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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:** DISCUSSION: ZONING ORDINANCE AMENDMENT (OFF-STREET PARKING, ET AL)  
**AGENDA:** SEPTEMBER 5, 2023 VILLAGE BOARD MEETING  
**DATE:** AUGUST 25, 2023

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**ISSUE**

Shall the Village Board discuss proposed amendments of various sections of the Zoning Ordinance.

**DISCUSSION**

The proposed amendments are housekeeping items resulting from day-to-day administration and enforcement of the Zoning Ordinance.

The proposed amendments include the following:

- Adding a parking requirements specific to carry-out restaurants
- Adding regulations for parkign and storing oversized vehicles in commercial areas
- Updating off-site off-street parkign requirements
- Adding valet parking as an accessory use in non-residential districts and standards and criteria for valet parking
- Amending the definition of “corner side yard’ as it relates to accessory atructures and uses
- Changing restuarants with live entertainment or dancing from a Special Use to permitted use in the commercial districts
- Changing the time limit in which the Planning Commission may make a recommendation pertaining to amendments, Special Uses and variations from 120 days to 45 days.

**ATTACHMENTS**

- PC Recommendation 23-009

**RECOMMENDATION**

The Village Board discuss the proposed amendments and direct Village staff to prepare the adoption ordinance.

**VILLAGE PRESIDENT**

Jennifer Konen

**VILLAGE ADMINISTRATOR**

Scott Koeppel

**VILLAGE CLERK**

Alison Murphy



**COMMUNITY DEVELOPMENT**

**VILLAGE TRUSTEES**

Matthew Bonnie

Ted Koch

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

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

## **PC23-009**

TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of July 19, 2023  
PETITION: 23-010 Text Amendment: Various Zoning Amendments

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**PROPOSAL**

The Village proposes to amend section 11-12, Off Street Parking and Loading; section 11-3-2, Definitions of yards; section 11-4-22, Table of Permitted Uses (Live Music); section 11-13-10-G-1, Variations; section 11-13-11-G-1, Amendments; and, section 11-13-12-G-1, Special Uses.

**BACKGROUND & HISTORY**

It has come to the attention of Village staff that there are several amendments needed to the Village's Zoning Code.

The first proposed amendment differentiates and adds a parking requirement for carry-out restaurants. Examples of a carry-out restaurant are Genoa Pizza and Paisano's. Because carry-out restaurants do not require as much parking and it has been an issue in some instances when trying to apply the parking requirement of a fast food restaurant to carry-out restaurants. Generally, a carry-out restaurant provides little or no seating space for dining, hence, less demand for off-street parking. The carry-out restaurant business model is primarily people picking up their food and leaving. The proposed amendment provides a required amount of parking spaces less than other restaurant types, differentiating a carry-out restaurant from a fast food restaurant such as Culvers.

The second amendment this will address is adding restrictions on storage of vehicles exceeding 21 feet in length in the business districts. The Village has encountered issues with truck and trailers parked or stored in commercial districts with no way to enforce their removal. The issue is not trucks and trailers

stopped to make deliveries or stored in storage yards; it is trucks and trailers parked or stored in parking lots.

The third amendment addresses off street parking and loading requirements. The Village has seen more interest in off-site parking where current parking for businesses may not be sufficient. The proposed amendment changes the matter of off-site parking to an administrative decision since the regulations spell out what is required for off-site parking. The attached amendment to section 11-12 will address this.

The fourth amendment addresses valet parking. While not in use in Sugar Grove presently, this is a growing service, and the amendment will acknowledge it as an accessory use in the business districts and provides standards and criteria for its operation.

The fifth proposed amendment is to amend the definition of a corner side yard. The reason for this amendment is to address where a fence may be located in a corner side yard. The way our code defines a corner side yard currently, the corner side yard is defined as the space extending the full width of the lot between any building and the corner side lot line. The conflict we have come across when issuing fence permits is if the house sits behind the required corner side yard building setback, the fence in a corner side yard must be pushed back to wherever the house sits. In some instances, this is not the best location for the fence. Therefore, by redefining the definition of a corner side yard, fences would be permitted to be located on the required building setback line rather than where the house sits. The definitions of the other yards do not need to be amended.

