
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO DISTRICT CLASSIFICATION
USES**

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Date Passed: June 13, 2022

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, pursuant to the City of Rochelle Zoning Ordinance (the “Zoning Ordinance”), certain uses were not permitted within the I-3 Heavy Industry Zoning District, which were allowed prior to the adoption of the Zoning Ordinance; and

WHEREAS, staff recommends that these uses should be allowed, in order to be consistent with the prior uses allowed in the Zoning Ordinance; and

WHEREAS, on June 6, 2022, the Planning and Zoning Commission voted 7 to 0 to recommend amending the Zoning Ordinance to include additional uses in the I-3 Heavy Industry Zoning District; and

WHEREAS, the Mayor and City Council have determined that it is appropriate and in the best interest of the welfare of City and its residents to amend Chapter 110 of the City Code to add the permitted and special uses to the I-3 Heavy Industrial Zoning District as set forth in Section Two below;

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: Chapter 110, “ZONING”, Article V, “DISTRICTS”, Division 7, “DISTRICT USE CLASSIFICATIONS”, of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language:

DIVISION 7 – DISTRICT USE CLASSIFICATIONS

Sec. 110-160. District Use Classification List.

* * *

Land Use	A	R D	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-4	I-1	I-2	I-3
* * *														
Adult regulated use												S	S	<u>S</u>

Automobile and/or truck rental									S	P		P	P	<u>S</u>
Automobile and/or truck repair									S	P			S	<u>S</u>
* * *														
Greenhouses										S		P	P	<u>P</u>
Manufacturing, general												P	P	<u>P</u>
Manufacturing, light												P	P	<u>P</u>

Offices, Professional and Business								P	P	P	P	P	P	<u>P</u>

Research and development facilities											S	S	S	<u>S</u>

Planned developments		S	S	S	S	S			S	S	S	S	S	<u>S</u>
Utilities		S	S	S	S	S			S	S	S	S	S	<u>S</u>

Personal Wireless Services		S	S	S	S	S			S	S	S	S	S	<u>S</u>
Small Cell Facilities		S	S	S	S	S			S	S	P	P	P	<u>P</u>

Transloading Facilities														<u>P</u>

SECTION THREE: 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 FOUR: 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 FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: 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 13th day of June, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13th day of June, 2022.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

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 AMENDING CHAPTER 110 OF THE ROCHELLE MUNICIPAL CODE
PERTAINING TO DISTRICT CLASSIFICATION USES,” which was adopted by the Mayor and
City Council of the City of Rochelle on June 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 13th day of June, 2022.

CITY CLERK