
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE FOR
AN AMERICANS WITH DISABILITIES ACT BATHROOM ADDITION
AT 1309 BROOKSIDE DRIVE, ROCHELLE, ILLINOIS**

JOHN BEARROWS, Mayor
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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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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 May 4, 2020, the Planning and Zoning Commission heard testimony on Petition #PZC-05-20 submitted by Sally Sawicki & Steve Strang (“Petitioner”), requesting a Variations to allow for the installation of an Americans with Disabilities Act (“ADA”) bathroom at the address of 1309 Brookside Drive, Rochelle Illinois (“Variations”); and

WHEREAS, The City Code only allows 33% lot coverage and Petitioner is currently at 43% with existing improvements; and

WHEREAS, Petitioner would require an additional 68 square feet of lot coverage for the installation of the ADA bathroom; 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 temporary facilities to the Mayor and City Council; and

WHEREAS, on May 4, 2020, after hearing testimony on the petition, the Planning and Zoning Commission voted 7-0 in favor of recommending Petition #PZC-05-20, that grants the Variation and allows for the additional 68 square feet of lot coverage for the purpose of installing an ADA bathroom; 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; 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 or around 1309 Brookside Drive, Rochelle, Illinois)

(Hereafter referred to as the “Subject Property”)

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

1.) Petitioner shall be allowed an additional 68 square feet of lot coverage at the Subject Property for the purpose of installing an ADA bathroom.

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 May, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of May, 2020.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

Parcel Identification Number: 24-13-458-005

Lot Five (5) and the North Fifteen (15) feet of Lot Four (4) as designated upon the Plat of Meadowbrook Subdivision No. 1 to the City of Rochelle, being a Subdivision of part of the South Half (1/2) of the Southeast Quarter (1/4) of Section 13, Township 40 North, Range 1 East of the Third Principal Meridian, the Plat of which is recorded in Book H of Plats on page 85 A in the Recorder's Office of Ogle County; situated in the County of Ogle and 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 OF LOT COVERAGE FOR AN AMERICANS WITH DISABILITIES ACT BATHROOM ADDITION AT 1309 BROOKSIDE DRIVE, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on May 11, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of May, 2020.

CITY CLERK