
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING VARIATION RELATED TO A SOLAR
FARM LOCATED AT THE SOUTHEAST CORNER OF TWOMBLY
ROAD AND NORTH CARON ROAD, ROCHELLE, ILLINOIS**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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DAN McDERMOTT
JOHN GRUBEN
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City Council

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**CITY OF ROCHELLE
Ogle County, Illinois**

**ORDINANCE NO. _____
Date: January 11, 2021**

**AN ORDINANCE GRANTING VARIATION RELATED TO A SOLAR
FARM LOCATED AT THE SOUTHEAST CORNER OF TWOMBLY
ROAD AND NORTH CARON ROAD, ROCHELLE, ILLINOIS**

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 April 19, 2021 the Planning and Zoning Commission heard testimony on Petition #PZC-03-21 submitted by Rochelle Solar LLC (“Petitioner”), requesting a Variations from certain construction requirements related to fencing, buffer yards, and surfacing requirements (“Variations”); and

WHEREAS, Petitioner desires to construct a proposed Solar Farm located near the Southeast Corner of Twombly Road and North Caron Road, Dement Township, Ogle County, Rochelle, Illinois; 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 signage to the Mayor and City Council; and

WHEREAS, on April 19, 2021, after hearing testimony on the petition, the Planning and Zoning Commission voted for recommending Petition #PZC-3-21, by a vote of 5-0, for variations from the requirements of Section 82-14 Barbed Wire and Fences, Section 110-405 Buffer Yards, and Section 110-634 Surfacing to the Parking Areas to the Rochelle City Code to the Mayor and City Council; and

WHEREAS, it the Mayor and City Council of the City of Rochelle find that the Variations meets all of the criteria necessary for the granting of said Variations; 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 for the fence, buffer yards and surfacing; 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:

See legal description attached hereto as Exhibit A.

(Located at or near the Southeast corner of Twombly Road and North Caron Road, Dement Township, Ogle County, Illinois)

(Hereafter referred to as the “Subject Property”)

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

- 1.) A variance granting relief from Section 82-14 – “Barbed Wire and Electric Fences”, which prohibits use of barbed wire with any fence composed in whole or in part of barbed wire or with any similar material designed to cause injury to persons, anywhere within three feet of any public street, sidewalk, alley, park or other public way or place, and allow the Petitioner to install one foot of barbed wire on a six-foot fence around the Solar Farm.
- 2.) A variance granting relief from Section 110-405 – “Buffer Yards” of the Municipal Code by asking to eliminate all berming requirements for the Solar Farm, and to allow Petitioner to utilize tree plantings and other vegetative buffers, in lieu of berming to create a visual buffer.
- 3.) A variance granting relief from Section 110-634 – “Surfacing of Parking Areas” of the Municipal Code, which requires that all off-street parking areas and private drives to be constructed with an asphalt or concrete surface, and to allow Petitioner to install a chip and seal surface on all off-street parking areas and private drives; however, Petitioner shall meet the requirements for driveway approach as that is within 130 feet of the right of way.

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 26th day of April 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 26th day of April 2021.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL: 25-18-100-005

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 32 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE SOUTH 0 DEGREES 15 MINUTES 55 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET; THENCE 89 DEGREES 32 MINUTES 21 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 402.42 FEET TO A POINT 15 FEET EAST OF, AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 0 DEGREES 15 MINUTES 55 SECONDS EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 2206.17 FEET TO THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE NORTH 89 DEGREES 45 MINUTES 31 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 1707.48 FEET TO THE EAST LINE OF THE WEST 13 1/3 RODS OF SAID NORTHEAST QUARTER; THENCE NORTH 0 DEGREES 03 MINUTES 19 SECONDS WEST ALONG SAID EAST LINE AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1604.33 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 21 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 340.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 19 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1026.00 FEET TO THE NORTH LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18, SAID POINT BEING 119.99 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 89 DEGREES 32 MINUTES 21 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 974.71 FEET TO THE POINT OF BEGINNING, CONTAINING 91.40 ACRES, MORE OR LESS, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Sue Messer, 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 VARIATION RELATED TO A SOLAR FARM LOCATED AT THE SOUTHEAST CORNER OF TWOMBLY ROAD AND NORTH CARON ROAD, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on April 26, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of April 2021.

CITY CLERK