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

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

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**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AND  
SETBACKS FOR PORTABLE GARDEN SHED AT 201 SCHOOL  
AVENUE, ROCHELLE, ILLINOIS**

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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  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

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

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

**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AND  
SETBACKS FOR PORTABLE GARDEN SHED AT 201 SCHOOL  
AVENUE, 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 July 6, 2020, the Planning and Zoning Commission heard testimony on Petition #PZC-06-20 submitted by John and Diana Bearrows (“Petitioners”), requesting a Variations to allow for the installation of portable garden shed at the address of 201 School Avenue, Rochelle Illinois (“Variations”); and

**WHEREAS**, The City Code only allows 33% lot coverage and Petitioners are currently at 33% with existing improvements; and

**WHEREAS**, Petitioners would require an additional 168 square feet of lot coverage for the installation of the portable garden shed; and

**WHEREAS**, The City Code requires that accessory building be at least 10 feet from any other separate buildings or structures on the same lot, and alt least 5 feet from lot lines of adjoining lots; and

**WHEREAS**, Petitioners would require a variation to permit the installation of a portable garden shed within 10 feet of their garage and within 5 feet of an adjoining lot line; 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 accessory buildings to the Mayor and City Council; and

**WHEREAS**, on July 6, 2020, after hearing testimony on the petition, the Appeals Board unanimously voted in favor of recommending Petition #PZC-06-20, that grants the Variation and allows for the additional 168 square feet of lot coverage for the purpose of installing a portable garden shed; 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 201 School Avenue, Rochelle, Illinois)

(Hereafter referred to as the “Subject Property”)

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

- 1.) Petitioners shall be allowed an additional 168 square feet of lot coverage at the Subject Property for the purpose of installing a portable garden shed.
- 2.) Petitioners shall be permitted to install a portable garden shed within 10 feet of their garage and within 5 feet of an adjoining lot line

**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 13<sup>th</sup> day of July, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13<sup>th</sup> day of July, 2020.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**

**Parcel Identification Number:** 24-24-230-003

Lot 81, Greenhurst Subdivision #1, City of Rochelle IL.

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 AND SETBACKS FOR PORTABLE GARDEN SHED AT 201 SCHOOL AVENUE, 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 13<sup>th</sup> day of July, 2020.

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