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**ORDINANCE NO. 19-20-10**

*An Ordinance Petitioning the Village of Johnsburg  
Planning and Zoning Commission for Amendments to the Village's  
Comprehensive Plan and Amendments to the Village's Zoning Text and Map*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON AUGUST 6, 2019  
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Beth Foreman  
Kyle Frost  
Josh Hagen  
Greg Klemstein  
Kevin McEvoy

Village Administrator

Claudett E. Peters

**ORDINANCE NO. 19-20-10**

***An Ordinance Petitioning the Village of Johnsburg  
Planning and Zoning Commission for Amendments to the Village's  
Comprehensive Plan and Amendments to the Village's Zoning Text and Map***

WHEREAS, the Village of Johnsburg's corporate authorities (the "Corporate Authorities") have evaluated changes to the Village's Comprehensive Plan (the "Plan") which was adopted in 2004; and

WHEREAS, the Corporate Authorities wish to refer and submit for consideration and recommendation by the Planning and Zoning Commission, (the "Commission"), proposed text amendments to the Village's Plan as set forth in Exhibit A and proposed zoning text and map amendments as set forth in Exhibit B.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: The Corporate Authorities hereby propose that the Commission conduct the appropriate public hearing and make recommendations to the Village Board for amendments to the Plan to include but not be limited to those set forth in Exhibit A

SECTION 2: The Corporate Authorities hereby propose that the following zoning action be taken and that the Commission conduct the appropriate public hearing and make recommendations to the Village Board for Zoning Ordinance text amendments to include but not be limited to those set forth in Exhibit B and Zoning map amendments as set forth in Exhibit B.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

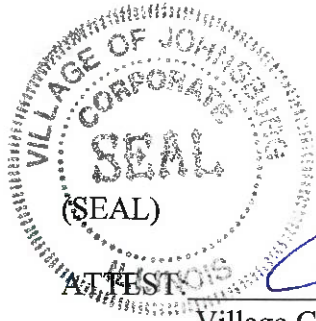
SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Foreman, McEvoy, Curry, Hagen, Frost and Klemstein

Voting Nay: None

Abstain: None

Absent: None



Village Clerk Claudett E. Peters

APPROVED:

Village President Edwin P. Hettermann

Passed: August 6, 2019

Approved: August 6, 2019

Published: August 6, 2019

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**EXHIBIT A**

**PROPOSED ORDINANCE NO. \_\_\_\_\_**

***An Ordinance Amending the  
Village of Johnsburg's Comprehensive Plan***

WHEREAS, the Village of Johnsburg's Planning and Zoning Commission (the "Commission") has evaluated changes to the Village's Comprehensive Plan and Development Policies (the "Plan") which was adopted in 2004.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: The Plan is hereby amended as follows:

1. That the following sentence is added at the end of the second bullet point under **ECONOMIC DEVELOPMENT** on page 5 of the Plan:

- ▶ This includes the designation of specific areas, such as Johnsburg Road west of Spring Grove Road as a "commercial corridor" where the combination of proximity to State Route 31 nearby residents and traffic trips make it an ideal location for sales tax generating retail uses.

2. That the second sentence of the first paragraph under **SCHOOLS** on page 20 of the Plan be amended to delete "James C. Bush Elementary."
3. That the second sentence in the second paragraph under **SCHOOLS** on page 20 of the Plan be amended to add the following text and to remove the following stricken through text:

That is, all students in the district in grades kindergarten through grade 2 are housed at Ringwood School Primary Center. Students in grades 3-5 are taught at Johnsburg Elementary School and students in grades 6-8 are taught at Johnsburg Jr. High School. In addition, the District prefers a campus approach, exemplified by the adjacent sites of ~~Bush~~ Johnsburg Elementary and Johnsburg Junior High (in Johnsburg's Village Center)

4. That in Planning Area 4 on page 35 of the Plan, the first sentence under **Public Facilities** is amended to read as follows:

The Village developed a sewer system to serve existing high-density areas of the Village.

5. The last sentence in **Public Facilities** is amended to read as follows:

In addition, this planning area contains the site of the wastewater treatment plant.

6. That the following text is added to the end of the paragraph under *Commercial* on page 36 of the Plan:

Furthermore, property fronting on Johnsburg Road should be reserved for sales tax generating uses serving the community. There is no comparable minor arterial road such as Johnsburg Road in the Village with the same potential for sales tax generating amenities. To that end, a Johnsburg Road sales corridor is planned for currently undeveloped property from the Jak Anna subdivision on the north side of Johnsburg Road, and Dutch Creek Woodlands subdivision to the south, continuing west to Route 31 as depicted on the Comprehensive Plan Map Exhibit. Any residential development should be situated beyond such corridor.

