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Jennifer Konen	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Ryan Walter	___	___	___	___

**EXHIBIT A**

Amend the following Sections of Title 11 as follows:

**Section 11-3-2 Definitions.** Add the following, in alphabetical order:

MULCH, FIREWOOD SALES: A business whose principal activity is bulk storage and sale of garden mulch and firewood to the public and wholesale, and may include bulk storage and sale of topsoil.

**Section 11-4-22 Table of Permitted Uses.** Add the following, in alphabetical order:

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
Commercial uses:													
Mulch, firewood sales		S*											

**Section 11-4-23 Additional Standards for Specific Uses.** Add the following, in alphabetical order:

Mulch, firewood sales

- A. The use must be on a parcel not less than 5 (five), acres in size.
- B. Unenclosed, bulk storage of firewood and landscape materials is permitted.
- C. Hours of operation shall be only from 7:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 3:00 p.m. Sundays.
- D. Deliveries of firewood, mulch and topsoil to the site may only take place between 7:00 a.m. and 3:00 p.m. Monday through Saturday.
- E. All parking for the business must be on the businesses premises.
- F. Streets and driveways adjacent to the premises must be kept free of debris at all times.
- G. No processing, manufacturing or production of mulch, firewood shall be permitted on the premises.
- H. No use of grinders or chippers on the premises is permitted.
- I. Outdoor storage shall not exceed 10 (ten) feet in height and must be on a paved surface.
- J. Outdoor storage area shall comply with the building setback requirements of the E-1 District and shall not be located less than 30 (thirty feet), from any property

line and 100 (one hundred) feet if the property line is adjacent a lot with an existing residence, and located not less than 300 (three hundred) feet from any street right-of-way.

- K. Outdoor storage areas shall be screened from view from the nearest public thoroughfare by the use of solid fences, walls, landscaping, or any combination thereof.
- L. All equipment used in the operations of the business must be stored within a building or in an outdoor area screened from public view and in compliance with the setback requirements for the outdoor storage area, above.
- M. Mulch, except for commonly accepted on-site landscape uses, may only be stored or sold between March 1 and October 1.