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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO  
ALLOW A DOG TRAINING FACILITY IN THE I-2 (GENERAL  
INDUSTRY) ZONING DISTRICT LOCATED AT 2000 WEST 8<sup>TH</sup>  
AVENUE (ELOY AND CLAUDIA CERVANTES)**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE  
Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_  
Date Passed: August 12, 2019**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO  
ALLOW A DOG TRAINING FACILITY IN THE I-2 (GENERAL  
INDUSTRY) ZONING DISTRICT LOCATED AT 2000 WEST 8<sup>TH</sup>  
AVENUE (ELOY AND CLAUDIA CERVANTES)**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, on August 5, 2019, the City of Rochelle Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-15-19, relative to a request received from Eloy and Claudia Cervantes on behalf of Cervantes Trucking, Inc. (“Petitioners”) seeking a Conditional Use Permit to operate a dog training facility in the I-2 Zoning District at 2000 W. 8<sup>th</sup> Avenue (“Subject Property”); and

**WHEREAS**, pursuant to Section 110-291 of the City of Rochelle Zoning Ordinance, Dog Training Facilities are an allowable use, with a Conditional Use Permit; and

**WHEREAS**, the Petitioners desires to lease out a portion of the Subject Property, wherein such portion shall be utilized as a Dog Training Facility; and

**WHEREAS**, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

**WHEREAS**, said PZC has considered said petition and voted unanimously to recommend approval to grant the Conditional Use Permit; and

**WHEREAS**, said PZC has filed its report of findings and recommendations regarding granting the Conditional Use Permit with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Conditional Use Permit to allow the operation of a Dog Training Facility at the Subject Property; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

**SECTION ONE:** The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

**SECTION TWO:** That the report of findings and recommendations of the PZC are herein incorporated by reference as the findings of this Mayor and City Council, as complete as if fully set forth herein at length. This City Council finds that the Petitioners have provided evidence establishing that they have met the standards for granting the Conditional Use Permit provided in Section 110-76 of the Zoning Ordinance, and the proposed granting of the Conditional Use permit, as set forth herein, is in the public good and in the best interest of the City and its residents and is consistent with and fosters the purpose and spirit of the City's Zoning Ordinance.

**SECTION THREE:** The Conditional Use Permit set forth herein shall be applicable to the following described property:

### **Legal Description**

All that part of the North Half of the Southwest Quarter of Section Twenty-three (23), in Township Forty (40) North, Range One (1) East of the Third Principal Meridian, which lies North of the right of way of the Chicago, Burlington & Quincy Rail Road, formerly the Chicago & Iowa Rail Road; situated in the Township of Flagg, the County of Ogle and the State of Illinois.

**PIN:** 24-23-300-002

**Commonly known as:** 2000 W. 8<sup>th</sup> Avenue, Rochelle, Illinois 61068

**SECTION FOUR:** The Conditional Use Permit is hereby granted to allow for the operation of a Dog Training Facility in the I-2 Zoning District at 2000 W. 8<sup>th</sup> Avenue, Rochelle, Illinois 61068.

**SECTION FIVE:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION SIX: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions-imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION SEVEN: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION EIGHT: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 12<sup>th</sup> day of August, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12<sup>th</sup> day of August, 2019.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A DOG TRAINING FACILITY IN THE I-2 (GENERAL INDUSTRY) ZONING DISTRICT LOCATED AT 2000 WEST 8<sup>TH</sup> AVENUE (ELOY AND CLAUDIA CERVANTES)” which was adopted by the Mayor and City Council of the City of Rochelle on August 12, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
CITY CLERK