



**VILLAGE OF CARY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 655 Village Hall Drive  
 Cary, IL 60013  
 Phone: 847.639.1100  
 Fax: 847.639.2761

## Zoning Request Application

**OFFICIAL USE ONLY – TO BE COMPLETED BY VILLAGE STAFF**

Case Number: \_\_\_\_\_ - ZPA - \_\_\_\_\_ - \_\_\_\_\_ Submittal Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Project Name / Address: \_\_\_\_\_

### Requested Zoning Action(s)

- Conditional Use       Variation       Zoning Map Amendment From \_\_\_\_\_ to \_\_\_\_\_  
 Planned Development       Text Amendment       Comprehensive Plan Amendment       Other

Summary of Requested Actions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Property Information

Address(es): \_\_\_\_\_

Zoning District(s):	_____	Property Area:	_____
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- Parcel Index Number(s):
- 1) \_\_\_\_\_
  - 2) \_\_\_\_\_
  - 3) \_\_\_\_\_
  - 4) \_\_\_\_\_

## Applicant Information (Petitioner)

Name			Telephone (day)
Corporation			Telephone (evening)
Street Address			Fax
City	State	Zip Code	Email

Interest in Property:

## Property Owner Information

Property owner same as applicant

Name			Telephone (day)
Corporation			Telephone (evening)
Street Address			Fax
City	State	Zip Code	Email

## Associated Development Professionals Contact Information (If Applicable)

### Developer

Name	_____	Telephone (day)	_____
		Fax	_____
Address	_____	Email	_____
	_____		

### Attorney

Name	_____	Telephone (day)	_____
		Fax	_____
Address	_____	Email	_____
	_____		

### Surveyor

Name	_____	Telephone (day)	_____
		Fax	_____
Address	_____	Email	_____
	_____		

**Associated Development Professionals Contact Information (If Applicable)**

**Engineer**

Name \_\_\_\_\_ Telephone (day) \_\_\_\_\_  
Fax \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_

**Architect**

Name \_\_\_\_\_ Telephone (day) \_\_\_\_\_  
Fax \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_

**Other:**

Name \_\_\_\_\_ Telephone (day) \_\_\_\_\_  
Fax \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_

Please note that the application will not be reviewed until this petition has been fully completed and all required plans and other materials have been satisfactorily submitted to the Community Development Department. Incomplete submittals will not be accepted. It is strongly suggested that the petitioner schedule an appointment with the appropriate Village staff so that materials can be reviewed for accuracy and completeness at the time of submittal.

In consideration of the information contained in this petition as well as all supporting documentation, it is requested that approval be given to this request. The applicant is the owner or authorized representative of the owner of the property. The petitioner and the owner of the property grant employees of the Village of Cary and their agent's permission to enter onto the property during reasonable hours for visual inspection of the subject property.

I hereby affirm that all information provided herein and in all materials submitted in association with this application are true and accurate to the best of my knowledge.

**Applicant:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed: \_\_\_\_\_

If the applicant is not the property owner:

I hereby designate the applicant to act as my agent for the purpose of seeking the zoning request(s) described in this application and the associated supporting material.

**Property Owner:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed: \_\_\_\_\_

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# Affidavit of Mailing

## BEFORE THE BOARD OF ZONING, PLANNING AND APPEALS OF THE VILLAGE OF CARY

IN THE MATTER OF THE APPLICATION )  
REGARDING THE REQUIREMENTS OF THE )  
UNIFIED DEVELOPMENT ORDINANCE OF THE )  
VILLAGE OF CARY, MCHENRY COUNTY, )  
ILLINOIS 60013 )

### AFFIDAVIT

I/We \_\_\_\_\_ being first duly sworn on oath deposes and states as follows:  
(Enter Name(s) of Applicant)

- A. That the persons who have last paid taxes on all property contiguous to or abutting the parcels concerned in the petition, including taxpayers of record as may own property across the road, street or alley, which may abut the premises concerned on one or more sides are attached on Exhibit "A" attached hereto.
- B. That a copy of the notice concerning the hearing was sent to each of the above named persons by regular mail notifying them of the hearing on \_\_\_\_\_ in the Village Board Room,  
(Enter Date of Hearing)  
655 Village Hall Drive, Cary, Illinois 60013. Said notice was mailed to each of the persons by regular mail on \_\_\_\_\_.  
(Enter Date of Mailing)

Further affiant sayeth not.

