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

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

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**AN ORDINANCE APPROVING THE PRELIMINARY AND  
FINAL PLAT OF KENNAY FARMS DISTILLING, LLC SUBDIVISION  
CONDITIONAL USE WAREHOUSING VARIANCE OF INTERIOR PARKWAY  
BUFFER YARD REQUIREMENT**

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**CHET OLSON, Mayor**  
**SUE MESSER, City Clerk**  
**TOM MCDERMOTT**  
**BIL HAYES**  
**DON BURKE**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN BEARROWS**  
**City Council**

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Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

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**AN ORDINANCE APPROVING THE PRELIMINARY AND  
FINAL PLAT OF KENNAY FARMS DISTILLING, LLC SUBDIVISION  
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**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**, pursuant to the City of Rochelle Zoning Ordinance, KENNAY FARMS DISTILLING LLC, an Illinois limited liability company, initiated a petition to divide land legally described in Exhibit “A” into a one lot subdivision based on the proposed Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” known as KENNAY FARMS DISTILLING LLC Subdivision; and

**WHEREAS**, the petition for the Preliminary Plat and Final Plat was reviewed by the Planning and Zoning Commission at their meeting of September 10, 2018 and the Planning and Zoning Commission, by a vote of 4-0, recommended that Council approve the Preliminary Plat and Final Plat of Subdivision for KENNAY FARMS DISTILLING LLC Subdivision; and

**WHEREAS**, the petition for the Conditional Use for warehousing in the B-1 Central Business Zoning District was reviewed by the Planning and Zoning Commission at their meeting of September 10, 2018 and the Planning and Zoning Commission by a vote of 4-0, recommended that Council approve the conditional use for warehousing, and

**WHEREAS**, the petition for a variance from the requirements for interior parkway and buffer yard was reviewed by the Planning and Zoning Commission at their meeting of September 10, 2018 and the Planning and Zoning Commission by a vote of 4-0, recommended that Council approve the variance, and

**WHEREAS**, the petition is contingent upon staff approval, off street parking, storm water detention, and a guarantee of completion of public improvements; and

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

Section 1. The Preliminary Plat, Exhibit “B”, and Final Plat, Exhibit “C” for Kennay Farms Distilling, LLC Subdivision are hereby approved subject to: (i) final site engineering, landscaping, building plan approvals, storm water detention, and a guarantee of completion of public improvements and (ii) City staff approval in regards to engineering, utilities, building, site plan, storm water detention, and a guarantee of completion of public improvements.

Section 2. The Conditional Use for warehousing are hereby approved subject to (i) final site engineering, landscaping, building plan approvals, storm water detention, and a guarantee of completion of public improvements and (ii) City staff approval in regards to engineering, utilities, building, site plan, storm water detention, and a guarantee of completion of public improvements.

Section 3. The variance of the requirement for interior parkway and buffer yard are hereby approved subject to (i) final site engineering, landscaping, building plan approvals, storm water detention, and a guarantee of completion of public improvements and (ii) City staff approval of engineering, utilities, building, site plan, storm water detention, and a guarantee of completion of public improvements.

Section 4. This ordinance shall become effective after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 10<sup>th</sup> day of September, 2018.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent/Abstain: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk

