

AGENDA
ZONING BOARD OF APPEALS

October 12, 2016

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of June 8, 2016 and September 14, 2016 ZBA Meeting Minutes

OLD BUSINESS

Cal. No. 16S-04, Applicant and Owner: Brian & Michelle Heurung – 113 S. Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-567-00, Part of Lot 18 in Block 3 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 113 S. Prospect Street, Galena, IL 61036. Request for Special Use Permit to allow a 4-room Bed & Breakfast. The property currently has a permit for a 3-room Bed & Breakfast. Ratification of Findings of Fact for approval.

NEW BUSINESS

4. Cal. No. 16A-04, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.015 Definitions, Table 154.403.1 *Permitted Land Uses Table*, §154.406(D) *Principal Commercial Land Uses*, §154.406(H) *Accessory Residential Land Uses*, Table 154.601.3 *Minimum Required Parking Spaces*, to allow Guest Accommodations, Vacation Rentals.
5. Cal. No. 16A-05, Applicant: City of Galena – 101 Green Street, Galena, IL 61036. Request for Text Amendment to §154.804 *Prohibited Signs* and §154.805 *Signs Exempt from Permitting*, to allow flag signs on commercial use properties except for businesses with a Main Street façade.

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. Discussion regarding the relationship of “attention-getting devices” as defined in §154.804(B)(3) and the display of merchandise in the Downtown Commercial District.

PUBLIC COMMENTS

8. Public Comments
9. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

*Posted October 6, 2016
By Matt Oldenburg*

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 16S-04

APPLICATION BY: Brian & Michelle Heurung, 113 S. Prospect Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow a Bed & Breakfast
Accommodations land use, with 4 rooms, in a Low Density
Residential District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on September 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a 4-room Bed & Breakfast in a Low Density Residential District. The property currently holds a Special Use Permit to operate as a 3-room Bed & Breakfast and utilizes on-street parking. The new owners are currently remodeling the upstairs to add two bathrooms to accommodate each of the four sleeping rooms. The currently used three guest rooms have two bathrooms, two rooms share one bathroom. The house and the property have the capacity to absorb this increase in rooms. The B&B uses Washington Street to park four vehicles to accommodate the current three-room use. The site plan indicates there are seven on-street parking spaces immediately adjacent to the property, five on Washington Street and two on South High Street. The property also has a carriage house on South High Street that can fit two vehicles off-street. The owner can park their vehicle in there if necessary to have a net-zero change to on-street parking.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

The Building Department and Staff will ensure that the room improvements meet current building, electrical, plumbing and life safety codes. The Fire Inspector has conducted preliminary review and ensured that life safety and fire codes are met. No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences, other guest accommodations and a church.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Brian Heurung, 113 S. Prospect Street** – spoke as the applicant in favor of the request. He stated that he, and his wife, purchased the property recently as a 3-room B&B. In the upstairs, two of the rooms share a bathroom and they wanted to remodel to give each room a bathroom for their guests. There is also room for a 4th room that would allow them to expand and there is enough parking adjacent to the property and in the carriage house to accommodate the extra room.
- **Susan Steffan, 334 Spring Street** – spoke in favor of the request and said that the owners have done an amazing job so far with the property.

Testimony Presented in Opposition to the Proposal:

- **James Wirth, 121 S. High Street** – spoke in opposition with only one concern. He stated that he lives nearby and asked about the location of where the owners plan to occupy within the building? The owner stated that they will live on the main level. His only concern is an increase in parking, but if the owner is willing to use the coach house to alleviate the addition, then he has no issue with the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Bed & Breakfast.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (7) defines and outlines the regulations for Bed & Breakfasts.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Low Density Residential District.
2. The Zoning Ordinance provides for Bed & Breakfasts as follows:
 - a. Guest Accommodations, Bed & Breakfast is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has a detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a Bed & Breakfast with 4 rooms as a principal commercial land use in a Low Density Residential District.
5. Adequate on and off-street parking is provided for the owner and guests.
6. The property has operated as a 3-room Bed & Breakfast for three decades with no issues.
7. The property has the capacity to absorb the impact of adding one guestroom.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Brian & Michelle Heurung for a Special Use Permit to allow a Bed & Breakfast with 4 rooms as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Bed & Breakfast land use.
4. Complimentary uses are available.

