
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING VARIATION RELATED TO SETBACKS
FOR THE PROPERTY LOCATED AT 323 W. 2nd AVENUE, ROCHELLE,
ILLINOIS**

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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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____

Date: September 12, 2022

**AN ORDINANCE GRANTING VARIATION RELATED TO SETBACKS
FOR THE PROPERTY LOCATED AT 323 W. 2nd AVENUE, 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 the Planning and Zoning Commission heard testimony on Petition #PZC-14-21 submitted by Robert Kuehl (“Petitioner”), requesting a Variation from certain setbacks requirements (“Variation”); and

WHEREAS, Petitioners seek a setback for variations of the building located at 323 W. 2nd Avenue, Rochelle, Illinois for setbacks related to the building and landscape buffers; and

WHEREAS, the anticipated building at this location will require a variance for the setbacks of the new building, as well as the landscape buffer; and

WHEREAS, Section 110-313(3)(a) of Rochelle’s Municipal Code, entitled Interior parkways, requires a minimum of 50 feet interior parkway from the Right of Way for a landscape buffer; and

WHEREAS, Section 110-140 of Rochelle’s Municipal code, requires buildings in the I-1 Light Industry District to have a 15’ side yard setback and that corner lots have a 20’ setback on both frontages; and

WHEREAS, the property at 323 W. 2nd Avenue, Rochelle, Illinois is a corner lot with two frontages; and

WHEREAS, Petitioner is requesting the variations to allow Petitioners to construct a building, so that Petitioner can remain in Rochelle, as his current building is being sold and he is being forced to relocate; and

WHEREAS, pursuant to Section 74-33, 74-34 and 110-101 of the City Code, the Planning and Zoning Commission has the authority to review and recommend a petition for Variations related to setbacks to the Mayor and City Council; and

WHEREAS, Petitioner has sought variations from the set-back requirements in his Petition; and

WHEREAS, on September 6, 2022, after hearing testimony on the petition, the Planning and Zoning Commission voted in favor recommending Petition #PZC-14-22, by a vote of 7-0, for variation from the setback requirements of Section 110-314(3)(a) and Section 110-140 to the Rochelle Municipal Code to the Mayor and City Council; and

WHEREAS, it the Mayor and City Council of the City of Rochelle find that the set-back Variations from Sections 110-314 and 110-140 of the Rochelle Municipal Code meet all of the criteria necessary for the granting of said Variations; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to accept the findings and recommendations of the Planning and Zoning Commission and to approve said set-back Variations as requested by Petitioner; 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. The Variations set forth herein below shall be applicable to the following described property:

See legal description attached hereto as Exhibit A.

(Located at 323 W. 2nd Avenue, Rochelle, Flagg Township, Ogle County, Illinois)

(Hereafter referred to as the “Subject Property”)

SECTION THREE. That the Variations at the Subject Property are granted as follows:

- 1.) A variance granting relief from Section 110-313, which provides that - Interior parkways in Industrial Districts have a minimum 50’ interior parkway from the Right of Way is required for a landscape buffer; and Section 110-140 for I-1 Light Industry District, which

requires a 15' side yard setback and that corner lots have a 20' setback requirement on both frontages

2.) The variations shall allow Petitioner relief as follows:

- A. A variance of landscaping buffer in Section 110-314)(3) of a 38' variance on the west side of Petitioner's lot and 28' variance on the south side of Petitioner's lot.
- B. A variance of building setbacks in Section 110-140 of five feet variance on the east side of Petitioner's building and a variance of eight feet on the west side of Petitioner's building.

SECTION FOUR: The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

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 12th day of September, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12th day of September, 2022.

ATTEST:

MAYOR

CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION

PARCEL: 24-24-387-001

DESCRIPTION:

Lot Four (4) in Block (22) in the Original Town of Lane, now City of Rochelle, according to the Plat thereof recorded in Book D of Plats, Page 2, in the Recorder's Office in Ogle County, Illinois; situated in the Township of Flagg, County of Ogle and State of Illinois.

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 GRANTING VARIATION RELATED TO SETBACKS FOR THE PROPERTY
LOCATED AT 323 W. 2nd AVENUE, ROCHELLE, ILLINOIS” 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