

**SECTION 10  
RESIDENTIAL DISTRICTS**

**10.1 PURPOSE:** The Residential Districts set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others, the following specific purposes.

1. To protect residential areas against fire, explosion, noxious fumes, offensive odors, noise, smoke, vibrations, dust, heat, glare and other objectionable factors.
2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.
4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
7. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and protect the value of land and improvements and so strengthen the economic base of the Village.

**10.2 ZONING DISTRICTS:** The Residential Zoning District shall be divided into the following zones:

- E-5 ..... Estate District
- E-3 ..... Estate District
- E-2 ..... Estate District
- E-1 ..... Estate District
  
- R-1 ..... One Family Dwelling District
- R-2 ..... One Family Dwelling District
- R-3 ..... Two Family Dwelling District
- R-4 ..... Multiple Family Dwelling District

## **10.3 ESTATE DISTRICT - GENERAL PROVISIONS:**

### **10.3-1 GENERAL PROVISIONS:**

**E-5 SINGLE FAMILY DWELLING DISTRICT** - This zoning district provides exclusively for single family residential use on a parcel with a minimum of five (5) acres that is topographically and locationally well suited for single family use with a minimum lot width of three hundred and thirty (330) feet measured at the property line that abuts the road. The lot width for each lot within this District shall be a minimum of 330 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 330 feet for a lot within this District this provision requiring minimum lot width of 330 feet shall control, govern and prevail. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**E-3 SINGLE FAMILY DWELLING DISTRICT**- This zoning district provides exclusively for single family residential use on a parcel with a minimum of three (3) acres that is topographically and locationally well suited for single family use with a minimum lot width of two hundred and fifty (250) feet measured at the property line that abuts the road. The lot width for each lot within this District shall be a minimum of 250 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 250 feet for a lot within this District this provision requiring minimum lot width of 250 feet shall control, govern and prevail. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**E-2 SINGLE FAMILY DWELLING DISTRICT** - This zoning district provides exclusively for single family residential use on a parcel with a minimum of two (2) acres that is topographically and locationally well suited for single family use with a minimum lot width of one hundred and fifty (150) feet measured at the property line that abuts the road. The lot width for each lot within this District shall be a minimum of 150 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 150 feet for a lot within this District this provision requiring minimum lot width of 150 feet shall control, govern and prevail. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**E-1 SINGLE FAMILY DWELLING DISTRICT** - This zoning district provides exclusively for single family residential use on a parcel with a minimum of one (1) acre (43,560 square feet) that is topographically and locationally well suited for single family use with a minimum lot width of one hundred and fifty (150) feet measured at property line that abuts the road. The lot width for each lot within this District shall be a minimum

of 150 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 150 feet for a lot within this District this provision requiring minimum lot width of 150 feet shall control, govern and prevail. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**10.3-2 DWELLING STANDARDS** - All dwelling standards are measured from the outside exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping.

**10.3-2.1 One Story** - The minimum standards for any one story single family dwelling hereafter erected in this District shall be one thousand eight hundred (1,800) square feet.

**10.3-2.2 More than one story, but less than two** - The minimum standards for any single family dwelling more than one story, but less than two, hereafter erected in this District shall have a total floor area of not less than two thousand, (2,000) square feet at or above grade level (grade level being the area at the main entrance level).

**10.3-2.3 Two Stories** - The minimum standards for any two story single family dwelling hereafter erected in this District shall be two thousand five hundred (2,500) square feet above grade level.

**10.3-3 HEIGHT REQUIREMENTS** - The family dwellings hereafter erected in the Estate Zoning District shall be a maximum of thirty five (35) feet measured from the main grade level and shall not exceed two and one half (2 1/2) stories.

**10.3-4 REQUIRED SETBACKS** - No building shall be erected or enlarged in the Estate Zoning District unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement.

**10.3-4.1 Front Yard** - Each lot upon which a dwelling or permitted non-residential use is constructed a front yard setback of not less than forty (40) feet must be provided for.

**10.3-4.2 Side Yard** - On each lot upon which a dwelling is constructed, minimum side yards of twenty (20) feet must be provided for.

**10.3-4.3 Rear Yard** - Each lot upon which a dwelling or permitted non-residential use is constructed a rear yard setback of not less than twenty (20) feet must be provided for.

**10.3-5 LOT COVERAGE** - Not more than thirty (30) percent of any lot may be occupied by buildings or structures, including accessory buildings.

**10.3-6 KEEPING OF HORSES** - The keeping of horses is allowed in the E-3 and E-5 Districts provided that compliance is made with the McHenry County Public Health Ordinance and any section of the Johnsburg Zoning Ordinance relating to the keeping of horses.

