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

ORDINANCE NO. 997

**AN ORDINANCE AMENDING CHAPTER 17, ZONING, OF THE
VILLAGE OF MELROSE PARK MUNICIPAL CODE TO PROVIDE
FOR NEW CONSTRUCTION, MIXED-USE, MULTI-UNIT
CONDOMINIUM BUILDINGS AND IMPOSING STANDARDS FOR
THE ADMINISTRATION AND MAINTENANCE THEREIN, FOR
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 29TH DAY OF AUGUST 2006

**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 30TH day of AUGUST 2006**

ORDINANCE NO. 997

AN ORDINANCE AMENDING CHAPTER 17, ZONING, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE TO PROVIDE FOR NEW CONSTRUCTION, MIXED-USE, MULTI-UNIT CONDOMINIUM BUILDINGS AND IMPOSING STANDARDS FOR THE ADMINISTRATION AND MAINTENANCE THEREIN, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, Cook County, 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 Honorable Ronald M. Serpico (the “President”), 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 new construction, mixed-use, multi-unit 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 Chapter 17, Zoning, of the Village Code to provide for certain standards and regulations that would permit the development of new construction, mixed-use, multi-unit condominium buildings within Commercially Zoned Districts located within the Village; and

WHEREAS, said public hearing was convened on August 22, 2006, 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 Chapter 17, Zoning, of the Village Code, as set forth in the findings of fact dated August 22, 2006, attached hereto and incorporated herein as Exhibit A, and as substantially set forth herein; and

WHEREAS, the Corporate Authorities hereby approve and adopt the findings and recommendations made by the PZBA at said August 22, 2006 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 interest of the Village and its residents to adopt this Ordinance which, among other things, provides for certain standards and regulations regarding new construction, mixed-use, multi-unit condominium buildings located within the Village; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Melrose Park, Cook County, 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 Chapter 17, Zoning, of the Village Code to provide for certain regulations relative to the development of new construction, mixed-use, multi-unit 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 CHAPTER 17, ZONING

Section 10.00 Amendment to Section 17.32.010, Use.

That Chapter 17, Section 17.32.010 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, the following use shall be added as a permitted use within a “E” commercial district and shall read as follows:

A building or premises may be used for the following purpose:

New Construction, Mixed-Use, Multi-Unit Condominium Buildings.

Section 10.01 Amendment to Section 17.32.030, Parking.

That Chapter 17, Section 17.32.030 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, said Section shall read as follows:

Off street parking must be provided.

Notwithstanding the foregoing, New Construction, Mixed-Use, Multi-Unit Condominium Buildings located within a “E” commercial district the following parking requirements apply. That the New Construction, Mixed-Use, Multi-Unit Condominium Buildings have two (2) off street Parking Spaces provided per one (1) residential unit. In sole discretion of the Director of Public Works, a waiver of this requirement may be granted if a determination is made that such waiver is in the best interests of the Village of Melrose Park and by payment of a fee in the amount of five thousand and no/100 U.S. dollars (\$5,000.00) per Parking Space deficiency, which amount shall be deposited into the Melrose Park Parking Reserve Fund. The waiver can be applied to no more than ten percent (10%) of the Parking Spaces required under this section. That the New Construction, Mixed-Use, Multi-Unit Condominium Buildings have one (1) guest parking spot provided per every six (6) residential units. The guest parking spot may be an on street parking spot. In sole discretion of the Director of Public Works, a waiver of this requirement may be granted if a determination is made that such waiver is in the best interests of the Village of Melrose Park and by payment of a fee in the amount of five thousand and no/100 U.S. dollars (\$5,000.00) per Parking Space deficiency, which amount shall be deposited into the Melrose Park Parking Reserve Fund. The waiver can be applied to no more

than ten percent (10%) of the Parking Spaces required under this section. Off street parking must be provided for every commercial unit located in a New Construction, Mixed-Use, Multi-Unit Condominium Building.

Section 10.02 Amendment to Section 17.32.040, Area Regulations—Set Back or Yard Regulations.

That Chapter 17, Section 17.32.040 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, said Section shall read as follows:

For any “E” commercial district property, except for New Construction, Mixed-Use, Multi-Unit Condominium Buildings, fronting any numbered state or federal highway, there shall be a twenty (20) foot set back for Buildings only from such roads. For any New Construction, Mixed-Use, Multi-Unit Condominium Buildings fronting any numbered state or federal highway, there shall be a five (5) foot set back for Buildings only from such roads. “Buildings,” for the purpose of this section 17.32.040 only, means Buildings which are affixed into the land.

