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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  
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR  
**SUBJECT:** ORDINANCE: ZONING ORDINANCE AMENDMENT (POOLS & SPAS)  
**AGENDA:** MAY 16, 2023 VILLAGE BOARD MEETING  
**DATE:** MAY 4, 2023

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**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 discussed the proposed amendment at its May 2, 2023 meeting and provided suggestions for modifying the proposed amendment which are included in the attached Ordinance.

**ATTACHMENTS**

- Proposed amendment redline
- Ordinance Amending Title 11, Zoning Regulations (Pools & Spas definitions)

**RECOMMENDATION**

The Village Board approve an Ordinance amending the Village Code Title 11, Zoning Regulations to establish definitions for pools and spas.

## Revisions

### 11-3-2: DEFINITIONS:

**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. **Excluding hot tubs.**

**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. **Excluding swim spa.**

### 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 principal structure.



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

**ORDINANCE NO. 2023-0516C**

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

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

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

## **ORDINANCE NO. 2023-0516C**

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

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**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 16<sup>th</sup> 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. *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. Excluding hot tubs.

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**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. Excluding swimming pools.

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.