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

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

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**AN ORDINANCE GRANTING VARIATION TO PERMIT FIRST-FLOOR RESIDENTIAL ON  
A DEVELOPMENT LOCATED WITHIN THE PUD-C ZONING DISTRICT FOR THE  
PROPERTY LOCATED AT CORONADO DRIVE AND NORTH POINT DRIVE, 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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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. \_\_\_\_\_**

**AN ORDINANCE GRANTING VARIATION TO PERMIT FIRST-FLOOR  
RESIDENTIAL ON A DEVELOPMENT LOCATED WITHIN THE PUD-C  
ZONING DISTRICT FOR THE PROPERTY LOCATED AT CORONADO  
DRIVE AND NORTH POINT DRIVE, 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 July 6, 2020, the Planning and Zoning Commission heard testimony on Petition #PZC-04-20 relative to a request submitted by The Burton Foundation (“Petitioner”), for a Variation to allow for the construction of first-floor residential units on parcels located at Coronado Drive and North Point Drive, Rochelle, Illinois (“Property”); and

**WHEREAS**, the Property is zoned PUD-C, Planned Unit Development, Commercial, and requires a variation for first-floor residential development; and

**WHEREAS**, pursuant to Section 74-33, 74-34 and 110-101 of the City Code, the Planning and Zoning Commission has the authority to review and recommend a petition for Variations related to temporary facilities to the Mayor and City Council; and

**WHEREAS**, on July 6, 2020, after hearing testimony on the petition, the Appeals Board unanimously voted 6-1 in favor of denying Petition #PZC-04-20, that grants the Variation and allows for the construction of first-floor residential units on the Property; 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 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:

See legal description attached hereto as Exhibit A.

(Located at or around Coronado Drive and North Point Drive, Rochelle, Illinois)

(Hereafter referred to as the "Subject Property")

SECTION THREE. That the Variation at the Subject Property be granted as follows:

1.) Petitioner shall be allowed to construct first-floor residential units on the Property.

SECTION FOUR: The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

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 by 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 13<sup>th</sup> day of July, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13<sup>th</sup> day of July, 2020.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**

Parcel Identification Number 25-18-377-002 and 25-18-377-003, and is legally described as:

THAT PART OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 01 DEGREE 24 MINUTES 18 SECONDS WEST 410.20 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 43 DEGREES 22 MINUTES 46 SECONDS WEST 42.51 FEET; THENCE SOUTH 88 DEGREES 16 MINUTES 19 SECONDS WEST 24.57 FEET TO A POINT ON A CURVE; THENCE WESTERLY ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 440.00 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 37 MINUTES 28 SECONDS WEST, AND A CHORD LENGTH OF 132.31 FEET, AN ARC DISTANCE OF 132.82 FEET; THENCE SOUTH 70 DEGREES 58 MINUTES 38 SECONDS WEST 106.38 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 33 SECONDS WEST 179.74 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS WEST 221.93 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 39 SECONDS WEST 395.22 FEET; THENCE NORTH 88 DEGREES 21 MINUTES 03 SECONDS EAST 35.00 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 39 SECONDS WEST 113.43 FEET; THENCE NORTH 88 DEGREES 21 MINUTES 03 SECONDS EAST 376.23 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 358.00 FEET, A CHORD BEARING OF SOUTH 15 DEGREES 55 MINUTES 31 SECONDS EAST, AND A CHORD LENGTH OF 147.75 FEET, AN ARC LENGTH OF 148.82 FEET; THENCE SOUTH 27 DEGREES 50 MINUTES 02 SECONDS EAST 78.09 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 278.00 FEET, A CHORD BEARING OF SOUTH 14 DEGREES 40 MINUTES 25 SECONDS EAST, AND A CHORD LENGTH OF 126.59 FEET, AN ARC LENGTH OF 127.71 FEET; THENCE SOUTH 01 DEGREE 30 MINUTES 48 SECONDS EAST 270.33 FEET TO THE PLACE OF BEGINNING, IN OGLE COUNTY, 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 VARIATION TO PERMIT FIRST-FLOOR RESIDENTIAL ON A DEVELOPMENT LOCATED WITHIN THE PUD-C ZONING DISTRICT FOR THE PROPERTY LOCATED AT CORONADO DRIVE AND NORTH POINT DRIVE, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on July 13, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 13<sup>th</sup> day of July, 2020.

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