
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING VARIATIONS RELATED TO
TEMPORARY CRAFT GROWER FACILITIES**

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE GRANTING VARIATIONS RELATED TO
TEMPORARY CRAFT GROWER FACILITIES**

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 May 4, 2020, the Planning and Zoning Commission heard testimony on Petition #PZC-0220 submitted by Lighthouse Dispensing Company, LLC, an Illinois limited liability company (“Petitioner”), requesting a Variations to allow for temporary grow facilities (“Variations”); and

WHEREAS, Petitioner would be required to begin production of Adult Use Cannabis within six months after Petitioner receives its Craft Grower license; and

WHEREAS, Petitioner expects that it will take eight months to construct its Craft Grower facility at 501 Timber Lane, Rochelle, Illinois after receipt of a Craft Growers license from the State of Illinois; and

WHEREAS, Petitioner would be able to meet its production requirements through the use of temporary growing facilities, and

WHEREAS, Petitioner seeks a variance to use temporary growing facilities constructed by Flexmod Solutions to meet its production responsibilities, including six facilities as follows: one container that is 8’x20’; one container that is 8’x40’; and four containers that are 12’x40’; and

WHEREAS, pursuant to Section 74-33, 74-34 and 110-101 of the City Code, the Planning and Zoning Commission has the authority to review and recommend a petition for Variations related to temporary facilities to the Mayor and City Council; and

WHEREAS, on May 4, 2020, after hearing testimony on the petition, the Planning and Zoning Commission voted 7-0 in favor of recommending Petition #PZC-2-20, that grants Variations and allows for the use of temporary facilities pursuant to Section 110-10 of the City Code to the City Council; 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 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 Variations set forth herein below shall be applicable to the following described property:

See legal description attached hereto as Exhibit A.

(Located at or around 501 Timber Lane Rochelle, Illinois)

(Hereafter referred to as the “Subject Property”)

SECTION THREE. That the Variations at the Subject Property be granted as follows:

1.) A variance granting Petitioner the right to use temporary grow containers manufactured by Flexmod Solutions as follows: one container that is 8’x20’; one container that is 8’x40’; and four containers that are 12’x40’, for a period of up to two years, subject to issuance of a certificate every six months by the Zoning Administrator.

SECTION FOUR: The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

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 11th day of May, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of May, 2020.

ATTEST:

MAYOR

CITY CLERK

EXHIBIT A

Parcel Identification Number 25-31-200-018, and is legally described as:

A certain tract of land situated in the City of Rochelle, County of Ogle, State of Illinois, has a front on the public road of Timber Lane. At a starting point where Timber Lane intersects Caron Road, on the north side of Timber Lane and the East side of Caron Road, the property's Southern boundary runs parallel to Timber Lane for Seven Hundred Sixty-Eight and 20/100 (768.20') feet. From this point, the property's Eastern boundary continues at a Ninety (90) degree angle North for Three Hundred Fifty (350.0') feet. At this point the Northern boundary extends at a Ninety (90) degree angle Nine Hundred Thirty-One and 15/100 (931.15') feet Westward toward Caron Road. The Property's Western border continues Southward at Seventy-Five (75) degrees for a distance of Three Hundred Thirty and 58/100 (330.58') feet until it meets with the starting point at the intersection of Caron Road and Timber Lane at a One Hundred Five (105) degree angle. The total area of the Property is approximately Seven (7) acres. The Property is currently vacant of any buildings or thoroughfares.

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 VARIATIONS RELATED TO TEMPORARY CRAFT GROWER FACILITIES” which was adopted by the Mayor and City Council of the City of Rochelle on May 11, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of May, 2020.

CITY CLERK