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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1032**

**AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE  
VILLAGE OF MELROSE PARK MUNICIPAL CODE TO PROVIDE  
FOR CONSTRUCTION OF CONDOMINIUM BUILDINGS  
LOCATED IN THE VILLAGE OF MELROSE PARK, COUNTY OF  
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 12<sup>TH</sup> DAY OF MARCH 2007**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
RUBEN LOMELI  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 13<sup>TH</sup> day of MARCH 2007**

**ORDINANCE NO. 1032**

**AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE TO PROVIDE FOR THE CONSTRUCTION OF CONDOMINIUM BUILDINGS LOCATED IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”), is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as supplemented and amended; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas “TK” Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, respectively, constitute the duly elected, appointed, qualified and acting officials of the Village; and

**WHEREAS**, the President and the Village Board (collectively, the “Corporate Authorities”) considered whether it would be appropriate to amend the Village of Melrose Park Municipal Code (the “Village Code”) to bridge the gap in the Village’s zoning ordinances regarding the construction of new condominium buildings; and

**WHEREAS**, at the request of the President, the Planning/Zoning Board of Appeals of the Village (the “PZBA”) held a public hearing wherein the PZBA solicited public comment regarding whether there existed a need for the Village to amend the text

of Title 17 of the Village Code to provide for certain standards and regulations that would permit the construction of new condominium buildings within "C" Residence Districts located within the Village; and

**WHEREAS**, said public hearing was convened on the 5<sup>th</sup> day of March, 2007, pursuant to duly published notice thereof, and was in all respects in accordance with applicable laws; and

**WHEREAS**, after thoughtful discussion and due deliberation, the PZBA made certain findings of fact including, but not limited to, recommending that the Village Board amend Title 17 of the Village Code, as set forth in the findings of fact dated March 5, 2007 (attached hereto as Exhibit A); and

**WHEREAS**, the Corporate Authorities hereby approve and adopt the findings and recommendations made by the PZBA at said March 5, 2007 public hearing and, by this reference, do hereby incorporate such findings and recommendations as if fully set forth herein; and

**WHEREAS**, the Corporate Authorities have determined that it is both advisable and in the best interests of the Village and its residents to adopt this Ordinance which, among other things, provides certain standards and regulations regarding new condominium buildings located within the Village; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend Title 17 of the Village Code to provide certain regulations regarding the construction of new condominium buildings located within the Village.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05-09. Reserved.**

**ARTICLE II.  
AMENDMENTS TO TITLE 17, ZONING**

**Section 10.00 Amendment to Section 17.24.010, Use.**

That Title 17, Section 17.24.010 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section is amended to read as follows:

No Building or premises shall be used and no Building shall be hereafter erected or altered within any "C" Residence District, unless otherwise provided for in this title, and shall have the following uses: 6-Flat Residence Dwellings and 6-Unit Condominium Buildings.

**Section 10.01 Amendment to Section 17.24.020, Height.**

That Title 17, Section 17.24.020 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section is amended to read as follows:

No Building shall hereafter be erected or altered to exceed thirty feet (30'), except for 6-Unit Condominium Buildings that shall not be erected or altered to exceed thirty-seven feet (37').

**Section 10.02 Amendment to Section 17.24.030, Area.**

That Title 17, Section 17.24.030 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section is amended to read as follows:

- A. Rear Yard. There shall be a Rear Yard of not less than ten percent (10%) of the depth of a corner Lot, and not less than fifteen percent (15%) of the depth of an interior Lot, provided, however, such Rear Yard need not exceed fifteen feet (15'), except for 6-Unit Condominium Buildings.
- B. Side Yard. On each side of the Building there shall be a Side Yard having a width of not less than ten percent (10%) of the width of the Lot, except for 6-Unit Condominium Buildings where the Rear Yard set back is greater than seventeen feet (17').

**Section 10.03 Amendment to Section 17.24.060, Intensity of Lot – Use of Lot.**

That Title 17, Section 17.24.060 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section is amended to read as follows:

No Building with its accessory Buildings shall occupy in excess of sixty percent (60%) of the area of an interior Lot, nor in excess of seventy percent (70%) of the area of the corner Lot, except for 6 Unit Condominium Buildings. No dwelling

shall hereafter be erected or altered to accommodate or make provision for more than fifty (50) families on any acre of land, nor make provision for more than a proportional number of families on a fractional part of any area of land. No 6-Unit Condominium Building shall occupy in excess of seventy percent (70%) of the area of the Lot.

