
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: ZONING ORDINANCE AMENDMENT (COMMERCIAL DISTRICT FENCE REGULATIONS)
AGENDA: NOVEMBER 15, 2022 VILLAGE BOARD MEETING
DATE: NOVEMBER 11, 2022

ISSUE

Shall the Village Board approve an Ordinance amending certain sections of the Zoning Ordinance pertaining to fences for the purpose of screening outdoor storage areas.

DISCUSSION

The Village Board previously approved a Zoning Ordinance amendment that permitted chain link fences for the purpose of screening outdoor storage areas in commercial districts in October. Since then, it has come to Village staff's attention that the amendment was not as specific as it should have been with respect to the desired outcome of screening outdoor storage areas with chain link fence material.

The proposed amendment is intended to codify the desired outcome with chain link fences used to screen outdoor storage areas. Specifically, the amendment adds that the chain link fence must be black vinyl coated chain link mesh with a wire gauge of 9 with privacy slats. Fabric mesh material is not accepted.

The Planning Commission considered the proposed amendment and instead recommended eliminating chain link fence as an option entirely. In their opinion, the material specifications should apply to all chain link fences regardless of the zoning district or location in the community.

Village staff is of the opinion the Planning Commission's recommendation is not consistent with the Village Board expectations. The draft Ordinance reflects the original proposed amendment.

ATTACHMENTS

- PC Recommendation 22-013
- Ordinance Amending the Village Code Title 11, Zoning Regulations (Commercial District Fence Regulations)

RECOMMENDATION

The Village Board should approve an Ordinance Amending the Village Code Title 11, Zoning Regulations (Table of Permitted Uses).

VILLAGE PRESIDENT

Jennifer Konen

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

VILLAGE CLERK

Alison Murphy



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Matthew Bonnie

Sean Herron

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

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

PC22-013

TO: Village President and Board of Trustees

FROM: Planning Commission

DATE: Meeting of October 5, 2022

PETITION: 22-015 Text Amendment: Fences

PROPOSAL

Amend the Zoning Ordinance to add additional requirements for chain link fences being used as screening for outdoor storage areas in section 11-4-7 F 4 and section 11-4-13 B.

BACKGROUND & HISTORY

As you may recall, the Village previously amended the zoning ordinance to allow for chain link fences to screen commercial outdoor storage areas located on lots zoned B3, between Main Street and Route 47, from Route 30 to Cross Street. The Village feels that there needs to be additional requirements on the type of chain link fence permitted to be used. The proposed amendment will add these specific requirements.

DISCUSSION

The Planning Commission discussed the proposed text amendment and concluded that chain link fences should either be permitted throughout the B3 zoning district as a form of screening for outdoor storage or not be permitted at all, as it is in other zoning districts. The recommended amendment reflects this position.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on October 5, 2022. No objectors were present.

RECOMMENDATION

The Plan Commission recommends the Village Board approve the proposed text amendment attached as Exhibit A.

Exhibit A

11-4-7-4

4. Commercial Outdoor Storage:

a. The area devoted to commercial outdoor storage shall be improved with a dust free surface as required by the Village Engineer. The surface material shall be maintained in a manner prescribed by the Village Engineer.

b. The area devoted to commercial outdoor storage shall be enclosed by a solid fence at least six feet (6') in height, but no greater than eight feet (8') in height, as regulated by section [11-4-13](#) of this chapter. No chain link or mesh type fence with inserted screening slats or screening fabric shall be acceptable in complying with the screening standards. Where a commercial outdoor storage area shares a common lot line with a property zoned in a more restrictive zoning district, landscape screening of the solid fence shall be provided at the rate of three (3) shrubs per each twenty five (25) linear feet of fence. Shrubs shall be planted between the fence and the common lot line.

~~Chain link fences with privacy slats or mesh fabric screening are permitted on lots zoned B3, located between Main Street and Route 47, from Route 30 to Cross Street. Chain link fences must be vinyl coated and have a minimum gauge of 9.~~

c. No equipment or materials shall be stored inside the area at a height greater than the height of the fence.

11-4-13 B

B. Business Districts (B-1, B-2, B-3): The establishment of fences in business districts shall be regulated as follows, and conform with the provisions of chapter 8 of this title: (Ord. 2014-08-05B, 8-5-2014)

1. Fences shall be constructed and maintained in the required front yard or corner side yard with a maximum height of three feet (3'). chain link fences shall be prohibited in these yards, except, ~~chain link fences shall be permitted in these yards for properties zoned B-3 located between Main Street and Route 47, from Route 30 to Cross Street. Chain link fences located in this area must be vinyl coated and have a minimum gauge of 9.~~



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

ORDINANCE NO. 2022-1115A

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(COMMERCIAL DISTRICT FENCE REGULATIONS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 15th day of November 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 15th day of November 2022

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2022-1115A

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(COMMERCIAL DISTRICT FENCE REGULATIONS)**

WHEREAS, the Village of Sugar Grove 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 5/1-8 *et seq.*; and,

WHEREAS, the Village currently maintains zoning regulations governing the use and improvement 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, from time to time, it is necessary and desirable to modify the zoning regulations in response to changes in community attitudes, technology, development and the law; and,

WHEREAS, after due notice the Planning Commission held a public hearing concerning the proposed amendments on October 5, 2022, and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC22-013 that the Village Board approve the Zoning Ordinance amendment.

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^h day of November 2022.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

Exhibit A

Amend Section 11-4-7-4 to be and to read as follows:

4. Commercial Outdoor Storage:

a. The area devoted to commercial outdoor storage shall be improved with a dust free surface as required by the Village Engineer. The surface material shall be maintained in a manner prescribed by the Village Engineer.

b. The area devoted to commercial outdoor storage shall be enclosed by a solid fence at least six feet (6') in height, but no greater than eight feet (8') in height, as regulated by section [11-4-13](#) of this chapter. No chain link or mesh type fence with inserted screening slats shall be acceptable in complying with the screening standards. Where a commercial outdoor storage area shares a common lot line with a property zoned in a more restrictive zoning district, landscape screening of the solid fence shall be provided at the rate of three (3) shrubs per each twenty five (25) linear feet of fence. Shrubs shall be planted between the fence and the common lot line.

Chain link fences with **black** screening slats are permitted on lots zoned B3, located between Main Street and Route 47, from Route 30 to Cross Street. **Chain link fences shall be black vinyl coated from the manufacturer and have a minimum wire gauge of 9. All fence posts, rails and gates shall be painted black by the manufacturer.**

c. No equipment or materials shall be stored inside the area at a height greater than the height of the fence.

Amend Section 11-4-13-B-1 to be and to read as follows:

B. Business Districts (B-1, B-2, B-3): The establishment of fences in business districts shall be regulated as follows, and conform with the provisions of chapter 8 of this title: (Ord. 2014-08-05B, 8-5-2014)

1. Fences shall be constructed and maintained in the required front yard or corner side yard with a maximum height of three feet (3'). Chain link fences shall be prohibited in these yards, except, chain link fences shall be permitted in these yards for properties zoned B-3 located between Main Street and Route 47, from Route 30 to Cross Street. **Chain link fences located in this area shall be black vinyl coated from the manufacturer and have a minimum wire gauge of 9 All fence posts, rails and gates shall be painted black by the manufacturer..**