**10.3-7 PROHIBITED USES** - Boarding houses, dwelling houses, two-family dwellings, multi-family dwellings, and lodging or rooming houses, as defined in Section 3 herein, are prohibited in any E-5, E-3, E-2 and E-1 Estate Dwelling District. *(Amended by Ord 06-07-63)*

#### **10.4 RESIDENTIAL DISTRICT - GENERAL PROVISIONS:**

**10.4-1 R-1 SINGLE FAMILY DWELLING DISTRICT** - This zoning district provides exclusively for single family residential use. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**10.4-1.1 Minimum Lot Size** - The minimum lot size for any dwelling hereafter erected or structurally altered in this Zoning District shall be one half (1/2) acre, or twenty one thousand seven hundred eighty (21,780) square feet with a minimum lot width of one hundred (100) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 100 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 100 feet for a lot within this District this provision requiring minimum lot width of 100 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

**10.4-1.2 Dwelling Standards** - All dwelling standards are measured from the outside exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping.

One Story - The minimum standards for any one story single family dwelling hereafter erected in this District shall be one thousand three hundred (1,300) square feet.

More than one story, but less than two - The minimum standards for any single family dwelling more than one story, but less than two, hereafter erected in this District shall be one thousand seven hundred (1,700) square feet with a minimum of not less than one thousand two hundred (1,200) square feet at or above grade level (grade level being the area the main entrance level).

Two Stories - The minimum standards for any two story single family dwelling hereafter erected in this District shall be two thousand (2,000) square feet above grade level.

**10.4-1.3 Prohibited Uses** – Boarding houses, dwelling houses, two-family dwellings, multi-family dwellings, and lodging or rooming houses, as defined in Section 3 herein, are prohibited in this zoning district. *(Amended by Ord 06-07-63)*

**10.4-2 R-2 SINGLE FAMILY DWELLING DISTRICT** - This zoning district provides exclusively for single family residential use. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized. *(Amended by Ord 06-07-63)*

**10.4-2.1 Minimum Lot Size** - The minimum lot size for any dwelling hereafter erected or structurally altered in this Zoning District shall be a minimum of eighty four hundred (8,400) square feet with a minimum lot width of seventy (70) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 70 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 70 feet for a lot within this District this provision requiring minimum lot width of 70 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

**10.4-2.2 Dwelling Standards** - All dwelling standards are measured from the outside exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping.

The minimum standards for any one story, one story but less than two stories and two story dwellings hereafter erected shall be a minimum of one thousand (1000) square feet at grade level (grade level being the area at the main entrance level).

**10.4-2.3 Prohibited Uses** – Boarding houses, dwelling houses, two-family dwellings, multi-family dwellings, and lodging or rooming houses, as defined in Section 3 herein, are prohibited in this zoning district. *(Amended by Ord 06-07-63)*

**10.4-3 R-3 TWO FAMILY DWELLING DISTRICT** - This District provides for single family residential use as well as two family residential use. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized.

**10.4-3.1 Minimum Lot Size**

Single Family Detached- Requirements shall be the same as that which is required in the R-1 Single Family Dwelling District.

Two Family - The minimum lot size for any two family dwelling hereafter erected or structurally altered in this Zoning District shall be a minimum of one half (1/2) acre or twenty one thousand seven hundred eighty (21,780) square feet per dwelling unit, with a minimum lot width of one hundred fifty (150) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 150 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 150 feet for a lot within this District this provision requiring minimum lot width of 150 feet shall control, govern and prevail. (*Amended by Ord 06-07-63*)

**10.4-3.2 Dwelling Standards** - All dwelling standards are measured from the outside exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping.

Single Family Detached - The minimum standards for any one story, one story but less than two stories and two story dwellings hereafter erected in this District shall be the same as that which is required in the R-1 Single Family Dwelling District

Two Family - The minimum standards for any two family dwelling unit hereafter erected in this District shall be one thousand one hundred (1,100) square feet per unit.

**10.4-4 R-4 MULTI-FAMILY DWELLING DISTRICT** - This District provides for any permitted use in the R-3 Two Family Dwelling District as well as for Multi-Family Dwellings limited to three and four dwellings per unit. Development in this district must also meet the minimum requirements as set forth by McHenry County Health Department for suitable soil if septic systems are utilized.

#### **10.4-4.1 Minimum Lot Size**

Single Family Detached- Requirements shall be the same as that which is required in the R-1 Single Family Dwelling District.

Multi Family - The minimum lot size for any two, three or four dwelling unit hereafter erected or structurally altered in this Zoning District shall be a minimum of twenty one thousand seven hundred eighty (21,780) square feet per dwelling unit, with a minimum lot width of one hundred fifty (150) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 150 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 150 feet for a lot within this District this provision requiring

minimum lot width of 150 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

**10.4-4.2 Dwelling Standards** - All dwelling standards are measured from the outside exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping.

Single Family Detached - The minimum standards for any one story, one story but less than two stories and two story dwellings hereafter erected in this District shall be the same as that which is required in the R-1 Single Family Dwelling District.

Multi-Family - The minimum standards for any two, three or four family dwelling unit hereafter erected in this District shall be one thousand one hundred (1100) square feet per unit.

**10.4-5 HEIGHT REQUIREMENTS** - All family dwellings hereafter erected in either the R-1, R-2, R-3 or R-4 Zoning Districts shall be a maximum of thirty (30) feet, measured from the main grade level and shall not exceed two (2) stories.

