
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: CONSENT: ORDINANCE AMENDING THE ZONING ORDINANCE (PERFORMANCE STANDARDS)
AGENDA: MAY 16, 2023 VILLAGE BOARD MEETING
DATE: MAY 4, 2023

ISSUE

Shall the Village Board discuss a proposed amendment of various sections of the Zoning Ordinance related to performance standards in non-residential districts.

DISCUSSION

The Village Board discussed the proposed amendment at its May 2, 2023 meeting. No additional changes to the proposed amendment were requested.

ATTACHMENTS

- Ordinance Approving an Amendment of the Zoning Regulations, Title 11 (Performance Standards)

RECOMMENDATION

The Village Board approve an Ordinance Approving an Amendment of the Zoning Regulations, Title 11 (Performance Standards).



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

ORDINANCE NO. 2023-0516A

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(PERFORMANCE STANDARDS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 16th day of May 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois,
this 16th day of May 2023

ORDINANCE NO. 2023-0516A

AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS (PERFORMANCE STANDARDS)

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 March 15, 2023 and continued to April 19, 2023, and objectors were present and heard; and

WHEREAS, the Planning Commission recommended in their Recommendation PC23-007 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 16th 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 Sean Michels	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

Exhibit A

1. *Add the following new Section 11-4-24, to be and to read as follows:*

11-4-24: PERFORMANCE STANDARDS:

HAZARDOUS SUBSTANCES. Hazardous substances are defined by the U.S. Department of Transportation (USDOT) in the Code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous substances are assigned to categories in the Hazardous Materials Table. Hazardous substances that are not listed in the Hazardous Material Table are assigned to categories based on the definitions of the categories.

- A. PROHIBITED USES INVOLVING HAZARDOUS SUBSTANCES. Certain substances pose high risk to public health and safety and to the air, surface and groundwater resources of the Village of Sugar Grove. Potential harm from exposure to these substances can be reduced by prohibiting large quantities of hazardous materials and hazardous waste from occurring in the Village. The following shall be prohibited in the Village of Sugar Grove:
1. Waste collection and transfer facilities which involve hazardous substances.
 2. Uses involving:
 - a. Asphaltic and petroleum-based coating and preserving materials.
 - b. Formulations of chrome-copper-arsenate (CCC), pentachlorophenols (PENTA), creosote, and related chemicals.
 - c. Oils containing PCB's.
 - d. Used batteries, for recycling or processing.
 - e. Petroleum storage tanks, excluding retail gas stations and truck stops, and petroleum storage tanks for the exclusive use of on-site fleet vehicles.
 3. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, but excluding uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.
 4. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromo chloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.
 5. Uses involving nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- B. NONCONFORMING USES THAT INVOLVE HAZARDOUS SUBSTANCES. Non-conforming uses are prohibited from increasing the quantities of hazardous substances used or produced on the premises.
- C. OTHER USES INVOLVING HAZARDOUS SUBSTANCES. It is the intention of these regulations to allow hazardous substances in a manner consistent with the recommendations of

the Village's Comprehensive Plan and the purpose of the zoning districts in the Village while maintaining the safety and welfare of the general public and protecting the environment. Hazardous substances shall be permitted by on-site quality characteristics as defined herein and in Section 11-4-24-E.

D. ON-SITE QUANTITY CHARACTERISTICS OF HAZARDOUS SUBSTANCES

1. BULK PLANT. Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. Materials are stored in large, permanent tanks. Bulk plant quantities are larger than amounts transported in or any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.
2. BULK USE. Hazardous substances at the bulk use level are used or sold on site. The hazardous substances are incidental to the primary product or service of the use. Hazardous substances are transported to the site in an unpackaged form and are then transferred to the use's storage tank by hose, pipeline, conveyor belt, etc. On-site use of a portable tank such as rail car, tanker truck, or similar vehicle is considered to be at this quantity level. Use of containers over sixty (60) gallons in size is classified at this level.
3. PACKAGE USE. Hazardous substances at the package use level are stored in discrete containers of sixty (60) gallons or less which are handled individually or on pallets for purposes of transportation. Package use materials are used or sold on site. Packages may include cylinders, drums, boxes, glass jars, etc.
4. CONSUMER COMMODITIES. Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purpose of personal care or household use.
5. TRAILER STORAGE. Trailers and shipping containers shall not be used for storing hazardous substances. Storage for the purpose of this section shall mean a trailer or shipping container parked on the premises for more than seventy-two (72) consecutive hours.