\_\_\_\_\_  
Applicant Signature

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public



## Disclosure of Beneficial Ownership Interests

For zoning applications in which the applicant is neither an individual nor a land trustee, a disclosure of beneficial ownership interests in the site as required by 765 ILCS 405/2 shall be provided indicating the names and addresses of all partners, joint venturers, syndicate members, owners of any entity doing business under an assumed name, member of any unincorporated voluntary association and shareholders owning 20% or more of all outstanding shares of any company. Attach additional information as necessary.

### Applicant Disclosure of Beneficial Ownership Interests

Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:

### Property Owner Disclosure of Beneficial Ownership Interests

Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:
Name:		Percent Interest:	
Address:	City:	State:	Zip:





## Submission Requirements

REQUIREMENT	CHECKLIST
1) Completed Zoning Request Application.	<input type="checkbox"/>
2) Payment of Fees:	
a) Zoning Filing Fee ( <i>see Fee Schedule</i> )	<input type="checkbox"/>
b) Retained Personnel Fee ( <i>if necessary</i> )	<input type="checkbox"/>
3) Public Notice Requirements:	
a) Certificate of Publication in Local Newspaper	<input type="checkbox"/>
b) Executed Affidavit of Mailing ( <i>see attached</i> )	<input type="checkbox"/>
4) Disclosure of Beneficial Property Interests ( <i>if necessary, see attached</i> )	<input type="checkbox"/>
5) Written Responses to each applicable Conditional Use, Variation, Amendment or Planned Development Standards ( <i>see attached</i> )	<input type="checkbox"/>
6) Plat of Survey of the Subject Property	<input type="checkbox"/>
7) Site Plan and Development Drawings, indicating the following information:	<input type="checkbox"/>
a) The name and/or address of the proposed development;	
b) Boundary lines, dimensions, lot numbers, and lot area of the property;	
c) The location and dimensions of all required building setbacks;	
d) The proposed floor area ratio and overall lot coverage;	
e) The location and dimensions of all existing and proposed structures, parking lots and drives, sidewalks, bicycle paths, structural features as determined appropriate by the Director of Community Development;	
f) The name, location and width of all streets, sidewalks and rights-of-way within and adjoining the proposed development;	
g) Preliminary engineering plans;	
h) Floor plans for existing and proposed structures;	
i) Elevations for existing and proposed structures;	
j) Landscape plan; and	
k) Traffic study ( <i>if required</i> ).	
8) In addition to the above, the following shall be provided for all Planned Development requests ( <i>unless requirement previously waived by the Village Board</i> ).	<input type="checkbox"/>
a) Any covenants, easements, or other restrictions existing or to be imposed on use of land or structures;	
b) Development schedule showing approximate start and completion of each stage of construction;	
c) Economic analysis demonstrating ability to complete the proposed planned development;	
d) Copies of any environmental impact studies as required by law;	
e) Plan showing off-site utility improvements if needed to service planned development;	
f) Traffic study;	
g) Site drainage plan; and	
h) Written summary of comments from resident preliminary meeting pursuant to UDO code requirements.	
9) Any other information determined necessary by the Community Development Department or provided by petitioner as additional support for the zoning request.	<input type="checkbox"/>
10) One (1) compact disc (CD) or USB with all required plat of survey and exhibits (Plans and Drawings) saved in electronic PDF format as a single file.	<input type="checkbox"/>

