
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FOR THE
INSTALLATION OF A BALCONY ON THE FRONT FACADE OF 416 LINCOLN
HIGHWAY, ROCHELLE, OGLE COUNTY, ILLINOIS**

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**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FOR THE
INSTALLATION OF A BALCONY ON THE FRONT FACADE OF 416 LINCOLN
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WHEREAS, the City of Rochelle (“City”), County of Ogle, is a non-home rule body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

WHEREAS, on December 11, 2017, the Planning and Zoning Commission of the City of Rochelle conducted a public hearing on Petition #6-17 relative to a request submitted by Kennay Farms Distillery LLC (“Petitioner”), for a Special Use to allow for the installation of a balcony on the front facade of 416 Lincoln Highway, Rochelle, Illinois, formerly known as the Hub Theater (“Property”); and

WHEREAS, Sections 74-36 and 110-73 of the City of Rochelle Zoning Code allows the Planning and Zoning Committee to conduct hearings for special use petitions submitted to the City and to submit a report with its recommendations to the City Council for its consideration; and

WHEREAS, the proposed balcony will be [insert dimensions 37 feet wide by 6 feet deep] and replace the current Hub Theater marque sign; and

WHEREAS, balcony provide an additional area for Kennay Farms Distillery LLC to serve its customers; and

WHEREAS, balcony provide an additional area for Kennay Farms Distillery LLC to serve its customers; and

WHEREAS, City Staff has determined that prior to the construction of the Hub Theater marque, there was a balcony affixed to the front of 416 Lincoln Highway, Rochelle, Illinois; and

WHEREAS, after hearing testimony on the Petition, the Planning and Zoning Commission found that the Petition met the requisite standards enumerated in the City Code for the granting of a Special Use and adopted the written factual justifications submitted by the Petitioner; and

WHEREAS, the Planning and Zoning Commission voted 4-3 in favor of recommending to the City Mayor and City Council the Special Use to allow for the installation of balcony to the front facade of 416 Lincoln Highway, Rochelle, Illinois; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Special Use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The Special Use set forth herein below shall be applicable to the following described property:

See Legal Description attached hereto as Exhibit 1

(Commonly known as 416 Lincoln Highway, Rochelle, Illinois)

SECTION 3: A Special Use permit is hereby granted to the Petitioner/Owner of the Subject Property to allow for the installation of a balcony to the front façade of 416 Lincoln Highway, Rochelle, Illinois subject to the following condition:

1. That the balcony is constructed in a manner to ensure that no debris or liquid can fall onto pedestrians below the balcony.
2. That the Petitioner enter into a Redevelopment Agreement, which includes a provision that the Petitioner must indemnify and hold harmless the City, its officials, and employees from any and all liability associated with the construction, use, and maintenance of the balcony.

SECTION 4: Any policy, resolution or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 11th day of December, 2017.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of December, 2017.

CITY MAYOR

ATTEST:

CITY CLERK