
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING A SETBACK VARIATION FOR CERTAIN PROPERTY
LOCATED AT THE SOUTHEAST CORNER OF JONES ROAD AND 9TH STREET
(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 GRANTING A SETBACK VARIATION FOR CERTAIN PROPERTY
LOCATED AT THE SOUTHEAST CORNER OF JONES ROAD AND 9TH STREET
(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, 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”), seeking a Variation from the setback requirements of the Rochelle Municipal Code for B-2 Highway Commercial zoning districts, for the west portion of certain real property located at the southeast corner of Jones Road and 9th Street, Rochelle, Illinois (“Subject Property”); and

WHEREAS, said Petitioner desires to seek said Variation following the Subject Property’s rezoning pursuant to Ordinance No ___, which changed the rezoning from R-1 to B-2, pursuant to the City’s Zoning Ordinance all lots must have a minimum twenty-foot (20’) setback in the side yard;

WHEREAS, said setback requirement would result in reducing the size of the building structure to accommodate the requirement; 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 Variation 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 said Variation; 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,

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 THREE: That a Variation be granted as follows:

- 1) A Variation from the requirements of Section 110-217 of the Rochelle Municipal Code, which provides that side yard setback requirements of twenty feet (20') shall be maintained in the B-2 zoning district, to allow remove the setback requirement for property located at the 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 GRANTING A SETBACK VARIATION FOR CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JONES ROAD AND 9TH STREET (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