**E. TABLE OF PERMITTED ON-SITE CHARACTERISTICS OF HAZARDOUS SUBSTANCES
BY ZONING DISTRICT.**

On-Site Quantity Characteristics		ZONING DISTRICTS												
Hazardous Substance Category		A-1	E-1	R-1	R-3	SR	B-1	B-2	B-3	BP	OR-2	DC	M-1	I-1
Uses involving Class A or B Explosives	BP													
	BU													
	PU													
	CC	S											S	
Uses involving poison A or B, Pyrophoric liquid	BP													
	BU	P								S			S	
	PU	P								S			S	
	CC	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses involving corrosives, Flammable gas or flammable liquid	BP									S			S	
	BU									S			S	
	PU									S			P	
	CC	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses involving flammable solids, irritating non-flammable gas, ORM A, B or E, organic peroxide, or oxidizers	BP									S			S	
	BU	P								S			S	
	PU	P								P			P	
	CC	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses involving combustible liquid	BP									S			S	
	BU	P					P	P	P	P	P	P	S	S
	PU	P					P	P	P	P	P	P	P	P
	CC	P	P	P	P	P	P	P	P	P	P	P	P	P

BP=Bulk Plant; BU=Bulk Use; PU=Package Use; CC=Consumer Commodity as defined in Section 11-4-24-D
P=Permitted Use; S=Special Use

F. FIRE PROTECTION DISTRICT STANDARDS. In addition to these regulations, all storage or use of hazardous substances must be reviewed by the Fire Protection District in which the premises are located and must conform with all appropriate fire and building codes.

G. FIRE AND EXPLOSION HAZARDS.

1. The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning (as determined for liquids by a closed cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187°F), but not less than one hundred five degrees Fahrenheit (105°F)) is permitted, providing the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having exterior walls of non-combustible construction, in accordance with the building code of the Village.
 - b. Buildings in which such materials or products are stored, utilized or produced shall be set back at least one hundred (100) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an appropriate fire suppression system for products and materials stored in accordance with the Village's Building Code and standards prescribed by the National Fire Protection Association (NFPA).
2. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning (as determined for liquids by a closed cup flash point of not less than one hundred eighty-seven degrees (187°F)) is permitted.
3. The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases (as determined for liquids by a closed cup flash point of less than one hundred five degrees Fahrenheit (105°F)) shall be permitted in an Industrial District, provided that;
 - a. The final manufactured product does not itself have a closed cup flash point of less than one hundred eighty-seven degrees (187°F) Fahrenheit.
 - b. The use and storage of such materials shall be in conformity with standards prescribed by the NFPA and with requirements of other ordinances of the Village.
 - c. The storage of said material shall be prohibited above ground.
4. Detonable materials shall not be stored within two hundred (200) feet of a lot line in any industrial district, and not within one thousand (1,000) feet of any residential district.

H. RADIATION HAZARDS. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with applicable regulations of the Atomic Energy Commission, and the applicable regulations of an instrumentality of the State of Illinois.

I. SOURCES OF ILLUMINATION. Outdoor illumination on the premises shall comply with the regulations of Chapter 18, Outdoor Illumination, of this Title.

J. INDUSTRIAL WASTEWATER DISPOSAL. Where a use produced industrial sewage waste, the Fox Metro Sanitary District is responsible for reviewing and approving the connection, design and requirement for pre-treatment if necessary. Industrial wastewater is herein defined as the wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. All industrial wastewater disposal must be approved by the Fox Metro Sanitary District prior to issuance of a Zoning Certificate.

K. STORM WATER DISPOSAL. All storm water, groundwater, and run-off from the watering of

landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Storm water and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the Village Engineer prior to issuance of a zoning certificate.

- L. ALL OTHER HAZARDS AND NUSIANCES. Noise, glare, vibration, odor, and others, shall be regulated according to standards established by the Illinois Pollution Control Board of the Environmental Protection Agency.

M. CERTIFICATE OF COMPLIANCE

1. No use permitted in any manufacturing district shall be issued a zoning certificate until a certified statement has been signed by a qualified professional engineer and a responsible agent for the proposed use stating that all provisions of the performance standards set forth in this Article will be met.
 2. No use permitted in any manufacturing district shall be issued a certificate of compliance until all provisions of this Ordinance have been complied with and tests on operating equipment made under normal operating conditions have been performed indicating full compliance with all performance standards. Such statement shall be certified and signed by a qualified professional engineer and a responsible agent for the operating use.
- N. ENFORCEMENT. The Zoning Administrator shall enforce the provisions of this Section. Upon confirmation of a violation, enforcement and penalty provisions of Section 11-13-15 shall prevail. In addition, the Zoning Administrator may require of the offending business or industry the installation, maintenance, and operation of continuous measuring or recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.
- O. VIOLATIONS. Established uses found to be in noncompliance will be liable for inspection fees and costs as well as penalties imposed by a court. In the event no due cause is found, the challenger will be liable for the fees and costs.

2. *In the following Sections, are hereby amended to be and to read as follows:*

11-6-6: PERFORMANCE STANDARDS: All uses in the A-1 District shall comply with the performance standards in Section 11-4-24.

11-8-1-E: PERFORMANCE STANDARDS: All uses in the Commercial Districts shall comply with the performance standards in Section 11-4-24.

11-9-8: PERFORMANCE STANDARDS: All uses in the BP District shall comply with the performance standards in Section 11-4-24.

11-10-8: PERFORMANCE STANDARDS: All uses in the M-1 District shall comply with the performance standards in Section 11-4-24.

11-10A-8: PERFORMANCE STANDARDS: All uses in the I-1 District shall comply with the performance standards in Section 11-4-24.

11-10B-9: PERFORMANCE STANDARDS: All uses in the DC District shall comply with the performance standards in Section 11-4-24.