7. That paragraph entitled **Focus** on page 36 of the Plan is amended to read as follows:

Planning efforts for this area should focus on sales tax generating development along Johnsburg Road, compatible with the nearby residential development, as well as the development of residential neighborhoods which conserve wetlands areas, and which contain a highly functional network of collectors to prevent congestion points on arterial roads. Uses that cause a major disruption to traffic flow on Johnsburg Road are to be avoided.

8. That the following text is added as an additional **Future Land Use** in in Planning Area 9 on page 45 of Plan, and in Planning Area 10 on page 47 of the Plan:

*Places of Worship*

Given the assembly of people and impact on traffic, this Planning Zone is more suitable for places of worship with then assembly of people.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

APPROVED:

\_\_\_\_\_  
Village President Edwin P. Hettermann

(SEAL)

ATTEST: \_\_\_\_\_  
Village Clerk Claudett E. Peters

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

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## CERTIFICATION

I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the \_\_\_\_ day of \_\_\_\_\_, 2019 the foregoing Ordinance entitled *An Ordinance Amending the Village of Johnsburg's Comprehensive Plan* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-\_\_\_\_, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

(SEAL)

**EXHIBIT B**

**PROPOSED ORDINANCE NO. \_\_\_\_\_**

*An Ordinance Adopting Text and Map Amendments to the Village of Johnsburg Zoning Ordinance*

WHEREAS, a request has been made by the corporate authorities of the Village of Johnsburg (the “Village”) that the Village’s Planning and Zoning Commission, after conducting the necessary public hearings, make recommendations regarding proposed text and zoning map amendments to the Village of Johnsburg Zoning Ordinance; and

WHEREAS, a public hearing on said petition was held before the Planning and Zoning Commission on \_\_\_\_\_, 2019, in the manner prescribed by ordinance and statute, and as a result of said hearing, the Planning and Zoning Commission did recommend to the Village Board the \_\_\_\_\_ of the requested zoning text and zoning map amendments; and

**[INSERT FINDINGS]**

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: Table 1 entitled Permitted Uses of Section 11, Business Districts, of the Johnsburg Zoning Ordinance is amended to remove the entire B4 Zoning classification from the chart and incorporating additional amendments removing and deleting permitted uses and conditional uses which are stricken through and adding the underlined text as follows:

USES	B1	B2	B3		B5	C1	PR	I1	I2	Other
<del>ASSISTED LIVING</del>					€					
ATHLETIC FIELD	€	€	€			C	C	C	C	A1, E1-5, R1-3 C
CHURCH; PLACE OF WORSHIP	€	€	€			€				A1 C, E1-5 C, R1-3 C
DORMITORIES; ROOMING/BOARDING HOUSES	€	€								R3
GROUP HOMES	€									C A1-2, E1-5, R1-3
HALFWAY HOUSES	€									A1-2 C, E1-5 C, R1-3
HALFWAY HOUSES WHERE LICENSING IS NOT REQUIRED OR SPACING CANNOT BE MET	€									R1-3 C
HOMES, INSTITUTIONS, SPECIALIZED CARE FAC.	€									A1 C, E1-5 C, R1-3 C
HOSPITALS	€	C	C			C				A1 C, E1-5 C, R1-3 C
KENNEL; COMMERCIAL			€			C				A1 C
RAIL COMMUTER STATION &										



USES	B1	B2	B3		B5	C1	PR	I1	I2	Other
YARD						<u>C</u>				SD
RESORT	X <u>C</u>	X <u>C</u>	X <u>C</u>			X <u>C</u>				
RETIREMENT COMMUNITY	€				€					E1-5 C, R1-3 C
ROADSIDE SALES STAND: PRODUCE GROWN ON PREMISES					T					A1, A2, <del>E1-E5</del> C
SCHOOLS: COLLEGE, UNIVERSITY/JUNIOR PRE SCHOOL THROUGH GRADE 12 COMMERCIAL OR TRADE	X X X	X X X <u>C</u>	X X X <u>C</u>		€ € €	X X X	X X	X X X	X X X	A1, E1-5, R1-3 A1, E1-5, R1-3
STABLE:** PRIVATE										A1-2, <del>E4</del> -5
YARD & GARDEN EQUIP., SALES AND SERVICE	X	X	X			X				A-1
C – CONDITIONAL USE T – TEMPOARY USE X – PERMITTED BY RIGHT * MUST COMPLY WITH VILLAGE OF JOHNSBURG LIQUOR ORDINANCE ** MINIMUM LOT SIZE SHALL BE TWO ACRES **** SEE ARTICLE 401 INDUSTRIAL USE REGULATIONS FOR COMPLIANCE STANDARDS L – LIQUOR MAY BE PERMITTED AS AN ACCESSORY USE										