**10.4-6 REQUIRED SETBACKS** - No building shall be erected or enlarged in either the R-1, R-2, R-3, R-4 Zoning Districts unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement. Because of the existing building lines already established for waterfront properties and the special nature of the lots, the setbacks normally required in the Residential District need not be maintained for waterfront properties. Any structures proposed to be built in this area require a sketch plan and plat of survey to be reviewed by Village Staff and approved by the Village Board to accommodate the special needs of these waterfront lots.

**10.4-6.1 Front Yard** - Each lot upon which a dwelling or permitted non-residential use is constructed shall have a front yard setback of not less than forty (40) feet. When constructing on a lot in a previously established area, the front yard setback shall not extend beyond the building line of the closest adjacent principle building.

**10.4-6.2 Side Yard** - On each lot upon which a dwelling is constructed, minimum side yards of equal to ten (10) percent of the width of the lot must be provided for, but no less than combined total side yards of twelve (12) feet except as set forth herein. In the event the recorded final plat of subdivision contains a more restrictive side yard than that set forth herein, the more restrictive side yard shall control and govern. *(Amended by Ord 06-07-63)*

Corner, Reverse Corner and Double Corner Lots - The side yard(s) which abutt the street(s) shall be a minimum of fifteen (15) feet.

Two Family Dwelling Lots - The combined total of the side yards on two family dwelling lots shall be a minimum of twenty (20) feet.

Multi-Family Dwelling Lots- The combined total of the side yards on multi-family dwelling lots shall be a minimum of thirty (30) feet.

**10.4-6.3 Rear Yard** - Each lot upon which a dwelling or permitted non- residential use is constructed shall have a rear yard setback of not less than ten (10) feet.

**10.4-7 LOT COVERAGE** - No more than thirty five (35) percent of any lot may be occupied by buildings or structures, including accessory buildings in the R-1, R-2 or R-3 Single Family Dwelling District with no more than forty (40) percent occupied in the R-3 Two Family Dwelling District and R-4 Multi-Family Dwelling District.

**10.5 KEEPING OF DOMESTIC HOUSEHOLD ANIMALS** – A total of no more than four dogs, cats or other household domestic animals over four months of age are allowed in a residential dwelling unit falling within any Zoning District covered by this Section 10. (*Amended by Ord 06-07-63*)

**10.6 THE KEEPING OF CHICKENS** – The keeping of chickens and/or other farm animals is not permitted in a Residential or Estate zoning district except in the case of Section 10.3-6 regarding the keeping of horses in the E-3 and E-5 zoning districts.

**10.7 BEEKEEPING AND APIARIES** -The keeping of honey bees, of the European species *Apis mellifera*, shall be permitted only in Estate Zoning Districts (in addition to the Agricultural District) on parcels measuring one (1) acre or greater, provided the following conditions are met:

10.7-1 - Beekeeping shall be considered an accessory activity and shall not be permitted prior to the establishment of the principal structure on the property.

10.7-2 - The beekeeper must reside on the property.

10.7-3 – Beekeeping shall not be pursued in the Estate Zoning District as a commercial activity and the sale of honey generated on the property shall be prohibited.

10.7-4 Apiaries are prohibited in the front yard and must be located a minimum of 30 feet from any side or rear property line. In the case of a reverse corner lot, apiaries may not be located beyond the established front yard on the adjacent lot to the rear or 30 feet from the property line, whichever is greater. Signage measuring 7”x10” shall be placed along the side and rear property lines notifying adjacent property owners of the bee keeping activity taking place on the property.

10.7-5 All bee colonies shall be kept in a removable frame hive which shall be maintained in sound and usable condition. Five (5) full beehives (hives) and five (5)“ nucleus hives” shall be permitted on a lot measuring one (1) acre. One beehive and one nucleus hive shall be permitted

for each additional 10,000 square feet over one (1) acre. Hives may not be greater than 4 feet in height as measured no more than 14” from the natural grade and no more than 2 feet in width.

10.7-6 Persons seeking to have and maintain an apiary in the Estate zoning districts shall register annually as a beekeeper with the Village of Johnsburg. Registrants must provide a plat of survey depicting all existing structures on the property and the proposed location of the apiary and water source. An annual registration fee of \$50 shall apply. In compliance with the Illinois Bees and Apiaries Act (510 ILCS 20/1 et seq.), every person keeping bees shall also register with the Illinois Department of Agriculture and apiary must be actively maintained in accordance with 510 ILC 20/1 et seq.. Proof of such registration must be provided upon registering with the Village. Membership in the Northern Illinois Beekeeper’s Association is encouraged.

10.7-7 - Each beekeeper shall provide a convenient supply of water which shall be continuously available and located within the parcel closer to the hives than any water source on any adjoining parcel. Such water supply shall be designed to allow bees to access water by landing on a hard surface. Water requirement shall be in effect from April 1 to November 30 and on any and all days in which the temperature exceeds 55 degrees for three or more consecutive days.

10.7-8 - In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper and property owner shall be jointly and severally responsible to remove that colony from the property or promptly re-queen the colony within 7 days of observation of such aggressive behavior. Unusual colony characteristics and disposition may be verified by an Illinois Apiary Inspector at the property owner’s expense.