**Section 10.04 Addition of Section 17.24.070, Additional Requirements For 6-Unit Condominium Buildings.**

That Title 17, Section 17.24.070 of the Village Code is hereby added, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

For 6-Unit Condominium Buildings located within a "C" Residence District the following requirements apply.

- A. Definitions. For the purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section:

"Building" means all structures, attached or unattached, containing one or more Units.

"Condominium" means a Building or group of Buildings in which Units are owned individually and the structures and common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums do not include the following: apartments, apartment houses, townhouses, Single-Family Dwellings or multiple-family dwellings, whether detached or semi-detached, group homes, hotels, motels, boarding houses, community homes or the like.

"6-Unit Condominium" means a property which contains structures, which have been newly constructed and intended for Condominium ownership, which have not been previously, wholly or partially occupied before recording of Condominium instruments by persons other than those who have contracted for the purchase of Condominiums.

"Parking Space" means a space: (1) dedicated exclusively to the location or storage of a motor vehicle; and (2) which is in substantial compliance with the requirements of the standards for parking established in this Ordinance, the Parking Code and the Village of Melrose Park Municipal Code.

"Unit" means a part of the property designed and intended for any type of independent use.

- B. Every 6-Unit Condominium Building under this Title must:

1. Be located on a corner Lot, which Lot shall be adjacent to two (2) highways or streets and abut at least one (1) alley;
  2. Not have a Building length in excess of ninety-four lineal feet (94');
  3. Not have in excess of three (3) stories;
  4. Have at least seventy-five percent (75%) of the residential Units be owner-occupied; and
  5. Have two (2) Parking Spaces per residential Unit.
- C. Every Lot or tract of land used for a 6-Unit Condominium Building shall have an area of not less than one hundred twenty-five feet (125') by fifty-two feet (52').
- D. Set Backs. Every 6-Unit Condominium Building under this Title must:
1. Have a Rear Yard Set Back in excess of eighteen feet (18');
  2. Have total Side Yard Set Backs of not less than seven total feet (7'), with no one side being less than two feet (2'); and
  3. Have a front yard Set Back in excess of thirteen feet (13').
  4. In the event that the terms of this Section of this Ordinance and any other section of this Ordinance conflict, the terms of this Section shall in all instances govern and control.
- E. Every 6-Unit Condominium Building under this Chapter must contain a sprinkler system in the garage area and, if duly required, in all "Common Elements" as defined in the Condominium Property Act (765 ILCS 605/1, *et seq.*).
- F. 6-Unit Condominium Buildings shall comply with all applicable laws, statutes, ordinances, rules, regulations, provisions and orders including, but not limited to, all applicable sections of the Illinois Condominium Property Act (765 ILCS 605/1, *et seq.*) and all other applicable provisions of Chapter 17 of the Melrose Park Municipal Code.

**Section 11.00 Promulgation of Additional Regulations.**

The President or his designee and the Village Attorney, are hereby authorized and directed to promulgate any and all such reasonable rules, regulations, standards and the like necessary or reasonably required for the administration and maintenance regarding

the redevelopment and/or construction of buildings into condominium buildings located in the Village, this specifically includes, but is not limited to, the promulgation of bulk regulations and standards and landscaping standards. The Village Board or its designee, and all such other officers, employees and officials of the Village, are further authorized and directed to take all such other action necessary or reasonably required to carry out and give effect to the intention of this Ordinance and to take all action necessary in conformity therewith including, but not limited to, drafting and disseminating any and all necessary forms to be utilized in connection with this Ordinance and/or associated with redeveloping and/or converting buildings into condominium buildings within the Village.

Any and all rules, regulations, standards and the like promulgated by the Village Board or its designee, pursuant to this Section, shall be reduced to writing and transmitted to the Corporate Authorities for review, approval and adoption.

**ARTICLE III.  
SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 12.00 Headings.**

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 13.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of



competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 14.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 15.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 16.00 Effective Date.** This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,  
Trustee Lomeli, Trustee Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

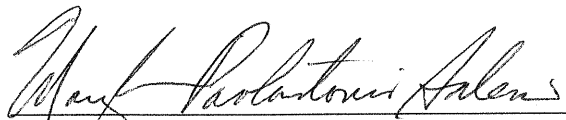
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
TWELFTH DAY OF MARCH, 2007, A.D.

APPROVED:

  
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RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 12, 2007  
Published in pamphlet form on: March 13, 2007