5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Brian & Michelle Heurung for a Special Use Permit to allow a Bed & Breakfast with 4 rooms as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 14th day of September, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 2 absent, 0 abstain, 1 recused.

Jim Baranski, Acting Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: October 6, 2016

RE: Cal. No. 16A-04, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.015 Definitions, Table 154.403.1 *Permitted Land Uses Table*, §154.406(D) *Principal Commercial Land Uses*, §154.406(H) *Accessory Residential Land Uses*, Table 154.601.3 *Minimum Required Parking Spaces*, to allow Guest Accommodations, Vacation Rentals.

Project Summary:

At the June 13, 2016 Council Meeting, Jonathan Miller and I addressed the Mayor and Council, asking whether the Staff should research and investigate the effects of “sharing economy” land uses, such as short term rentals other than B&B’s, Inns and Hotels/Motels.

The intent of this initiative is to evaluate the City’s current standing ordinances and determine whether we are adequately prepared to address emerging market trends as travelers utilize mobile- and web-based applications to connect with prospective hosts for overnight accommodations. A recent spike in local attempts to rent properties to travelers on a short-term basis, outside of the provisions of our ordinances, combined with an increase in short-term rental requests by existing and prospective property owners has prompted the Staff to request permission for the evaluation.

Jonathan and I have completed substantial research and, along with other Staff members, have held a public input meeting to gather facts, search for impacts of short term rentals on other communities, and gather input from members of our community. We have held two meetings with the local lodging owners and also held a public input meeting on July 19th. On July 25th, the City Council heard our presentation on findings and asked the Staff to initiate the text amendment to allow vacation rentals in certain districts by Special Use Permit only and that they will be licensed annually as the other guest accommodations uses and subject to occupancy tax.

The attached proposed ordinance is organized into two categories, a new principal commercial land use for vacation rentals that rent a single dwelling unit or multiple dwelling units; and an accessory residential land use for properties with single family dwellings that want to rent a single room as a vacation rental. My comments are included in the criteria below as a written report for the amendment application.

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered: *Comments are italicized.*

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *No text or designations were in error at time of adoption. The advent of technology and*

the travel / tourism needs of the market are creating need for change in allowable uses for their accommodations.

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *New trends in travelers' wants combined with technology and the shared economy have generated the need for a proactive approach to controlling and providing for vacation rental land uses.*

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *Each zoning district indicated has properties that may be suitable for the proposed uses. The detailed regulations will reduce the potential for nuisances and provide for a compatible use. Additional control measures, already within the code, will further ensure that nuisance properties can be dealt with and permissions revoked.*

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *The proposed amendment supports the Comprehensive Plan and tourism, identified as the community's main industry.*

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Not applicable*

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is an adequate supply of land as the dwellings are already in existence.*

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *The growth of tourism and visitors to Galena, combined with the interest of vacation rental properties has indicated a need for the land use. If a provision is made, then it can be controlled. The benefits to the community is allowing a demographic that wishes to stay in vacation rentals to stay within the City and spend more time and money here, supporting the local economy.*

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919\(F\)](#).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the

owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and field with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

AN ORDINANCE AMENDING ARTICLE 0, SECTION §154.015 – DEFINITIONS AND ARTICLE 4, TABLE 154.403.1 – PERMITTED LAND USES AND SECTION §154.406 – DETAILED LAND USE DESCRIPTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

BE IT ORDAINED by the City Council of the City of Galena, JoDaviess County, Illinois as follows:

SECTION I: Section §154.015 – Definitions of the City of Galena Zoning Code, is hereby amended as follows

- *(Additions are shown as underlined)*

Section §154.015 - Definitions

Accommodations, Vacation Rental: Any building, or portion thereof, containing a single dwelling unit or multiple dwelling units which are available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. Each dwelling unit constitutes a vacation rental unit. In residential districts, only one vacation rental unit may be owned; in commercial districts, multiple vacation rental units may be owned as defined by common ownership. In cases where a single guest room on a single family dwelling property is requested, it shall be considered an accessory residential land use. See section §154.406(D)(18) or §154.406(H)(9).

