



**ORDINANCE #O19-05-13**

**AN ORDINANCE APPROVING A MAP AMENDMENT TO THE VILLAGE OF CARY ZONING MAP REZONING CERTAIN PROPERTIES TO THE PO PARK AND OPEN SPACE DISTRICT**

**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CARY  
THIS 21<sup>ST</sup> DAY OF MAY, 2019**

Published in pamphlet form by  
authority of the Mayor and  
Board of Trustees of the Village  
of Cary, McHenry County, Illinois  
this 21<sup>ST</sup> day of May, 2019.

**WHEREAS**, the Mayor and Board of Trustees of the Village of Cary have adopted a new Unified Development Ordinance and Zoning Map for the Village of Cary;

**WHEREAS**, the new Zoning Map for the Village of Cary requires the rezoning (Map Amendment) of the following parcel(s) within the Village of Cary:

**Address/PIN:** FEL PRO RRR, 1520 CRYSTAL LAKE AVE, PIN 19-01-276-007 / LIONS PARK, 1200 SILVER LAKE ROAD, PIN 19-01-300-005; 19-12-126-001 / WEST LAKE PARK, WELLINGTON LN, PIN 19-11-277-002 / HAMPTON PARK, PINS 19-14-129-009 through 19-14-129-011; PINS 19-14-129-018 through 19-14-129-020 / CAMBRIA PARK, COLLINS DR, PIN 19-11-351-017; 19-11-351-018; 19-14-101-019 / KAPER PARK, GEORGETOWN DR PIN 19-11-477-046; PIN 19-11-452-001 / BRITTANY PARK, ADARE DR, PIN 19-12-201-014 / KIWANIS PARK, DUNLEER DR, PIN 19-12-202-026 / JAYCEE PARK, SILVER LAKE RD, PIN 19-12-301-003 / JAMES WAY PARK JAMES WAY, PINS 19-12-409-014; 19-12-409-022; 19-12-453-005 / CIMARRON BASIN, CARY ALGONQUIN RD, PIN 19-13-104-002 / CARY GROVE PARK, GALWAY DR, PIN 19-12-228-017 / COMMUNITY CENTER PARK, 255 BRIARGATE RD, PINS 19-13-153-007 through 19-13-153-022; 19-13-302-007; 19-13-303-001 / VETERANS PARK, PARK AVE, PIN 19-13-229-024 / VAL BUDD PARK, HIGH ROAD, PIN 19-13-331-018 / HOFFMAN PARK, MAIN STREET, PINS 19-14-100-013; 19-14-100-014; 19-14-103-001; 19-14-300-005 through 19-14-300-010; 19-14-401-018 through 19-14-401-020; 19-14-429-004; 19-14-429-005; 19-15-200-043; 19-15-400-023; 19-15-400-025 / GREENFIELDS PARK, MAIN ST, PIN 19-14-276-001 / CARY OAKS PARK, PEARSON RD, PINS 19-14-276-053 through 19-14-276-057 / FOX TRAILS PARK, S FOX TRAILS DR, PIN 19-14-354-021 / FOX BLUFF, CARY ALGONQUIN RD, PIN 19-14-454-011; 19-14-455-010; 19-14-479-002; 19-14-480-001; 19-14-480-009; 19-23-100-008; 19-23-176-004; 19-23-203-011; 19-23-204-023; 19-23-207-013; 19-23-226-006; 19-23-251-007 / NEW HAVE PARK, NEW HAVEN DR, PIN 19-15-228-002 / MEYER PROPERTY, IL RT 31, PIN 19-15-400-018, part of 19-15-400-029, parts of 19-22-201-006 through 19-22-201-008 / RACKET CLUB, 9101 S IL RT 31, PINS 19-22-100-003; 19-22-100-009; 19-22-100-019 / WHITE OAKS PARK, DOVE WAY, PINS 20-07-276-001; 20-07-279-011 / CANDLEWOOD PARK, PIN OAK CIR, PINS 20-07-327-030; 20-07-327-031 / KNOTTY PINES PARK, THREE OAKS RD, PINS 20-07-426-001; 20-07-426-017; 20-07-426-018 / BRISTOL PARK, BRISTOL WAY, PIN 20-08-302-001 / HILLSIDE PRAIRIE PARK, HILLHURST DR, PINS 20-07-452-002; 20-07-201-002; 20-18-201-006

**WHEREAS**, the property which is subject to this map amendment is presently zoned the E-1 Single-Family, R-1 Single-Family, R-2 Single-Family, R-3 Multi-Family, A-1 Agricultural, B-3 Fringe Business, B-P Business Park, PO-3 Park and Open Space 3, and PO-4 Park and Open Space 4 zoning districts; and

**WHEREAS**, the public hearing on said map amendment was held on both February 14, 2019 and April 11, 2019 before the Board of Zoning, Planning and Appeals of the Village of Cary in a manner and form prescribed by ordinance and statute; and

**WHEREAS**, as a result of said hearing and the taking of evidence and the viewing of exhibits the Board of Zoning, Planning and Appeals recommended approval of the proposed map amendment; and

**WHEREAS**, the Mayor and Village Board of Trustees have determined that the proposed map amendment to the Village of Cary Zoning Map is in the best interest of the Village of Cary.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Cary as follows:

**SECTION 1:** That the above recitals are incorporated as if fully set forth herein.

**SECTION 2:** That the petition is hereby approved granting a map amendment to rezone the subject property from the E-1 Single-Family, R-1 Single-Family, R-2 Single-Family, R-3 Multi-Family, A-1 Agricultural, B-3 Fringe Business, B-P Business Park, PO-3 Park and Open Space 3, and PO-4 Park and Open Space 4 zoning districts to the PO Park and Open Space District.

**SECTION 3. Superseding Effect.** The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent of any conflicts. Except for the foregoing limitation, the development of the Subject Property remains subject to all terms and conditions of applicable Codes and Ordinances of the Village of Cary including, without limitation, other zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of public improvements.

**SECTION 4. Enforcement.** The Subject Property shall be made available for inspection by any department of the Village at all reasonable times for compliance with this Ordinance and any other applicable laws or regulations.

**SECTION 5. Effective Date; Assent.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Applicant, or such other parties in interest as the Village may reasonably identify, consenting to and voluntarily agreeing to be bound by the terms and conditions of this Ordinance. Delivery to the Village of a copy of this Ordinance, as so executed, shall take place not later than sixty (60) days after the passage and approval of this Ordinance by the Corporate Authorities or within such extension of time as may be granted by the Corporate Authorities by motion.

**SECTION 6. Severability.** If any provision of this Ordinance, or any application thereof, is found by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Village Board for such provision to be inseparable from the remainder of this Ordinance and such finding shall result in the invalidity of the entire Ordinance. In such event, all improvements permitted by this Ordinance shall be removed within a commercially reasonable time and the conditional use granted herein shall be of no further force or effect.

PASSED THIS 21<sup>st</sup> DAY OF MAY, 2019

AYES: Collier, McAlpine, Covelli, Kraus, Weinhammer

NAYS: None

ABSTAIN: None

ABSENT: Betz

APPROVED THIS 21<sup>st</sup> DAY OF MAY, 2019



Mark Kownick, Mayor

ATTEST:

  
Susan Greene, Deputy Village Clerk