### Important Information for Submission

- ✓ All required items, including all plans, shall be folded not to exceed 8 ½" x 14" in area and shall prominently indicate the following basic information. Any items requiring more than one (1) copy should be collated and secured into complete packets prior to submittal:
 

1. The development name and/or address;	4. Scale, both in numeral and graphic; and
2. The name of the preparer;	5. A north arrow.
3. The date or preparation and any subsequent revisions;	
  
- ✓ At least two sets of scaled plans shall be submitted for staff review (no larger than 24" x 36") and three copies of reduced plans (no larger than 11" x 17") with each commercial or new development zoning request application. Additional sets of plans may be requested to be submitted by the Community Development Department if determined necessary for the processing of the request.

# Application Filing Fee Schedule

## Application Filing Fee Schedule:

1. Conditional Use Permits:
  - a) Residential Detached Garages ..... No Charge
  - b) Signs .....\$150.00
  - c) All Other Conditional Use Permits.....\$750.00
2. Variations:
  - a) Fences.....\$150.00
  - b) Signs .....\$150.00
  - c) All Other Variation Requests .....\$500.00
3. Map Amendment .....\$750.00
4. Text Amendment .....\$750.00
5. Appeals .....\$750.00
6. Subdivision review fees:
  - a) Inside Village’s Corporate Boundary .....\$50.00/lot or \$1,000.00 minimum
  - b) Outside Village’s Corporate Boundary .....\$50.00/lot or \$1,500.00 minimum
  - c) Application Fee for cul-de-sac within the Village.....\$6,000.00
7. Special Hearing Fee (all requests) .....\$500.00

## Retained Personnel Fee:

The Village of Cary has adopted a retained personnel policy regarding any applications related to property that is proposed to be developed, zoned, built on, or subdivided within the corporate limits of the Village, to property proposed to be annexed into the Village, and to property proposed to be platted or subdivided within the jurisdictional limits of the Village’s comprehensive plan and map. The owner of applicable properties shall reimburse the Village per the schedule established in Section 3.08 of the Village Code. Per this section, a minimum deposit shall be submitted to the Village as follows:

1. Annexations, Subdivisions, and other Land Developments.....\$10,000.00 min to \$20,000.00 max
2. Zoning and/or Planning for Multifamily, Commercial, and/or Industrial Uses.....\$2,500.00

Any deposit will be utilized by the Village to cover any expenses/fees charged to the Village by retained personnel, costs attributable to any hearing, meeting, and conference held in connection with the project, inspection fees related to a project, and expenses incurred for bringing a property into compliance with Village ordinances. The Village may request a fee be submitted at any point following the initial submittal of an application if the Village begins to incur costs associated with the review of your application, or if initial funds are exhausted and the deposit needs to be restored to cover additional expenses. Please contact the Community Development Department prior to submitting a formal application to determine if a retained personnel fee will be required for the review of your project.

