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

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

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**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR ANTENNA  
EQUIPMENT AT 1133 N. 7<sup>TH</sup> STREET**

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

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**  
**City Council**

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Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.  
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563

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

**ORDINANCE NO. \_\_\_\_\_**  
Date: June 9, 2025

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR ANTENNA  
EQUIPMENT AT 1133 N. 7<sup>TH</sup> STREET**

**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**, Petitioner, Verizon Americas LLC d/b/a/ Verizon Wireless (“Petitioner”) has submitted and application for a Special Use Permit for 1133 N. 7<sup>th</sup> Street (“Subject Property”); and

**WHEREAS**, the legal description of the Subject Property is attached herein as Exhibit A; and

**WHEREAS**, Petitioner, is seeking a proposed special use permit to add antennas, radios, base and related equipment (all of which are considered “small cell facilities”) to the rooftop of the existing building located at 1133 N. 7th Street in order to improve coverage in Rochelle and serve its customers better; and

**WHEREAS**, the Subject Property is approximately 2.7 acres with an existing hotel, condos and parking garage. The subject property is zoned B-2 Highway Commercial; and

**WHEREAS**, pursuant Division 7, Sec. 110-160 District Use Classification List, “small cell facilities” in a B-2 requires a special use; and

**WHEREAS**, on June 2, 2025, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on Petitioner’s request for a Special Use Permit to install antennas, radios, base equipment and related equipment to the rooftop of the 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**, on June 2, 2025 the PZC voted 6-0 to recommend approval of the Special Use Permit for the installation of small cell facilities to be installed at the Subject Property; and

**WHEREAS**, the PZC has filed its report of findings and recommendations regarding the approval of the Special Use Permit for the Subject Property with the Mayor and City Council, and the 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 grant Petitioner a Special Use Permit.

**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 the Mayor and City Council, as complete as is fully set forth herein at length. This City Council finds that the Petitioner has provided evidence to establish that it has met the standards for granting a Special Use Permit as set forth in the Rochelle Municipal Code and Zoning Ordinance, and granting of the Special Use Permit as set forth herein is in the best interest of the City and its residents and is consistent with and fosters the purpose and spirit of the City's Municipal Code and Zoning Ordinance.

**SECTION THREE:** That a Special Use Permit for a small cell facilities on the roof of the Subject Property located at 1133 N. 7<sup>th</sup> Street (and legally described in Exhibit A) is hereby granted.

**SECTION FOUR:** 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 FIVE:** 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 SIX:** The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION SEVEN:** 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 9<sup>th</sup> day of June, 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS 9<sup>th</sup> day of June, 2025.

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MAYOR

ATTEST:

