
ORDINANCE NO. 19-20-18

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

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON JANUARY 7, 2020
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. Sofiakis

ORDINANCE NO. 19-20-18

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, sitting as a Special 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 September 10, 2019, September 24, 2019, and October 29, 2019 in the manner prescribed by ordinance and statute, and as a result of said hearing, the Planning and Zoning Commission recommends to the Village Board the adoption of certain requested zoning text and zoning map amendments; and

WHEREAS, the Planning and Zoning Commission recommended the adoption of text amendments as requested by the corporate authorities with the exception of the removal of the conditional use classification for Church; Place of Worship in the B1-B3 and C-1 zoning districts; and

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
ASSISTED LIVING				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

USES	B1	B2	B3	B4	B5	C1	PR	I1	I2	Other
RAIL COMMUTER STATION & YARD						<u>C</u>				SD
RESORT	X <u>C</u>	X <u>C</u>	X <u>C</u>	X		X <u>C</u>				
RETIREMENT COMMUNITY	€				€					E1-5 C, R1-3 C
ROADSIDE SALES STAND: PRODUCE GROWN ON PREMISES					T					A1, A2, E1 <u>E5</u> C
SCHOOLS: COLLEGE, UNIVERSITY/JUNIOR PRE SCHOOL THROUGH GRADE 12 COMMERCIAL OR TRADE	X X X	X X <u>C</u>	X X <u>C</u>	X 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, E4 <u>E5</u>
YARD & GARDEN EQUIP., SALES AND SERVICE	X	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

USES	B1	B2	B3	B4	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 & 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
09-13-301-016	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
09-14-300-027	Route 31
09-14-400-024	Johnsburg Road
09-14-400-031	3311 Riverside Drive

SECTION 4: That the B-2 Zoning classification for Parcel 09-14-400-031, commonly known as the Davidson Parcel be limited to a depth of 495 feet measured from Johnsburg Road.

SECTION 5: 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:

- | | |
|---|--|
| <ul style="list-style-type: none"> AGRICULTURAL IMPLEMENTS; SALES AND SVC ALCOHOLIC BEVERAGES; PACKAGE SALES* AMPHITHEATERS AMBULANCE SERVICE GARAGE; COMMERCIAL ANTIQUE SALES; STRIPPING, REPAIR, RESTORE MILITARY SURPLUS STORE ARCHERY RANGE ARENA; ENCLOSED ART GALERY, STUDIO, SALES, SUPPLY STORE ASSISTED LIVING AUCTION HOUSE AUDITORIUM AUTOMOBILE REPAIR SHOP OR SERVICE STATION BEVERAGE: WHOLESALE AND STORAGE BICYCLE: SALES OR REPAIR BOILERS: RETAIL SALES BOWLING ALLEY BUILDING MATERIALS: SALES BUS TERMINAL CATERER CLEANERS (CLOTHING); PICKUP CLINIC: MEDICAL, CHIROPRACTIC, DENTAL CLINIC: VETERINARY LARGE ANIMALS CLINIC: VETERINARY SMALL ANIMALS CLUB OR LODGE; PRIVATE, SOCIAL, POLITICAL FRATERNAL COIN AND PHILATELIC STORES COMMUNITY CENTER; PUBLIC DEPARTMENT STORE EXTERMINATION AND FUMIGATION SHOP FEED, GRAIN AND SEED SALES FUNERAL HOME (SERVICES ONLY) FURNACE AND WATER HEATER SALES FURNACE AND WATER HEATER REPAIR & SVC FURNITURE SALES; NEW AND USED GREENHOUSE; COMMERCIAL NURSERY CENTER GROCERY; RETAIL HANDICRAFT; CUSTOM PRODUCTION HARDWARE STORE; RETAIL HOSPICES OFFICE FACILITY | <ul style="list-style-type: none"> HOTEL (L) LIBRARY; PUBLIC LIQUOR STORE MARINA; MARINE SUPPLIES MARKETS: FISH, FRUIT, MEAT, VEGETABLES MOBILE HOMES SALES MOTEL MOTORCYCLE, ATV, SNOWMOBILES: MOTORHOME SALES AND SERVICE MUNICIPAL FACILITIES MUSEUM (L) NURSERY; COMMERCIAL (PLANTS) PLUMBING SUPPLIES AND FIXTURE SALES POLICE STATION PUBLIC UTILITY COMPANY YARDS AND GARAGE RENTAL SERVICE STORE RESORT ROLLER SKATING RINK SCHOOLS: COLLEGE, UNIVERSITY/JUNIOR PRE SCHOOL THROUGH GRADE 12 COMMERCIAL OR TRADE SECOND HAND STORE (conditional use) SHOOTING RANGE (INDOOR) (conditional Use) SHOPPING CENTER STONE, MARBLE & GRANITE GRINDING & CUT (Conditional Use) STORAGE, COMMERCIAL EQUIP. & VEHICLES STORES, WHOLESALE SWIMMING POOL, COMMERCIAL TAILOR THEATERS; INDOOR MOVIE TOOL GRINDING AND SHARPENING TOWNSHIP/COUNTY /MUNICIPAL BUILDINGS WAREHOUSE WAREHOUSE, MINI STORAGE YMCA, YWCA YARD & GARDEN EQUIP., SALES AND SERVICE |
|---|--|

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: Trustees Foreman, McEvoy, and Frost and President Hettermann

Voting Nay: Trustees Curry, Hagen and Klemstein

Abstain: None

Absent: None



APPROVED:

Village President Edwin P. Hettermann

(SEAL)

ATTEST:

Village Clerk Claudett E. Sofiakis

Passed: January 7, 2020

Approved: January 7, 2020

Published: January 7, 2020

Z:\JOHNSBURG\Ordinances\ZoningText Amendments.doc

CERTIFICATION

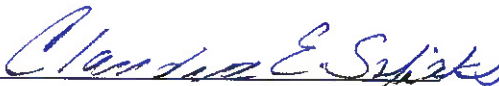
I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 7th day of January, 2020 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. 2019-20-18 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 7th day of January, 2020, 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 7th day of January 2020.



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

(SEAL)