

---

---

**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

---

---

**ORDINANCE**  
**NO. \_\_\_\_\_**

---

---

**AN ORDINANCE APPROVING A SPECIAL USE IN THE B-2 HIGHWAY  
COMMERCIAL DISTRICT FOR WAREHOUSING AT 1380 N. 7<sup>TH</sup> STREET,  
ROCHELLE, ILLINOIS**

---

---

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

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**ROSAELIA ARTEAGA**  
**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: December 12, 2022**

**AN ORDINANCE APPROVING A SPECIAL USE IN THE B-2 HIGHWAY  
COMMERCIAL DISTRICT FOR WAREHOUSING AT 1380 N. 7<sup>TH</sup> STREET,  
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 December 5, 2022, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-19-22 relative to a request received by Wirtz Realty Corporation (“Petitioner”) for a special use permit for a warehousing business; and

**WHEREAS**, Petitioner, seeking a Special Use Permit to allow for a warehousing business in the B- Highway Commercial District at 1380 N. 7<sup>th</sup> Street, Rochelle, Illinois 61068 (“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 6-1 to recommend approval of the Special Use Permit to allow for the warehousing 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 warehousing 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 Petitioner has provided to establish that it has 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 B-2 Highway Commercial 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 Property,

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

Commonly known as: 1380 N. 7<sup>th</sup> Street, Rochelle, Illinois 61068 ("Subject Property")

**SECTION FOUR:** That a Special Use Permit to allow for the operation of a warehousing business at the Subject Property is hereby granted to Petitioner.

**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 12<sup>th</sup> day of December, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12<sup>th</sup> day of December, 2022.

---

MAYOR

ATTEST:

---

CITY CLERK

**EXHIBIT 1**  
**LEGAL DESCRIPTION**

PIN No.: 24-13-326-009

Legally described as:

PARCEL 1: BEGINNING AT A POINT ON THE NORTH LINE OF THE S. W. 1/4 OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH IS 1428.39 FEET EAST OF THE N. W. CORNER OF SAID S. W. 1/4; THENCE SOUTHERLY AT AN ANGLE OF 92° 28', MEASURED CLOCKWISE FROM THE SAID NORTH LINE OF SAID S. W. 1/4, A DISTANCE OF 134.32 FEET; THENCE EASTERLY PARALLEL TO SAID NORTH LINE OF SAID S. W. 1/4, A DISTANCE OF 193.08 FEET TO THE CENTERLINE OF S. B. I. ROUTE 70; THENCE NORTHERLY ON THE SAID CENTERLINE, ON A 1° CURVE RIGHT A DISTANCE OF 134.45 FEET, TO THE NORTH LINE OF SAID S. W. 1/4; THENCE WESTERLY 199.3 FEET ON THE SAID NORTH LINE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF OGLE IN THE STATE OF ILLINOIS.

Legally described as:

PIN No.: 24-13-326-008 (part of)

PARCEL 2: PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF HARNETT SUBDIVISION, A SUBDIVISION AS RECORDED AS DOCUMENT NO. 202009702 IN THE OGLE COUNTY RECORDER'S OFFICE; THENCE NORTH 00 DEGREES 54 MINUTES 28 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF A PUBLIC ROAD DESIGNATED NORTH 8TH STREET, A DISTANCE OF 123.22 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE CONTINUING NORTH 00 DEGREES 54 MINUTES 28 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 26.77 FEET; THENCE SOUTH 89 DEGREES 05 MINUTES 32 SECONDS EAST, A DISTANCE OF 114.79 FEET; THENCE SOUTH 64 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 60.00 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 04 SECONDS WEST, A DISTANCE OF 61.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,342.4 SQUARE, MORE OR LESS, SUBJECT TO ALL EASEMENTS, AGREEMENTS, CITY/SUBDIVISION CODES AND/OR ORDINANCES OF RECORD, IF ANY, ALL SITUATED IN THE TOWNSHIP OF FLAGG, 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 APPROVING A SPECIAL USE IN THE B-2 HIGHWAY COMMERCIAL DISTRICT FOR WAREHOUSING AT 1380 N. 7<sup>TH</sup> STREET, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on December 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12<sup>th</sup> day of December, 2022.

---

CITY CLERK