
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING VARIATION RELATED TO SIGNAGE AT
1000 S. 7TH STREET, ROCHELLE, ILLINOIS**

JOHN BEARROWS, Mayor
SUE MESSER, 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: January 11, 2021**

**AN ORDINANCE GRANTING VARIATION RELATED TO SIGNAGE AT
1000 S. 7TH 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 January 4, 2021 the Planning and Zoning Commission heard testimony on Petition #PZC-02-21 submitted by Kwik Trip (“Petitioner”), requesting a Variations from certain sign requirements (“Variation”); and

WHEREAS, Petitioner desires to construct a proposed electronic message board located at 1000 S. 7th Street, Flag Township, Ogle County, Rochelle, Illinois; 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 signage to the Mayor and City Council; and

WHEREAS, on January 4, 2021, after hearing testimony on the petition, the Planning and Zoning Commission voted for recommending Petition #PZC-02-21, by a vote of 4-1, for a variation from the requirements of Section 110-674 Prohibited Signs to the Rochelle City Code to the Mayor and City Council; and

WHEREAS, it the Mayor and City Council of the City of Rochelle find that the 16-foot set-back Variation meets all of the criteria necessary for the granting of said Variation; 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 adopt the findings and

recommendations of the Planning and Zoning Commission and to approve said Variation for the electronic message board; 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 Variation set forth herein below shall be applicable to the following described property:

See legal description attached hereto as Exhibit A.

(Located at 1000 S. 7th Street, Flagg Township, Ogle County, Illinois)

(Hereafter referred to as the “Subject Property”)

SECTION THREE. That the Variation at the Subject Property be granted as follows:

1.) A variance granting relief from Section 110-674 (5) Prohibited Signs, which prohibits certain flashing signs, which is defined in 110-661 of the City Code as follows: “Flashing sign means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever”, so that Petitioner may install a proposed electronic message board.

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 11th day of January 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of January 2020.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION

Parcel Identification Number: 24-25-302-009

OF PROPERTY DESCRIBED AS: Part of the West-half of the Southwest Quarter of Section 25, Township 40 North, Range 1 East of the Third Principal Meridian, Ogle County, Illinois, bounded and described as follows:

Commencing at a point on the East Line of the West-half of the Southwest Quarter of said Section 25, said point being 1620.23 feet (1618.30 feet deeded) Northerly of the Southeast Corner of said West-half as measured along said East Line; thence North 0 degrees 59 minutes 05 seconds West along said East Line of the West-half, a distance of 173.95 feet to the Point of Beginning of the hereinafter described tract of land; thence continuing North 0 degrees 59 minutes 05 seconds West along said East Line, a distance of 285.00 feet; thence Westerly at an angle of 90 degrees 15 minutes 58 seconds (89 degrees 44 minutes 00 seconds deeded) as measured clockwise from the last described course, a distance of 284.63 feet (284.57 feet deeded); thence Northerly at an angle of 269 degrees 44 minutes 56 seconds (270 degrees 15 minutes 00 seconds deeded) as measured clockwise from the last described course, a distance of 100.00 feet; thence Westerly at an angle of 90 degrees 15 minutes 04 seconds (89 degrees 45 minutes 00 seconds deeded) as measured clockwise from the last described course, a distance of 90.40 feet thence South 0 degrees 59 minutes 05 seconds East parallel with the East Line of said West-half, a distance of 385.00 feet; thence North 89 degrees 16 minutes 53 seconds East, a distance of 375.00 feet to the Point of Beginning, containing 2.661 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, city codes and/or ordinances of record, if any, all situated in the City of Rochelle, 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 GRANTING VARIATION RELATED TO SIGNAGE AT 1000 S. 7TH STREET, ROCHELLE, ILLINOIS” 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