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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 AT  
115 S. 10<sup>th</sup> STREET, ROCHELLE, ILLINOIS**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**ROSAELIA ARTEAGA**  
**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. 22-**

**AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AT  
115 S. 10<sup>th</sup> STREET, 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 December 5, 2022, the Planning and Zoning Commission heard testimony on Petition #PZC-17-22 submitted by Tyler Christopherson (“Petitioner”), requesting a Variation to allow for the installation of an extension to the existing patio at 115 S. 10<sup>th</sup> Street, Rochelle Illinois (“Variation”); and

**WHEREAS**, The City Code only allows 33% lot coverage and Petitioner is currently at 38% with existing improvements; and

**WHEREAS**, Petitioner would require an additional 3% of lot coverage for the extension of the patio, 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**, Petitioner would require a variation to permit the extension of the additional patio at 115 S. 10<sup>th</sup> Street; and

**WHEREAS**, pursuant to Section 74-33, 74-34 and 110-101 of the City’s Municipal Code, the Planning and Zoning Commission has the authority to review and recommend a petition for Variation related to accessory buildings to the Mayor and City Council; and

**WHEREAS**, on December 5, 2022, after hearing testimony on the petition, the Appeals Board unanimously voted in favor of recommending Petition #PZC-17-22, that grants the Variation and allows for the additional 3% of lot coverage for the purpose of extending the existing patio at 115 S. 10<sup>th</sup> Street; 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 115 S. 10<sup>th</sup> Street, 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 3% of lot coverage at the Subject Property for the purpose of extending the patio at 115 S. 10<sup>th</sup> Street, 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 12<sup>th</sup> day of December, 2022.

AYES:

ABSTAIN:

ABSENT:

APPROVED THIS 12<sup>th</sup> day of December, 2022.

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MAYOR

ATTEST:

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CITY CLERK

## **EXHIBIT A**

**Parcel Identification Number:** 24-25-102-003

Lot Eight (8) in Block Two (2) in Braiden's 2<sup>nd</sup> Addition to Rochelle, being a part of the Northwest Quarter ( $\frac{1}{4}$ ) of section 25, Township 40 North, Range 1 East of the Third Principal Meridian, the Plat of which Addition is recorded in Book "A" of Plats on page 146 in the Recorder's Office of Ogle County, Illinois; situated in 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. 22-    ,  
“AN ORDINANCE GRANTING VARIATION OF LOT COVERAGE AT 115 S. 10<sup>th</sup> STREET,  
ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle  
on December 12, 2022.

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 December 2022.

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CITY CLERK