SECTION 2: Table 1 entitled Conditional Use Chart of Section 16, Conditional Uses, of the Johnsburg Zoning Ordinance is amended to remove the entire B4 Zoning classification from the chart and incorporating additional amendments removing and deleting conditional uses, which are stricken through and adding the underlined text as follows:

USES	B1	B2	B3		B5	C1	PR	I1	I2	Other
ATHLETIC FIELD	€	€	€			C	C	C	C	A1, E1-5, R1-3 C
CHURCH; PLACE OF WORSHIP	€	€	€							A1 C, E1-5 C, R1-3 C
DORMITORIES; ROOMING/BOARDING HOUSES	€	€								
GROUP HOMES	€									A1-2, E1-5, R1-3
HALFWAY HOUSES	€									A1-2 C, E1-5 C, R1-3
HALFWAY HOUSES WHERE LICENSING IS NOT REQUIRED OR SPACING CANNOT BE MET	€									R1-3 C
HOMES, INSTITUTIONS, SPECIALIZED CARE FAC.	€									A1 C, E1-5 C, R1-3 C

USES	B1	B2	B3		B5	C1	PR	I1	I2	Other
HOSPITALS	€	C	C			C				A1 C, E1-5 C, R1-3 C
KENNEL; COMMERCIAL			€			C				A1 C
<u>RAIL COMMUTER STATION &amp; YARD</u>						<u>C</u>				
RETIREMENT COMMUNITY	€				€					E1-5 C, R1-3 C
ROADSIDE SALES STAND: PRODUCE GROWN ON PREMISES										<u>E1-E5 C</u>
<u>SCHOOLS:</u> <u>COLLEGE, UNIVERSITY/JUNIOR</u> <u>PRE SCHOOL THROUGH GRADE 12</u> <u>COMMERCIAL OR TRADE</u>					€ € €					
C – CONDITIONAL USE T – TEMPORARY USE **** SEE ARTICLE 401 INDUSTRIAL USE REGULATIONS FOR COMPLIANCE STANDARDS										

SECTION 3: The Village's zoning map is amended to a) reflect that the following properties which are legally described in Exhibit A hereto are designated only as B-2 zoning district and b) that the zoning map designation for such properties reflect only the existing B-2 Zoning District.

Permanent Index No.	Site Address
09-13-176-017	3711 Spring Grove Road
09-13-177-002	Johnsburg Road
09-13-177-007	Johnsburg Road
09-13-301-004	Ivy Lane
09-13-301-016	2905 Johnsburg Road
09-13-301-018	3112 W. Fairway Drive
09-13-301-019	2819 W. Johnsburg Road
09-13-301-020	Johnsburg Road
09-13-326-001	Ivy Lane
09-13-326-003	Johnsburg Road
09-13-326-030	2707 W. Johnsburg Road
09-14-300-027	Route 31
09-14-400-024	Johnsburg Road
09-14-400-031	3311 Riverside Drive

SECTION 4: That Section 11.7 B-4 – B-3# County Zoning is amended removing and deleting the stricken through language and adding the underlined language and list of uses as follows:

~~11.7 B-4 B-3 COUNTY ZONING~~ – The ~~B-4 Business District~~ is intended to benefit those certain parcels which held ~~B-3 zoning status under the McHenry County Zoning Ordinance and were annexed to the Village in connection with the territory known as~~

Johnsburg to the Village of Sunnyside in 1991. Those certain properties have the following property identification numbers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10-18-355-006  
09-14-101-013  
09-14-101-015  
09-14-151-008  
09-14-200-020

**11.7 B-4 - B-3 COUNTY ZONING -** The B-4 Business District is intended to benefit parcels 09-14-101-013 and 09-14-101-015 whose property owner petitioned for and received B-4 zoning. The B-4 zoning district was established to provide for the uses and allowances provided for in the B-3 zoning district under the McHenry County Zoning Ordinance at the time the parcels were annexed to the Village in connection with the territory known as Johnsburg to the Village of Sunnyside in 1991. Uses allowed of under this district are as follows:

