

VILLAGE OF GLENCOE

ORDINANCE NO. 2009-15-3248

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR
CIVIC EVENT SIGNAGE IN THE R-C SINGLE FAMILY RESIDENTIAL DISTRICT
(GLENCOE TRAIN STATION)**

WHEREAS, Chicago Horticultural Society a/k/a Chicago Botanic Garden (the "**Society**") proposes to install certain civic event signage on real property owned by Union Pacific Railroad ("**UPRR**") (collectively, the Society and UPRR are hereinafter referred to as the "**Applicant**"), which real property is commonly known as the Glencoe Train Station located at 724 Old Green Bay Road within the Village's R-C Single Family Residential District ("**R-C District**") and is legally described on Exhibit A attached hereto and made a part hereof ("**Property**"); and

WHEREAS, Section 3-103K of the Zoning Code authorizes the permanent display of civic event signs at railroad passenger stations in the Village pursuant to a special use permit, provided that the signs are attached to a permanent identification sign on the train platform, are limited to no more than two signs on the inbound platform and two signs on the outbound platform, and conform with the Village's sign regulations contained in Section 5-105 of the Zoning Code; and

WHEREAS, the Applicant has applied to the Village for a special use permit to allow the permanent display of two civic event signs on each of the inbound and outbound platforms of the Property ("**Signs**") in accordance with the depiction provided by the Applicant and attached to this Ordinance as Exhibit B (the "**Civic Event Sign Plans**"); and

WHEREAS, pursuant to notice duly and timely published in the Glencoe News, the Zoning Commission commenced a public hearing on August 3, 2009 regarding the Owner's request for a special use permit; and

WHEREAS, at the close of the public hearing, the Zoning Commission made the following findings:

1. The Property is located within the R-C District and is currently developed with a railroad passenger station;
2. Representatives of the Applicant testified and presented evidence regarding the details of the Civic Event Sign Plans and testified that the Signs would be constructed and installed in substantial conformity with the Civic Event Sign Plans and in strict compliance with all other applicable codes, ordinances, and regulations;

3. Based on the testimony and evidence presented, and subject to the terms and conditions set forth herein, the Zoning Commission found that the Signs will be in harmony with the purposes of the Zoning Code and the purpose and intent of the Comprehensive Plan;
4. Based on the testimony and evidence presented, and subject to the terms and conditions set forth herein, the Zoning Commission found that the Signs will not have a substantial or undue adverse impact upon any adjacent property or the character of the R-C District, and will not adversely affect the public health, safety, and general welfare;
5. Based on the testimony and evidence presented, and subject to the terms and conditions set forth herein, the Zoning Commission found that the Signs will not dominate the immediate vicinity or interfere with surrounding development in the R-C District, will be adequately served by essential public facilities, and will not cause undue traffic congestion or draw significant amounts of traffic through residential streets;
6. Based on the testimony and evidence presented, and subject to the terms and conditions set forth herein, the Zoning Commission found that the Signs will not result in the destruction, loss or damage of any natural, scenic, or historic feature of significant importance;
7. Based on the testimony and evidence presented, and subject to the terms and conditions set forth herein, the Zoning Commission found that the Signs comply with all standards imposed on them by all applicable codes, regulations, and ordinances;

and based on such findings, the Zoning Commission determined that the requested special use permit satisfied the standards for special use permits as set forth in Subsections 3-103K and 7-502E of the Zoning Code; and

WHEREAS, based on such findings and determination, the Zoning Commission recommended that the Village Board approve a special use permit to allow the permanent display of the Signs on the Property pursuant to the Civic Event Sign Plans and in accordance with the terms and provisions herein set forth; and

WHEREAS, the President and Board of Trustees have reviewed and considered the findings and recommendations of the Zoning Commission and are fully advised in the premises; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to grant a special use permit to permit the display of the Signs on the Property pursuant to the Civic Event Sign Plans, subject to and in accordance with the terms and provisions set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth herein.

