
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR WELL #13
ON PARCEL 25-17-100-010**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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1301 W. 22nd Street – Ste. 500, Oak Brook, Illinois 60523

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____

Date: April 14, 2025

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR WELL #13
ON PARCEL 25-17-100-010**

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, Petitioner, the City of Rochelle (“Petitioner”) is the owner of approximately 2.04 acres of vacant land, parcel #25-17-100-010, the legal description of which is attached herein as Exhibit 1; and

WHEREAS, the parcel is located directly east of 915 Technology Parkway; and

WHEREAS, Petitioner plans to build public infrastructure (utilities) for Well #13 on the parcel. A new well will mitigate pressure issues on the northeast side of Rochelle and allow for development; and

WHEREAS, the parcel is zoned B-2 Highway Commercial; and

WHEREAS, pursuant to Division 7, Sec. 110-160 District Use Classification List, Utilities in a B-2 requires a special use; and

WHEREAS, on April 7, 2024, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on Petitioner’s request for a Special Use Permit for utilities on the Subject Property; 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, the PZC voted 6-0 to recommend approval of the Special Use Permit to allow utilities on the Subject Property; and

WHEREAS, the PZC has filed its report of findings and recommendations regarding the approval of the Special Use Permit to allow for Well #13 (utilities) on the Subject Property with the Mayor and City Council, and the 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

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 the Mayor and City Council, as complete as is fully set forth herein at length. This City Council finds that the Petitioner has provided evidence to establish that it has met the standards for granting a Special Use Permit as set forth in the Rochelle Municipal Code and Zoning Ordinance, and granting of the Special Use Permit for a utilities in the B-2 Highway Commercial Zoning District, 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 property legally described in Exhibit A.

SECTION FOUR: That a Special Use Permit to allow for Well #13 (utilities) at the Subject Property is hereby granted.

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 14th day of April, 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of April, 2025.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT 1

LEGAL DESCRIPTION

Outlot A of Rochelle Business and Technology Park, Phase 2, being a subdivision in part of Section 17, Township 40 North, Range 2 East of the Third Principal Meridian, subdivision recorded May 21, 2008, in Plat Book "D", Page 18 as Document No. 0805023 in the Ogle County Recorder's Office, located in the County of Ogle, State of Illinois.

STATE OF ILLINOIS)
) SS.
COUNTY OF OGLE)

CERTIFICATE

I, Rose Hueramo, 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 PERMIT FOR WELL #13 ON PARCEL
25-17-100-010” which was adopted by the Mayor and City Council of the City of Rochelle on
April 14, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 14th day of April 14, 2025.

CITY CLERK