AGRICULTURAL IMPLEMENTS; SALES AND SVC	HOTEL (L)
ALCOHOLIC BEVERAGES; PACKAGE SALES*	LIBRARY; PUBLIC
AMPHITHEATERS	LIQUOR STORE
AMBULANCE SERVICE GARAGE; COMMERCIAL	MARINA; MARINE SUPPLIES
ANTIQUE SALES; STRIPPING, REPAIR, RESTORE	MARKETS: FISH, FRUIT, MEAT, VEGETABLES
MILITARY SURPLUS STORE	MOBILE HOMES SALES
ARCHERY RANGE	MOTEL
ARENA; ENCLOSED	MOTORCYCLE, ATV, SNOWMOBILES:
ART GALERY, STUDIO, SALES, SUPPLY STORE	MOTORHOME SALES AND SERVICE
ASSISTED LIVING	MUNICIPAL FACILITIES
AUCTION HOUSE	MUSEUM (L)
AUDITORIUM	NURSERY; COMMERCIAL (PLANTS)
AUTOMOBILE REPAIR SHOP OR SERVICE STATION	PLUMBING SUPPLIES AND FIXTURE SALES
BEVERAGE: WHOLESALE AND STORAGE	POLICE STATION
BICYCLE: SALES OR REPAIR	PUBLIC UTILITY COMPANY YARDS AND GARAGE
BOILERS: RETAIL SALES	RENTAL SERVICE STORE
BOWLING ALLEY	RESORT
BUILDING MATERIALS: SALES	ROLLER SKATING RINK
BUS TERMINAL	SCHOOLS:
CATERER	COLLEGE, UNIVERSITY/JUNIOR
CLEANERS (CLOTHING); PICKUP	PRE SCHOOL THROUGH GRADE 12
CLINIC: MEDICAL, CHIROPRACTIC, DENTAL	COMMERCIAL OR TRADE
CLINIC: VETERINARY LARGE ANIMALS	SECOND HAND STORE (conditional use)
CLINIC: VETERINARY SMALL ANIMALS	SHOOTING RANGE (INDOOR) (conditional Use)
CLUB OR LODGE; PRIVATE, SOCIAL, POLITICAL FRATERNAL	SHOPPING CENTER
COIN AND PHILATELIC STORES	STONE, MARBLE & GRANITE GRINDING & CUT (Conditional Use)
COMMUNITY CENTER; PUBLIC	STORAGE, COMMERCIAL EQUIP. & VEHICLES
DEPARTMENT STORE	STORES, WHOLESALE
EXTERMINATION AND FUMIGATION SHOP	SWIMMING POOL, COMMERCIAL
FEED, GRAIN AND SEED SALES	TAILOR
FUNERAL HOME (SERVICES ONLY)	THEATERS; INDOOR MOVIE
FURNACE AND WATER HEATER SALES	TOOL GRINDING AND SHARPENING
FURNACE AND WATER HEATER REPAIR & SVC	TOWNSHIP/COUNTY /MUNICIPAL BUILDINGS
FURNITURE SALES; NEW AND USED	WAREHOUSE
GREENHOUSE; COMMERCIAL NURSERY CENTER	WAREHOUSE, MINI STOREAGE
GROCERY; RETAIL	YMCA, YWCA
HANDICRAFT; CUSTOM PRODUCTION	YARD & GARDEN EQUIP., SALES AND SERVICE
HARDWARE STORE; RETAIL	
HOSPICES OFFICE FACILITY	

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

APPROVED:

\_\_\_\_\_  
Village President Edwin P. Hettermann

(SEAL)

ATTEST: \_\_\_\_\_  
Village Clerk Claudett E. Peters

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

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**CERTIFICATION**

I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the \_\_\_\_ day of \_\_\_\_\_, 2019 the foregoing Ordinance *An Ordinance Adopting Text and Map Amendments to the Village of Johnsburg Zoning Ordinance* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-\_\_\_\_, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

(SEAL)

## CERTIFICATION

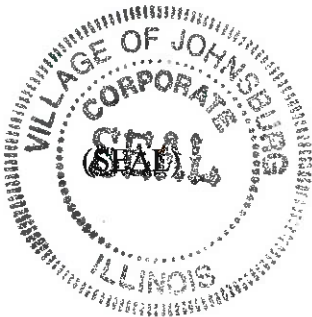
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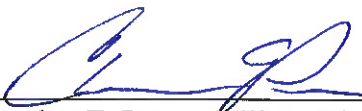
I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 6<sup>th</sup> day of August, 2019 the foregoing Ordinance entitled *An Ordinance Petitioning the Village of Johnsburg Planning and Zoning Commission for Amendments to the Village's Comprehensive Plan and Amendments to the Village's Zoning Text and Map* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-10, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 6th day of August, 2019, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 6th day of August, 2019.



  
\_\_\_\_\_  
Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois