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THE CITY OF ROCHELLE  
Ogle County, Illinois

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

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**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW KENNAY FARMS  
DISTILLING, LLC TO HOLD EVENTS IN ITS RICKHOUSE LOCATED 417 N. 6<sup>TH</sup>  
STREET, ROCHELLE, ILLINOIS**

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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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200 W. Adams, Ste. 2125, Chicago, IL 60606

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

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STREET, ROCHELLE, ILLINOIS**

**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 May 4, 2020 the Planning and Zoning Commission of the City of Rochelle conducted a public hearing on Petition #03-20 relative to a request submitted by Kennay Farms Distilling, LLC (“Petitioner”), for a Special Use to allow for the Petitioner to hold events at its Rickhouse located at 417 N. 6<sup>th</sup> Street, Rochelle, Illinois (“Property”); and

**WHEREAS**, the Property was constructed to serve as a warehouse and not as an event venue; and

**WHEREAS**, Petitioner will make prepare additional improvements, including a heat system, and contract for portable lavatories in order to comply with all other City Code requirements;

**WHEREAS**, Sections 74-36 and 110-73 of the City of Rochelle Zoning Code allows the Planning and Zoning Committee to conduct hearings for special use petitions submitted to the City and to submit a report with its recommendations to the City Council for its consideration; and

**WHEREAS**, City Staff has recommended the authorization of a Special Use to allow for the Petitioner to host events at the Property; and

**WHEREAS**, after hearing testimony on the Petition, the Planning and Zoning Commission found that the Petition met the requisite standards enumerated in the City Code for the granting of a Special Use and adopted the written factual justifications submitted by the Petitioner; and

**WHEREAS**, the Planning and Zoning Commission voted 6-1 in favor of recommending to the City Mayor and City Council the Special Use to allow for the Petitioner to hold events inside the Rickhouse located at 417 N. 6<sup>th</sup> Street, Rochelle, Illinois; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Special Use.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The Special Use set forth herein below shall be applicable to the following described property:

See Legal Description attached hereto as Exhibit 1

(Commonly known as 417 N. 6<sup>th</sup> Street, Rochelle, Illinois)

SECTION 3: A Special Use permit is hereby granted to the Petitioner/Owner to allow for the Petitioner to hold events inside the Rickhouse located at 417 N. 6<sup>th</sup> Street, Rochelle, Illinois, Illinois subject to the following conditions:

1. Petitioner must ensure the appropriate number of portable lavatories are brought in for the events with a time restriction of 24 hours before and after an event. These portable lavatories will not be left in place from one event to another.

2. Petitioner will install the necessary heating unit on the East side of the Rickhouse and would be placed to the South of the existing stormwater inlet, without obstructing the transformer or fire department connection. Further, a site plan is required and must be approved and decorative screening for the heating unit must be installed on the North side of the heating unit.

3. A permanent drainage easement shall be dedicated to the City of Rochelle, within the Northeast corner of Lot 1 of Kennay Farms Distilling LLC subdivision, that is approximately 15'x30', to allow connection to and drainage through an existing storm sewer at the intersection of 5<sup>th</sup> Avenue and a public alley.

4. Petitioner shall grant a temporary construction easement to the City of Rochelle, along the easterly 10 feet of Lot 1 of Kennay Farms Distilling LLC subdivision, to allow for reconstruction of the alley east of Lot 1.

SECTION 4: Any policy, resolution or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 11<sup>th</sup> day of May, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11<sup>th</sup> day of May, 2020.

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CITY MAYOR

ATTEST:

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CITY CLERK

**Exhibit 1**

Parcel Identification Number 24-24-339-026, and is legally described as:

Lot 1 of "KENNAY FARM DISTILLING, LLC" Subdivision, according to the Plat thereof recorded as Document No. 201900908 in Ogle County Recorder's Office, City of Rochelle, Township of Flagg, County of Ogle, State of Illinois.

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 SPECIAL USE TO ALLOW KENNAY FARMS DISTILLING, LLC TO HOLD EVENTS IN ITS RICKHOUSE LOCATED 417 N. 6<sup>TH</sup> STREET, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on May 11, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of May, 2020.

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