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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE  
MUNICIPAL CODE TO ADOPT AND APPROVE A ZONING CODE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

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

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO.** \_\_\_\_\_  
**Date Passed:** \_\_\_\_\_, 2021

**AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE  
MUNICIPAL CODE TO ADOPT AND APPROVE A ZONING CODE**

**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**, 65 ILCS 5/11-13-1; 5/11-13-1.1; 5/11-13-2; 5/11-13-14; and 5/11-13-19 authorizes the City to adopt and amend zoning regulations and zoning maps governing the development and use of property in the City; and

**WHEREAS**, 65 ILCS 5/11-13-1(4) authorizes the City to classify, regulate, and restrict the location of buildings designed for business and other uses; and

**WHEREAS**, 65 ILCS 5/11-13-1(4), 1(6), and 1(7)) authorizes the City to limit the intensity of uses throughout the City and to prohibit uses and buildings that are incompatible with the character of its zoning districts; and

**WHEREAS**, the City previously adopted land use regulations, which are currently located in Chapter 110 of the Rochelle Municipal Code (the “Zoning Regulations”); and

**WHEREAS**, the City wishes to replace the Zoning Regulations with the zoning code attached as Exhibit A to this Ordinance (“Zoning Code”); and

**WHEREAS**, beginning in 2020, City staff, the City’s professional planning consultant, and the City’s Planning & Zoning Commission (“PZC”) conducted a comprehensive analysis of the Zoning Regulations and prepared the Zoning Code; and

**WHEREAS**, the PZC conducted a public meeting to evaluate and discuss the Zoning Code; and

**WHEREAS**, on April 5, 2021, the PZC convened a public hearing to review and consider the Code and the Zoning Map; and

**WHEREAS**, the City published notice of the public hearing on March 21, 2021 in the Rochelle News Leader, a newspaper published in Ogle County and generally circulated in the City and posted information concerning the hearing on the City's website, <https://www.cityofrochelle.net>, distributed hearing information over the City's social media channels, and otherwise publicized the hearing using means reasonably available to the City; and

**WHEREAS**, the PZC found that adopting the Zoning Code would encourage residential reinvestment and development, help the City target economically desirable businesses, enhance City aesthetics, allow the City to capitalize on new technology, increase user-friendliness, and protect and promote the public health, safety and welfare; and

**WHEREAS**, the City Council has reviewed and concurs with the PZC's findings and recommendation; and

**WHEREAS**, the City Council wishes to adopt the Zoning Code in accordance with this Ordinance's terms;

**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 Zoning Code attached as Exhibit A to this Ordinance is approved and adopted as Chapter 110 of the Rochelle Municipal Code.

**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 \_\_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2021.

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MAYOR

ATTEST:

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CITY CLERK

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 AMENDING CHAPTER 110 OF THE ROCHELLE MUNICIPAL CODE TO ADOPT AND APPROVE A ZONING CODE” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
CITY CLERK

**EXHIBIT A**  
**Zoning Code**