
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 110-120 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO B-1 CENTRAL COMMERCIAL
DISTRICTS**

JOHN BEARROWS, Mayor
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City Council

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**AN ORDINANCE AMENDING CHAPTER 110-120 OF THE ROCHELLE
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DISTRICTS**

Date Passed: September 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”), B-1 Central Commercial District did not require any Special Uses for additions, remodeling of an existing building that would change its appearance, or new construction; and

WHEREAS, The City believes that these construction activities should be allowed as special uses, in order to preserve the appearance and uniformity of the buildings in the B-1 Central Commercial District; and

WHEREAS, on September 6, 2022, the Planning and Zoning Commission voted 7 to 0 to recommend amending the Zoning Ordinance to include the special use requirement in Section 110-120 of the Zoning Code; 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 110-120 of the City’s Zoning Code to add the special use requirements to the B-1 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 3, “COMMERCIAL DISTRICTS”, of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language:

DIVISION 3 – COMMERCIAL DISTRICTS

Sec. 110-120. B-1 central commercial district.

The B-1 central commercial district provides for the continued development of the principal business and shopping areas of the city. Mixed use in the central commercial district permits residential units in commercial buildings only when located above the first floor.

- (1) Central commercial district dwellings shall have the following minimum floor area for each living unit:
 - a. Two bedrooms, 600 square feet.
 - b. One bedroom, 450 square feet.
 - c. Efficiency unit, 300 square feet.

B-1 Central Commercial District	
Min. lot area (sq. ft.)	n/a
Min. lot width (sq. ft.)	n/a
Min. front yard setback (ft.)	n/a
Min. rear yard setback (ft.)	n/a
Min. side yard (interior) setback (ft.)	n/a
Min. side yard (corner) setback (ft.)	n/a
Max. building height (ft.)	60

(2) Special uses and developments.

The following alterations to any vacant land or existing structure may be permitted within the B-1 Central Commercial District under the conditions and requirements specified in (Sec. 110-31. Special Uses):

- a. The new construction of any primary or accessory structure.
- b. Any addition to an existing structure.
- c. Any project that would change the physical appearance of any elevation of any side of an existing structure.

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.

ATTEST:

MAYOR

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 110-120 OF THE ROCHELLE MUNICIPAL
CODE PERTAINING TO B-1 CENTRAL COMMERCIAL DISTRICTS ,” which was adopted
by the Mayor and City Council of the City of Rochelle on September 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 September, 2022.

CITY CLERK