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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 SPECIAL USE AND VARIATION OF  
CODE FOR SIGNAGE LOCATED AT 407 LINCOLN HIGHWAY,  
ROCHELLE, ILLINOIS**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**ROSAELIA ARTEAGA**  
**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: August 8, 2022**

**AN ORDINANCE APPROVING A SPECIAL USE AND VARIATION OF  
CODE FOR SIGNAGE LOCATED AT 407 LINCOLN HIGHWAY,  
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 August 1, 2022 the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-11-22 relative to a request received by Teresa Petry (“Petitioner”) for a special use permit for a three-dimensional, lighted roof top sign on the back of 407 Lincoln Highway, Rochelle, Illinois, as well as a variation from the requirements of Section 110-365 (10) of the Rochelle Municipal Code; and

**WHEREAS**, Petitioner, seeking a Special Use Permit and variation to allow for said roof sign and larger signage on the front awning in the B-1 Central Commercial District at 407 Lincoln Highway, Rochelle, Illinois 61068 (“Subject Property”) in Downtown Rochelle; 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**, 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 Special Use Permits and Variations related to accessory buildings to the Mayor and City Council; and

**WHEREAS**, the PZC voted 7-0 to recommend approval of the Special Use Permit and variation to allow for the three-dimensional, lighted roof top sign at the Subject Property and voted 7-0 for a variation of the sign on the front awning; and

**WHEREAS**, the PZC has filed its report of findings and recommendations regarding the approval of the Special Use Permit and variation to allow for the three-dimensional, lighted roof top sign and variation from the front awning signage requirements at the Subject Property with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; 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 Special Use Permit and 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:** 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 Special Use Permit and variations of code as set forth in the Rochelle Municipal Code and Zoning Ordinance, and the proposed granting of the Special Use Permit in the B-1 Central Commercial District and variation, 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 Municipal Code and Zoning Ordinance.

**SECTION THREE:** The Special Use Permit set forth herein below shall be applicable to the following described Property,

**LEGAL DESCRIPTION:** ATTACHED HERETO AS EXHIBIT 1.

Commonly known as: 407 Lincoln Highway, Rochelle, Illinois 61068 ("Subject Property")

**SECTION FOUR:** That a Special Use Permit to allow for the installation of a three-dimensional, lighted roof top sign located at the back of the Subject Property is hereby granted to Petitioners. Per this Special Use, the roof sign will be a maximum of 1'6" tall X 10'0" wide

**SECTION FIVE:** The Variation set forth herein below shall be applicable to the Subject Property.

**SECTION SIX.** That the Variation at the Subject Property is granted as follows:

- 1.) Petitioner is granted a variation from section 110-369(2), which states that the maximum (Maximum of) Eighty (80%) percent of maximum area for copy and graphics on valance. Petitioner shall be allowed to place a sign on the front awning that is a maximum of 1'6" tall and 6' wide.

SECTION SEVEN: 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 EIGHT: 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 NINE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION TEN: 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 8<sup>th</sup> day of August, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 8<sup>th</sup> day of August, 2022.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT 1**

**LEGAL DESCRIPTION**

Parcel Identification Number: 24-24-340-006

Legally described as:

A part of Lot Seven (7) in Block Eight (8) in the Original Town of Lane, now called the City of Rochelle, according to the Plat thereof recorded in Book "D" of Plats, Page 2, described as follows, to wit: Commencing on the West line of said Lot, 22 feet South of the Northwest corner thereof; thence East, parallel with the North line of said Lot, to the East line of said Lot; thence South, on the East line of said Lot, 22 feet; thence West, parallel with the North line of said Lot, to the West line of said Lot; thence North, on said West line, to the place of beginning; situated in the City of Rochelle, Township of Flagg, 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 APPROVING A SPECIAL USE AND VARIATION OF CODE FOR SIGNAGE LOCATED AT 407 LINCOLN HIGHWAY, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on August 8, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 8<sup>th</sup> day of August, 2022.

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CITY CLERK