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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 SETBACK VARIANCE FOR 410 WILLIS AVENUE**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, 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.  
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CITY OF ROCHELLE  
Ogle County, Illinois

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

**AN ORDINANCE APPROVING A SETBACK VARIANCE FOR 410 WILLIS AVENUE**

**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**, Willis Lofts (“Petitioner”) is seeking a setback variance to construct a four-foot black vinyl coated chain link fence beyond the building line at 410 Willis Avenue, (“Subject Property”) the legal description of which is attached herein as Exhibit A; and

**WHEREAS**, pursuant to Sec.110-545 of the Rochelle Municipal Code, for residential, security and farm fences, “[o]n corner lots, no fence or wall will extend beyond the street setback requirements, or building line, whichever is greater”; and

**WHEREAS**, the Subject Property is zoned R5, Multi Family High Density Residential; and

**WHEREAS**, the proposed variance would allow Petitioner to extend the fence beyond the building line from the northeast corner of the building, east up to the public sidewalk, south parallel along the public sidewalk, then west along the entrance drive, then back north to the rear southeast corner of the building; and

**WHEREAS**, a copy of Petitioner’s site plan is attached herein as Exhibit B; and

**WHEREAS**, Petitioner’s request for the variance is to “ensure the safety of their residents and the general public” by fencing around the stormwater detention area to prevent someone from accidentally entering; and

**WHEREAS**, pursuant to the public notice published in a newspaper of general circulation within the City as required by Sec. 110-32 of the Code of the City of Rochelle, the Planning and Zoning Commission held a public hearing on the Petition for a Variance on Tuesday, May 5, 2025; and

**WHEREAS**, after holding the public hearing and reviewing the Petitioner's request, the Planning and Zoning Commission, determined that the Petitioner has met the standards for a variance as specified under Sec. 110-29(f) of the Code of Rochelle and voted 6-0 to recommend the approval of the variance.

**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 Mayor and City Council of the City of Rochelle hereby approve and accept petitioners site plan attached as Exhibit B. The City hereby grants a setback variance to allow fencing to extend beyond the property line at 410 Willis Avenue, as reflected in the site plan.

**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 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 12<sup>th</sup> day of May, 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12<sup>th</sup> day of May, 2025.

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CITY MAYOR

ATTEST:

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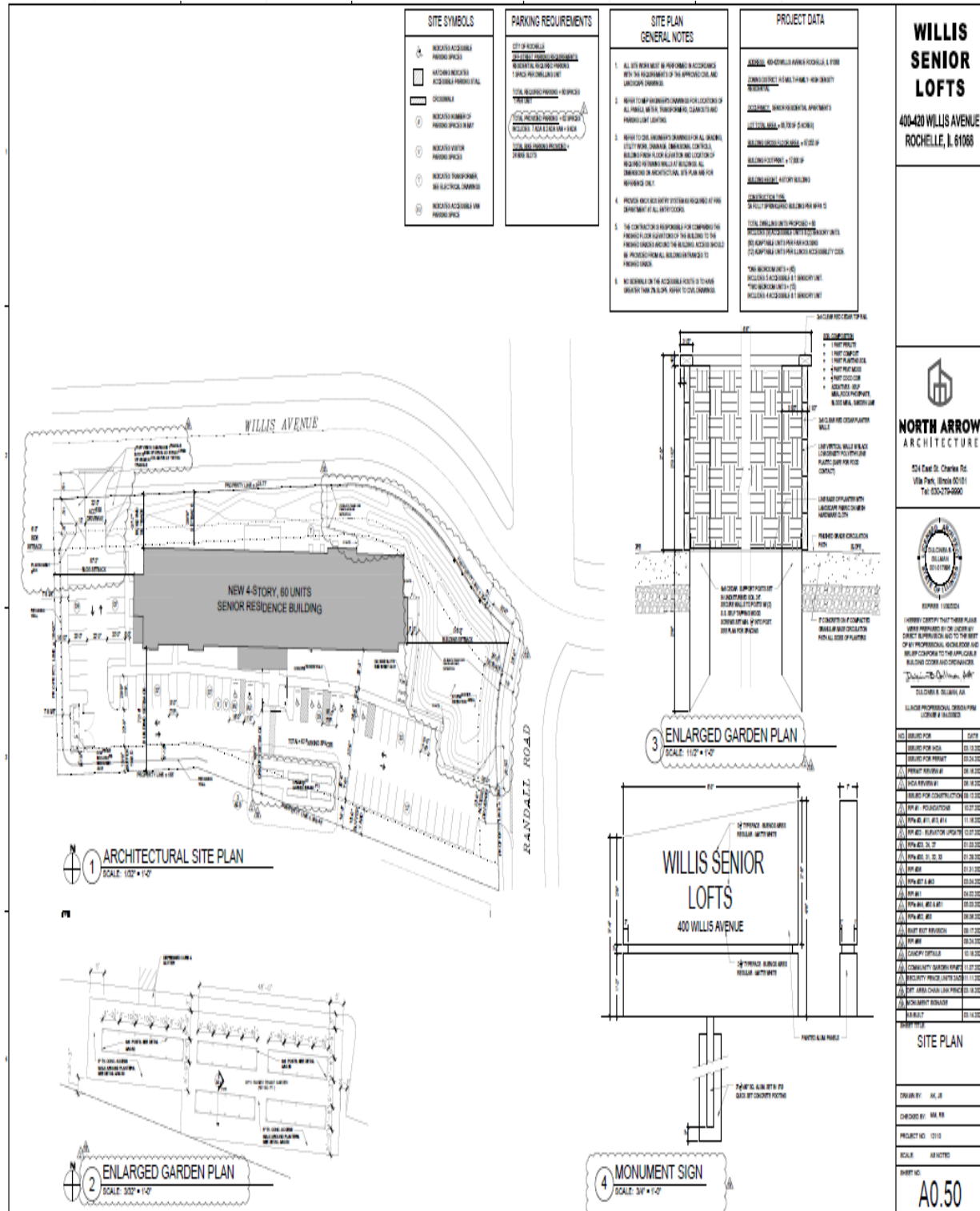
CITY CLERK

## **EXHIBIT A – LEGAL DESCRIPTION**

### **Legal Description for 410 Willis Avenue, Rochelle, IL 61068 (Willis Senior Lofts property)**

LOT 1 IN FIRST RESUBDIVISION OF LAKE LIDA PHASE 1, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 2023 AS DOCUMENT NUMBER 202304028, IN OGLE COUNTY, ILLINOIS.

## **Exhibit B – Petitioner’s Site Plan**



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 SETBACK VARIANCE FOR 410 WILLIS AVENUE” which was adopted by the Mayor and City Council of the City of Rochelle on May 12, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12<sup>th</sup> day of May, 2025.

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CITY CLERK