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

**ORDINANCE NO. 896**

**AN ORDINANCE AMENDING ORDINANCE NO. 766 OF 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 14<sup>TH</sup> DAY OF MARCH 2005**

**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 15<sup>TH</sup> day of MARCH 2005**

**ORDINANCE NO. 896**

**AN ORDINANCE AMENDING ORDINANCE NO. 766 OF 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 Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 1, 2001 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 1, 2003, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, on or about August 11, 2003, the Board of Trustees of the Village adopted its Ordinance, numbered 766, entitled AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION OF CERTAIN REAL PROPERTY IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS (the “Ordinance” or “Ordinance No. 766”); and

WHEREAS, the Ordinance, among other things, reclassified the zoning designation of the Subject Property to Planned Unit Development to permit the

construction of residential town-homes and residential condominiums (the “Thatcher Woods Project”); and

WHEREAS, Section 10.01 of said Ordinance approved and adopted, among other things, a Site Plan, Floor Plans and an Elevation Plan (all dated July 16, 2003) for the Thatcher Woods Project (the “Original Project Plans”); and

WHEREAS, pursuant to Village of Melrose Park Ordinance No. 748, entitled, AN ORDINANCE PROVIDING FOR PLANNED UNIT DEVELOPMENTS AND IMPOSING STANDARDS FOR THE ADMINISTRATION AND MAINTENANCE THEREIN... (“Ordinance No. 748”), any change that alters the concept of a Planned Unit Development (“Major Changes”) must be approved by submission of preliminary and final development plans and a public hearing must be held thereon pursuant to the provisions of Ordinance No. 748; and

WHEREAS, since the adoption of Ordinance No. 766, the Original Project Plans have undergone plan changes which, in the opinion of the Village of Melrose Park, amount to Major Changes as defined in Section 10.11 of Village of Melrose Park Ordinance No. 748; and

WHEREAS, North Melrose Development, LLC has made all appropriate submittals as required by Ordinance No. 748; and

WHEREAS, pursuant to the Application and Petition of North Melrose Development, LLC (“Petitioner”) the Planning/Zoning Board of Appeals of the Village of Melrose Park held a public hearing, on February 24, 2005, regarding amendment to Village of Melrose Park Ordinance Number 766, designating the real property commonly known as 8305 W. North Avenue, Melrose Park, Illinois (the “Subject Property”) as a

Planned Unit Development, including any modifications, exceptions and variances from the Village of Melrose Park Zoning Code (the "Hearing"). The Subject Property is further identified by Property Index Numbers 15-02-200-018-0000 & 15-02-200-007-0000 (the "Subject Property"); and

WHEREAS, said Hearing was held pursuant to duly published notice thereof and was in all respects in accordance with applicable law; and

WHEREAS, the Board of Trustees specifically find that Petitioner's Zoning Petition was submitted and notice of the same given in accordance with applicable State law and Village Ordinance, including, but not limited to, Ordinance No. 748; and

WHEREAS, the Planning/Zoning Board of Appeals, after considering the evidence presented, made written findings of fact recommending amendment to Village of Melrose Park Ordinance Number 766, as specifically set-forth therein ("Findings of Fact"). A copy of such Findings of Fact are attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Planning/Zoning Board of Appeals of the Village has transmitted its Findings of Fact, concerning Petitioner's Zoning Petition and amendment of Village of Melrose Park Ordinance Number 766, and also reported its recommendations to the President and Board of Trustees of the Village; and

WHEREAS, the President and Board of Trustees approve and specifically adopt the Findings of Fact of the Planning/Zoning Board of Appeals (and the recommendations made therein) and incorporate such Findings of Fact by this reference, as if they were fully set forth herein; and

WHEREAS, the President and the Board of Trustees of the Village have determined that it is both advisable and in the best interest of the Village and its residents to amend Village of Melrose Park Ordinance Number 766 in strict conformity with and as specifically set forth in the Findings of Fact;

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 as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend Village of Melrose Park Ordinance No. 766, as set forth herein.

**Section 03. Invocation of authority.**

This Ordinance is enacted pursuant to the authority granted to this Village by 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.  
AMENDMENT**

**Section 10.00 Approval of Site Plan.**

The Board of Trustees of the Village have received the amended Site Plan (prepared by Hartshorne & Plunkard, dated March 9, 2005); renderings of the condominium building and town-homes (prepared by Voss, Lauritsen & Tillrock); Elevation Plans (prepared by Hartshorne & Plunkard, dated February 28, 2005 (sic) & Floor Plans (prepared by Hartshorne & Plunkard, dated February 28, 2005 (sic)) (collectively the "Amended Project Plans") and considered the same. After review and discussion of the Amended Project Plans, the Board of Trustees approved and does hereby approve such Amended Project Plans, subject to compliance with all building, fire, health and safety regulations and ordinances of the Village and the stipulations and contingencies set forth in the Findings of Fact.

**Amendment to Ordinance No. 766.**

That Section 10.01 of Village of Melrose Park Ordinance No. 766 is hereby amended, notwithstanding any ordinances, resolutions and/or code provisions to the contrary, by striking the Original Project Plans, consisting of a Preliminary Site Plan (prepared by Hartshorne & Plunkard, dated July 16, 2003); the renderings of the condominium building and town-homes (prepared by Voss, Lauritsen & Tillrock); the Elevation Plan (prepared by Hartshorne & Plunkard, dated July 16, 2003); & Floor Plans (prepared by Hartshorne & Plunkard, dated July 16, 2003), therefrom and adopting and replacing in their stead, the Amended Project Plans, consisting of an amended Site Plan

(prepared by Hartshorne & Plunkard, dated March 9, 2005); renderings of the condominium building and town-homes (prepared by Voss, Lauritsen & Tillrock); Elevation Plans (prepared by Hartshorne & Plunkard, dated February 28, 2005 (sic) & Floor Plans (prepared by Hartshorne & Plunkard, dated February 28, 2005 (sic)).

**Section 11.00 Other Actions Authorized.**

The officers, employees and agents of the Village are hereby authorized and directed to take any and all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith, including, without limitation, the issuance of building permits, subject to the Petitioner's compliance with all Village of Melrose Park building, fire, health and safety regulations and ordinances and the stipulations and contingencies set forth in the Findings of Fact.

**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 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 of the Village 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 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

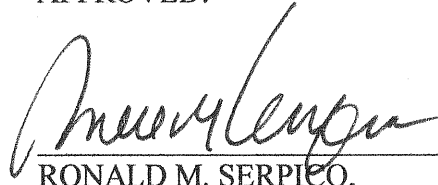
NAY VOTES:

ABSTAIN:


ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
FOURTEENTH DAY OF MARCH, 2005 A.D.

APPROVED:

  
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RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
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Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 14, 2005

Published in pamphlet form: March 15, 2005