
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE SOUTHEAST
CORNER OF JONES ROAD AND 9TH STREET FROM R-1 SINGLE-FAMILY RESIDENTIAL
TO B-2 HIGHWAY COMMERCIAL (FLAGG ROCHELLE PARK DISTRICT, PETITIONER)**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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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. _____
Date Passed: July 8, 2019**

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF JONES ROAD AND 9TH STREET FROM R-1 SINGLE-
FAMILY RESIDENTIAL TO B-2 HIGHWAY COMMERCIAL (FLAGG ROCHELLE
PARK DISTRICT, 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, pursuant to the provisions of the Rochelle Municipal Code, Section 110-162, and the Illinois Municipal Code, 65 ILCS 5/11-13-9, the City of Rochelle (“City”) has adopted and maintained an Official Zoning Map indicating the boundaries of the various zoning districts as established and amended from time to the time by the Rochelle City Council; and

WHEREAS, Chapter 110 of the Rochelle Municipal Code provides procedures for amendments of the boundaries of various zoning districts, including changes initiated by owners of property which is proposed to be rezoned; and

WHEREAS, on July 1, 2019, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC- ___ relative to a request received by Flagg Rochelle Park District (“Petitioner”), to rezone certain real property located at the southeast corner of Jones Road and 9th Street, Rochelle, Illinois (“Subject Property”), from R-1 Single-Family Residential zoning district to B-2 High Commercial zoning district; 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 rezoning 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 the rezoning of the Subject Property; 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: That the report of findings and recommendations of the PZC are herein incorporated by reference as the findings of this Mayor and City Council, as complete as if fully set forth herein at length. This City Council finds that the Petitioner has provided evidence establishing that they have met the standards for granting the rezoning as set forth in Section 110-124 and Section 110-76 of the Zoning Ordinance, and the proposed granting of the rezoning, as set forth herein, is in the public good and in the best interest of the City and its residents and is consistent with and fosters the purpose and spirit of the City's Zoning Ordinance.

SECTION THREE. The rezoning set forth herein below shall be applicable to the following described property:

LEGAL DESCRIPTION:

[ATTACHED HERETO AS EXHIBIT 1]

PIN: 24-24-104-106

Commonly known as: southeast corner of Jones Road and 9th Street, Rochelle, Illinois 61068

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 8th day of July, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 8th day of July, 2019.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

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 REZONING CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JONES ROAD AND 9TH STREET FROM R-1 SINGLE-FAMILY RESIDENTIAL TO B-2 HIGHWAY COMMERICAL (FLAGG ROCHELLE PARK DISTRICT, PETITIONER)” which was adopted by the Mayor and City Council of the City of Rochelle on July 8, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 8^h day of July, 2019.

CITY CLERK