
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: DISCUSSION: ZONING ORDINANCE AMENDMENT (POOLS & SPAS)
AGENDA: MAY 2, 2023 VILLAGE BOARD MEETING
DATE: APRIL 20, 2023

ISSUE

Shall the Village Board approve an Ordinance amending various sections of the Zoning Ordinance related to definitions of pools & spas.

DISCUSSION

The Village Board may recall in September 2022 the Zoning Board of Appeals heard an appeal from the decision of the Zoning Administrator pertaining to the definition of a swimming pool and, specifically, whether a swim spa is a swimming pool or a hot tub. That event shone a light on some inadequacies in the zoning regulations, specifically, the definitions and the omission of some terms. This proposed amendment is intended to cure these ills.

Village staff conducted additional research on the uses and how other municipalities define these uses. Many communities do not define these terms and Village staff explored generic definitions employed by the respective industries. We believe the definitions we have drafted are state of the art and they align with the Village's position in the appeals case.

Additionally, Village staff is proposing a modification of the accessory structure separation requirements in Section 11-4-7. This regulation has proven to be problematic and overly burdensome for lot owners desiring to personalize their backyards. Village staff believes the original intention behind this regulation was to provide a minimum separation between accessory structures and the principal building (residence), not each accessory structure on the lot.

The Planning Commission questioned Village staff and challenged them with various what-if scenarios and were satisfied the definitions will serve the purpose. The Planning Commission recommended approval of the proposed definitions and the amendment of Section 11-4-7.

ATTACHMENTS

- Recommendation PC23-006
- Ordinance Amending Title 11, Zoning Regulations (Pools & Spas definitions)

RECOMMENDATION

The Village Board discuss and provide staff input on an Ordinance amending the Village Code Title 11, Zoning Regulations to establish definitions for pools and spas.

VILLAGE PRESIDENT

Jennifer Konen

VILLAGE CLERK

Alison Murphy



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Matthew Bonnie

Ted Koch

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

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

PC23-006

TO: Village President and Board of Trustees
FROM: Planning Commission
DATE: Meeting of April 19, 2023
PETITION: 23-006 Text Amendment: Pools & Spas definitions

PROPOSAL

Amend selected definition of terms in Section 11-3-2 and to amend Section 11-4-7 of the Zoning Ordinance pertaining to swimming pools and accessory structures setbacks.

BACKGROUND & HISTORY

The Zoning Board of Appeals (ZBA) and the Village Board were presented with an appeal of the Zoning Administrator's decision concerning a swim spa constructed at 1815 Hunters Ridge Trail in September 2022. The ZBA decided in favor of the Zoning Administrator but the case raised several issues with respect to the Zoning Ordinance, namely, the outdated definitions and terms that apply to swimming pools and the omission of swim spas and hot tubs from the definitions.

Village staff conducted research on regulating and defining these uses and presented draft definitions for the Planning Commission's consideration. The new definitions for "hot tubs" and "swim spas" represent state of the art as few communities define these facilities. The definition for "swimming pool" is modified slightly to be consistent with definitions used by other municipalities.

In the end, a "swim spa" is included in the definition of a swimming pool, and separate definitions for "hot tub" and "swim spa" are added.

Additionally, a clarification in the regulation (Section 11-4-7) pertaining to separation between accessory structures is proposed to remove a significant hardship for many residential lot owners. The separation requirement has been applied for each accessory structure on a lot and this has proven to be burdensome for many lot owners. Village staff is of the opinion the separation requirement should apply to any accessory structure and the principal building.

DISCUSSION

The Planning Commission discussed the proposed text amendment at length. Commissioners questioned staff with many what-if scenarios and were satisfied with the proposed definitions. Commissioners agreed the accessory structure separation requirement needed simplification and agreed with the proposed amendment.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on April 19, 2023. No objectors were present.

RECOMMENDATION

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment attached in Exhibit A.

AYES: Guddendorf, Wilson, Bieritz, Eckert, Sabo, Jones, Ochsenschlager

NAYES: None

ABSENT: None

Exhibit A

11-3-2: DEFINITIONS:

~~**SWIMMING POOL:** A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches (18") below the surrounding land, or an aboveground surface pool, having a depth of more than thirty inches (30"), that is designed, used and maintained for swimming and bathing.~~

SWIMMING POOL: a man-made rigid or semi-rigid receptacle for water having an inside wall depth at any point of more than two feet (2'), which is used or intended to be used for swimming, exercising, wading, bathing, immersion, or other recreational purpose, or partial immersion of human beings, and which is constructed, installed and maintained in or above ground or both whether intended for indoor or outdoor use, including any such receptacle that is designed and constructed to be disassembled and re-assembled to its original integrity on a seasonal basis (five (5) months or less). Also, including swim spas.

SWIM SPA: a man-made rigid or semi-rigid receptacle for water, manufactured off-site and delivered to the site as a completed assembly designed to allow the user to swim in place fully suspended in the water; designed to sit on the ground, below the ground surface or, on a concrete slab or patio. Which is designed with an integral mechanical air injection system and/or a recirculating system that energizes water for purpose of swimming, exercising or other recreational purposes.

SPA/HOT TUB: a man-made rigid or semi-rigid receptacle for water manufactured off-site and delivered to the site as a completed assembly designed with integral mechanical air injection system and/or a recirculating system that energizes water for purposes of recreation and therapeutic use and for physiological and psychological relaxation; may include, but are not limited to, these types: hydro-jet circulation, hot water, cold water, mineral baths, air induction systems or some combination of these. Can be installed above, or below grade.

11-4-7: ACCESSORY USES, STRUCTURES, AND BUILDINGS:

E. Standards For All Accessory Uses, Accessory Buildings, and Accessory Structures:

4. Separation: Detached accessory buildings and structures shall be located a minimum of ten feet (10') from any ~~other building or~~ **principal** structure.



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

ORDINANCE NO. 2023-0502__

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(POOLS & SPAS DEFINITIONS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of May 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois,
this 2nd day of May 2023

ORDINANCE NO. 2023-0502_

AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS (POOLS AND SPAS DEFINITIONS)

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 amendment on April 19, 2023 and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC23-006 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 2nd day of May 2023.

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

1. *Amend Section 11-3-2: Definitions by amending and adding the following terms and definitions in alphabetical order:*

SWIMMING POOL: a man-made rigid or semi-rigid receptacle for water having an inside wall depth at any point of more than two feet (2'), which is used or intended to be used for swimming, exercising, wading, bathing, immersion, or other recreational purpose, or partial immersion of human beings, and which is constructed, installed and maintained in or above ground or both whether intended for indoor or outdoor use, including any such receptacle that is designed and constructed to be disassembled and re-assembled to its original integrity on a seasonal basis (five (5) months or less). Also, including swim spas.

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2. *Amend Section 11-4-7-E-4 as follows:*

4. Separation: Detached accessory buildings and structures shall be located a minimum of ten feet (10') from any principal structure.