
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING SECTION 110-160 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO B-2 HIGHWAY COMMERCIAL
DISTRICT SPECIAL USES**

JOHN BEARROWS, Mayor
ROSE HUERAMO, 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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Date Passed: December 12, 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”), warehousing was not a permitted or special use in the B-2 Central Commercial District Zoning District; and

WHEREAS, the City believes that warehousing business activities should be allowed as a special use in the B-2 Highway Commercial District Zoning Districts, in order to allow for the highest and best use of properties located in the zoning district, subject to certain conditions determined by the City Council; and

WHEREAS, on December 5, 2022, the Planning and Zoning Commission voted 7 to 0 to recommend amending Section 110-160 of the Zoning Code to allow warehousing as a special use in the B-2 Central Commercial District 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 Section 110-160 of the Zoning Code to allow warehousing as a special use in the B-2 Central Commercial District 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", Section, 160, "DISTRICT USE CLASSIFICATION LIST," of the Municipal Code of the City of Rochelle shall be hereby amended to allow warehousing as a special use in the B-2 Highway Commercial District.

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 12th day of September, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12th day of September, 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 SECTION 110-160 OF THE ROCHELLE MUNICIPAL
CODE PERTAINING TO B-2 HIGHWAY COMMERCIAL DISTRICT SPECIAL USES,”
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 12th day of December, 2022.

CITY CLERK