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

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

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**AN ORDINANCE APPROVING A CONDITIONAL USE IN THE PUD-C  
(PLANNED UNIT DEVELOPMENT – COMMERCIA) ZONING DISTRICT  
TO ALLOW RETAIL SALES OF ELECTRONIC CIGARETTES, VAPOR,  
AND RELATED PRODUCTS IN ACCESSORS AT 1231 CARON ROAD  
(SINBAD VAPORS, LLC, PETITIONER)**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

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

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: November 25, 2019**

**AN ORDINANCE APPROVING A CONDITIONAL USE IN THE PUD-C  
(PLANNED UNIT DEVELOPMENT – COMMERCIA) ZONING DISTRICT  
TO ALLOW RETAIL SALES OF ELECTRONIC CIGARETTES, VAPOR,  
AND RELATED PRODUCTS IN ACCESSORS AT 1231 CARON ROAD  
(SINBAD VAPORS, LLC, 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 November 4, 2019, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-20-19 relative to a request received by Sinbad Vapors, LLC (“Petitioner”), seeking a Conditional Use Permit to allow for the retail sale of electronic cigarettes, vapor, and related products and accessors (“Smoking Products”) at 1231 Caron Road, Rochelle, Illinois 61068 (“Subject Property”); 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 voted 5-2 to recommend approval of the Conditional Use Permit to allow for the sale of Smoking Products at the Subject Property; and

**WHEREAS**, the PZC has filed its report of findings and recommendations regarding the approval of the Conditional Use Permit to allow for the sale of Smoking Products at the Subject Property with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; and

**WHEREAS**, on November 12, 2019, Petitioner sought approval of the Conditional Use Permit at a regularly scheduled City Council Meeting (“Meeting”); and

**WHEREAS**, at said Meeting, the City Council sought to discuss requesting certain conditions prior to the granting of the Conditional Use Permit to the Petitioner; and

**WHEREAS**, the City Council now desires to restrict smoking and/or consuming any of said Smoking Products sold by the Petitioner at the Subject Property as a conditional for approving the Conditional Use Permit to the Petitioner; 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 Conditional Use Permit subject to certain conditions; 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 is fully set forth herein at length. This City Council finds that the Petitioner has provided to establish that they have met the standards for granting of a Conditional Use Permit as set forth in Section 110-76 of the Zoning Ordinance, and the proposed granting of the Conditional Use Permit, 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 Conditional Use Permit set forth herein below shall be applicable to the following described Property,

**LEGAL DESCRIPTION:**

**[ATTACHED HERETO AS EXHIBIT 1]**

**PIN:** 25-18-376-002

**Commonly known as:** 1231 Caron Road, Rochelle, Illinois 61068 (“Subject Property”)

**SECTION FOUR:** That a Conditional Use Permit to allow for the sale of said Smoking Products at the Subject Property is hereby granted to Petitioners, subject to the condition that there shall be no smoking, use, or consuming of any said Smoking Products at the Subject Property.

**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 25<sup>th</sup> day of November, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 25<sup>th</sup> day of November, 2019.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT 1**  
**LEGAL DESCRIPTION**

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 A CONDITIONAL USE IN THE PUD-C (PLANNED UNIT DEVELOPMENT – COMMERCIA) ZONING DISTRICT TO ALLOW RETAIL SALES OF ELECTRONIC CIGARETTES, VAPOR, AND RELATED PRODUCTS IN ACCESSORS AT 1231 CARON ROAD (SINBAD VAPORS, LLC, PETITIONER)” which was adopted by the Mayor and City Council of the City of Rochelle on November 25, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 25<sup>th</sup> day of November, 2019.

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