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

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

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**AN ORDINANCE AMENDING SECTION 86-57 ENTITLED "PAYMENT OF FEES"  
AND SECTION 110-46 ENTITLED "FEES" OF THE ROCHELLE MUNICIPAL CODE  
PERTAINING TO THE PAYMENT OF FEES FOR SUBDIVISION AND ZONING  
APPLICATIONS**

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**CHET OLSON, Mayor**  
**BRUCE McKINNEY, City Clerk**

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**BIL HAYES**  
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**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN BEARROWS**  
**City Council**

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CITY OF ROCHELLE  
Ogle County, Illinois

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

**AN ORDINANCE AMENDING SECTION 86-57 ENTITLED “PAYMENT OF FEES”  
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PERTAINING TO THE PAYMENT OF FEES FOR SUBDIVISION AND ZONING  
APPLICATIONS**

**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**, the City of Rochelle (“City”) desires to amend its Subdivision Ordinance to establish an appropriate amount of monies to be deposited with the City when filing a subdivision application; and

**WHEREAS**, the City has determined that an initial deposit amount to file a subdivision application shall not be less than \$1000.00 nor greater than \$10,000.00; and

**WHEREAS**, upon the receipt of each application said deposit amount shall be determined by the City Manager or his designee and based upon the complexity of the proposed application; and

**WHEREAS**, said deposit amount shall be used to reimburse expenses for all city staff and consultants, including but not limited to attorneys’ fees, consultant fees, and engineering fees; and

**WHEREAS**, the City provides certain services and incurs certain costs related to cost of processing subdivision applications, including but not limited to the cost of permit preparation and administration, plan review, inspections and other services; and

**WHEREAS**, the City deems it necessary and appropriate that these costs be adequately reimbursed through the initial deposit provided with a subdivision application; and

**WHEREAS**, the City desires to amend its Zoning Ordinance to refer to the Subdivision Ordinance when determining fees and deposit amounts related to zoning applications; and

**WHEREAS**, the City desires to provide the same deposit structure to reimburse staff and consultants in reviewing zoning applications; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that the amendment to the deposit amounts for subdivision and zoning applications are in the best interest of the City and its residents.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:**

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Section 86-57(b) entitled “Reimbursement for staff review time” is hereby amended by adding the following underlined language:

**Sec. 86-57. – Payment of Fees**

(b) *Reimbursement for staff review time.* Every applicant for rezoning, special use permit, planned unit development, concept plan, preliminary plat or plan, final plat or plan, land banking for future public use, site plan reviews to include, but not limited to, new parking facilities, utility improvements, and storm water management and drainage facilities in any commercial or industrial district, and any land improvements as defined in this Code, shall reimburse the city for expenses incurred by the city in connection with all legal, engineering, land planning, and other professional services required during the review of applications required by the city or its consultants and to assure compliance with the standards contained in this Code.

(1) With the exception of a single-family residential lot previously subdivided, the applicant shall deposit into a specified account with the city at the time of the first application affecting the applicant’s project an amount not less than \$1,000.00 and not more than \$10,000.00. The amount shall be determined by the city manager or his designee and shall be based upon the expected complexity of the proposed applicant and the anticipated of time required by the city staff and its consultants to review the applicant and supporting documentation. The final fee billed to the applicant may be more of less than the city manager’s estimate.

SECTION THREE: That Section 110-46 entitled “FEES” is hereby amended by deleting the following strikethrough language and adding the following underlined language:

**Sec. 110-46. – FEES.**

Any person who petitions the City Council or the Planning and Zoning Commission, as the case may be, for annexation, zoning, zoning amendments to the regulations, map or designation, zoning variations, appeals, or conditional/special use permits shall ~~accompany the respective petition with a fee as shall be established and modified from time to time by city council resolution.~~ proceed in accordance with Sec. 86-57 regarding the payment of fees.

SECTION FOUR: That the City Council of the City of Rochelle has determined that this Ordinance shall amend the deposit amounts for subdivision and zoning applications.

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 elsewhere 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 February, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12<sup>th</sup> day of February, 2018.

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MAYOR

ATTEST:

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CITY CLERK

