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**ORDINANCE NO. 19-20-21**

*An Ordinance Petitioning the Village of Johnsburg Planning and Zoning Commission  
for 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 OCTOBER 15, 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. 19-20-21**

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

WHEREAS, the Village's corporate authorities wish to refer and submit for consideration and recommendation, after conducting a public hearing, proposed zoning text and map amendments as set forth in Exhibits A and 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 Village's corporate authorities hereby propose that the following zoning action be taken and that the Commission conduct the appropriate public hearings and make recommendations to the Village Board for the Zoning Ordinance text and Village Zoning map amendments as set forth in Exhibits A and B.

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SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: Trustees Foreman, McEvoy, Curry, Hagen, Frost and Klemstein

Voting Nay: None

Abstain: None

Absent: None

APPROVED:



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

(SEAL)

ATTEST:

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

Passed: October 15, 2019

Approved: October 15, 2019

Published: October 15, 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 fourth sentence in the third paragraph under **FRAMEWORK PLAN** on page 7 of the Plan be amended to remove the following stricken through text:

Level #2 represents a sub-regional employment center including retail, ~~office, or light industrial~~, which capitalizes on the accessibility of Route 31, Johnsburg Road, and a potential by-pass of McHenry.

3. That the second sentence of the first paragraph under **SCHOOLS** on page 20 of the Plan be amended to delete "James C. Bush Elementary."

4. That the second sentence in the second paragraph under **SCHOOLS** on page 20 of the Plan be amended to remove the following stricken through text:

That is, all students in the district in grades kindergarten through 2 are housed at Ringwood School Primary Center, ~~and all students in grades 3 and 4 are taught at Bush Elementary.~~

5. That in Planning Area 4 on page 35 of the Plan, the first two sentences under **Public Facilities** are deleted. The last sentence in **Public Facilities** is amended to read as follows:

In addition, this planning area contains 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:

To that end, property which fronts on Johnsburg Road should be reserved for sales tax generating uses which serve nearby residents. 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 \_\_\_\_\_ subdivision on the north side of Johnsburg Road, and from Dutch Creek Woodlands to the south, continuing west to Route 31, extending to a depth of \_\_\_\_\_ from the Johnsburg Road right of way. 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 area, and which contain a highly functional network of collectors to prevent congestion points on arterial roads. Uses which 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 Planning Area 8 on page 44 of the Plan, 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 as follows with the permitted uses and conditional uses which are stricken through are hereby removed and deleted and the underlined text be added:

USES	B1	B2	B3	B4	B5	C1	PR	I1	I2	Other
<del>ASSISTED LIVING</del>				X	€					
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 & YARD						<u>C</u>				SD

USES	B1	B2	B3	B4	B5	C1	PR	I1	I2	Other
RESORT	<del>X</del> <u>C</u>	<del>X</del> <u>C</u>	<del>X</del> <u>C</u>	X		<del>X</del> <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	<del>X</del> <del>X</del> X	<del>X</del> <del>X</del> <u>C</u>	X <del>X</del> <u>C</u>	X X X	€ € €	X <del>X</del> X	<del>X</del> <del>X</del> X	<del>X</del> <del>X</del> X	<del>X</del> <del>X</del> X	A1, E1-5, R1-3 A1, E1-5, R1-3
STABLE:** PRIVATE										A1-2, E1-5
YARD & GARDEN EQUIP., SALES AND SERVICE	<del>X</del>	X	X	X		X				A-1
<p>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</p>										

SECTION 2: Table 1 entitled Conditional Use Chart of Section 16, Conditional Uses, of the Johnsburg Zoning Ordinance is amended as follows with the conditional uses which are stricken through are hereby removed and deleted and the underlined text be added:

USES	B1	B2	B3	B4	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
HOSPITALS	€	C	C			C				A1 C, E1-5 C, R1-3 C
KENNEL; COMMERCIAL			€			C				A1 C



USES	B1	B2	B3	B4	B5	C1	PR	I1	I2	Other
<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										<del>E1</del> <u>E5</u> C
<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: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: 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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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.

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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

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 15th day of October, 2019 the foregoing Ordinance entitled *An Ordinance Petitioning the Village of Johnsburg Planning and Zoning Commission for 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. 2019-20-21 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 15th day of October, 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 15th day of October, 2019.



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

(SEAL)