SECTION II: Table 154.403.1 – Permitted Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined and highlighted)*
- *Table begins on following page.*

Table 154.403.1. Permitted Land Uses

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use Principal Commercial Land Uses (154.406 (D))
					P	P	P	P	P	P	P	P	P	(1) Office
					S	S	P	P	P	P	S			(2) Personal or Professional Service
S	S				S		P	P	P	P	P	P	P	(3) Artisan Studio
						S	P	P	P	P	S			(4) Sales and Service, Indoor
									P				P	(5) Sales and Service, Outdoor Display
									P					(6) Sales and Service, In-Vehicle
	S	S	S	S	S									(7) Accommodations, Bed & Breakfast
		S			S		S	S	S	S				(8) Accommodations, Small Inn
						S		S	P	S	S			(9) Accommodations, Hotel/Motel
						S	S	P	P	P	S			(10) Entertainment, Indoor Commercial
S									S			S		(11) Entertainment, Outdoor Commercial
												S	S	(12) Entertainment, Adult
								S	P	S	P	P	P	(13) Maintenance Service, Indoor
									S				P	(14) Maintenance Service, Outdoor
S									S				S	(15) Commercial Animal Boarding
									P			P	P	(16) Vehicle Repair and Maintenance
					P		P		P	P				(17) House Tour
<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>		<u>S</u>	<u>S</u>				<u>(18) Accommodations, Vacation Rental</u>

P = Permitted by Right (See section 154.402(A)) **S** = Permitted by a Special Use (See section 154.402 (B))

LA Limited Agricultural
 CSR Countryside Residential
 LDR Low Density Residential
 MDR Medium Density Residential

HDR High Density Residential
 NO Neighborhood Office
 PO Planned Office
 NC Neighborhood Commercial

PC Planned Commercial
 GC General Commercial
 DC Downtown Commercial
 PI Planned Industrial

LI Light Industrial
 HI Heavy Industrial

Table 154.403.1. Permitted Land Uses

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use Accessory Residential Land Uses (154.406 (H))
P	P	P	P	P	P	P	P	P	P	P				(1) Day Care Home, Serving 3 to 12 Children
P	P	P	P	P	P	P	P	P	P	P				(2) Home Occupation, Minor
S	S	S	S	S	S	S	S	S	S	S				(3) Home Occupation, Major
P	P	P	P	P	P	P	P	P	P	P				(4) Private Kennel
P	P	P	P	P	P	P	P	P	P	P				(5) Outbuildings and Recreation Facilities
P	P	P	P	P	P	P	P	P	P	P				(6) Recreational Vehicle Storage
P	S													(7) Private Stable
S	S	S	S	S										(8) House Tour
S	S	S	S				S			S				(9) Accommodations, Vacation Rental – Single Room
														Accessory Agricultural Land Uses (See 154.406(I))
														Accessory Recreational & Institutional Land Uses (See 154.406(J))
														Accessory Commercial Land Uses (154.406(K))
						P		P	P	P	P	P	P	(1) Company-Provided Cafeteria
					S	S	S	S	S	S	S	S	S	(2) Company-Provided Day Care
						S		S	P		S	P	P	(3) Company-Provided On-Site Recreation
					P	S	P	S	S	P				(4) Dwelling Units Above Ground Floor
						S		S	P		P	P	P	(5) Fleet Vehicle Storage
								S	S	S				(6) Light Industrial Incident to Indoor Sales
							S	P	P	S	S			(7) Outdoor Dining
							S	S	P	S				(8) Outdoor Display, Removable
									P					(9) Outdoor Display and Storage, Permanent
								S	P					(10) Outdoor Entertainment
P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))														

LA Limited Agricultural
 CSR Countryside Residential
 LDR Low Density Residential
 MDR Medium Density Residential

HDR High Density Residential
 NO Neighborhood Office
 PO Planned Office
 NC Neighborhood Commercial

PC Planned Commercial
 GC General Commercial
 DC Downtown Commercial
 PI Planned Industrial

LI Light Industrial
 HI Heavy Industrial

SECTION III: Section §154.406 (D) – Principal Commercial Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

▪ *(Additions are shown as underlined)*

(D) Principal Commercial Land Uses.