The sixth proposed amendment pertains to restaurants having live entertainment or dancing. This use is currently a Special Use. Several restaurants within the Village have live music periodically, and has been found reasonably acceptable without the requirement of a Special Use Permit. This amendment will now make this use a permitted use and no longer require a Special Use permit for live music.

Lastly, the seventh amendment proposes to make changes to three sections of the Zoning Ordinance pertaining to the time limits that the Planning Commission/Zoning Board of Appeals has to make recommendations to the Village Board on decisions for variations, amendments, and Special Uses. The code currently allows up to one hundred and twenty (120) days after the close of the hearing to make a recommendation. The proposed amendment reduces this time to forty-five (45) days. Since 120 days is excessive and the Planning Commission has never needed 120 days to make a decision on any matter, this change will have no effect on current practices.

## **DISCUSSION**

The Planning Commission discussed the proposed text amendments. Commissioners discussed ways in which to enforce the valet parking requirements. They also discussed if we should amend the code to allow for 6-foot fences to be located on the property line of corner side yards. The Commissioners discussed each proposed amendment and recommendation individually

Following the July 19<sup>th</sup> meeting, staff while preparing the PC recommendation felt that more clarification needed to be made to some of the proposed amendments that the Plan Commission had made

recommendations. The Planning Commission reviewed the Village staff's clarifications and agreed the corrections were consistent with the intent of the original recommendations and accepted Village staff's corrections. (The corrections are included in Exhibit A).

#### **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing on July 19, 2023. One person was present and expressed concerns about the 45-day time period for the Planning Commission to make a recommendation to the Village Board. His concerns were mitigated once it was explained that this time frame does not affect the public's opportunity to comment on any applications.

#### **RECOMMENDATION**

The Planning Commission discussed each separate section individually and made the following recommendations as follows.

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment for section 11-12-3 Number of Parking Spaces Required attached in Exhibit A.

AYES: Sabo, Guddendorf, Wilson, Bieritz, Jones

NAYES: None

ABSENT: Eckert

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment for section 11-3-2 Yard Definitions attached in Exhibit A.

AYES: Sabo, Guddendorf, Wilson, Bieritz, Jones

NAYES: None

ABSENT: Eckert

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment for section 11-4-22 Table of Permitted Uses attached in Exhibit A.

AYES: Sabo, Guddendorf, Wilson, Bieritz, Jones

NAYES: None

ABSENT: Eckert

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment for section 11-13-10-G-1 Variations, 11-13-11-G-1 Amendments, and 11-13-12-G-1 Special Uses attached in Exhibit A.

AYES: Sabo, Guddendorf, Wilson, Bieritz, Jones

NAYES: None

ABSENT: Eckert

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendments for sections 11-4-7 Accessory Use, Structure, or Building Permission List, 11-12-2 General Provisions, and 11-2-12 General Provisions attached in Exhibit A.

AYES: Sabo, Guddendorf, Wilson, Bieritz, Eckert

NAYES: None

ABSENT: Jones

## Exhibit A

### 11-12-3: NUMBER OF PARKING SPACES REQUIRED:

	Restaurants, carryout	2.0 spaces per every 45 square feet of floor area devoted to customer waiting area.
	Restaurants, fast food	13.0 spaces per 1,000 square feet of floor area, plus 8 stacking spaces for each drive-up window through which food and drink is dispensed
	Restaurants, sit down, and banquet halls	13.0 spaces per 1,000 square feet of floor area
	Restaurants, with live entertainment and dancing	15.0 spaces per 1,000 square feet of floor area

### 11-12-2: GENERAL PROVISIONS:

#### H. Vehicle Restrictions/Storage Of Vehicles:

##### 1. General Restrictions: General restrictions applicable to all zoning districts:

g. Restrictions on Parking in Commercial Districts: Recreational vehicles, trailers, commercial vehicles, or combinations of vehicles exceeding 21 feet in length shall not be parked or stored on any property zoned, B1, B2, or B3, except for the purpose of loading or unloading. For the purpose of this paragraph, "storage" shall mean a vehicle parked on the zoning lot for more than forty eight (48) hours in any seventy two (72) hour period.