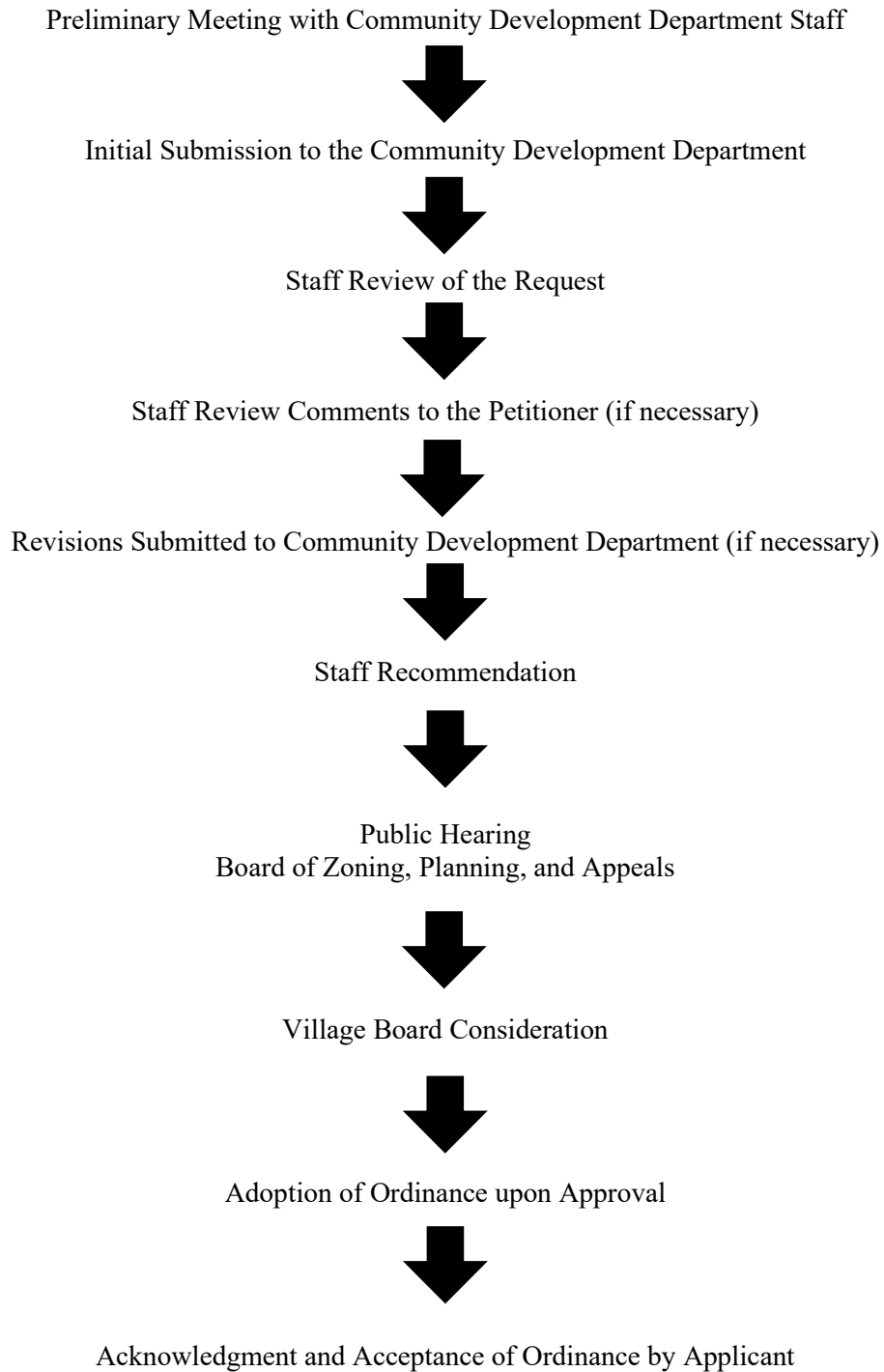
## Zoning Request Review Procedure

The zoning review process involves a three-phase procedure that first requires staff review of the zoning petition request, followed by a Board of Zoning, Planning and Appeals (ZPA) recommendation, and finally Village Board of Trustees action. The process generally can be expected to take eight to twelve (8 – 12) weeks from the time of initial application to Village Board of Trustees final action. Procedurally, this process involves the following steps:

