

**CITY OF PARK RIDGE  
COOK COUNTY, ILLINOIS**

**ORDINANCE  
NO. 2016-11**

**AN ORDINANCE GRANTING  
A SPECIAL USE FOR A PRIMARY/SECONDARY EDUCATIONAL FACILITY  
(DISTRICT 64 – LINCOLN MIDDLE SCHOOL)  
(SU-16-01)**

**WHEREAS**, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois;

**WHEREAS**, the Illinois Supreme Court has affirmed that Illinois home rule municipalities may apply and enforce zoning and storm water ordinances on school district property, *Gurba v. Community High School District No. 155*, 2015 IL 118332;

**WHEREAS**, the Planning and Zoning Commission convened a public hearing on January 26, 2016, notice of which was published in the Park Ridge Herald-Advocate on January 6, 2016, on a application from Park Ridge-Niles School District No. 64 (“Applicant”) as owner of the property commonly known as Lincoln Middle Elementary School at 200 South Lincoln Avenue, Park Ridge, Illinois (P.I.N. 09-35-110-001-0000) and legally described on **Exhibit A** (the “Subject Property”), for a special use permit to ratify operation of a Primary/Secondary Educational Facility, and to permit a proposed 395 square-foot, one-story vestibule building addition (“Special Use Application”);

**WHEREAS**, the aforesaid public hearing was held pursuant to legal notice as required by law and all persons desiring an opportunity to be heard were given such opportunity at said public hearing;

**WHEREAS**, the Planning and Zoning Commission has heretofore submitted to the Mayor and City Council its findings of fact and recommendations related to the Special Use Application;

**WHEREAS**, the Appearance Commission held a public meeting on January 27, 2016, to review the Site and Building Design Plans for the Subject Property;

**WHEREAS**, the aforesaid public meeting was held pursuant to legal notice as required by law and all persons desiring an opportunity to be heard were given such opportunity;

**WHEREAS**, the Appearance Commission has heretofore submitted to the Mayor and City Council its findings of fact and recommendations related to the Site and Building Design Plans for the Subject Property;

**WHEREAS**, the Corporate Authorities have concluded that the Special Use Application, subject to and in conformance with the terms and conditions of this

Ordinance, will be beneficial to the City, will further the development of the Subject Property, and will otherwise enhance and promote the general welfare of the City and the health, safety and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Park Ridge, in exercise of its home rule authority, as follows:

**Section 1. Recitals and Findings.**

A. The Mayor and City Council hereby confirm the truth and validity of the representations set forth in the foregoing recitals, acknowledge they are material to this Ordinance, and incorporate and make them a part of this Ordinance as though fully set forth herein. The Mayor and City Council further intend that this Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

B. The Mayor and City Council have duly considered the recommendations of the Planning and Zoning Commission and Appearance Commission and hereby adopt the findings of the Planning and Zoning Commission and Appearance Commission, attached as Exhibits B-1 and B-2, as the findings of the Corporate Authorities the same as though fully restated herein. All references and findings of the Planning and Zoning Commission and Appearance Commission are hereby made the findings and references of the Mayor and City Council.

**Section 2. Special Use.** Subject to compliance with the conditions described in Section 3, the Applicant is hereby granted a special use permit to (i) ratify the operation of the existing Primary/Secondary Educational Facility on the Subject Property, and (ii) grant approval of the 395 square-foot, one-story vestibule building addition described in Exhibit C.

**Section 3. Conditions of Approval.** The authority granted by this Ordinance and the issuance of the special use permit is hereby conditioned on the Applicant's strict compliance with the plans and conditions described below:

- A. *Lincoln Middle School Vestibule Addition*, attached hereto as Exhibit C;
- B. Meeting all exterior lighting requirements in Section 11 of the Zoning Ordinance;
- C. Meeting all landscaping and screening requirements in Section 13 of the Zoning Ordinance;
- D. Except to the extent directly addressed by the Illinois Health/Life Safety Code, ensuring that the applicant satisfies all comments by the City Engineer, the Fire Department, and other City Departments.

**Section 4. Superseding Effect.** The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

**Section 5. Enforcement.** The Subject Property shall be made available for inspection by any department of the City at all reasonable times for compliance with this Ordinance and any other applicable laws or regulations.

**Section 6. Effective Date; Assent.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Applicant, or such other parties in interest as the City may reasonably identify, consenting to and agreeing to be bound by the terms and conditions of this Ordinance. Delivery to the City of a copy of this Ordinance, as so executed, shall take place not later than sixty (60) days after the passage and approval of this Ordinance by the Corporate Authorities or within such extension of time as may be granted by the Corporate Authorities by motion.

**Section 8. Consents.** By signing the acknowledgement and accepting the terms and conditions of this Ordinance, the Applicant knowingly and voluntarily waives, for itself and its successors and assigns, any and all claims against the City, its elected and appointed officers, employees and agents, of whatever kind, nature and amount, resulting from the limitations on the use of the Subject Property applied by Sections 2 and 3 of this Ordinance. Notwithstanding the foregoing, nothing in this Ordinance shall be deemed to waive the ability for the Applicant, or its successors and assigns, to petition the City, from time to time, for other and further zoning and subdivision approvals.

**PASSED** this 7<sup>th</sup> day of March, A.D., 2016, by the City Council of the City of Park Ridge on a roll call vote as follows:

AYES:	Ald. Moran, Milissis, Van Roeyen, Shubert, Knight, Mazzuca, and Maloney (7)
NAYS:	None (0)
ABSTAIN:	None (0)
ABSENT:	None (0)

**APPROVED** this 7<sup>th</sup> day of March, A.D., 2016.

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Marty Maloney, Acting Mayor

**ATTEST:**

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Betty W. Henneman, City Clerk

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2016.

**ACCEPTED:**

**APPLICANT:**

# Park Ridge-Niles School District No. 64

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

**STATE OF ILLINOIS**                    )  
  )  
**COUNTY OF \_\_\_\_\_**                    )                    **SS.**

I, the undersigned, a Notary Public, do hereby certify that \_\_\_\_\_, who is the \_\_\_\_\_ of **Park Ridge-Niles School District No. 64**, (“Applicant”), and who is personally known to me to be the same person whose name is subscribed to the foregoing Ordinance, appeared before me this day in person and acknowledged that he signed and delivered said Ordinance as his own free and voluntary act on behalf of the Owner, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

Notary Public

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

#### **200 S Lincoln:**

PARCEL 1: THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOTS 16 & 17 IN BORGERSON SUBDIVISION A SUBDIVISION OF THE WEST  $\frac{1}{2}$  OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 5, 1923 AS DOCUMENT 199086, IN COOK COUNTY, ILLINOIS. ALSO LOT 17 IN BOYCE'S LINCOLN CENTER ADDITION TO PARK RIDGE, A SUBDIVISION OF THE EAST  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 6, 1929, AS DOCUMENT 444717, IN COOK COUNTY, ILLINOIS.

**GROUP EXHIBIT B**

**FINDINGS OF FACT**

**FINDINGS OF THE PLANNING AND ZONING COMMISSION**

## **EXHIBIT C**

### **SITE AND BUILDING DESIGN PLANS FOR THE SUBJECT PROPERTY**

4845-0791-3262, v. 1