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

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

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**AN ORDINANCE GRANTING CERTAIN SIGN VARIATIONS AT 601 FLAGG ROAD  
(HP ROCHELLE REAL ESTATE, LLC, PETITIONER)**

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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: October 15, 2019**

**AN ORDINANCE GRANTING CERTAIN SIGN VARIATIONS AT 601 FLAGG ROAD  
(HP ROCHELLE REAL ESTATE, LLC, PETITIONER)**

**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 October 7, 2019, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-17-19 relative to a request received by HP Rochelle Real Estate, LLC (“Petitioner”), seeking Variations from Section 110-675 of the Rochelle Municipal Code (“Sign Ordinance”) pertaining to the setback requirements of signs existing near a City right-of-way at 601 Flagg Road, Rochelle, Illinois 61068 (“Subject Property”) and square footage allowance for said sign faces; and

**WHEREAS**, said Petitioner desires to seek said Variations to erect various ground signs, building signs, and fuel canopy signs (“Signs”) at a five-foot (5’) setback from the Subject Property which will be twenty-five feet (25’) behind the existing sidewalk, further described in the attached Exhibit 1; and

**WHEREAS**, Petitioner provides that said setback requirements in the Sign Ordinance disadvantages Petitioner because of the additional right-of-way purchased by the Illinois Department of Transportation near the Subject Property; and

**WHEREAS**, said Petitioner also desires to request a Variation to increase the square footage of the face of a ground sign to be 278 total square feet, as further described in the attached Exhibit 2; 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**, the PZC has filed its report of findings and recommendations regarding the Variation of the Subject Property 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 Variations; 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:** The Variation set forth herein below shall be applicable to the following described Property,

**LEGAL DESCRIPTION:**

**[ATTACHED HERETO AS EXHIBIT 3]**

**PIN:** 24-13-177-010

**Commonly known as:** 601 Flagg Road, Rochelle, Illinois 61068 (“Subject Property”)

**SECTION THREE:** That certain Variations be granted as follows for the Subject Property:

- 1) Variations from the requirements of Section 110-675 of the Rochelle Municipal Code, which provides minimum setback requirement of one-half the required minimum setback building line from a public right-of-way, to allow a five foot (5’) setback from the right-of-way at the Subject Property, which will be twenty-five feet (25’) behind the existing sidewalk, for said Signs described in the attached Exhibit 1.
- 2) A Variation from the requirements of Section 110-675 of the Rochelle Municipal Code, to allow a 50% increase in the allowable sign face dimensions to permit a 278 total square foot ground sign at the Subject Property, described in the attached Exhibit 2.

**SECTION FOUR:** 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 FIVE: 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 SIX: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SEVEN: 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 15<sup>th</sup> day of October, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 15<sup>th</sup> day of October, 2019.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT 1**

**5' SETBACK SIGN**

**EXHIBIT 2**

**GROUND SIGN IMAGE**

**EXHIBIT 3**

**LEGAL DESCRIPTION**

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 CERTAIN SIGN VARIATIONS AT 601 FLAGG ROAD (HP ROCHELLE REAL ESTATE, LLC, PETITIONER)” which was adopted by the Mayor and City Council of the City of Rochelle on October 15, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 15<sup>th</sup> day of October, 2019.

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