
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE GRANTING VARIATION RELATED TO SIGNAGE

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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

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: January 25, 2021

AN ORDINANCE GRANTING VARIATION RELATED TO SIGNAGE

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 December 7, 2020 the Planning and Zoning Commission heard testimony on Petition #PZC-11-20 submitted by Flagg Rochelle Community Park District (“Petitioner”), requesting a Variations from certain signa requirements (“Variation”); and

WHEREAS, Petitioner desires to construct a proposed electronic message board located at 802 Jones Road, Flagg 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 December 7, 2020, after hearing testimony on the petition, the Planning and Zoning Commission voted for recommending Petition #PZC-11-20, by a vote of 6 to 0, for a variation from the requirements of Section 110-674 Prohibited Signs to the Rochelle City Code to the Mayor and City Council; and

WHEREAS, it the Mayor and City Council of the City of Rochelle find that the 16-foot set-back Variation meets all of the criteria necessary for the granting of said Variation; 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 Variation for the electronic message board; 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 802 Jones Road, 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 110-674 Prohibited Signs, which prohibits certain flashing signs, which is defined in 110-661 of the City Code as follows: “Flashing sign means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever”, so that the Flagg Rochelle Community Park District may install a proposed electronic message board.

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 25th day of January 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 25th day of January 2021.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION

Part of PIN 24-24-104-006

Commonly known as: SEC Jones Road and 9th St., consisting of approximately 6.48 acres of vacant and unimproved land

Legal Description

Part of Lot I, part of Lot I of Lot 2 and part of Lot 2 of Lot 2 of the Assessor's Subdivision of the Northwest Quarter of Section 24, Township 40 North, Range I East, of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northwest corner of said Section 24, thence North 88°18'27" East along the North Line of Northwest Quarter of said Section, a distance of 699.08 feet to the Northwest corner of Lot I of the Assessor's Subdivision of the Northwest Quarter of Section 24, as recorded in Book "A" of Plats on page 275 in the Recorder's Office of Ogle County, Illinois; thence South 01°23'43" East a distance of 33.00 feet to the Point of Beginning; thence North 88°18'27" East, a distance of 376.24 feet; thence South 01°15'47" East, a distance of 380.45 feet; thence North 88°17'26" East, a distance of 68.50 feet; thence South 01°15'47" East, a distance of 316.73 feet to the south line of Lot 2 of Lot 2 in said Assessor's Subdivision; thence South 88°51'15" West along said south line of sold Lot 2 of Lot 2, a distance of 443.12 feet to the Southwest corner of said Lot 2 of Lot 2 and the Easterly Right-of-Way line of a public road designated 9th Street, thence North 01°23'43" West, along said Easterly Right-of-Way Line, a distance of 692.92 feet to the Point of Beginning. Subject to the rights of the public and State of Illinois, in and to those portions thereof taken, used or dedicated for public road purposes, Containing 6.485 acres, more or less, all situated in 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 SIGNAGE” which was adopted by the Mayor and City Council of the City of Rochelle on January 25, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 25th day of January 2021.

CITY CLERK