- Step 1: Complete the *Zoning Request Application* for your requested action. The application will need to be signed by both the applicant and existing property owner. For zoning applications in which the applicant is neither an individual nor a land trustee, a disclosure of beneficial ownership interests in the property shall also be submitted (see attached *Disclosure of Beneficial Ownership Interests*).
- Step 2: At least 30 days prior to the desired public hearing date bring the draft of your application and supporting documents to the Village Hall to be reviewed by the Community Development Department. Once this has been reviewed and approved Village staff will set a date for the public hearing and produce a *Public Hearing Notice*.
- Step 3: The approved *Public Hearing Notice* must be published in the Northwest Herald Newspaper located in Crystal Lake, IL (815.459.4040) no earlier than 30 days, but no later than 15 days prior to the day of the hearing. The Northwest Herald will provide you with a *Certificate of Publication* following the printing of the legal notice.
- Step 4: A copy of the *Public Hearing Notice* must be mailed through regular U.S. Post Office mail service to all property owners within 250 feet of the property subject to the application request. This list can be obtained from the Treasurer's Office located at the McHenry County Government Center in Woodstock, IL (815.334.4260). The notice must be sent no earlier than 30 days before, but no later than 15 days prior to the day of the meeting. You must submit a sworn statement of completion of this mailing to complete the application with the Village (see attached *Affidavit of Mailing*). This form must be signed in front of a notary public. The Village has staff members who can serve as a notary if necessary.
- Step 5: Submit the original *Zoning Request Application* and supporting documents, the appropriate application fee, the *Certificate of Publication*, and the *Affidavit of Mailing* along with a list of property owner's of record who have received a copy of the *Public Hearing Notice* to the Community Development Department. These documents will be provided to the ZPA for review at the public hearing.
- Step 6: Upon receipt of the documentation as required herein, the proposal will be reviewed by the Community Development Department and other Village staff as needed. If revisions are required staff will provide comments to the petitioner seeking necessary revisions. The Community Development Department will submit a written report explaining the petitioner's final request and related staff review to the ZPA with a copy provided to the petitioner.
- Step 7: The ZPA will conduct a public hearing to review the request. All persons desiring to express an opinion regarding the petition will be given an opportunity to be heard at the meeting. Upon conclusion of its review, the ZPA may either grant, deny or modify the requested petition (for applicable variation requests) or will submit a recommendation to the Village Board of Trustees for consideration. The ZPA may require such conditions of approval as it may deem necessary to ensure conformity with the intent of all Comprehensive Plan elements, established Village policies, and applicable Village ordinances.
- Step 8: Upon receipt of the ZPA recommendation, the Village Board of Trustees, may grant, deny or modify the petition as it determined appropriate. The Board of Trustees may require special conditions, as it may deem necessary, to insure conformity with the intent of all Comprehensive Plan elements, established Village policies, and applicable Village ordinances.
- Step 9: If approved by the Village Board, a final ordinance will be drafted summarizing the zoning approvals granted and any conditions of approval. The ordinance will need to be acknowledged and accepted by a representative of the applicant prior to any zoning approvals granted taking effect.

**Please Note** – *The recommendations and technical assistance provided by Village staff during the course of the review process is purely advisory in nature. The authority to approve or deny a petition lies solely with the Board of Zoning, Planning and Appeals or the Village Board of Trustees.*

# Zoning Request Review Process



## **Standards for Conditional Use**

The Board of Zoning, Planning and Appeals shall hear and make a recommendation to the Village Board of Trustees to approve or deny any application for a conditional use permit. It shall recommend the permit be approved where the applicant has demonstrated by the preponderance of the evidence that the standards of the Unified Development Ordinance are met including the standards as set out below for a Conditional Use:

1. That the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
2. That the use will not substantially diminish or impair the value of properties within the neighborhood, or be injurious to the use and enjoyment of other property in the immediate vicinity;
3. That the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
4. That the use will not substantially contribute to an overburdening of Municipal services; that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and that adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets;
5. That the use will be consistent with the policies and future land use map(s) in the Village's comprehensive plan;
6. That the use will comply with all other requirements of the Unified Development Ordinance, including but not limited to the dimensional requirements of Chapter 2 and the supplemental use regulations in Chapters 3 and 4.