### 11-2-12: GENERAL PROVISIONS

E. Control Of Off-Site Off-Street Parking Facilities: When required off-street parking facilities are provided off-site, that is on land other than the zoning lot on which the building or use served by such off site facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off street parking facilities serve until and unless the ~~Planning Comission/Zoning Board of Appeals~~ Community Development Director has reviewed the plans and necessary documents and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the off-site parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use of building.

F. Use Of Parking Facilities: Off street parking facilities, including off-site parking facilities, accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by guests of said occupants. Required parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles or the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business, office or manufacturing establishments. For the purpose of this paragraph, "storage" shall mean a vehicle parked on the zoning lot for more than forty eight (48) hours in any seventy two (72) hour

period. No motor vehicle work or service of any kind, other than temporary repairs, shall be permitted in any off-street parking facility.

G. Location: All required parking spaces, including off-site parking facilities, shall be not more than five hundred feet (500') from the use served, except for **parking** spaces accessory to dwelling units which shall be not more than three hundred feet (300') from the uses served. ~~However, no parking spaces to a use in a commercial or industrial district shall be located in a residential district, except that private, free, off street parking accessory to and located not more than two hundred feet (200') from such uses and Municipal parking lots may be allowed by special use permit in accordance with the standards and procedures provided in section 11-13-12 of this title.~~

#### 11-4-7: ACCESSORY USE, STRUCTURE, OR BUILDING PERMISSION LIST

	<i>A-1</i>	<i>E-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>SR</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>BP</i>	<i>OR-2</i>	<i>M-1</i>	<i>I-1</i>
Accessory uses:													
Off-site Parking		p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*
Valet Parking							p*	p*	p*	p*	p*	p*	

#### F. Additional Standards For Specific Accessory Uses, Accessory Buildings, And Accessory Structures:

##### 24. VALET PARKING

- Valet parking shall not reduce the number of off-street parking spaces required or provided on the lot on which the valet parking is located.
- Queuing for valet parking shall not occur on public streets.
- The maximum number of spaces reserved for valet parking purposes shall not exceed 25% of the minimum number of required parking spaces for the use(s) being served by the valet parking.
- Areas designated for valet parking shall not interfere with vehicular circulation or emergency access on the property on which the valet parking is located.
- The location of the valet parking space shall not be more than 500 hundred feet from the use(s) served.

#### 11-3-2: Definitions:

**YARD, CORNER SIDE:** ~~A space located between a principal building line and the corner side lot line.~~ Such corner side yard is unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this title.

11-4-22: TABLE OF PERMITTED USES:

							B-1	B-2	B-3	BP				
Restaurant, live entertainment, or dancing							§ P	§ P	§ P	§ P				

11-13-10-G-1:

G. Decisions For Variations:

1. Statement: Within ~~one hundred twenty (120)~~ **forty five (45) days** after the close of the hearing on a proposed variation, the Planning Commission/Zoning Board of Appeals shall prepare a written statement of findings of fact and recommendations, and shall submit this statement to the Village Board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed variation, and shall address how the variation does, or does not comply with standards set forth in subsection F of this section, or in the case of a planned unit development, sections [11-11-5](#) and [11-16-7](#) of this title.

11-13-11-G-1

G. Decision:

1. Within ~~one hundred twenty (120)~~ **forty five (45)** days after the close of the hearing on a proposed amendment, the Planning Commission/Zoning Board of Appeals shall prepare a written statement of findings of fact and recommendations and submit this statement to the Village Board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed text or map amendment.

11-13-12-G-1

G. Decision:

1. Within ~~one hundred twenty (120)~~ **forty five (45)** days after the close of the hearing on a proposed special use, the Planning Commission/Zoning Board of Appeals shall prepare a written statement of findings of fact and recommendations and submit this statement to the Village Board. Said findings of fact shall address how the proposed special use does, or does not comply with the standards set forth in this chapter.