(18) Accommodations, Vacation Rental. Any building, or portion thereof, containing a single dwelling unit or multiple dwelling units which are available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. Each dwelling unit constitutes a vacation rental unit. It is the intention of the City to restrict the number of vacation rentals and to encourage the use of single-family dwellings for residential purposes in order to maintain the integrity of residential neighborhoods. Therefore, no one owner, under the rules of common ownership, may own more than one vacation rental unit in residential districts; however, owners may own more than one vacation rental unit within commercially zoned districts. Vacation rentals are limited to properties within the Historic District, those deemed as Historic Landmark properties outside of the district or anomalous properties immediately adjacent to the Historic District that are non-contributing.

(a) Regulations:

1. Number of guests. In the case of structures originally constructed as a residence or to provide public accommodations, the number of original bedrooms indigenous to a particular structure will be considered. In the case of other nonresidential structures, the number of allowed guests will be determined by the size of the building and the regulations for such use found in the city's adopted Building Codes, Life Safety and Fire Codes, Electrical Code, the Americans with Disabilities Act and any other codes of the city. Off-street parking capacity, in required districts, will also be considered for the number of allowed guests.
2. Lot capacity. The capacity of a particular lot to absorb the impact of a vacation rental use shall be considered and consideration shall be given to usable lot size, topography, existing vegetation, parking requirements, the location of the rental unit(s) on the lot and the proximity of the rental unit(s) to neighboring properties in determining the number of guests to be permitted.
3. Availability and impact of parking. Parking off-street shall be required in all districts, except Downtown Commercial, and based on the capacity of allowed guests. The physical and aesthetic impact of off-street parking located on the lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood. It shall be a priority to preserve green space. Generally, the capacity of a lot to accommodate off-street parking shall be related to the size and nature of the lot, as stated in (D)(18)(a)(2) above. Rental of parking spaces on property other than the lot of the vacation rental shall not be allowed.
4. Requirements For Emergencies.
 - a. Emergency Lighting: All vacation rentals shall provide adequate emergency lighting, as determined by the Fire Inspector, of the interior of the facility so as to provide any guest with sufficient light to find an appropriate exit during a fire or other emergency.
 - b. Exit Requirements: All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be of a width of thirty inches (30") or greater and shall not be blocked or obstructed at any time.
 - c. Floor Plan: A floor plan of the building shall be maintained and displayed in prominent location in each vacation rental unit. The plan shall show the location of each guestroom and the exit locations to be used for such guestrooms in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department.
 - d. Emergency Telephone: Each guest house or home shall provide a landline telephone for emergency purposes. Such phone shall be available twenty-four (24) hours a day. A list of all emergency numbers shall be posted next to the telephone.

5. Additional information or requirements to be designated in special use permit. (Refer to §154.924 - Special Uses.)
 - a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;
 - b. Proof of registration with the Illinois Department of Revenue and the City of Galena for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;
 - c. No signs advertising the vacation rental shall be displayed on the site.
 - d. Each vacation rental owner shall maintain a guest register; and
 - e. Single-room vacation rentals shall be considered an accessory residential land use. See §154.406 (H)(9).

6. Application: contents. An application for a vacation rental special use permit shall include such information as the Zoning Administrator or the Zoning Board of Appeals may require, but, at a minimum, shall include the following:
 - a. A site plan depicting all existing conditions of and proposed modifications to buildings, walks, drives, parking, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;
 - b. Photographs of the proposed vacation rental, accessory buildings and zoning lot;
 - c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

SECTION IV: Section §154.406 (H) – Accessory Residential Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

(H) Accessory Residential Land Uses.