- A. Rear Yard. There shall be a rear yard of not less than ten percent (10%) of the depth of the lot, provided, however, that such rear yard need not exceed ten feet (10') in depth for all Buildings, excluding New Construction, Mixed-Use, Multi-Unit Condominium Buildings. A rear yard shall be not less than ten feet (10') wide for all New Construction, Mixed-Use, Multi-Unit Condominium Buildings.
- B. Side Yard. A side yard, if provided, shall be not less than three feet (3') wide for all Buildings excluding New Construction, Mixed-Use, Multi-Unit Condominium Buildings. A side yard shall be not less than five feet (5') wide for all New Construction, Mixed-Use, Multi-Unit Condominium Buildings.
- C. Outer Court. An outer court shall be not less than three feet (3') wide, nor less than one-ninth the length of such court from the closed end.
- D. Inner Court. An inner court shall be not less than six feet (6') wide, nor shall its area be less than twice the square if its required least dimensions.
- E. Front Yard. There shall be a front yard of not less than five feet (5') wide for all New Construction, Mixed-Use, Multi-Unit Condominium Buildings.

Section 10.03 Amendment to Section 17.32.060, Additional Requirements For New Construction, Mixed-Use, Multi-Unit Condominium Buildings.

That Chapter 17, Section 17.32.060 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, said Section shall read as follows:

For New Construction, Mixed-Use, Multi-Unit Condominium Buildings located within a "E" commercial 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 by this section:

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

Common Elements means all portions of the property except the units, including limited common elements unless otherwise specified.

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.

Mixed-Use means a Building primarily intended to accommodate vertical Mixed-Uses that contain active ground floors. Such ground floors are intended to accommodate small-scale commercial uses, which uses are otherwise permitted under this Chapter, with single-family residential units above said ground floors.

Multi-Unit means a Building that is comprised of no less than twenty-five (25) residential units. No less than sixty percent (60%) of the twenty-five (25) residential units must be owner-occupied.

New Construction means a Building that is totally constructed on vacant land or on land where all Buildings and/or improvements, which previously existed on said land, have been completely demolished prior to the commencement of construction. New Construction shall not include Condominium conversions, which are defined as properties that contain structures, excepting those newly constructed and intended for Condominium ownership, which are, or have previously been, wholly or partially occupied before recording of Condominium instruments by persons other than those who have contracted for the purchase of Condominiums. New Construction shall not include add-on Condominiums,

which are defined as property to which additional property may be added in accordance with Condominium instruments and the Condominium Property Act (765 ILCS 605/1, *et seq.*)

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. The New Construction, Mixed-Use, Multi-Unit Condominium Buildings are primarily intended to accommodate vertical Mixed-Uses that contain active ground floors. Such ground floors are intended to accommodate small-scale commercial uses with single-family, residential units above said ground floors.
- C. Prior to commencing construction, the developer of any New Construction, Mixed-Use, Multi-Unit Condominium Building shall apply for and receive any and all necessary Building permits, parking waivers, variances, zoning relief or other requirements of the Village.
- D. Every lot or tract of land used for a New Construction, Mixed-Use, Multi-Unit Condominium Building shall have an area of not less than one (1) square acre or forty-three thousand five hundred sixty (43,560) square feet.
- E. Every New Construction, Mixed-Use, Multi-Unit Condominium Building under this Chapter must contain fire sprinklers, an elevator, a fire pump and at least one (1) generator for emergency power use.
- F. New Construction, Mixed-Use, Multi-Unit Condominium Buildings shall be in compliance 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.*).

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 of new construction, mixed-use, multi-unit condominium buildings 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 new construction, mixed-use, multi-unit condominium buildings in 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 President and the Village Board 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 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.

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 Lomeli,
Trustee Mota, Trustee Prignano

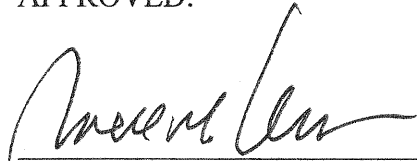
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Klein

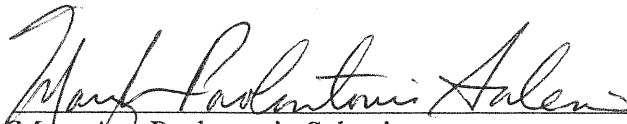
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-NINTH DAY OF AUGUST, 2006, A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 29, 2006
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