## **Standards for Variations**

The Board of Zoning, Planning and Appeals shall hear and make recommendations to the Village Board of Trustees to approve or deny any application for variance from the strict letter of the Unified Development Ordinance. It shall recommend a variation be approved if it finds that the applicant has demonstrated by the preponderance of the evidence that this title has or will subject the property to practical difficulties or a particular hardship and provided that all of the following conditions are met:

1. That the hardship was caused by unique circumstances relating to the land and not to general conditions in the district;
2. That the property cannot yield a reasonable return if permitted to be used only under the standards set out in the Zoning Ordinance.
3. That the applicant has not taken any action that has caused the extraordinary condition or made it substantially worse than it otherwise might have been;
4. That the relief proposed will not alter the character of the locality;
5. That the relief proposed is in harmony with the general purpose and intent of the regulations.

## **Standards for Text and Map Amendments**

The Board of Zoning, Planning and Appeals shall hear and make recommendation to the Village Board of Trustees to approve or deny any application for a text or map amendment. It shall recommend the amendment be approved where the applicant has demonstrated by the preponderance of evidence that the standards set out below are met:

### **TEXT AMENDMENTS**

1. The proposed amendment is not detrimental to the orderly development of the Village.
2. The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of the community of the Village.
3. The proposed amendment promotes the public interest and not solely the interest of the applicant.

### **MAP AMENDMENTS**

1. The proposed amendment is not detrimental to the orderly development of the Village.
2. The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of the community of the Village.
3. The proposed amendment promotes the public interest and not solely the interest of the applicant.
4. The request is consistent with the existing uses of property within the general area of the property in question.
5. The request is consistent with the zoning classifications of property within the general area of the property in question.
6. The property is not generally suitable for the uses permitted under the existing zoning classification.
7. The trend of development in the general area of the property in question since the original zoning of the affected property was established supports the request.
8. Property values of the surrounding and adjacent property will not be diminished.
9. The request is in harmony with the objectives of the comprehensive plan, as viewed in the light of any changes that have taken place since adoption of the plan.

## Standards for Planned Developments

Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the Village only in direct response to the accrual of tangible benefits from the planned development to the Village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. The Board of Zoning, Planning and Appeals shall hear and make recommendations to the Village Board of Trustees to approve or deny any application for a planned development where the applicant has displayed by the preponderance of evidence that the standards set forth below are met:

1. **Comprehensive Plan.** The planned development shall conform with the general planning policies of the Village as set forth in the Comprehensive Plan.
2. **Public Welfare.** The planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
3. **Impact on Other Property.** The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
4. **Impact on Public Facilities and Resources.** The planned development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as may be reasonably determined by the Village Board. These required impact donations shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.
5. **Archaeological, Historical or Cultural Impact.** The planned development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.
6. **Parking and Traffic.** The planned development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.
7. **Adequate Buffering.** The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
8. **Performance.** The applicant shall demonstrate a successful history of having completed one or more recent projects of comparable value and complexity to provide the Village with reasonable assurance that, if authorized, the planned development can be completed according to schedule as designed.
9. **Appearance.** The design of all buildings, structures, and facilities on the site of the planned development shall generally meet the *Design and Development Guidelines*.
10. **Signs.** Any sign on the site of the planned development shall be in conformity with or shall satisfy the standards of review for variations as detailed in Chapter 5 of this of the Unified Development Ordinance.

## Planned Development Modification Standards

In addition to the findings required on the previous page, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development.

1. **Integrated Design.** A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
2. **Beneficial Common Open Space.** Any common open space in the planned development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
  - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
  - b. Dedicated streets, alleys, and other public rights-of-way.
  - c. Vehicular drives, parking, loading and storage area.
  - d. Irregular or unusable narrow strips of land less than 15 feet wide.
3. **Location of Higher Buildings.** Higher buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.
4. **Functional and Mechanical Features.** Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
5. **Visual and Acoustical Privacy.** The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit. Fences, insulations, walls, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
6. **Energy Efficient Design.** A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development.
7. **Landscape Conservation and Visual Enhancement.** The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and land forms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.
8. **Drives, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
9. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.