SECTION TWO: Grant of Special Use Permit. Pursuant to Subsections 3-103K and 7-502A of the Glencoe Zoning Code, and subject to the terms and conditions set forth in Section Three of this Ordinance, the Village Board of Trustees hereby grants a special use permit to the Applicant to allow the installation of the Signs at the Property in substantial conformity with the Civic Event Sign Plans.

SECTION THREE: Conditions on Approval of Special Use Permit. The special use permit granted by Section Two of this Ordinance shall be, and is hereby, subject to and limited by the following additional conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be deemed a violation of the Zoning Code and adequate grounds for the repeal and revocation of the special use permit granted by and pursuant to this Ordinance:

- (a) **Compliance with Plans.** The Signs must be constructed and installed on the Property in substantial conformity with the Civic Event Sign Plans.
- (b) **Compliance with Applicable Law.** The Signs must be constructed and installed on the Property in compliance with all applicable rules, regulations, and ordinances, including without limitation the Village's sign regulations as contained in Section 5-105 of the Village's Zoning Code.
- (c) **Permits.** The Applicant must obtain building and any other required approvals or permits that are customarily required by the Village codes, ordinances, and regulations prior to the installation of the Signs on the Property pursuant to this Ordinance.
- (d) **Reimbursement of Village Costs.** The Applicant must reimburse the Village for all of its costs (including engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or enforcement of this Ordinance. Such reimbursement shall be due within 30 days after the Village delivers an invoice therefor to the Applicant.

SECTION FOUR: Effective Date; Recording. This Ordinance shall be in full force and effect from and after its passage, approval, posting, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall have no force or effect unless and until the Applicant has signed and filed with the Village Clerk its unconditional agreement and consent in the form attached hereto as Exhibit C and by this reference made a part of this Ordinance; provided further that the Village Board may repeal this Ordinance by ordinance adopted without public notice or hearing at any time more than 60 days after the passage of this Ordinance if the Applicant has failed

to file such unconditional agreement and consent. Upon this Ordinance having full force and effect, the Village Clerk may cause it to be recorded with the Cook County Recorder of Deeds.

PASSED THIS 20th DAY OF AUGUST 2009.

AYES: Bhote, Cowans, Keefe, Levin and Shubart (5)

NAYS: None (0)

ABSENT: Solomon (1)

ABSTAIN: None (0)

APPROVED THIS 20th DAY OF AUGUST 2009.

/s/ Scott M. Feldman
Village President

ATTEST:

/s/ David A. Clark
Deputy Village Clerk

POSTED THIS 20th DAY OF AUGUST 2009.

/s/ David A. Clark
Deputy Village Clerk

PUBLISHED IN PAMPHLET FORM THIS ___ DAY OF _____, 2009.

/s/ David A. Clark
Deputy Village Clerk

APPROVED AS TO FORM.

/s/ Victor Filippini
Village Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Located east of the Union Pacific Right-of-Way, 150 Feet North of Park Avenue, in Glencoe, a Subdivision in Sections, 5, 6, 7 and 8 in Township 42, Range 13 in Glencoe, Illinois.

EXHIBIT B

CIVIC EVENT SIGN PLANS

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section Four of Village of Glencoe Ordinance No. 2009-___ and to induce the Village of Glencoe to grant the approvals provided for in that Ordinance, the undersigned persons acknowledge for themselves and their successors and assigns that they:

1. have read and understand all of the terms and provisions of Ordinance No. 2009-___;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Glencoe Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, acknowledge that they have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agree to and do hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties in connection with the Village's adoption of the Ordinance granting the approvals to the Applicant pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Applicant.

UNION PACIFIC RAILROAD

CHICAGO HORTICULTURAL SOCIETY A/K/A
CHICAGO BOTANIC GARDEN

By: _____

By: _____

Its: _____

Its: _____

ATTEST:

ATTEST:
