
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO.

**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AT
309 WOOLF COURT, ROCHELLE, ILLINOIS**

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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**CITY OF ROCHELLE
Ogle County, Illinois**

ORDINANCE NO. 20-

**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AT
309 WOOLF COURT, 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 September 8, 2020, the Planning and Zoning Commission heard testimony on Petition #PZC-08-20 submitted by John and Diana Bearrows (“Petitioners”), requesting a Variations to allow for the installation of a sidewalk and a driveway connecting the alley to the 309 Woolf Court, 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 11.2% of lot coverage for the installation of the sidewalk and driveway in addition to the existing improvements; and

WHEREAS, The City Code requires that parking surfaces consistent of non-permeable asphalt or concrete surfaces; and

WHEREAS, Petitioners would require a variation to permit the installation of a sidewalk and a driveway connecting the alley to the 309 Woolf Court; 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 September 8, 2020, after hearing testimony on the petition, the Appeals Board unanimously voted in favor of recommending Petition #PZC-08-20, that grants the Variation and allows for the additional 11.2% of lot coverage for the purpose of installing a sidewalk and a driveway connecting the alley to the 309 Woolf Court; 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 309 Woolf Court, 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 11.2% of lot coverage at the Subject Property for the purpose of a sidewalk and a driveway connecting the alley to the 309 Woolf Court, Rochelle, Illinois

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 14th day of September, 2020.

AYES:

ABSTAIN:

ABSENT:

APPROVED THIS 14th day of September, 2020.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

Parcel Identification Number: 24-24-230-003

The north sixteen and one-half (16 1/2) feet of Lot Eight (8) and the South Thirty-three (33) feet of Lot Nine (9) in Block Tw0 (2) of Stocking's Second Addition to the City of Rochelle, in Ogle County, Illinois;

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Susan L. Messer, 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. 20- , “AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AT 309 WOOLF COURT, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on September 14, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of September, 2020.

CITY CLERK