
ORDINANCE NO. 24-25-06
***An Ordinance Granting an Amendment to the Conditional Use Permit for
Planned Development for Dutch Creek Estates of Johnsburg Subdivision Phases 3, 4, and 5***

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON AUGUST 20, 2024
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

Beth Foreman
Mike Fouke
Josh Hagen
Greg Klemstein
Jamie Morris
Scott Letzter

Village Administrator

Claudett Sofiakis

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WHEREAS, R & J Land Corporation, Jack Pease sole shareholder, being the legal owner of record of the territory hereinafter described (the "Petitioner"), has petitioned the Village Clerk of the Village of Johnsburg (the "Village"), that the conditional or special use permit for a planned development for Dutch Creek Estates of Johnsburg Subdivision Phases 3, 4, and 5 as set forth in Ordinance Nos. 00-01-29, 06-07-19 & 06-07-32 (together, the "Previous Ordinances") be amended for the PIN's listed in the attached Exhibit A and commonly known as 108 lots in Dutch Creek Estates of Johnsburg subdivision Phases 3, 4, and 5 consisting of approximately 194 acres generally located on the North side of Johnsburg Road approximately 1,438 feet north of the intersection of Johnsburg Road and Riverside Drive.

WHEREAS, a public hearing on such proposed amendment was held by the Village's Planning and Zoning Commission (the "Commission") on June 26, 2024, after due notice in the manner provided by law by the Petitioner; and

WHEREAS, the Commission, after receiving testimony, comment and evidence and deliberating again at a public meeting held on July 31, 2024, recommended that such conditional or special use permit be amended, as described herein; and

WHEREAS, the Village Board of Trustees has considered the evidence presented at the public hearing and the recommendations made by the Commission; and

WHEREAS, in addition, the Village Board of Trustees makes the following findings of fact relative to the petition for an amendment to the special use permit for a planned development:

1. The allowance for the larger accessory structures, subject to and limited by the proposed conditions set forth in the amendment will complement the single family homes within the development by providing an amenity that is unique and desirable.
2. Facilitating the success of the development will contribute to the general welfare of the community by, among other things, contributing substantial property taxes which is not presently the case and the Village's economic base as a result of such revenues and contribute to revitalizing the neighborhoods which consists of few isolated homes. Additionally, no new public infrastructure is required to support the proposed accessory structures therefore there is no additional burden on the Village's Public Works Department; and

3. That such amendment will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing in the vicinity insofar as the conditions will help protect property values and insure that adequate setbacks from adjacent properties are provided.
4. The allowance for the proposed larger accessory structures will not be injurious to property values or improvements in the vicinity as the proposed conditions insure that the use is in harmony with the underlying estate zoning district; and no evidence has been presented from an appraiser or otherwise to indicate that the proposed amendment will lower the value of adjacent or proximate properties. Such amendment may cause property values to increase by facilitating growth and development of the various phases of the development; and
5. It is anticipated that the proposed use of the larger accessory structures will otherwise comply with the regulations and conditions specified in the Zoning Code for such use as modified per the petitioner's request, and with the stipulations and conditions made a part of any authorization that may be granted by the Village Board.

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

SECTION 1: Subject to compliance with the terms and conditions herein, the special or conditional use permit for planned development previously approved in Village Ordinances No.00-01-29, 06-07-19, and 06-07-32 is hereby amended to allow for a single accessory building with a floor space not to exceed 3% of the lot area on any single lot measuring 1.5 acres or more, not to exceed 9,500 square feet for those lots in Phases 3, 4 and 5 with the PIN's identified in the attached Exhibit A, subject to the following conditions:

1. The overall height shall not exceed 16 feet to the eaves of such accessory building or dwelling unit and no greater than 35 feet in overall height of such accessory building or dwelling unit. Both height restrictions shall be measured from the average grade.
2. Said accessory structure must be located in the rear yard, a minimum of 50 feet behind the principal structure with no less than 50 feet side and rear yards.
3. The combination of lots necessary to meet the minimum lot requirement shall be legally combined to create one lot.
4. Accessory buildings shall be constructed with a frost wall full footing foundation.
5. Each lot, setback and building on said lot shall be in conformance with all applicable ordinances except as expressly and specifically set forth herein;
6. A deviation be permitted from Section 3.0 Definitions, of the Johnsburg Zoning Ordinance to allow for kitchen and bathroom facilities within a Guest House. Said deviation shall accommodate the use of the accessory structure as temporary quarters for guests of the proper-

ty owner not to exceed 30 days, or a residence for the property owner's parent, in-law or adult child.

7. At no time shall the accessory structure be used for rental housing of any kind;
8. The accessory building or structure may not be used for professional, business, or commercial use. Notwithstanding the foregoing, the restrictions contained in this paragraph shall not be construed in such manner so as to prohibit a Lot Owner from passive business uses such as maintaining his personal professional library therein; keeping his personal business or professional records or accounts therein; or handling his personal, business or professional telephone calls or correspondence therefrom.
9. A lot owner's use of a lot shall not endanger the health or disturb the reasonable enjoyment of any other lot owner or occupant, except that the foregoing restriction shall not be deemed to preclude or prohibit any of the rights or activities expressly reserved by, or granted in, this Amendment.
10. At no time shall any portion of the subject properties be utilized for a recreational, or any other, vehicle track or trail.

SECTION 2: That all requirements set forth in the Johnsbury Zoning Ordinance, as would be required by any owner of property zoned in the same manner as Lot 2, shall be complied with, except as otherwise expressly and specifically provided in this Ordinance.

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, Fouke, Hagen, Klemstein, Letzter and Morris

Voting Nay: None

Abstain: None

Absent: None

APPROVED:



Village President Edwin P. Hettermann



(SEAL)
ATTEST: *Claudett Sofiakis*
Village Clerk/ Administrator Claudett Sofiakis

Passed: August 20, 2024
Approved: August 20, 2024
Published: August 20, 2024

Prepared by:
Claudett Sofiakis
Village of Johnsburg
1515 Channel Beach Avenue
Johnsburg, IL 60051

CERTIFICATION

I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Administrator and Village Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk and Administrator, 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 hereby further certify that at a duly scheduled meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 20th day of August, 2024, the foregoing Ordinance entitled *An Ordinance Granting an Amendment to the Conditional Use Permit for Planned Development for Dutch Creek Estates of Johnsburg Subdivision Phases 3, 4 and 5*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 24-25-06, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 20th day of August, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are 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 Administrator of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and the seal of the Village of Johnsburg, Illinois, and this 20th day of August, 2024.





Claudett Sofiakis, Village Clerk/Administrator
Village of Johnsburg,
McHenry County, Illinois