
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE IN THE B-2
COMMERCIAL HIGHWAY ZONING DISTRICT TO ALLOW RETAIL
SALES OF ELECTRONIC CIGARETTES, VAPOR, AND RELATED
PRODUCTS IN ACCESSORS AT 901 S. 7TH STREET, ROCHELLE,
ILLINOIS (OEDAE FARRAJ D/B/A ROCKY'S SMOKE SHOP,
PETITIONER)**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
DON BURKE
City Council

**CITY OF ROCHELLE
Ogle County, Illinois**

ORDINANCE NO. _____

Date: January 11, 2021

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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 January 4, 2021, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on PZC-01-21 relative to a request received by Rocky’s Smoke Shop (“Petitioner”), seeking a Special Use Permit to allow for the retail sale of electronic cigarettes, vapor, and related products and accessors (“Smoking Products”) at 901 S. 7th 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 5-0 to recommend approval of the Special Use Permit to allow for the sale of Smoking Products 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 sale of Smoking Products 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 Conditional 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 they have met the standards for granting of a Special Use Permit as set forth in Section 110-291 of the Zoning Ordinance, and the proposed granting of the Special Use Permit in the B-2 Commercial Highway Zoning 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 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: 901 S. 7th Street, Illinois 61068 ("Subject Property")

SECTION FOUR: That a Special Use Permit to allow for the sale of said Smoking Products at the Subject Property is hereby granted to Petitioners.

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 11th day of January, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of January, 2021.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT 1

LEGAL DESCRIPTION

Parcel Identification Number: 24-25-328-001

Part of the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 25, Township 40 North, Range 1 East of the Third Principal Meridian, in Ogle County, Illinois, described as follows: Commencing at a point on the West line of said Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 25, which is 2955.5 feet Southerly of the Northeast corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 25; thence continuing Southerly on the said West line of the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 25, a distance of 150.0 feet; thence Easterly at an angle of 90 degrees 28 minutes 30 seconds measured clockwise from the last described course, a distance of 195.15 feet; thence Northerly parallel to the said West line of the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 25 a distance of 150 feet; thence Westerly a distance of 195.15 feet to the place of beginning: situated in the Township of Flagg, the County of Ogle and the 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 COMMERCIAL HIGHWAY ZONING DISTRICT TO ALLOW RETAIL SALES OF ELECTRONIC CIGARETTES, VAPOR, AND RELATED PRODUCTS IN ACCESSORS AT 901 S. 7TH STREET, ROCHELLE, ILLINOIS (OEDAE FARRAJ D/B/A ROCKY’S SMOKE SHOP, PETITIONER)” which was adopted by the Mayor and City Council of the City of Rochelle on January 11, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of January, 2021.

CITY CLERK

