
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE IN THE A – AIRPORT
DISTRICT FOR ASSEMBLY/MEETING HALL AND PUBLIC
RECREATION FACILITY AT 1207 GURLER ROAD, ROCHELLE,
ILLINOIS**

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City Council

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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date: March 14, 2022

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DISTRICT FOR ASSEMBLY/MEETING HALL AND PUBLIC
RECREATION FACILITY AT 1207 GURLER ROAD, 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 March 7, 2022, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-04-22 relative to a request submitted by Sky Team, Inc. (“Petitioner”) for a special use permit for an assembly to host large social events and for a public recreational facility for RV parking/camping; and

WHEREAS, Petitioner is seeking a Special Use Permit to allow for an assembly and public recreation facility business in the A-Airport District at 1207 Gurler Road in Rochelle, Illinois 61068 (“Subject Property”) in 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, the PZC voted 5-0, with one abstention, to recommend approval of the Special Use Permit to allow for the assembly business at the Subject Property; and

WHEREAS, the PZC voted 5-0, with one abstention, to recommend approval of the Special Use Permit to allow for the public recreation facility business at the Subject Property; and

WHEREAS, the PZC has filed its report of findings and recommendations regarding the approval of the Conditional Use Permit to allow for the tattoo business 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

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 evidence Petitioner has provided to establish that they have met the standards for granting of a Special Use Permit as set forth in the Rochelle Municipal Code and Zoning Ordinance, and the proposed granting of the Special Use Permit in the A-Airport 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 following described Subject Property:

LEGAL DESCRIPTION: ATTACHED HERETO AS EXHIBIT 1.

SECTION FOUR: That a Special Use Permit to allow for the operation of an assembly and public recreation facility business at the Subject Property is hereby granted to Petitioners, subject to the following conditions:

- (a) The maximum capacity of the facility shall be four hundred (400) persons;
- (b) A twelve-month calendar of events shall be submitted to the Rochelle Fire Chief in January of each year and shall be updated throughout the year as necessary;
- (c) Petitioner shall install a 3-foot door in the northeast corner of the hangar with exit signage; and
- (d) An annual inspection for life safety issues shall be scheduled with the Rochelle Fire Department concurrent with the submission of the annual calendar of events. No events may be held prior to passing the inspection.

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 by 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 March, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of March, 2022.

ATTEST:

MAYOR

CITY CLERK

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 IN THE A – AIRPORT DISTRICT FOR ASSEMBLY/MEETING HALL AND PUBLIC RECREATION FACILITY AT 1207 GURLER ROAD, ROCHELLE, ILLINOIS,” which was adopted by the Mayor and City Council of the City of Rochelle on March 14, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of March, 2022.

CITY CLERK

EXHIBIT 1
LEGAL DESCRIPTION

Parcel Identification Number:
24-36-351-005

Legally described as:

Beginning at the Southeast corner of said Section 35, said point being 9.24 feet Westerly of a found stone at the Northwest corner of Section I, Township 39 North, Range I East in Lee County, as measured along the South line of said Section 35 thence South 89 degrees 57 minutes 25 seconds along the South line of said Section 35, a distance of 400.44 feet (to the West line or a tract as described and conveyed in Warranty Deed Book 256, page 91) as documented in the Recorder's Office of Ogle County, Illinois) thence North 0 degrees 02 minutes 35 seconds West along said conveyance, a distance of 49.95 feet (50.00 deeded); thence North 70 degrees 45 minutes 11 seconds West along said conveyance, a distance of 250.82 feet; thence North 70 degrees 39 minutes 56 seconds East along said conveyance; a distance of 802.60 feet; thence North 19 degrees 20 minutes 04 seconds West along said conveyance, a distance of 459.43 feet to the West line of said Section 36, said point being 252.74 feet South of the Northwest corner of the Southwest Quarter of the Southwest Quarter of said section 36 as measured along the West line of said Section 36; thence North 70 degrees 39 minutes 56 seconds East, a distance of 590.00 feet to a point South 70 degrees 39 minutes 56 West, a distance of 174.03 feet from a point 720.25 feet (720 feet deeded) Easterly of the Northwest corner of the Southwest Quarter of the Southwest Quarter of said section 36, as measured along the North line of said Southwest Quarter of the Southwest Quarter; thence south 0 degrees 04 minutes 46 seconds West, a distance of 638.26 feet (to the Northeasterly corner of property conveyed to Henry and Alice Marks, husband and wife as joint tenants, dated October 20, 1955 and recorded in Book 239 of Deeds page 301 in the Recorder's Office of Ogle County, Illinois); thence South 53 degrees 36 minutes 00 seconds West parallel with the centerline of the public road designed S.B.I. Route 70 (U.S. Route 251), a distance of 100 feet (to the Northwesterly corner of property conveyed to Henry and Alice Marks, husband and wife as joint tenants, dated March 23, 1948 and recorded in book 206 of deeds page 25 in said Recorder's Office); thence South 36 degrees 24 minutes 00

seconds East, perpendicular to the centerline of said U.S. Route 251, a distance of 200 feet to the said centerline; thence South 53 degrees 36 minutes 00 seconds West, along said centerline, a distance of 235.47 feet; thence continuing along said centerline, said line being curved to the left, having a radius of 1011.00 feet, a center angle of 20 degrees, 50 minutes 00 seconds, a chord bearing of South 43 degrees 11 minutes 00 seconds West and an arc distance of 367.61 feet to the South line of said Section 36; thence North 90 degrees 00 minutes 00 seconds West along said South line, a distance of 148.02 feet to said Northwest corner of Section 1, Township 39 North, Range 1 East; then South 89 degrees 57 minutes 25 seconds West along the South line of Section 35, a distance of 9.24 feet to the point of beginning, subject to that land being used for public road purposes, all situated in the County of Ogle, and the State of Illinois.