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

ORDINANCE NO. 1107

**AN ORDINANCE GRANTING CERTAIN LAND USE RELIEF FOR
THE PROPERTY COMMONLY KNOWN AS 1301 W. NORTH
AVENUE, 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 22ND DAY OF OCTOBER 2007

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

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI**

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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 23RD day of OCTOBER 2007**

ORDINANCE NO. 1107

AN ORDINANCE GRANTING CERTAIN LAND USE RELIEF FOR THE PROPERTY COMMONLY KNOWN AS 1301 W. NORTH AVENUE, IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; 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 "T.K." Klein, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Combined Planning and Zoning Board of Appeals (“PZBA”) of the Village of Melrose Park convened a public hearing (the “Public Hearing”) in order to accept evidence and receive public comment regarding the Petitions for Land Use Relief and other zoning relief submitted by “Petitioner” for the property commonly known as 1301 W. North Avenue, Melrose Park, Illinois, Cook County, and more particularly described in the Legal Description is incorporated herein by reference (the “Subject Property”); and

WHEREAS, the zoning relief, as requested, is in connection with the redevelopment of the Subject Property for construction of a banking institution, a copy of the Zoning Petition submitted by Petitioner is incorporated herein by this reference (hereinafter “Petition” or “Zoning Petition”); and

WHEREAS, the specific zoning relief requested by Petitioner and considered by the PZBA and the Board of Trustees of the Village is variations from requirements established by the Village Code for the property commonly known as 1301 W. North Avenue, Melrose Park, Illinois (the “Zoning Relief”).

WHEREAS, at said Public Hearing of the PZBA, evidence was presented, comment solicited, and due consideration given, to Petitioner’s Petition; and

WHEREAS, after due consideration and thoughtful discussion, the PZBA unanimously voted to recommend that the President and Board of Trustees grant the Zoning Relief and approve the variation, as set forth herein; and

WHEREAS, to memorialize its recommendations, the PZBA presented written “Findings of Fact” to the President and Board of Trustees, a copy of such Findings of Fact are attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the President and Board of Trustees of the Village have determined and does hereby find and determine that it is advisable, necessary, and in the best interest of the Village and its residents to grant, approve and authorize Petitioner’s Zoning Petition in the manner as requested by Petitioner and as recommended by the PZBA and the Corporate Authorities; and

WHEREAS, all hearings which were required by law to be held have been convened and all such hearings, including but not limited to the Public Hearing of the

PZBA, were held pursuant to duly published and posted notice thereof and were in all respects in accordance with applicable law;

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the “Village Board”) hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 02. Purpose.

The purpose of this Ordinance is to approve, authorize and grant the Zoning Petition as submitted by Petitioner and the Zoning Relief as specifically set forth herein, for the Subject Property.

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.
ZONING RELIEF**

Section 10.00 Findings.

That the President and Board of Trustees of the Village, after thoughtful consideration, hereby accept the PZBA's Findings of Fact and based thereon and such other testimony and evidence, hereby find and determine that the Zoning Petition, as submitted by Petitioner, and the Zoning Relief as set herein, are in harmony with the general purpose and intent of Village of Melrose Park. The President and Board of Trustees further find and determine that to impose the strict letter of the requirements of the Village Code on Petitioner's proposed commercial development of Subject Property would impose practical difficulties and cause a particular hardship. The President and Board of Trustees additionally find and determine that the request and need for the Variation is to conform with the surrounding commercially zoned area, and further find and determine that the granting of the Variation will not alter the essential character of the Village of Melrose Park and/or the immediate area surrounding the Subject Property.

Section 11.00 Grant of Variation.

That the President and Board of Trustees, based on the above findings and the written Findings of Fact of the PZBA, hereby authorize, approve and grant the Variation as set forth in the Findings of Fact.

Section 12.00 Other Actions Authorized.

That the President and Board of Trustees hereby authorize and direct that the necessary and appropriate Village officials and Village employees take all action reasonably required to carry out and give effect to the purpose and intent of this Ordinance.

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

Section 13.00 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 14.00 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 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 Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 15.00 Superseder.

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

Section 16.00 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 17.00 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 Klein, Trustee Mota, Trustee Prignano,
Trustee Taconi

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Conteduca, Trustee Italia

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

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: October 22, 2007
Published in pamphlet form: October 23, 2007