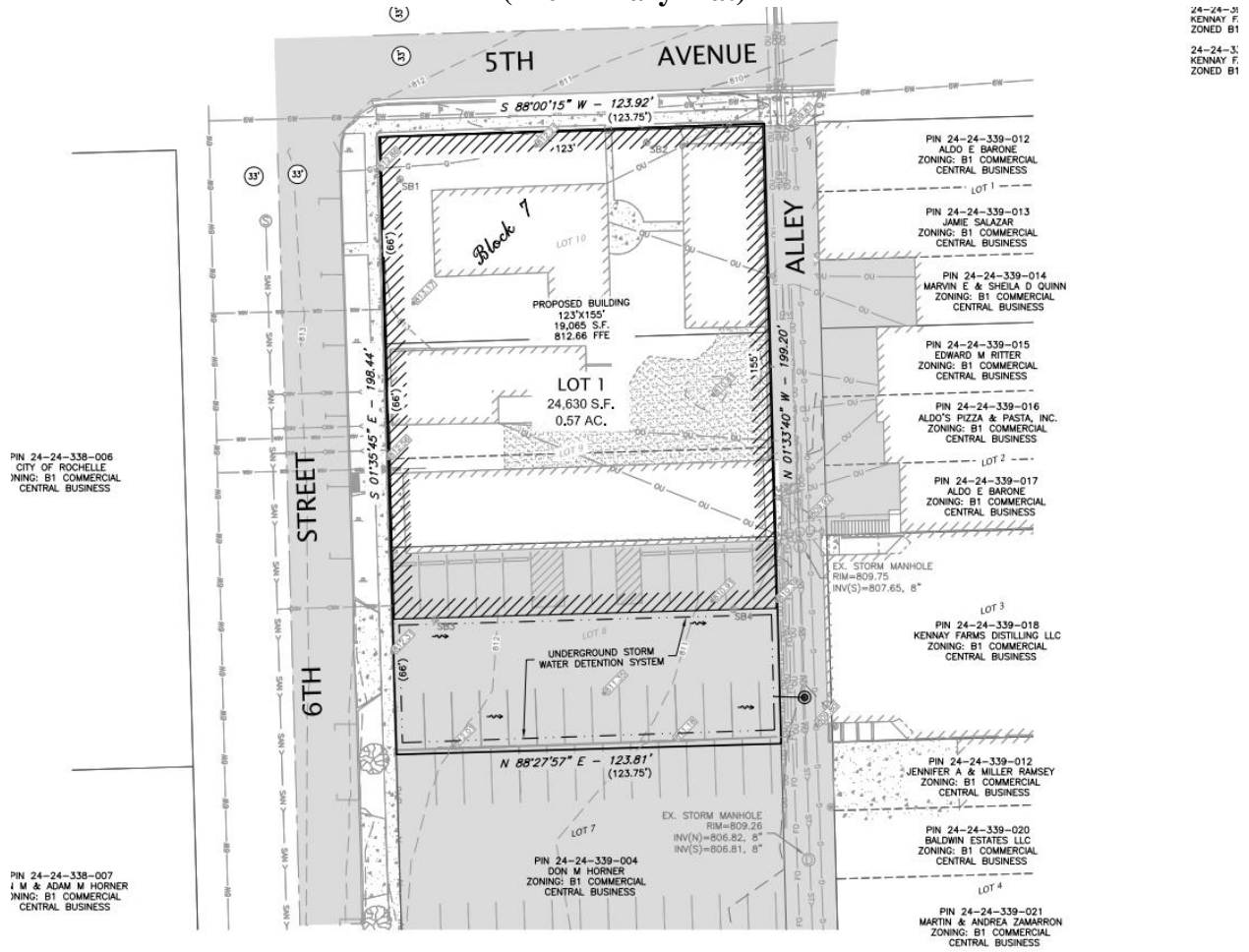
**EXHIBIT A**  
**(Legal Description)**

Parcel Identification Numbers: 24-24-339-001, 24-24-339-025, 24-24-339-024

Lot Eight (8), Nine (9) and Ten (10) in Block Seven (7) in the Original Town of Lane, now called the City of Rochelle, according to the Plat thereof recorded in Book D of Plats page 2 as Document No. 9921; situated in the City of Rochelle, Township of Flagg, County of Ogle and State of Illinois, more accurately described as follows: Beginning at the Northeast corner of said Lot 10; thence South 01 degrees 33 minutes 40 seconds East (assumed bearing) on and along the East line of said lots 10, 9 and 8, a distance of 199.20 feet to the Southeast corner of said Lot 8; thence South 88 degrees 27 minutes 57 seconds West on and along the South line of said Lot 8, a distance of 123.81 feet to the Southwest corner of said Lot 8; thence North 01 degrees 35 minutes 45 seconds West on and along the West line of said Lots 8, 9 and 10, a distance of 198.44 feet to the Northwest corner of said Lot 10; thence North 88 degrees 00 minutes 15 seconds East on and along the North line of said Lot 10, a distance of 123.92 feet to the Point of Beginning, containing 0.57 acres, more or less.

# EXHIBIT B

## (Preliminary Plat)





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 APPROVING THE PRELIMINARY AND FINAL PLAT OF KENNAY FARMS DISTILLING, LLC SUBDIVISION CONDITIONAL USE WAREHOUSING VARIANCE OF INTERIOR PARKWAY BUFFER YARD REQUIREMENT” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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