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CITY CLERK

## **EXHIBIT A**

Legal Description – 1133 N. 7<sup>th</sup> St., Rochelle, IL 61068

### **PARCEL 1**

Part of the Southeast Quarter of the Southwest Quarter of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian and part of Lot One (1) in Binz and Davis Subdivision, Lot One (1) and part of Lots Two (2), Eight (8) and Nine (9) in Tilton Manor Subdivision, as recorded in Book "J" of Plats at page 1 in the Recorder's Office of Ogle County, Illinois and Units 300 and 400 of Concord Towers Condominium as delineated on Plat of Survey of Lots Eight (8) and Nine (9) of said Tilton Manor Subdivision, more particularly bounded and described as follows: Commencing at the Northwest Corner of Lot One (1) in said Binz and Davis Subdivision, said point being on the Easterly Right-of-Way Line of a Public road designated Illinois Route 251; thence South 2 degrees 32 minutes 00 seconds West along said Easterly Right-of-Way Line, a distance of 26.26 feet to the Point of Beginning of the hereinafter described tract of land; thence North 2 degrees 32 minutes 00 seconds East along said Easterly Right-of-Way Line, a distance of 89.50 feet; thence North 47 degrees 00 minutes 00 seconds East, a distance of 5.53 feet; thence South 87 degrees 28 minutes 00 seconds East, a distance of 26.38 feet; thence South 2 degrees 32 minutes 00 seconds West parallel with the Easterly Right-of-Way Line of said Illinois Route 251, a distance of 62.05 feet; thence South 87 degrees 28 minutes 00 seconds East, a Distance of 131.50 feet; thence North 2 degrees 32 minutes 00 seconds East, a distance of 120.21 feet; thence North 87 degrees 28 minutes 00 seconds West, a distance of 63.04 feet; thence South 2 degrees 32 minutes 00 seconds West parallel with the Easterly Right-of-Way Line of said Illinois Route 251, a distance of 32.58 feet; thence North 87 degrees 28 minutes 00 seconds West, a distance of 94.83 feet; thence North 46 degrees 29 minutes 02 seconds West, a distance of 5.13 feet to said Easterly Right-of-Way Line; thence North 2 degrees 32 minutes 00 seconds East along said Easterly Right-of-Way Line, a distance of 151.86 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 476.45 feet; thence North 53 degrees 50 minutes 44 seconds East, a distance of 173.46 feet (172.65 feet deeded); thence South 36 degrees 09 minutes 16 East, a distance of 91.00 feet; thence South 53 degrees 50 minutes 44 seconds West, a distance of 118.00 feet; thence South 12 degrees 58 minutes 00 seconds West, a distance of 68.83 feet (69.45 feet platted) to the Northerly Right-of-Way Line of a public road designated Tilton Manor Drive; thence Southwesterly along said Northerly Right-of-Way Line, said linee being curved to the left, having a radius of 130.00 feet, a chord bearing of South 46 degrees 39 minutes 46 seconds West, a central angle of 76 degrees 27 minutes 03 seconds and an arc distance of 173.46 feet; thence North 87 degrees 24 minutes 32 seconds West, a distance of 57.32 feet; thence South 2 degrees 32 minutes 00 seconds West, a distance of 7.95 feet; thence North 87 degrees 15 minutes 40 seconds West, a distance of 75.97 feet (76.09 feet platted) to the exterior face of an existing wall; thence North 2 degrees 44 minutes 08 seconds East along said existing wall, a distance of 7.36 feet; thence North 86 degrees 25 minutes 37 seconds West along said existing wall, a distance of 15.87 feet; thence South 2 degrees 44 minutes 08 seconds West along said existing wall, a distance of 14.70 feet; thence North 87 degrees 20 minutes 11 seconds West along said existing wall and the Westerly extension thereof, a distance of 114.22 feet; thence South 3 degrees 22 minutes 40 seconds West, a distance of 53.09 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with the North Line of Lot One (1) in said Binz & Davis Subdivision, a distance of 187.68 feet to the Point of Beginning, containing 2.821 acres, more or less; EXCEPTING THEREFROM all units in Concord Towers Condominium as delineated on Plat of Survey of the following described parcels of real estate; Portions Of Lots 8 and 9 of tilton Manor Subdivision as recorded in the Recorder's Office of Ogle County, Illinois in Book "J" on Page 1, a Subdivision in part of the South Half (1/2) of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, which Plat of Survey is attached as Exhibit "A" to the

Declaration of Condominium made by Rochelle Development, Inc., and Concord Inns, Inc., recorded April 12, 1989 as Document No. 563220, together with an undivided percentage interest in the Common Elements; situated in the City of Rochelle, the Township of Flagg, the County of Ogle and the State of Illinois.

PARCEL 2

Units 300 and 400 in Concord Towers Condominium as delineated on Plat of Survey of the following Described parcels of real estate; Portions of Lots 8 and 9 of Tilton Manor Subdivision as recorded in Recorder's Office of Ogle County, Illinois in Book "J" on Page 1, a Subdivision in part of the South Half (1/2) of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, which Plat of Survey is attached as Exhibit "A" to the Declaration of Condominium made by Rochelle Development, Inc., and Concord Inns., recorded April 12, 1989 as Document No. 563220, together with an undivided percentage interest in the Common Elements, all in Ogle County, Illinois; situated in the City of Rochelle, 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 APPROVING A SPECIAL USE PERMIT FOR ANTENNA EQUIPMENT  
AT 1133 N. 7TH STREET” which was adopted by the Mayor and City Council of the City of  
Rochelle on June 9, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 9<sup>th</sup> day of June, 2025.

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CITY CLERK