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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 RELATED TO SETBACKS**

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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. \_\_\_\_\_**  
**Date: September 14, 2020**

**AN ORDINANCE GRANTING VARIATION RELATED TO SETBACKS**

**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 September 8, the Planning and Zoning Commission heard testimony on Petition #PZC-09-20 submitted by Pasquesi Farms, LLC, a Delaware limited liability company, d/b/a MightyVine (“Petitioner”), requesting a Variations from certain setbacks requirements (“Variations”); and

**WHEREAS**, Petitioner desires to construct a packhouse expansion, located at 222 Centerpoint Drive located in the Centerpoint Intermodal Center, Phase I, Lot Two, Flag Township, Ogle County, Rochelle, Illinois; 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 landscaping, setbacks, and signage to the Mayor and City Council; and

**WHEREAS**, on September 8, 2020, after hearing testimony on the petition, the Planning and Zoning Commission voted against recommending Petition #PZC-09-20, by a vote of 4-1, for a variation from the requirements of Section 110-404 Interior Parkways to the Rochelle City Code to the Mayor and City Council; 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 Variations; 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 222 Centerpoint Drive located in the Centerpoint Intermodal Center, Phase I, Flagg Township, Ogle County, Illinois)

(Hereafter referred to as the “Subject Property”)

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

1.) A variance granting relief from Section 110-404, which provides that Industrial properties, and properties in the I-1 and I-2 zoning districts shall provide a minimum 50-foot-wide interior parkway adjacent to all public rights-of-way. The variance shall allow Petition to construct its packhouse expansion with a 20-foot front setback.

**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 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 14<sup>th</sup> day of September, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14<sup>th</sup> day of September, 2020.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**  
**LEGAL DESCRIPTION**

PARCEL: 24-22-400-011

The Westerly 20.5 acres of Lot Two (2) as designated upon the Final Plat of CenterPoint Intermodal Center Rochelle "Phase One," being a Subdivision located in part of Section 22, Township 40 North, Range 1 East of the Third Principal Meridian, the Plat of which is recorded in Plat File D on Page 95 as Document No. 0707621 in the Recorder's Office of Ogle County, Illinois; all situated in the City of Rochelle, the Township of Flagg, the County of Ogle and 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 VARIATION RELATED TO SETBACKS” which was adopted by the Mayor and City Council of the City of Rochelle on September 14, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14<sup>th</sup> day of September, 2020.

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