(9) Accommodations, Vacation Rental – Single Room. A single guest room which is available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. A single-room vacation rental may have no more than two sleeping guests and may be within or detached from the main dwelling unit. Vacation rentals are limited to only properties with Single Family Dwellings and are within the Historic District, those deemed as Historic Landmark properties outside of the district or anomalous properties immediately adjacent to the Historic District that are non-contributing.

(a) Regulations:

1. Number of guests. Single-room vacation rentals are limited to two sleeping guests.

2. Lot capacity. The capacity of a particular lot to absorb the impact of a single-room vacation rental use shall be considered and consideration shall be given to usable lot size, topography, existing vegetation, parking requirements, the location of the rental unit on the lot and the proximity of the rental unit to neighboring properties.

3. Availability and impact of parking. One off-street parking space for the guest room and one additional off-street parking space for the owner shall be required in all districts. The physical and aesthetic impact of off-street parking located on the lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood. It shall be a priority to preserve green space. Generally, the capacity of a lot to accommodate off-street parking shall be related to the size and nature of the lot, as stated in (H)(9)(a)(2) above. Rental of parking spaces on property other than the lot of the vacation rental shall not be allowed.

4. Owner occupancy. The property shall be owner-occupied when guests are present.

5. Additional information or requirements to be designated in special use permit. (Refer to §154.924 - Special Uses.)
- a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;
 - b. Proof of registration with the Illinois Department of Revenue and the City of Galena for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;
 - c. No signs advertising the vacation rental shall be displayed on the site.
 - d. Each vacation rental owner shall maintain a guest register; and
 - e. A floor plan of the building shall be maintained and displayed in prominent location in the guest room. The plan shall show the location of each room and the exit locations to be used for the guest room in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department.
6. Application: contents. An application for a vacation rental special use permit shall include such information as the Zoning Administrator or the Zoning Board of Appeals may require, but, at a minimum, shall include the following:
- a. A site plan depicting all existing conditions of and proposed modifications to buildings, walks, drives, parking, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;
 - b. Photographs of the proposed vacation rental, accessory buildings and zoning lot;
 - c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

SECTION V: Table 154.601.3 – Minimum Required Parking Spaces of the City of Galena Zoning Code, is hereby amended as follows:

(Additions are shown as underlined and highlighted)

TABLE 154.601.3 MINIMUM REQUIRED PARKING SPACES	
LAND USE	REQUIRED NUMBER OF PARKING STALLS
COMMERCIAL	
... Vehicle Repair and Maintenance	1 per 300 sq. ft. of gross floor area
<u>Accommodations, Vacation Rental</u>	<u>1 per 4 guests</u>
<u>Accommodations, Vacation Rental – Single Room</u>	<u>See §154.406(H)(9)</u>

SECTION VI: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VII: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION VIII: Passed on the ___th day of _____, A.D., 201___, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: October 7, 2016

RE: Cal. No. 16A-05, Applicant: City of Galena – 101 Green Street, Galena, IL 61036. Request for Text Amendment to §154.804 *Prohibited Signs* and §154.805 *Signs Exempt from Permitting*, to allow flag signs on commercial use properties except for businesses with a Main Street façade.

Project Summary:

This amendment to the Zoning Ordinance is initiated by City Council to look at allowing flag signs for commercial use in Galena.

In July 2015, I approached the Zoning Board of Appeals for clarification about the use of flag signs on commercial properties. Over the past couple of years, I have questioned whether they were allowed because it appeared that our Ordinance did not allow them, but some businesses in town have been using them for several years.

The need to investigate flag signs arose when I started getting requests for the use of flag signs with new businesses. Each time, I had to deny the application because the Ordinance didn't allow them. I assumed existing flags were "grandfathered" but, after researching our records, it turned-out that they have not been allowed since at least before the '90's. In the interest of being impartial, I did not want to enforce the Ordinance with some and allow it for others; so, I setup a work session with the Zoning Board of Appeals.

After presenting the facts to the Zoning Board, I asked whether to initiate a text amendment to the Ordinance to allow flag signs for commercial properties or to enforce the Code as written. They instructed me to enforce the Ordinance, so I spent the next year bringing properties into compliance and encouraged businesses to seek an amendment if they felt strongly about having flag signs.

Subsequently, those businesses worked with a Councilmember to initiate an amendment, and Council directed Staff to bring it through the process. Please see attached proposed amendment.

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

(1) Whether the existing text or zoning designation was in error at the time of adoption;

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919\(F\)](#).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

AN ORDINANCE AMENDING ARTICLE 8, SECTION §154.804 – PROHIBITED SIGNS AND §154.805 – SIGNS EXEMPT FROM PERMITTING OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois as follows:

SECTION I: Section §154.804 – Prohibited Signs of the City of Galena Zoning Code, is hereby amended as follows

- *(Additions are shown as underlined)*

Section §154.804 – Prohibited Signs

- (B) *Strictly prohibited signs.* The following signs are strictly prohibited within the jurisdiction of this chapter.
- (2) Mobile and portable signs except as permitted in §154.805(N).
 - (6) Signs which rotate, revolve, or have any movable part, including signs which give the appearance of movement except as permitted in §154.805(B).
 - (7) Signs which produce movements achieved by normal wind currents, other than weather vanes unrelated to business or commerce except as permitted in §154.805(B).

SECTION II: Section §154.805 – Signs Exempt from Permitting of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

Section §154.805 – Signs Exempt from Permitting.

(B) Flags, as defined in §154.015; or flag signs, used to indicate whether a business is open, on commercial use properties except for businesses with a Main Street façade. Commercially used flags, other than those defined in §154.015, shall be limited to 15 square feet in area and shall not have garish colors. Such flags shall be placed so that they do not block, or interfere with, any sidewalk or public spaces.

SECTION III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION V: Passed on the ___th day of _____, A.D., 201 __, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: October 7, 2016

RE: Work session regarding the relationship between display of merchandise and “attention-getting devices”.

In the wake of the flag signage issue, I’ve found that it is necessary to address the relationship between the display of merchandise and attention-getting devices. The existing ordinances define both:



§ 97.07 MERCHANDISE NOT TO BE PLACED ON PUBLIC WAYS.

No merchandise displays advertisements, signage or other similar materials may be placed on any public street, public alley, or public sidewalk within the city, except as may be specifically permitted by the Zoning Administrator or the City Council, or except as may be placed there under the direction of an employee or public official of the city. Benches may be placed on public sidewalks with the express permission of the Public Works Director. However, benches may be placed only in areas where the public sidewalk is at least eight feet wide and at the location specified by the Public Works Director. The benches must meet the bench specifications of the city. The benches become the property of the city upon placement. No advertising or name may be placed on the benches. Any person who places said objects in violation of this section shall be guilty of a violation of this section. A violation of this section shall be deemed to be a nuisance, and shall be abated in accordance with § [97.11](#).

(‘69 Code, § 18-9) (Ord. 0-86-12, passed 7-28-86; Am. Ord. 0-93-12, passed 12-13-93) [Penalty, see § 10.99](#)



§ 154.804 PROHIBITED SIGNS.

(A) *General prohibition.* Any sign or other street graphic not expressly permitted by this subchapter shall be deemed prohibited within the jurisdiction of this chapter.

(B) *Strictly prohibited signs.* The following signs are strictly prohibited within the jurisdiction of this chapter.

(3) Attention-getting devices, when displayed outdoors, or on the exterior of a building, or in conjunction with a window sign, including searchlights, propellers, pennants, streamers, ribbons, strings of light bulbs, spinners, balloons and similar devices, except for special occasions such as grand openings, and then only after having obtained a permit from the Zoning Administrator, and shall be limited to 14 days.

The business owners are generally allowed to display some merchandise on their storefronts as long as they don’t interfere with or block the sidewalk any more than a sandwich board or planter would. However, after prohibiting flag signs, some asked if they could still display flag signs because they sold them as merchandise. In order to be impartial, we are currently going down the street and asking any “attention-getting devices” that are also merchandise be taken inside. I think it would be a good idea at this point to have a discussion on what we want to allow on the store fronts and seek guidance from the Board.